

CITY OF SPRINGDALE
Committee Agenda
Wednesday, September 20th, 2023
City Council Chambers (2nd Floor)
201 Spring Street, Springdale, AR 72764
Meetings begin at 5:30p.m.

Finance Committee by Chairwoman Amelia Williams

1. **A Resolution** authorizing the expenditure of funds to acquire portions of land from Mathias Shopping Centers, INC, for the Don Tyson Parkway Project (Hwy 112 to 56th Street), Project No. 23BPS2. Presented by Ben Peters, Engineering Director.
Pgs. 1-6
2. **A Resolution** authorizing the purchase of property located at 1520 Wagon Wheel Road, Springdale, Benton County, Arkansas. Presented by Blake Holte, Fire Chief.
Pgs. 7-8
3. **A Resolution** authorizing the purchase of outdoor Christmas lighting and associated decorations for the Springdale Municipal Campus. Presented by Colby Fulfer, Chief of Staff. Pg. 9
4. **A Discussion** of 312 S. Thompson. Presented by Ernest Cate, City Attorney.
Pgs. 10-18

Ordinance Committee by Chairman Mike Overton

5. **An Ordinance** amending Chapter 122, Article II, of the Code of Ordinances of the City of Springdale, Arkansas; declaring an emergency; and for other purposes. Presented by Ernest Cate, City Attorney. Pgs. 19-29

Parks and Recreation Committee by Chairman Mike Lawson

6. **A Resolution** to appropriate funds to be used toward the Gerald Harp Memorial Park Project at Randal Tyson Sports Complex. Presented by Colby Fulfer, Chief of Staff. Pgs. 30-37

Committee of the Whole

7. **A Discussion** on a Connecting Communities Grant. Presented by Patsy Christie, Planning Director.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE EXPENDITURE
OF FUNDS TO ACQUIRE PORTIONS OF LAND FROM
MATHIAS SHOPPING CENTERS, INC., FOR THE DON
TYSON PARKWAY PROJECT (HWY 112 TO 56TH
STREET), PROJECT NO. 23BPS2.**

WHEREAS, the City of Springdale is in need of acquiring portions of land for the Don Tyson Parkway Project (Hwy 112 to 56th Street), Project No. 23BPS2, Tracts 24, 25, and 26, said lands being owned by Mathias Shopping Centers, Inc.;

WHEREAS, the City of Springdale has determined by appraisal that the sum of \$228,500.00 is the estimated just compensation for the property needed from Mathias;

WHEREAS, the property owner has extended a counter-offer that the City pay the total sum of \$288,908.65 to acquire the land needed for the project, said amount being justified by the nature of these properties, and the increase in property values;

WHEREAS, it is the recommendation of the City Attorney and the Mayor's Office that the City Council approve the additional sum of \$60,408.65 to acquire the property needed from Mathias, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of acquiring this property by eminent domain proceedings;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City is hereby authorized to acquire portions of land for the Don Tyson Parkway Project (Hwy 112 to 56th Street), Project No. 23BPS2, Tracts 24, 25, and 26, said lands being owned by Mathias Shopping Centers, Inc., for the total sum of \$288,908.65 to be paid from the 2023 Street Bond.

PASSED AND APPROVED this ____ day of _____, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

APPRAISAL REPORT

ON

THE MATHIAS SHOPPING CENTERS, INC. PROPERTY,
(15.57± ACRES/678,209± SQUARE FEET);
LOCATED AT THE SWC GENE GEORGE BOULEVARD
AND DEARING ROAD,
SPRINGDALE, ARKANSAS; WASHINGTON COUNTY.

ARDOT JOB 040717 – F.A.P STPU-9399(23)
TRACTS: 24-26

FOR

ARKANSAS DEPARTMENT OF TRANSPORTATION
PO BOX 2261, LITTLE ROCK, AR 72203

AND

CITY OF SPRINGDALE
SPRINGDALE, AR

BY

REED & ASSOCIATES, INC.
3739 N. STEELE BLVD., SUITE 322
SPRINGDALE, ARKANSAS 72703

FILE NO. 6582-24-26

AS OF

JULY 27, 2022

Reed & Associates, Inc.

Real Estate Appraisers – Consultants

*3739 N. Steele Blvd., Suite 322, Fayetteville, AR 72703 * 479-521-6313 * Fax: 479-521-6315 * www.reedappraisal.biz*

*Tom Reed, MAI • Katie Hampton • Shannon Mueller • E. P. Scruggs III
• Blake Hopper • Ann Julian*

September 7, 2022

Brad Baldwin, P.E., CFM, GISP
Director of Engineering
City of Springdale
201 Spring Street
Springdale, AR 72764

RE: Tracts 24-26 – The Mathias Shopping Centers, Inc.
Property, (15.57± Acres/678,209± Square Feet); Located At The
SWC Of Gene George Boulevard, And Dearing Road, Springdale,
Arkansas; Washington County.

Dear Mr. Baldwin:

In compliance with your request and for the purpose of estimating the market value of the above captioned property, I hereby certify that I have examined the subject property and made a survey of the matters pertinent to the estimation of its value.

I further certify that I have no interest, present or contemplated, in the property appraised, and that my fee was not contingent upon the value estimate reported.

The following real property appraisal report contains data gathered in my investigation, information from my files, and shows the method of appraisal in detail. This report is presented under the Appraisal Report Option.

This report addresses: the market value of the Whole Property prior to the City of Springdale acquiring 31,427± square feet (SF), or .72± acre (AC) in right-of-way acquisition (ROW), 100± SF, or .002± AC in permanent utility easement (PUE), 549± SF, or .01± AC in permanent drainage easement (PDE), and 9,340± SF, or .21± AC in temporary construction easement (TCE) as of July 27, 2022, and, the market value of the Remainder Property after the acquisition of 31,427± square feet (SF), or .72± acre (AC) in ROW, 100± SF, or .002± AC in PUE, 549± SF, or .01± AC in PDE, and 9,340± SF, or .21± AC in TCE is in place, also as of July 27, 2022.

Based on an analysis of relevant data, and contingent on the Assumptions and Limiting Conditions which follow and appear in the Addenda Section of this report, it is my opinion the market value of the subject property, as of July 27, 2022, was as follows:

Whole Property	=	\$4,584,700
Remainder Property	=	<u>\$4,368,300</u>
Subtotal	=	\$ 216,400
Plus: Temporary Construction Easement	=	<u>\$ 12,100</u>
Damage To Market Value - - -	=	\$ 228,500

The preceding values reflect terms equivalent to cash to the owners and represent those for real property only.

The following Extraordinary Assumptions are utilized in this report:

- 1. Subject land sizes, Whole Property and Remainder Property, is approximately as indicated;**
- 2. The area of acquisitions are approximately as indicated;**
- 3. The City of Springdale, at their expense, will put the land area located within the permanent utility easement, permanent drainage easement, and temporary construction easement areas back to as near original condition as possible;**
- 4. Subject will have adequate ingress/egress to/from Dearing Road;**
- 5. Subject and adjacent properties are in compliance with all applicable EPA regulations.**

If any, or all, of these Extraordinary Assumptions prove to be untrue, one or both of the preceding value estimates could be influenced.

The reader is referred to additional Assumption and Limiting Conditions presented in the Addenda Section of this report.

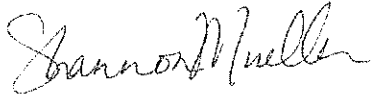
A Hypothetical Condition of this appraisal is that the Don Tyson Parkway Extension project is complete and in place as of the effective date of this report in estimating the market value of the Remainder Property. In reality, the Don Tyson Parkway Extension project was not complete and in place as of July 27, 2022. If this Hypothetical Condition is not considered, the estimated market value of the Remainder Property could be influenced.

The appraiser is invoking the Jurisdictional Exception Rule in this appraisal. The Uniform Standards of Professional Appraisal Practice requires, under Standards Rule 1-2 (c) (iv), "When reasonable exposure time is a component of the definition for the value opinion being developed, the appraisers must also develop an opinion of reasonable exposure time linked to that value opinion." However, the Uniform Appraisal Standards For Federal Land Acquisitions, under Section 1.2.4, states "Appraisers should not link opinions of value under these Standards to a specific opinion of exposure time, unlike appraisal assignments for other purposes under USPAP Standards Rule 1-2 (c)."

USPAP states the following under Sections Rule 1-4 (f): "When analyzing anticipated public or private improvements, located on or off the site, an appraiser must analyze the effect on value, if any, of such anticipated improvements to the extent they are reflected in market actions." This appraisal is prepared in conformity to the provisions of the "Uniform Act" and its implementing

regulation 49 CFR Part 24. The 49 CFR Part 24 regulation requires appraisers to disregard any decrease or increase in the market value of the property that has been caused directly by the project in the "Before Acquisition Value" appraisal. This is considered a Jurisdictional Exception. In addition, General Benefits as a result of the project have not been considered in the valuation of the Remainder Property based on 49 CFR Part 24. Considering USPAP Standards Rule 1-4 (f), this is also considered a Jurisdictional Exception.

Sincerely,



Shannon Reed Mueller, CG2302
REED & ASSOCIATES, INC.



SUMMARY OF SALIENT FACTS AND CONCLUSIONS

Location:	SWC of Gene George Boulevard and Dearing Road, Springdale, AR		
Client:	City of Springdale		
Fee Owner:	Mathias Shopping Centers, Inc.		
Mailing Address:	P.O. Box 6485, Springdale, AR 72766-6485		
Area Of The Whole:	15.57± ACS, or 678,209± SF	Permanent Utility Easement	.002± AC, or 100± SF
Area Of Remainder:	14.85± ACS, or 646,782± SF	Permanent Drainage Easement	.01± AC, 549± SF
Area Of Acquisition:	.72± AC, or 31,427± SF	Temporary Construction Easement:	.21± AC or 9,340± SF less * 406± SF 8,934± SF

*Portion of TCE
Encompassed within PDE

HIGHEST AND BEST USE:

Whole Property- Commercial Development

Remainder Property- Commercial Development

ACQUISITION COMPENSATION:

Before

Land: 678,209± SF	\$	4,584,700
Improvements: Not Applicable	\$	0
Total:		\$ 4,584,700

After

Land: 646,782± SF	\$	4,368,300
Improvements: Not Applicable	\$	0
Total		\$ 4,368,300

FAIR MARKET VALUE OF ACQUISITION	\$	216,400
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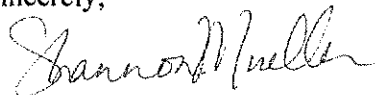
Plus: TCE	\$	12,100
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Total Compensation as of: July 27, 2022	\$	228,500
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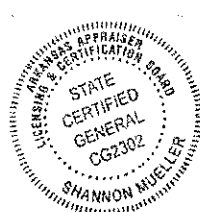
ALLOCATION OF COMPENSATION

Land: 31,427± SF @ \$6.76/SF (RND)	\$	212,500
Permanent Easement: 100± SF @ \$6.76 X 25% (RND)	\$	200
Permanent Drainage Easement: 549± SF @ \$6.76 (RND)	\$	3,700
Temporary Construction Easement: 8,934± SF	\$	12,100
Improvements: Not Applicable	\$	
Damages: Not Applicable	\$	
Cost to Cure Items: Not Applicable	\$	
Total Compensation:	\$	228,500

Sincerely,



Shannon Reed Mueller, CG2302
REED & ASSOCIATES, INC.



RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE PURCHASE OF
PROPERTY LOCATED AT 1520 WAGON WHEEL ROAD,
SPRINGDALE, BENTON COUNTY, ARKANSAS.**

WHEREAS, Horse Water Road, LLC, and Nicolas Smith currently own property located at 1520 Wagon Wheel Road, Springdale, Benton County, Arkansas, ("the Property"), and being more particularly described as follows:

2.71 acres, more or less, being a part of Benton County Parcel No. 21-00138-048,
and as shown on the attached Exhibit.

WHEREAS, the Property is uniquely situated and located in such a manner as to be desirable for the construction and operation of a Fire Station on the Property; and,

WHEREAS, the City of Springdale would like to enter into a contract with Horse Water Road, LLC, and Nicolas Smith for the purchase of the Property for the total sum of \$707,500.00; said contract being contingent upon the City obtaining a satisfactory appraisal for the Property, as well as a satisfactory feasibility study and environmental report on the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that the Mayor is hereby authorized to enter into a contract for the purchase of the Property, subject to the contingencies contained therein, and execute all documents necessary for the acquisition of the Property in the amount of \$707,500.00, plus associated costs, to be paid from the 2023 Fire Bond.

PASSED AND APPROVED this ____ day of _____, 2023.

Doug Sprouse, Mayor

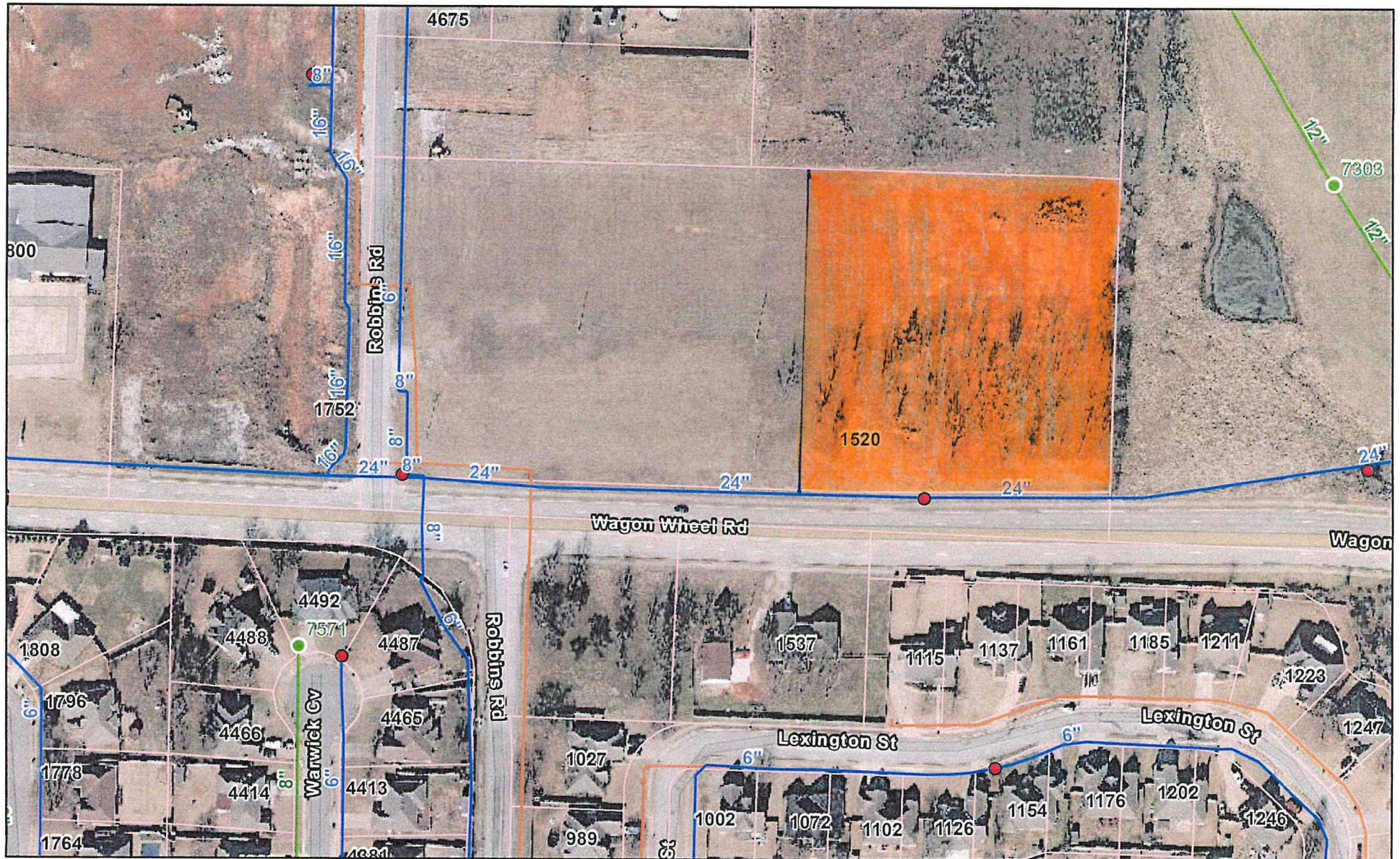
ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

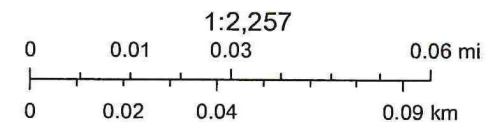
Ernest B. Cate, City Attorney

Springdale Water Utilities



4/28/2023, 8:59:44 AM

- Fire Hydrants
 — Water Main
 — Sewer Main
 Service Boundary
- Hydrant Lead
 ● Manholes
 Benton Parcels
- Bethel Heights FM
 ● Address Points



Maxar, Microsoft, Esri Community Maps Contributors, City of Springdale, AR, Arkansas GIS Office, Missouri Dept. of Conservation, Missouri DNR, Texas

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE PURCHASE OF
OUTDOOR CHRISTMAS LIGHTING AND
ASSOCIATED DECORATIONS FOR THE
SPRINGDALE MUNICIPAL CAMPUS**

WHEREAS, the city desires to purchase outdoor Christmas lighting and associated decorations for the upcoming holiday season, and

WHEREAS, it is customary for City Hall to be adorned with Christmas lights and decorations to enhance community spirit and engagement, and

WHEREAS, the estimated cost of the outdoor Christmas lighting and associated decorations shall not exceed \$50,000, and

WHEREAS, funds in the amount of \$50,000 shall be appropriated out of the city's Unrestricted General Fund for the purchase of outdoor Christmas lighting and associated decorations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that funds in the amount of \$50,000 be appropriated out of the Unrestricted General Fund to be used for the purchase of outdoor Christmas lights and associated decorations for the Springdale Municipal Campus.

PASSED AND APPROVED this ____ day of September, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM

Ernest B. Cate, City Attorney

Reed & Associates, Inc.

Real Estate Appraisers – Consultants

*3739 N. Steele Blvd., Suite 322, Fayetteville, AR 72703 * 479-521-6313 * Fax: 479-521-6315 * www.reedappraisal.biz*

*Tom Reed, MAI • Katie Hampton • Shannon Mueller • E. P. Scruggs III
• Blake Hopper • Ann Julian*

September 5, 2023

Ben Peters
Director of Engineering
City of Springdale
201 Spring Street
Springdale, AR 72764

RE: The Fadil Bayyari Revocable Living Trust Property (0.63±
Acre/27,443± Square Feet); Located At 312 S. Thompson Street,
Springdale, Arkansas; Washington County.

Dear Mr. Peters:

In compliance with your request and for the purpose of estimating the market value of the above captioned property, I hereby certify that I have examined the subject property and made a survey of the matters pertinent to the estimation of its value.

I further certify that I have no interest, present or contemplated, in the property appraised, and that my fee was not contingent upon the value estimate reported.

The following real property appraisal report contains data gathered in my investigation, information from my files, and shows the method of appraisal in detail. This report is presented under the Appraisal Report Option. This report represents a Revised Report.

This report addresses: the market value of the Whole Property prior to the City of Springdale acquiring 5,307± square feet (SF), or .12± acre (AC) in right-of-way acquisition (ROW) as of July 6, 2023, and, the market value of the Remainder Property after the acquisition of 5,307± square feet (SF), or .12± acre (AC) in ROW is in place, also as of July 6, 2023.

Based on an analysis of relevant data, and contingent on the Assumptions and Limiting Conditions which follow and appear in the Addenda Section of this report, it is my opinion the market value of the subject property, as of July 6, 2023, was as follows:

		Fee Simple	Leased Fee
Whole Property	=	\$760,000	\$745,000
Remainder Property	=	<u>\$605,000</u>	<u>\$596,800</u>
Damage To Market Value	=	\$155,000	\$148,200

The preceding values reflect terms equivalent to cash to the owner, and represent that for real property only. No personal property has been included in this valuation. Subject is currently leased at a below market rate. As a result, the Lessee holds a positive leasehold interest and the Lessor holds a negative leased fee estate.

The following Extraordinary Assumptions are utilized in this report:

- 1. Subject land sizes, Whole Property and Remainder Property, is approximately as indicated;**
- 2. The area of acquisitions are approximately as indicated;**
- 3. The City of Springdale, at their expense, will ensure the remaining buildings are structurally sound;**
- 4. The City of Springdale will incur the cost of removing the north and south wall, and the roof of the subject unit with no damage to the remaining units;**
- 5. The City of Springdale will access the acquisition area via Wilkinson Lane;**
- 6. A variance can be obtained for the West Remainder, as the size will not meet C-5 zoning regulations;**
- 7. Lease information provided by the owner is accurate;**
- 8. Subject and adjacent properties are in compliance with all applicable EPA regulations.**

If any, or all, of these Extraordinary Assumptions prove to be untrue, one or both of the preceding value estimates could be influenced.

The reader is referred to additional Assumption and Limiting Conditions presented in the Addenda Section of this report.

The following Hypothetical Conditions are utilized in this report:

- 1. The project is complete and in place as of the effective date of this report in estimating the market value of the Remainder Property. In reality, the project was not complete and in place as of July 6, 2023;**
- 2. The unit at 913 D Wilkinson does not have water damage in the before analysis on July 6, 2023. In reality, the unit does have water damage in the before analysis on July 6, 2023.**

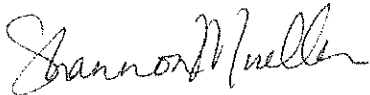
If the Hypothetical Conditions are not considered, the estimated market value of the Remainder Property could be influenced.

The appraiser is invoking the Jurisdictional Exception Rule in this appraisal. The Uniform Standards of Professional Appraisal Practice requires, under Standards Rule 1-2 (c) (iv), "When reasonable exposure time is a component of the definition for the value opinion being developed, the appraisers must also develop an opinion of reasonable exposure time linked to that value opinion." However, the Uniform Appraisal Standards For Federal Land Acquisitions, under Section 1.2.4, states "Appraisers should not link opinions of value under these Standards to a

specific opinion of exposure time, unlike appraisal assignments for other purposes under USPAP Standards Rule 1-2 (c).”

USPAP states the following under Sections Rule 1-4 (f): “When analyzing anticipated public or private improvements, located on or off the site, an appraiser must analyze the effect on value, if any, of such anticipated improvements to the extent they are reflected in market actions.” This appraisal is prepared in conformity to the provisions of the “Uniform Act” and its implementing regulation 49 CFR Part 24. The 49 CFR Part 24 regulation requires appraisers to disregard any decrease or increase in the market value of the property that has been caused directly by the project in the “Before Acquisition Value” appraisal. This is considered a Jurisdictional Exception. In addition, General Benefits as a result of the project have not been considered in the valuation of the Remainder Property based on 49 CFR Part 24. Considering USPAP Standards Rule 1-4 (f), this is also considered a Jurisdictional Exception.

Sincerely,



Shannon Reed Mueller, CG2302
REED & ASSOCIATES, INC.



SUMMARY OF SALIENT FACTS AND CONCLUSIONS

Location: 312 S. Thompson Street, Springdale, AR
Client: City of Springdale
Fee Owner: Fadil Bayyari, Trustee of The Fadil Bayyari Revocable Living Trust dated January 31, 1997
Mailing Address: P.O. Box 6250; Springdale, Arkansas 72766
Area Of The Whole: 0.63± AC, or 27,443± SF Permanent Utility Easement Not Applicable
Area Of Remainder: .51± AC, or 22,136± SF Permanent Drainage Easement Not Applicable
Area Of Acquisition: .12± AC, or 5,307± SF Temporary Construction Easement Not Applicable

HIGHEST AND BEST USE:

Whole Property- As Vacant-Commercial Development-Retail/Service
 As Improved-Continued Retail/Service Use
 Remainder Property-As Vacant-Commercial Development-Retail/Service to East
 Remainder, Commercial Development-Retail/Service to West
 Remainder
 As Improved-Continued Retail/Service Use-East Remainder,
 Continued Retail/Service Use-West Remainder

ACQUISITION COMPENSATION:

Before Fee Simple

Land: 27,443± SF	\$	274,400
Improvements: Commercial Building & Site Improvements	\$	485,600
Total:		\$ 760,000

After Fee Simple

Land: 22,136± SF	\$	221,400
Improvements: Commercial Building & Site Improvements	\$	383,600
Total		\$ 605,000

FAIR MARKET VALUE OF ACQUISITION	\$	155,000
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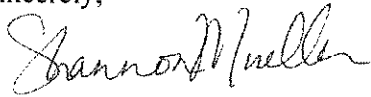
Plus: TCE	\$	N/A
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Total Compensation as of: July 6, 2023	\$	155,000
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ALLOCATION OF COMPENSATION

Land: 5,307± SF @ \$10.00/SF (RND)	\$	53,100
Permanent Easement: Not Applicable	\$	
Permanent Drainage Easement: Not Applicable	\$	
Temporary Construction Easement: Not Applicable	\$	
Improvements: Commercial Building (913 D) & Site Improvements	\$	101,900
Damages: Not Applicable	\$	
Cost to Cure Items: Not Applicable	\$	
Total Compensation:	\$	155,000

Sincerely,



Shannon Reed Mueller, CG2302
REED & ASSOCIATES, INC.



REAL ESTATE APPRAISAL REPORT

Of

Retail/warehouse property

Located at:
312 S Thompson Street,
Springdale, AR, 72764
Washington County

As of
August 17, 2023

Prepared For
Fadil Bayyari Revocable Living Trust
P O Box 6250
Springdale AR 72766

Prepared by

Jeffrey Justis
AR-CG2459

JEFF JUSTIS

21784 Chinquapin
Springdale AR, 72764

4797907663

jeff.justis@just-re.net

August 30, 2023

Mr. Fadil Bayyari
Fadil Bayyari Revocable Living Trust
P O Box 6250
Springdale AR 72766

Re: Real Estate Appraisal Report
Retail/warehouse property
312 S Thompson Street
Springdale, AR, 72764
Washington County

Dear Mr. Bayyari:

At your request, I have prepared an appraisal for the above referenced property, which may be briefly described as follows:

The subject consists of a 0.63-acre commercial lot improved with a retail/warehouse building containing 11,475 SF along with concrete sidewalks and parking lot.

Please reference page 12 of this report for important information regarding the scope of research and analysis for this appraisal, including property identification, inspection, highest and best use analysis and valuation methodology.

I certify that I have no present or contemplated future interest in the property beyond this estimate of value.

The following is a Real Estate Appraisal Report of my appraisal analysis reflecting the data gathered in my investigation, the methods of appraisal employed, and my reasoning in deriving my opinion of value. Some of the supporting documentation is retained in the appraisal file. Your attention is directed to the Limiting Conditions and Assumptions section of this report (page 10). Acceptance of this report constitutes an agreement with these conditions and assumptions. In particular, I note the following:

Hypothetical Conditions:

- That the subject was in average condition as of the effective date, when in fact a large portion of the subject improvements have been damaged beyond repair by a collapsed municipal drainage that runs under the improvements.
- That municipal drainage improvements do not encumber the subject site and improvements when in fact a municipal storm water drainage runs across the subject property and under the subject improvements without an easement of record.

Extraordinary Assumptions:

- Subject land and building sizes are as indicated in this report.
- The extent of the damage requires the demolition of the majority of the building improvements and repair of the subject improvements is economically unfeasible.
- Income and expense information provided by the property owner is accurate and may be relied upon

Based on the appraisal described in the accompanying report, subject to the Limiting Conditions and Assumptions, Extraordinary Assumptions and Hypothetical Conditions, I have made the following value conclusions:

Current As Is Market Value:

The "As Is" market value of the Fee Simple estate of the property, as of August 17, 2023, is:

\$894,000

Eight Hundred Ninety-Four Thousand Dollars

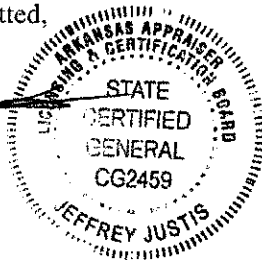
The market exposure time¹ preceding August 17, 2023 would have been 12 months and the estimated marketing period² as of August 17, 2023 is 6 months.

If any or all of the Extraordinary Assumptions prove to be untrue, the value estimates could be influenced. No personal property in the form of Furniture, Fixtures and Equipment is valued in this appraisal.

Respectfully submitted,



Jeffrey Justis,
AR-CG2459



¹ Exposure Time: see definition on page 9.

² Marketing Time: see definition on page 9.

BAYYARI MANAGEMENT LLC

2025 B Creekview

Fayetteville, AR 72704

Phone:(479) 521-9800 FAX (479) 521-9802

E-mail bayyariproperties@gmail.com

INVOICE

Date	Inv #
9/13/2023	91323

Bill To:	
	City of Springdale Ben Peters

Job Description
Loss of Rent, 913 D Wilkinson/915 Wilkinson

Terms:
Due on Receipt

	May 2023-913 D Wilkinson	\$ 1,050.00
	June 2023- 913 D Wilkinson	\$ 1,050.00
	July 2023- 913 Wilkinson *Increased Rent due to Increase Real Estate Taxes & Insurance	\$ 1,500.00
	August 2023- 913 D Wilkinson	\$ 1,500.00
	September 2023- 913 D Wilkinson	\$ 1,500.00
	September 2023- 915 Wilkinson	\$ 1,064.97
	Total Due	\$7,664.97

Thank you.

That which is underlined is added and that which is stricken through is deleted.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 122, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Chapter 122, Article II, of the Code of Ordinances of the City of Springdale, Arkansas, contains the regulations pertaining to taxicabs in the City of Springdale, Arkansas;

WHEREAS, various provisions regarding taxicabs contained in Chapter 122, Article II, of the Code of Ordinances of the City of Springdale, Arkansas, are in need of revision;

WHEREAS, it is in the best interest of the City of Springdale, Arkansas, for the City Council of the City of Springdale, Arkansas, to amend various provisions of Chapter 122, Article II, of the Code of Ordinances of the City of Springdale, Arkansas.

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

Section 1: Section 122-26 of the Code of Ordinances of the City of Springdale is hereby amended to read as follows:

Sec. 122-26. - Definitions.

As used in this article:

Administrator means the mayor of the City of Springdale, Arkansas, or the mayor's designated agent.

~~*City* means the City of Springdale.~~

Driver means the individual driving a vehicle as a taxicab whether as owner or agent or employee of the owner.

~~*Exclusive ride* means a ride in which the passenger engaging the taxicab restricts his ride solely to himself or to himself and members of his party and the fare is charged at the exclusive rate.~~

Holder means a person to whom a taxicab operator permit has been issued.

Manifest means a daily record prepared by the operator of all trips made by each taxicab showing the time and place of origin and destination for each passenger transported.

Person shall extend and be applied to firms, partnerships, associations, organizations and bodies politic and corporate, or any combination thereof, as well as to individuals.

~~*Public vehicle commission* shall consist of three members appointed by the mayor, and confirmed by majority vote of the city council, for a term of one year.~~

~~*Rate chart* means a card approved by the city to be displayed in each taxicab reflecting the rates of fare then in force and displaying a name and telephone number designated by the administrator for passengers to register complaints.~~

~~Shall is mandatory, not directory.~~

Share ride means a ride shared by two or more taxicab passengers not members of the same party whose fares are discounted proportionately to the number of passengers transported. Passengers may be collected at the same or different destinations. A share ride is limited to three pickups within a four-block radius of the most appropriate route to the first passenger's destination.

Shuttle service shall mean a chauffeured driven, unmetered passenger vehicle, seating 15 passengers or less, including the driver, engaged in the transportation of passengers for hire with the intent to receive compensation for transporting such passengers from points within the City of Springdale to the Northwest Arkansas Regional Airport.

Shuttle service permit shall mean a permit issued by the Northwest Arkansas Airport Authority authorizing the holder thereof to conduct a shuttle service business at the Northwest Arkansas Regional Airport.

Taxicab means a motor-driven vehicle having seating capacity for not more than seven passengers and used for the transportation of passengers for hire from points of origin to destinations as directed by the passengers.

Taxicab driver's permit means permission granted by the city to a person to drive a taxicab in the city for the purpose of picking up customers/clients within the boundaries of the city, but no such permit is required for picking up a person within the city, that the taxicab service has brought into Springdale from another location outside the city, and they are simply returning them to the original location the same business day (round trip) so long as the taxicab operator is licensed by a municipality in Arkansas.

Taxicab operator means a person operating one or more taxicabs.

Taxicab operator permit means permission granted by the city to operate a taxicab service for the purpose of picking up customers/clients within the boundaries of the city, and employing one or more taxicabs for a period of time, and to be renewable under the terms of this article; no such permit is necessary if the taxicab delivers a person to a location within Springdale from outside the city, and then returns in the same business day to pick them up and return them to the location in which they were originally picked up (round trip) so long as the taxicab operator is licensed by a municipality in Arkansas.

Taxicab service means a passenger transportation service operated for hire.

Taximeter means a device which calculates and displays a fare. A dedicated mobile phone app designed exclusively for the purpose of calculating and presenting fares is acceptable.

Waiting time means the time when a taxicab is not in motion and not engaged by a passenger and the time consumed while standing at the direction of a passenger or a person who has engaged such taxicab.

Section 2: Section 122-27 of the Code of Ordinances of the City of Springdale is hereby amended to read as follows:

Sec. 122-27. - Authority of administrator; taxicab permit; prerequisites; taxicab driver's permit; general prohibition.

~~(a) Authority of the public vehicle commission~~

(a) Pursuant to Ark. Code Ann. §14-57-302, no person shall engage in or carry on the business of a taxicab service in the City of Springdale without first procuring a permit to do so from the Springdale City Council.

- (1) ~~The public vehicle commission shall meet on the call of the chairman or of two members thereof, or at the request of the administrator, at such times as may be necessary to transact its business. The public vehicle commission administrator shall recommend rates, which must be adopted shall be considered for adoption by the city council.~~
 - (2) The ~~public vehicle commission~~ administrator shall promulgate rules and regulations to govern the taxicab business, which shall deal with, but shall not be limited to the operation and maintenance of taxicabs, safety equipment, the keeping of a manifest, the providing of services, the loading and the unloading of passengers, and the holding of hearings.
- (b) *Authority of the administrator.*
- (1) The administrator shall be responsible for enforcing the provisions of this ordinance applying to taxicabs, as well as the rules and regulations promulgated by the ~~public vehicle commission~~ City Council.
 - (2) The administrator shall also make recommendations to the ~~public vehicle commission~~ city council concerning the regulations set out in this article.
- (c) *Taxicab operator permit/shuttle service permit.*
- (1) Required. No permit to operate a taxicab in the city shall be issued unless and until the Springdale City Council ~~shall certify the public need for taxicab service requires the additional service to be rendered by the applicant~~ approves the application. Before the city council ~~decides this issue~~ takes action on the permit application, ~~the public vehicle commission shall meet and consider the issue and the administrator shall~~ make a recommendation to the Springdale City Council based on the permit requirements contained herein. ~~In deciding whether a permit shall be issued, the council shall consider the criteria set out in [section 122-27](d)(13) of this article. No certificate shall be required for the renewal of any operators license.~~
 - (2) ~~No person shall operate or permit a taxicab owned, leased, or controlled by them to be operated in the city without having first obtained a taxicab operator permit, if such a permit is required under the provisions of this article, as amended. Further, the taxicab operator permit shall be renewable under the provisions of this article.~~
 - (3) ~~No person not licensed under this article shall display a sign on a motor vehicle reading "taxi", "taxicab", or anything of the same meaning for the purpose of soliciting passengers for hire in the city.~~
 - (4) Application. Any person seeking a permit under this section, shall file an application, verified by oath and setting forth the facts showing the person's qualifications to render the service for which the permit is sought, together with the facts which the person considers justifies the permit, and requires the rendering to the public of the service. Upon the filing of the application, the administrator will ~~No later than ten days after receipt of a completed application for a taxicab operator permit, the administrator shall notify the applicant in writing of the date that the public vehicle commission will meet to make a recommendation on the application. At the next regularly scheduled meeting of the Springdale City Council following this meeting of the public vehicle commission, review the application, and if it meets all requirements herein, the administrator will refer the application to the City Council for consideration, and a hearing will be conducted on the application in front of the Springdale City Council. The city shall cause to be given to each and every taxicab operator in the city a due and reasonable notice in writing of the~~

~~date and time of this hearing.~~ The hearing shall be conducted by the city council for all persons interested in or affected by the application.

(5) (3) Shuttle services are not required to have a taxicab operator's permit so long as they have a valid shuttle service permit. In addition to this permit, shuttle services must also obtain the following licenses from the Springdale City Clerk:

a. *A shuttle service license (issued annually).* In obtaining such license, the shuttle service operator shall present proof of their shuttle service permit. If at any time after the shuttle service license is issued by the city clerk, the shuttle service permit is revoked or suspended, or not renewed for any reason by the Northwest Arkansas Regional Airport Authority, then such shuttle service permit issued by the city clerk shall be canceled. Shuttle service operators are not subject to the taxicab rates set out in this article, nor any other restrictions set out in this article, ~~except those specifically set out in section 122-27(c)(5).~~

(d) *General provisions.* Before any taxicab operator permit may be issued, the applicant shall satisfy the following conditions:

- (1) Every operator shall agree to abide by all laws and regulations now in force and/or enacted or promulgated in the future relating to the conduct of the taxicab business in the city.
- (2) Every operator shall maintain a fixed place of business and ~~every operator shall maintain an office open and staffed for a minimum of eight hours a day, five days a week~~ shall provide a copy of a business or occupancy permit from the city where the operator is based. Every operator shall have a telephone number in the name of the business, which is published ~~in the local directory,~~ and accessible through ~~directory assistance~~ the internet and social media.
- (3) Every operator shall agree to notify the administrator immediately upon change of business address.
- (4) Every operator shall provide for each taxicab a communication system to be approved by the administrator and comply with FCC regulations.
- (5) Every taxicab operator shall maintain a dispatch system in operation 24 hours each day, capable of providing reasonably prompt service in response to requests received by telephone. The dispatch system shall be approved by the administrator and comply with FCC regulations. Two-way radios or cell phones are allowed. ~~the preferred system. CB, FRS, GMRS, or MURS radios will~~ shall not be used as the source of communication between the operator's place of business and the taxicab picking up passengers.
- (6) Every operator providing taxicab service in the city shall at all times meet all safety standards required by state and federal law and minimum requirements established by the rules and regulations. All taxicabs must be in mechanically safe condition and must be equipped with basic equipment that ensures the safety and well being of the passengers. This includes, but is not limited to: operating air conditioning and heating systems, functional seat belts, non-cracked window glass, and exhaust system. Seats, floor coverings, and headliners shall be clean, sanitary, and free of visually unappealing, shabby, or torn areas.
- (7) No operator shall permit a taxicab to be operated in the city until it has been inspected and approved by the administrator. The administrator shall authorize the police department to perform an inspection on each taxicab before an operator permit is issued and an annual inspection every year thereafter to ensure compliance to all federal, state, and local rules and regulations. The administrator is authorized to make spot inspections of such taxicabs. If any taxicab operator in the city does not comply with the provisions of

this article and established rules and regulations, a hearing ~~will~~ may be called at the request of the administrator in front of the ~~public vehicle commission~~ City Council to determine if the taxicab operator permit should be suspended or revoked.

- (8) Inspections. The operator shall inspect taxicabs on a daily basis for compliance with all pertinent provisions of this article and rules and regulations promulgated hereunder.
- (9) Insurance. Before any taxicab operator permit is issued, the applicant shall file with the administrator a copy of a policy of insurance issued by some good and solvent corporate insurer licensed to do business in the State of Arkansas covering separately, or on a schedule attached to such policy, each taxicab to be operated under the direction of such applicant. The policy must insure payment in accordance with the provisions thereof to any person, except employees of the applicant, for personal injuries to such person and for any damage to property, except property owned, rented to leased to, in charge of, or transported by the operator other than baggage of passengers, caused by the operation of such taxicab. The policy must be for the minimum amounts required under Arkansas law, ~~which are currently \$25,000.00 for the injury or death of any one person and subject to that limit for each person up to \$50,000.00 for each accident; and for damage to property, \$15,000.00 for each accident.~~ The city shall be listed as an additional insured on the policy, and is to receive notice from the insurance company of lapse or cancellation of such policy. Upon lapse or cancellation of such policy, the taxicab operator permit granted to the operator shall be suspended as of the day the operator's insurance ceases to be in effect: it will thereafter be unlawful for such operator to operate any taxicab in the city.
- (10) Identification. ~~The administrator shall allocate a sequence of numbers to each operator for the purpose of identifying all taxicabs. From that sequence an operator shall allocate a number for each of its taxicabs. This number shall be at least three inches in height; letters of the operator's name shall also be at least three inches in height. Both the number and name of the operator shall be permanently affixed to the taxicab in contrasting colors. The color scheme shall be approved by the administrator.~~
- (11) Transfer of taxicab operator permit. No taxicab operator permit granted under this article may be sold, assigned, transferred, leased or mortgaged without the approval of the ~~public vehicle commission~~ of the City Council.
- (12) Application and fees. Application for a taxicab operator's permit shall be made on forms provided by the Springdale City Clerk and such application shall be verified by oath and shall set forth the facts showing the qualifications of the applicant to render taxicab service within the City of Springdale, together with the facts the applicant considers justified and required in rendering to the public taxicab service. The application shall contain information as required and it shall be accompanied by an annual fee of \$100.00 base charge plus an annual \$10.00 charge per taxicab.
- (13) Criteria. At the hearing on an application, such factors as the following shall be taken into consideration:
 - a. Financial responsibility of applicant;
 - b. Moral character;
 - c. Number of vehicles to be operated;
 - d. Make, model, type and ownership of taxicab or taxicabs to be used;
 - e. Color scheme to be used;
 - f. Effect of additional taxicabs upon traffic congestion, vehicular and pedestrian alike;
 - g. Whether taxes have been paid when due;

- h. Whether the applicant proposes to own, rent or lease some other taxicabs to be used in operating such service;
 - i. Total number of taxicabs in operation;
 - j. Whether the requirements of public convenience and necessity can be met and complied with only by the issuance of additional permits;
 - k. The resulting effect upon the business of existing permit holders and upon existing agencies of mass transportation in the city;
 - l. Whether the applicant will operate and continue to operate during the time that the taxicab operator permit shall remain in effect.
- (e) *Renewal or change in terms of taxicab operator permit.*
- (1) Taxicab operators shall apply for renewal of their permits at least 60 days before expiration of their permits and the taxicab permits shall all expire on December 31 every ~~three~~ years. All permits issued shall expire on the same date, ~~and any permit issued pursuant to this ordinance shall first expire at 11:59 p.m. on December 31, 1999.~~
 - (2) A holder desiring a change in the terms or conditions of the permit must file with the administrator at least 60 days before the permit expires a written request stating reasons for the requested changes.
 - (3) If the administrator determines that a denial of an operator permit, renewal or material change in the terms or conditions of the permit is required, or if a holder requests a material change in the terms or conditions of the permit, the administrator shall submit for consideration to the ~~public vehicle commission~~ City Council a written report containing his recommendations. Upon action being taken by the ~~public vehicle commission~~ City Council, the administrator shall issue a denial of permit renewal or renew the permit as directed by the ~~public vehicle commission~~ City Council.
 - (4) If the permit expires through no fault of the holder before a ruling on the approval or denial of the renewal, the holder may continue to operate the taxicab service pending a final decision. The holder shall cease operation of the taxicab service immediately upon denial of the request for renewal by the ~~public vehicle commission~~ City Council.
- (f) *Taxicab driver's permit.*
- (1) *Required.* No person shall operate a taxicab for hire in the city and no person who owns or controls a taxicab shall permit it to be so operated at any time for hire, unless the driver of said taxicab shall have first obtained and shall then have in force a taxicab driver's permit issued under the provisions of this chapter.
 - (2) *Qualifications.* No taxicab driver's permit shall be granted unless the applicant has the required Arkansas license for transporting passengers, and the applicant has no active suspension on his or her driving privileges in any state. Further, no permit shall be issued if the applicant has been convicted of a felony in the past five years. Further, no permit shall be issued if the felony conviction was for a sexual offense, an offense involving drugs, or the use of a firearm in the commission of the offense, or if it was a violent felony, regardless of when the felony occurred (there is no five-year limitation for this type [of] felony crime).
 - (3) *Application.* Any person desiring a taxicab driver's permit shall, under oath, apply in writing to the administrator. The form of such application shall be developed by the administrator and shall include, but not be limited to, the age, name and address of the applicant. The police department shall also have the authority to require additional documentation, as needed, to process the application.

- a. Fee. A fee of \$5.00 shall be paid to the city at the time the original application is filed, and an annual fee of \$5.00 shall be assessed each year for renewal of the permit.
 - b. [Reserved.]
 - c. When the application is approved, the taxicab driver's permit shall be issued in card form designed by the administrator. The photograph of the driver shall be attached to the card. ~~Each driver will be given a taxicab drivers permit number which will be on such permit.~~ This card shall be posted in a prominent place in the taxicab as prescribed by the administrator and shall be shown to any passenger, police officer, or to the administrator upon request. Only one driver's permit shall be posted in a taxicab at any time.
 - d. Acknowledgment of application. The applicant shall acknowledge with any application that he or she understands that the taxicab driver's permit, if granted, will be for a specific period of time not to exceed one year, and an annual fee will then be charged for renewal of the permit. The applicant shall also acknowledge that it is his or her obligation to notify the administrator any time the drivers driving privileges are suspended, or the driver is convicted for driving while intoxicated or actual control of a motor vehicle while intoxicated.
- (4) *Investigation.* Each applicant shall ~~be given an~~ provide an Arkansas State Police criminal background check to have been performed within the preceding sixty (60) days. ~~form which they will complete and forward to the Arkansas State Police, Records Section, with required fee.~~ Each applicant shall obtain a driver's license history report from the department of finance and administration and pay any resulting fee. Upon return of the record check and driver's history report, the applicant will deliver it to the administrator for completion of the background investigation. The administrator shall forward all applications to the Springdale Police Department, Records Section, for a city criminal record check and traffic record. The police department shall return the application with the criminal record check and traffic record to the administrator. The administrator may develop rules and regulations with respect to the investigation and issuance of a taxicab driver's permit, but no driver's permit shall be issued if the applicant has a suspended or revoked driver's license in any state. Renewal of permit shall require a ~~yearly~~ driver's history report ~~to be submitted~~ and an Arkansas State Police background check to have been performed within the preceding sixty (60) days ~~performed on a bi-annual basis.~~
- (5) *Duplicate driver's permit.* Upon presentation of convincing evidence that a taxicab driver's permit has been lost or destroyed and payment of a replacement fee of \$2.50 the administrator shall issue a duplicate driver's permit.
- (6) *Penalty for DWI.* Suspension of taxicab driver's permits shall be for three years for the conviction of driving while intoxicated.
- (7) *Smoking prohibited.* No taxicab driver or other employee of the taxicab company shall smoke in the taxicab while passengers are present.
- (g) *Use of scanner prohibited; monitoring of other operators' calls prohibited.* The use of scanners and the monitoring of other operators' calls is hereby prohibited.
- (h) *Emergency suspension; grounds for suspension or revocation of permit.* The administrator has the power to suspend a taxicab operator permit or a taxicab driver's permit in the case of an emergency. The administrator also has the power to seek an injunction in the event of such emergency. The administrator shall hold hearings and make recommendations to the ~~public~~

~~vehicle commission~~ City Council concerning suspension or revocation or operators' and drivers' permits. Such action may be taken for, but shall not be limited to, violation of rules and regulations as developed by the administrator, violation of this article, the criminal laws of the State of Arkansas, or the laws of the United States.

- (i) *Hearings.* If a taxicab operator or driver feels aggrieved by any action taken by the administrator, such person can appeal the decision of the administrator to the ~~public vehicle commission~~ City Council. ~~If any taxicab operator or driver feels aggrieved by any decision by the public vehicle commission, such person may take an appeal to the city council for the city. If there is an appeal from the administrator's decision to the public vehicle commission, such appeal will be heard within ten days after the public vehicle commission is notified that a hearing is requested. If an appeal is taken to the city council, the council shall set a hearing on the appeal within 21 days after the city clerk is notified of such appeal request.~~

Section 3: Section 122-28 of the Code of Ordinances of the City of Springdale is hereby amended to read as follows:

Sec. 122-28. - Taxicab service.

All persons engaged in the taxicab business in the city shall answer all calls received for services inside the corporate limits of the city as soon as they can do so; and if such services cannot be rendered within a reasonable time, they shall then notify the perspective passenger how long it will be before the call can be answered and give the reason(s) therefor. Any holder who refuses to accept a call anywhere in the corporate limits at any time the holder has taxicabs available or fails or refuses to provide taxicab service shall be deemed to have failed to satisfy the ~~public convenience and necessity~~ requirements of the taxicab operator permit issued to such holder. Any holder failing to provide the service herein set forth would be subject to the suspension/revocation provisions of Section 26-42.1. of the Code of Ordinances of the City of Springdale, Arkansas. ~~may be required to appear before the administrator to show cause why such permit should not be suspended or revoked.~~ However, this provision does not prohibit a driver from refusing to transport an unruly or disorderly person.

Section 4: Section 122-30 of the Code of Ordinances of the City of Springdale is hereby amended to read as follows:

Sec. 122-30. - Rates of fare.

- (a) A holder or a taxicab driver shall not charge a fare for operating a taxicab in the city except as provided in this chapter. A holder may propose a change in the rates of fare by filing the proposal with the administrator for consideration by the ~~public vehicle commission~~ City Council.
- (b) The ~~public vehicle commission~~ City Council shall hold a hearing to consider the proposed change in rates of fare after due and reasonable notice to each and every taxicab operator affected shall have been given and after adequate opportunity to be heard with respect thereto shall have been afforded to each and every taxicab operator. After the hearing, the ~~public vehicle commission~~ City Council may approve, disapprove, or modify the proposed change.
- (c) ~~The public vehicle commission shall annually review the maximum ceiling meter rates as provided for in this chapter to determine the appropriateness of the rate after a determination a change in the rates is needed, such recommended change shall be certified by the public vehicle commission to the city council. The new rates shall not be effective until passage of a resolution by the city council. All rates shall apply equally and uniformly to all permit holders in the City of Springdale.~~

Section 5: Section 122-31 of the Code of Ordinances of the City of Springdale is hereby amended to read as follows:

Sec. 122-31. - Meter rates established.

- (a) It shall be unlawful for any person, owning, operating, driving, or in charge of any taxicab for hire in the city to drive or operate such taxicab, or to use or advertise in connection therewith the word "taxi," "taxicab," or "cab" or in soliciting trade from the public to represent or exhibit such vehicle as a "taxi," "taxicab," or "cab" unless such vehicle is equipped with an approved taximeter according to the provisions of this chapter. An approved taximeter is a taximeter that registers accumulating fare charge with each amount being visible to passenger(s).
- (b) Meter rates shall be used exclusively by all taxicabs excluding waiting time except as provided in subsection (e) of this section. The ceiling rates shall apply to all taxicabs operating in the city, and the ceiling rates may be amended by the city council by passage of a resolution.

The following rates are effective as of June 10, 2008:

- (1) Exclusive ride (a ride in which the passenger engaging the taxicab restricts his ride solely to himself or to himself and members of his party and the fare is charged at the exclusive rate). Ceiling rate, no more than a rate of:
 - a. Initial meter charge \$3.50
 - b. Charge per mile 2.25
- (2) No more than \$1.00 per additional person shall be charged.
- (3) Waiting time ceiling rate, not to exceed \$18.00 per hour.
- (4) A \$1.00 per pick-up fuel surcharge shall be charged.
- (c) Under the share ride, a maximum of three pickups at different locations shall be permitted; after which all parties must reach their destination before additional pickups can be made.
- (d) Passengers shall pay only the fare which appears on the meter. If no fare appears on the meter, the passenger's ride shall be free, except as provided in subsection (e) and excluding waiting time.
- (e) A taxicab operator may make special contractual arrangements in advance with persons at fares either higher or lower than those set forth by this article, but such contract must be in writing and a copy thereof filed with the administrator.

Section 6: Section 122-35 of the Code of Ordinances of the City of Springdale is hereby amended to read as follows:

Sec. 122-35. - Application for additional taxicabs; hearing.

The holder of a valid taxicab operator permit operating taxicabs in the city may file with the administrator an application for an increase in the number of taxicabs operated by such holder in accordance with standards adopted in subsection 122-27(d)(13) which application shall set forth:

- (1) That the applicant is in compliance with the statutes of the State of Arkansas, the ordinances, rules and regulations of the city pertaining to the operation of taxicabs;
- (2) The number of taxicabs operated by applicant;
- (3) The number of additional taxicabs requested by the applicant;
- (4) The facts which ~~constitute public convenience and necessity~~ justifying the additional service.

Upon the filing of such application, a hearing on the application shall be conducted by the ~~public vehicle commission~~ City Council. All persons interested in or affected by such application may appear in person or by representatives at such hearing and introduce evidence and be heard in support of or in opposition to such application.

Section 7: All other provisions of Chapter 122 of the Code of Ordinances of the City of Springdale, Arkansas, not specifically amended by this Ordinance shall remain in full force and effect.

Section 8: Emergency Clause. It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

NW AR Area Taxicab Allowable Rates as of August 2023

Fayetteville, AR

Typical average rate

\$3.50

\$2.49

\$8.26

Typical long rate

\$23.45

Bentonville, AR

Sec 102-22 Fees And Rates

*“All rates for taxicab service shall be filed with the city clerk and posted in the cab with no rate increase levied by the licensee greater than ten percent in any **six-month period without approval by the city council.**”*

Bentonville discontinued the taxi punch card program after 2022. They now recommend riders to reach out to ORT and their On-Demand/Demand Response services.

Baylea Birchfield

Planner/Neighborhoods Team

City of Rogers - Jennifer Moore

No set rate. Only the insurance requirement of the owner/operator and yearly inspections. Let competition set the price and it seems to be working.

Rates must be posted in the cab and updated when there is a change.

Springdale allowable rates as of June 12, 2007

Ceiling rate, no more than a rate of:

Initial meter charge.....\$3.50

Charge per mile.....\$2.25

Additional person.....\$1.00

Waiting time not to exceed\$18.00

RESOLUTION NO. _____

**A RESOLUTION TO APPROPRIATE FUNDS TO BE USED
TOWARD THE GERALD HARP MEMORIAL PARK
PROJECT AT RANDAL TYSON SPORTS COMPLEX**

WHEREAS, the Rotary Club of Springdale is raising money to build the Gerald Harp Memorial Park at Randal Tyson Sports Complex, and

WHEREAS, the Gerald Harp Memorial Park Project will be split into two Phases, and

WHEREAS, the project has an estimated cost of approximately \$1,000,000, and

WHEREAS, the Rotary Club of Springdale has raised a majority of the total estimated cost of the project, and

WHEREAS, the Rotary Club of Springdale has requested that the City of Springdale contribute funds in the amount of \$_____, which shall be appropriated out of the Park Set Aside Fund, to be applied to Phase I of the project, and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that \$_____ be appropriated out of the Park Set Aside Fund to be used toward the Gerald Harp Memorial Park Project - Phase I, paid for by the Rotary Club of Springdale, Arkansas.

PASSED AND APPROVED this _____ day of September, 2023.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

Gerald Harp Memorial Park

Schematic Design					
Job Name: Gerald Harp Memorial Park - Phase I					
Estimate Date: 9-7-2023 Drawing Date:					
02 00 00	Site Demolition				
	Demo Concrete Sidewalk/Asphalt/Curb	750 SF	\$ 2.00	\$ 1,500	
				Site Demolition Subtotal	\$ 1,500
31 00 00	Earthwork				
	Cut/Scrape	85 CY	\$ 16.75	\$ 1,416	
	Topsoil Spread - 2"	70 CY	\$ 45.00	\$ 3,150	
	Silt Fence	0 LF	\$ 6.50	\$ -	
	Staking & Layout	1 LS	\$ 2,500.00	\$ 2,500	
	Fine Grading	1 DYS	\$ 1,500.00	\$ 1,500	
	Spoil Removal	85 CY	\$ 6.00	\$ 510	
	Concrete Washout	1 EA	\$ 1,500.00	\$ 1,500	
				Earthwork Subtotal	\$ 10,576
32 00 00	Pavement				
	Grind and Re-surface Existing Paths	4,555 SF	\$ 3.50	\$ 15,943	
	2" ACHM Type II Surface Course	5,436 SF	\$ 3.52	\$ 19,135	
	3" Depth Class 7 Aggregate Base	5,436 SF	\$ 1.00	\$ 5,436	
				Pavement Subtotal	\$ 40,513
32 16 00	Site Concrete				
	Pads/footings for Benches/Bike Racks	9 CY	\$ 450.00	\$ 4,050	
	Concrete Curb @ Fence / Mulch	341 LF	\$ 26.00	\$ 8,866	
	Concrete Bases - Lights	16 EA	\$ 750.00	\$ 12,000	
	Curb & Gutter - Re-work	13 LF	\$ 26.00	\$ 338	
				Site Concrete Subtotal	\$ 25,254
32 17 00	Pavement Specialties				
	Pavement Striping - Rotary International Symbol	1 Allowa	\$ 1,200.00	\$ 1,200	
	Pavement Striping - Handicapped Symbols / Striping / HC Signs	1 Allowa	\$ 1,000.00	\$ 1,000	
				Pavement Specialties Subtotal	\$ 2,200
32 31 00	Fences and Gates				
	Decorative Metal Fencing (4' Ameristar Montage 2)	350 LF	\$ 45.00	\$ 15,750	
				Fences and Gates Subtotal	\$ 15,750
32 33 00	Site Furnishings				
	Park Benches Standard Springdale	3 EA	\$ 2,211.00	\$ 6,633	
	Park Benches Curved at Statue/Fountain Area	1 EA	\$ 6,380.20	\$ 6,380	
	Bike Racks	3 EA	\$ 800.00	\$ 2,400	
				Site Furnishings Subtotal	\$ 15,413

Gerald Harp Memorial Park

Schematic Design						
Job Name: Gerald Harp Memorial Park - Phase I						
Estimate Date: 9-7-2023 Drawing Date:						
32 90 00	Landscaping					
	Grass Sod	686 SY	\$ 4.50	\$ 3,087		
	Grass Seed	4,727 SY	\$ 0.15	\$ 709		
	Metal Edging	287 LF	\$ 5.00	\$ 1,435		
	Wood Fiber Mulch @ New Trees	925 SF	\$ 1.32	\$ 1,221		
	Landscaping Subtotal			\$ 6,452		
32 93 43	Trees					
	Trees	12 EA	\$ 450.00	\$ 5,400		
	Trees Subtotal			\$ 5,400		
6 40 13	Exterior Architectural Woodwork (Treehouses)					
	Treehouses, Bridges, Nets, Pavilion, Wood Bark, Engineering and Labor	1 LS	\$ 236,600.00	\$ 236,600		
	Exterior Architectural Woodwork (Treehouses) Subtotal			\$ 236,600		
10 14 00	Signage					
	Park Entrance Memorial Signage 36" x 180" x 3" thick Carved HDU Carved Textured Background Painted Custom Colors	1 EA	\$ 15,085	\$ 15,085		
	Install Signage - includes pad	1 LS	\$ 6,640	\$ 6,640		
	Signage Subtotal			\$ 21,725		
12 14 00	Sculptures					
	Statue/Sculptures (Not Included)	0 EA	\$ 137,745	\$ -		
	Statue Base (Not Included)	0 EA	\$ 5,000	\$ -		
	Sculptures Subtotal			\$ -		
22 00 00	Plumbing					
	Yard Line	194 LF	\$ 60.00	\$ 11,640		
	Water tap & Water Meter (Tie-In @ Restrooms)	0 LS	\$ 2,000.00	\$ -		
	Freeze Proof Drinking Fountain	1 EA	\$ 12,786.00	\$ 12,786		
	Plumbing Subtotal			\$ 24,426		
22 52 13	Fountain Plumbing Systems					
	Fountains with Base, Patio, Walls, Boulders, Etc. (Not Included)	0 EA	\$ 58,400.46	\$ -		
	Fountain Plumbing Systems Subtotal			\$ -		
26 00 00	Electrical					
	Site Electrical - Light Poles & Sign Lighting (16 & 2)	1 LS	\$ 46,725.25	\$ 46,725		
	Site Electrical - labor and material	1 LS	\$ 45,345.00	\$ 45,345		
	Electrical Subtotal			\$ 92,070		

Gerald Harp Memorial Park

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Gerald Harp Memorial Park

Schematic Design					
Job Name: Gerald Harp Memorial Park - Phase II					
Estimate Date: 9-7-2023 Drawing Date:					
02 00 00	Site Demolition				
	Demo Concrete Sidewalk/Asphalt/Curb	0 SF	\$ 2.00	\$ -	
	Site Demolition Subtotal			\$ -	
31 00 00	Earthwork				
	Cut/Scrape	0 CY	\$ 16.75	\$ -	
	Topsail Spread - 2"	0 CY	\$ 45.00	\$ -	
	Silt Fence	0 LF	\$ 6.50	\$ -	
	Staking & Layout	1 LS	\$ 2,500.00	\$ 2,500	
	Fine Grading	1 DYS	\$ 1,500.00	\$ 1,500	
	Spoil Removal	0 CY	\$ 6.00	\$ -	
	Concrete Washout	1 EA	\$ 1,500.00	\$ 1,500	
	Earthwork Subtotal			\$ 5,500	
32 00 00	Pavement				
	Grind and Re-surface Existing Paths	0 SF	\$ 3.50	\$ -	
	2" ACHM Type II Surface Course	0 SF	\$ 3.52	\$ -	
	3" Depth Class 7 Aggregate Base	0 SF	\$ 1.00	\$ -	
	Pavement Subtotal			\$ -	
32 16 00	Site Concrete				
	Pads/footings for Benches/Bike Racks	0 CY	\$ 450.00	\$ -	
	Concrete Curb @ Fence / Mulch	0 LF	\$ 26.00	\$ -	
	Concrete Bases - Lights	0 EA	\$ 750.00	\$ -	
	Curb & Gutter - Re-work	0 LF	\$ 26.00	\$ -	
	Site Concrete Subtotal			\$ -	
32 17 00	Pavement Specialties				
	Pavement Striping - Rotary International Symbol	0 Allow	\$ 1,200.00	\$ -	
	Pavement Striping - Handicapped Symbols / Striping / HC Signs	0 Allow	\$ 1,000.00	\$ -	
	Pavement Specialties Subtotal			\$ -	
32 31 00	Fences and Gates				
	Decorative Metal Fencing (4' Ameristar Montage 2)	0 LF	\$ 45.00	\$ -	
	Fences and Gates Subtotal			\$ -	
32 33 00	Site Furnishings				
	Park Benches Standard Springdale	0 EA	\$ 2,211.00	\$ -	
	Park Benches Curved at Statue/Fountain Area	0 EA	\$ 6,380.20	\$ -	
	Bike Racks	0 EA	\$ 800.00	\$ -	
	Site Furnishings Subtotal			\$ -	

Gerald Harp Memorial Park

Schematic Design					
Job Name: Gerald Harp Memorial Park - Phase II					
Estimate Date: 9-7-2023 Drawing Date:					
32 90 00	Landscaping				
	Grass Sod	28 SY	\$ 4.50	\$ 128	
	Grass Seed	0 SY	\$ 0.15	\$ -	
	Metal Edging	0 LF	\$ 5.00	\$ -	
	Wood Fiber Mulch @ New Trees	0 SF	\$ 1.32	\$ -	
	Landscaping Subtotal				\$ 128
32 93 43	Trees				
	Trees	0 EA	\$ 450.00	\$ -	
	Trees Subtotal				\$ -
6 40 13	Exterior Architectural Woodwork (Treehouses)				
	Treehouses, Bridges, Nets, Pavilion, Wood Bark, Engineering and Labor	0 LS	\$ 236,600.00	\$ -	
	Exterior Architectural Woodwork (Treehouses) Subtotal				\$ -
10 14 00	Signage				
	Park Entrance Memorial Signage 36" x 180" x 3" thick Carved HDU Carved Textured Background Painted Custom Colors	0 EA	\$ 15,085	\$ -	
	Install Signage - includes pad	0 LS	\$ 6,640	\$ -	
	Signage Subtotal				\$ -
12 14 00	Sculptures				
	Statue/Sculptures	1 EA	\$ 137,745	\$ 137,745	
	Statue Base	1 EA	\$ 5,000	\$ 5,000	
	Sculptures Subtotal				\$ 142,745
22 00 00	Plumbing				
	Yard Line	0 LF	\$ 60.00	\$ -	
	Water tap & Water Meter	0 LS	\$ 2,000.00	\$ -	
	Freeze Proof Drinking Fountain	0 EA	\$ 12,786.00	\$ -	
	Plumbing Subtotal				\$ -
22 52 13	Fountain Plumbing Systems				
	Fountains with Base, Patio, Walls, Boulders, Etc.	2 EA	\$ 58,400.46	\$ 116,801	
	Fountain Plumbing Systems Subtotal				\$ 116,801
26 00 00	Electrical				
	Site Electrical - Light Poles & Sign Lighting (16 & 2)	0 LS	\$ 46,725.25	\$ -	
	Site Electrical - labor and material	0 LS	\$ 45,345.00	\$ -	
	Hook Up Power to Fountains	1 LS	\$ 1,500.00	\$ 1,500	
	Electrical Subtotal				\$ 1,500

Gerald Harp Memorial Park

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