

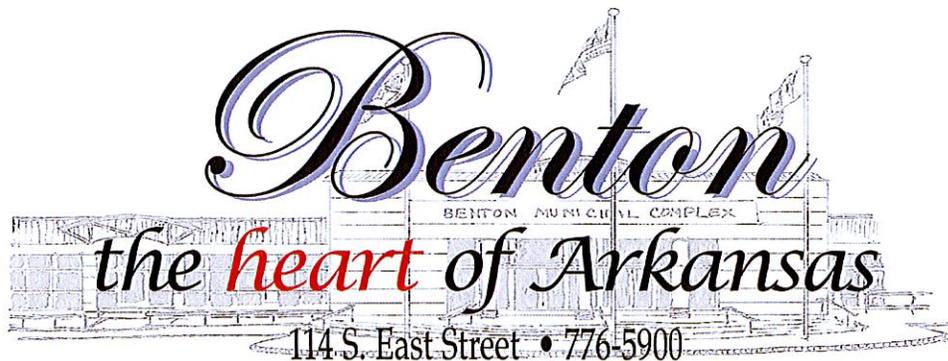
BENTON CITY COUNCIL MEETING

OCTOBER 12, 2015

7:00 PM



AGENDA MEETING - 6:30 PM



BENTON MUNICIPAL COMPLEX
114 SOUTH EAST STREET
COUNCIL CHAMBERS

DAVID MATTINGLY, MAYOR

REGULAR SESSION
September 28, 2015
7:00 PM
AGENDA

- | | | |
|-------------|---|---|
| I. | Call to Order | Mayor Mattingly |
| II. | Invocation | |
| III. | Pledge of Allegiance | Alderman Ponder |
| IV. | Roll Call | City Clerk |
| V. | Approval of Minutes | September 28, 2015
<i>Regular Meeting</i> |
| VI. | October Youth of the Month
<i>Bella Slaughter</i> | Abby Clay |
| VII. | COMMITTEE REPORTS & MOTIONS | |
| | 1. Finance Committee | Alderman Ponder |
| | 2. Community Services/Animal Control | Alderwoman Reed |
| | A.) ORDINANCE NO. 51 OF 2015
<i>AN ORDINANCE AMENDING ORDINANCE 32 OF 2013; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES</i> | |
| | B.) ORDINANCE NO. 52 OF 2015
<i>AN ORDINANCE PROVIDING FOR A CONDITIONAL USE FOR AUTOMOTIVE REPAIR AND PAINTING; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES</i> | |
| | C.) ORDINANCE NO. 53 OF 2015
<i>AN ORDINANCE PROVIDING FOR A CONDITIONAL USE FOR RETAIL AND SECOND HAND SALES; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES</i> | |
| | D.) ORDINANCE NO. 54 OF 2015
<i>AN ORDINANCE REZONING CERTAIN LAND IN THE CITY OF BENTON, SALINE COUNTY, ARKANSAS, DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES</i> | |
| | E.) RESOLUTION NO. 48 OF 2015
<i>A RESOLUTION EXTENDING THE OPERATIONAL CONTROL OF THE CITY'S PUBLIC ACCESS CHANNEL TO YCAT AND EXTENDING THEIR AGREEMENT TO RECORD CITY COUNCIL MEETINGS; AND FOR OTHER PURPOSES</i> | |
| | F.) RESOLUTION NO. 49 OF 2015
<i>A RESOLUTION RATIFYING AND CONFIRMING THE APPOINTMENT OF MARY KAY MOONEY AS COMMISSIONER TO THE BENTON HISTORIC DISTRICT COMMISSION; AND FOR OTHER PURPOSES</i> | |

G.) RESOLUTION NO. 50 OF 2015

A RESOLUTION ACCEPTING THE LOWEST ACCEPTABLE BID FOR DEMOLITION OF A STRUCTURE AT 202 S. EAST STREET, BENTON, ARKANSAS, (FORMERLY KNOWN AS THE BUS STATION); AWARDING THE CONTRACT TO T.D. SIMS COMPANY, INC; AND FOR OTHER PURPOSES

- | | | |
|-----------|--|-------------------------------|
| 3. | Streets & Drainage Committee | Alderman Cunningham |
| 4. | Personnel/Health & Safety Committee | Alderman Donnor |
| 5. | Parks Committee | Alderman Lee |
| 6. | Public Utilities Commission | Alderman Herzfeld |
| 7. | A & P Commission | Alderman Donnor/Ponder |

RESOLUTION NO. 51 OF 2015

A RESOLUTION APPOINTING ALLISON BURCH TO THE CITY OF BENTON A&P COMMISSION; AND FOR OTHER PURPOSES

- VIII. Unfinished Business**
- IX. New Business**
- X. Old Business**
- XI. Announcements**
- XII. Adjourn**

MINUTES OF THE BENTON CITY COUNCIL
Regular Session
September 28, 2015
Benton Municipal Complex

The Benton City Council was called to order for a regular session at 7:00 p.m.

The Mayor gave the invocation.

Alderman Donnor led the pledge of allegiance.

Roll was called.

The following persons were in attendance:

Alderman Frank Baptist	Alderman Kerry Murphy
Alderman Charles Cunningham	Alderman Bill Donnor
Alderman Jerry Ponder	Alderman Judd Hart
Alderman James Herzfeld	Alderman Steve Lee
Alderman Lori Terrell	Brent Houston, City Attorney
Cindy Stracener, City Clerk	David Mattingly, Mayor

When roll was called nine (9) council members were present. A quorum was declared. Alderman Reed was absent.

The Mayor requested approval for the September 14, 2015 city council meeting minutes. Alderman Herzfeld made a motion to approve the minutes. Seconded by Alderman Hart. The Mayor called for a voice vote on the approval of the minutes. All aldermen present replied in the affirmative. The minutes for the September 14, 2015 council meeting were approved with 9 affirmative and 1 absent vote.

Nicole Barringer was recognized as the August employee of the month.

The 2015-2016 Mayor's Youth Advisory Council was recognized. They collectively read their mission statement. Jared McPeake was recognized as the August youth of the month by Jackie Sherrell.

A proclamation was read declaring October 4th through October 10th as "Public Power Week" in the city of Benton. See attached.

Judge Arnold swore Noah Myers and Danny Dintleman in as Benton Police Officers.

A video presentation of the interior of the Riverside Park complex was shown.

The next item on the agenda was committee reports and motions. Alderman Ponder was recognized for the Finance Committee report. Alderman Ponder asked for the first reading of Ordinance 50 of 2015 – An Ordinance Amending the 2015 Budget for the General Fund as Adopted in Ordinance 75 of 2014; Appropriating Funds for the Fire Department; Declaring an Emergency; and For Other Purposes. Seconded by Alderman Donnor. The ordinance was read by the city clerk. This ordinance accepts a grant and approves the expenditure of the purchase of SCBA fill station and compressor. The Mayor asked for any comments. Alderman Ponder stated that 15 years is the life expectancy for the apparatus.

The one we have currently is 13 years old and by securing this grant which we only have to match approximately 10% of, Chief Ford has allowed us to retain our funds for the department. Alderman Ponder made a motion to suspend the rules for the second and third readings of Ordinance 50 of 2015. Seconded by Alderman Lee. The Mayor asked that the roll be called on the motion to suspend. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed absent, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Motion to suspend was approved with 9 affirmative and 1 absent vote. Alderman Ponder made a motion to adopt Ordinance 50 of 2015 on its second and third readings by title only. Seconded by Alderman Terrell. The ordinance was read by title only. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed absent, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Ordinance 50 of 2015 was adopted with 9 affirmative and 1 absent vote. Alderman Ponder made a motion to adopt the emergency clause for Ordinance 50 of 2015. Seconded by Alderman Herzfeld. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed absent, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. The emergency clause for Ordinance 50 of 2015 was adopted with 9 affirmative and 1 absent vote.

Alderman Cunningham was recognized for a report from the Community Service/Animal Control Committee. Alderman Cunningham made a motion to approve Resolution 47 of 2015 – A Resolution Authorizing the Mayor to Obtain the Necessary Reports Concerning the Palace Theater; and For Other Purposes. Seconded by Alderman Terrell. The resolution was read by the city clerk. The Mayor asked for any comments. None. The Mayor stated that the first meeting was held with an expert structural engineering group and they were instructed to clearly in the report state how safely and what would you do procedurally if you were to take down the building. The second meeting with another engineering group is scheduled within the next week. The information will be made known to the public. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed absent, Alderman Donnor yes, Alderman Ponder yes, Alderman Hart yes, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Resolution 47 of 2015 was adopted with 9 affirmative and 1 absent vote.

Alderman Cunningham was recognized for the Streets and Drainage Committee report. He stated that the committee met on September 16, 2015. He gave the report. See attached.

Alderman Donnor was recognized for the Personnel/Health & Safety Committee report. He stated he had nothing to report.

Alderman Lee was recognized for the Parks Committee report. He stated that he had nothing to report. The next committee meeting will be Tuesday October 13, 2015.

Alderman Herzfeld was recognized for a report from the Public Utility Commission. He stated that he had nothing to report.

Alderman Ponder was recognized for the Advertising and Promotion Commission report. He stated that the commission met last Thursday and gave a report. See attached.

There was not any unfinished or new business.

The Mayor stated that Savor the Flavor is this Thursday October 1, 2015. Friday night at the Boys and Girls Club Glen Rice will be given a key to the city. The MYAC Bike Race is Saturday October 10, 2015. CADC is having their annual conference this week in Little Rock.

The meeting adjourned at 7:35 p.m.

Cindy Stracener, City Clerk

David Mattingly, Mayor

**PROCLAMATION RECOGNIZING PUBLIC POWER WEEK, OCTOBER 4-10
A WEEK-LONG CELEBRATION OF BENTON UTILITIES YEAR-ROUND
SERVICE TO THE CITY OF BENTON**

WHEREAS, the citizens of Benton, place high value on local control over community services and therefore have chosen to operate a community owned, locally controlled, not-for-profit electric utility and, as consumers and owners of our electric utility, have a direct say in utility operations and policies; and

WHEREAS, Benton Utilities provides homes, businesses, social service organizations, and local government agencies with reliable, efficient, and cost-effective electricity employing sound business practices designed to ensure the best possible service at not-for-profit rates; and

WHEREAS, Benton Utilities is a valuable community asset that contributes to the well-being of local citizens through energy efficiency, customer service, environmental protection, economic development, and safety awareness; and

WHEREAS, Benton Utilities is a dependable and trustworthy institution whose local operation provides many consumer protections and continues to make the community a better place to live and work, and contributes to protecting the global environment; and

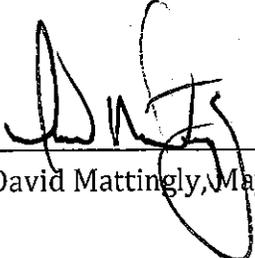
NOW, THEREFORE BE IT RESOLVED: that Benton Utilities will continue to work to bring lower-cost, safe, reliable electricity to community homes and businesses just as it has since 1918 the year when the utility was created to serve all the citizens of Benton; and

BE IT FURTHER RESOLVED: that the week of October 4-10 be designated Public Power Week to recognize Benton Utilities for its contributions to the community and to educate consumer-owners, policy makers, and employees on the benefits of public power; and

BE IT FURTHER RESOLVED: that our community joins hands with more than 2,000 other public power systems in the United States in this celebration of public power, which is best for consumers, business, the community, and the nation.

IN WITNESS HEREOF, I have hereunto set my hand and caused the Seal of the City of Benton, Arkansas to be affixed at City Hall this 28th day of September in the year of our Lord, two thousand and fifteen.





David Mattingly, Mayor



Streets & Drainage Committee Meeting

Wednesday, September 16, 2015

In attendance were:

Alderman Charles Cunningham, Chairman
Alderman Frank Baptist
Alderman Judd Hart
Alderman James Herzfeld
Alderman Kerry Murphy
Tony Floyd
Matt Burks

Chairman Charles Cunningham declared a quorum, so the meeting was called to order.

Alderman James Herzfeld moved we accept the minutes from the August 11, 2015 meeting. Alderman Judd Hart seconded. Motion passed.

First item on the Agenda is Eagle Run Drive.

Tony said that Eagle Run is a storm drain that has washed out. It's over 300 ft. There are two pipes that are rusted out. It would be cheaper to replace one bigger pipe than two smaller ones. Engineering cost estimate is \$83,817.00.

Alderman Baptist moved we take this to the Mayor and see if he can find the necessary funds for this project. Alderman Herzfeld seconded. Motion passed.

Next item on the Agenda is Military Rd.

Tony explained that the building on Military Rd. (where Jones Glass use to be) has been torn down and it has left an exposed pipe that was out of the scope of the Military Rd. Project. Engineer cost estimate for that project is \$9,100.00.

Alderman Herzfeld moved we go ahead with the project at Military Road with a cost estimate of \$9,100.00. Alderman Murphy seconded. Motion passed.

With no further business the meeting was adjourned.

BENTON ADVERTISING & PROMOTION COMMISSION

Minutes

September 24, 2015

I. CALL TO ORDER

Chairman Mark Fikes called the regularly scheduled meeting of the Benton Advertising & Promotion Commission to order on August 20, 2015 at 4:03 p.m. in the boardroom of the Benton Area Chamber of Commerce.

II. ROLL CALL

Commissioners in attendance included: Mark Fikes, Elgin Hamner IV, Bill Eldridge, Bill Donnor, Jerry Ponder, and Jeff Stechman. Commissioner Luke Moody was absent.

III. MINUTES

Jerry Ponder made a motion to approve the minutes of the regular August 20, 2015 meeting. Bill Donnor seconded. Motion carried.

IV. REPORT FROM NIKKI CHUMLEY, BENTON EVENT CENTER

Nikki reported that the initial landscaping project clean up is complete.

There have been 165,862 people in the Event Center since its opening.

The Spinal Cord Commission is in the building at this time and is very appreciative of the automatic door.

V. OLD BUSINESS

None

VI. NEW BUSINESS

A. All bids have not been received for the stage monitor, so that will be put on next month's agenda.

B. Nikki presented two advertising proposals.

1. Renew the advertising contract for the Event Center ad in the Arkansas Business Meeting Planner Guide. The price is the same as last year at \$2650 for ½ page. Jeff Stechman made the motion that we do the ad; Elgin Hamner IV seconded. Motion carried.

2. The Event Center received second place in a recent Arkansas Democrat-Gazette "Best of the Best Event Center" competition. The cost of a ¼ page ad in the paper is \$1617. Gary James said the Chamber would half the

cost of the ad with the A & P. Jerry Ponder made the motion that A & P purchase the ad. Jeff Stechman seconded

C. Jeff Stechman's 4-year term as commissioner has expired. Advertising for his position has been completed. One application was received for the position. Jerry Ponder made the motion to elect Alison Burch, General Manger of Fairfield Inn & Suites, to fill that position, pending approval from the City Council. Bill Donnor seconded. Motion carried.

D. Chamber management of the Event Center and A & P was discussed. It was noted that no pay increase has been give the Chamber since the Event Center was opened. It was also noted that much of this money that is paid the Chamber is paid back into the community. Jeff Stechman made the motion that the pay to run the Event Center be increased to \$40,000 annually to be effective in October. Motion was seconded by Jerry Ponder. Motion carried.

VII. FUNDING REQUESTS

Saline County Celebration of Lights presented a funding request. Voting on the request will take place at the next A & P meeting.

VIII. ADMINISTRATIVE

The business that had been delinquent in payment of A & P taxes is up-to-date through August.

IX. FINANCIAL REPORTS

Mark Fikes asked Gary James to do the financial reports. Sales revenue at the Event Center in August hit \$32,975.37. Monthly A & P Commission net income is \$1083.58. Monthly net income for the Event Center is \$16,485.86. The January – August profit for the Event Cenier if sales taxes revenue were deducted is approximately \$30,000.

X. OTHER BUSINESS

Mark Fikes reported that AC Paxton would be retiring at the end of the year so we will need to get someone else to oversee the delinquencies. Jerry Ponder Inquired about delivery of tax packets. The Chamber personally delivers them when the City sends notifications that there is a new or changed business.

XI. ADJOURNMENT

The meeting was adjourned by the chairman at 4:52 pm.

ORDINANCE NO. 51 OF 2015

**AN ORDINANCE AMENDING ORDINANCE 32 OF 2013;
DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

WHEREAS, the City Council of the City of Benton, Arkansas, adopted Ordinance 32 of 2013 which provided for the limited use and sale of fireworks within the City of Benton during certain times of the year, and prescribed penalties for the violation of same; and

WHEREAS, it has been determined that Section 2.A. needs to be amended to establish a late fee;

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

SECTION 1: Section 2.A of Ordinance 32 of 2013 shall be amended by deleting the last sentence of the section and stating "The annual fee shall be payable at the time of application on or before the first of June each year. If June 1 follows on a Saturday or Sunday then the date for submission of the application and permit fee will be the following Monday. If the permit fee is submitted up to 7 days late a 10% or \$50 late fee will be assessed, if the fee is submitted after the 7 days but before or on the 14th day then a 20% or \$100 late fee will be assessed. After 14 days from the deadline date applications and permit fees will not be accepted"; and,

SECTION 2: All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed;

SECTION 3: This ordinance will go into effect 90 days after its publication.

PASSED AND APPROVED this the ____ day of _____, 2015.

David Mattingly, Mayor

Cindy Stracener, City Clerk

DESIGNATED FOR PUBLICATION

ORDINANCE NO. 52 OF 2015

**AN ORDINANCE PROVIDING FOR A CONDITIONAL USE
FOR AUTOMOTIVE REPAIR AND PAINTING;
DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

WHEREAS, an application for a Conditional Use Permit was filed with the Planning Commission of the City of Benton, Arkansas, by Darwin Reyes requesting that 815 South Market Street be issued a Conditional Use for the operation of automotive repairs and painting.

WHEREAS, the Planning Commission ordered a public hearing to be held on the 8th day of September 2015, at 6:00 o'clock P.M., for the purposes of hearing said application, that notice of said hearing having been published in a newspaper having a bona fide circulation in Saline County, Arkansas, evidence having been submitted that all property owners or lessees within 300 feet of the property hereinafter described having either consented to or been notified of said hearing and at said hearing the Planning Commission resolved to recommend to the City Council of the City of Benton, that the Application for a Conditional Use Permit be granted.

WHEREAS, the City Council of the city of Benton desires to grant a Conditional Use to Darwin Reyes requesting that 815 South Market Street be issued a Conditional Use for the operation of automotive repairs and painting.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Benton that Jarrett Clements is granted a Conditional Use for the operation of operation of automotive repairs and painting to-wit:

815 SOUTH MARKET STREET OF ALLEN'S ADDITION TO THE CITY OF BENTON,
ARKANSAS

THAT PART OF LOTS 9, 10, 11 AND 12 OF BLOCK 58 OF ALLEN'S ADDITION
TO THE CITY OF BENTON, SALINE COUNTY, ARKANSAS.

AND

THE SOUTH ONE-HALF OF THE ABANDONED ALLEY ABUTTING AND BEING
CONTIGUOUS LOTS 9, 10, 11 AND 12 OF BLOCK 58 OF ALLEN'S ADDITION TO THE
CITY OF BENTON, SALINE COUNTY, ARKANSAS.

It is hereby found and determined that there is an immediate need to authorize the conditional use of the property to allow for the operation automotive repairs and painting. Therefore, an emergency exists and this ordinance is necessary for the preservation of the public peace, health and safety. It shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED, this _____ day of _____, 2015.

Mayor

Attest: _____
City Clerk

DESIGNATED FOR PUBLICATION

ORDINANCE NO. 53 OF 2015

**AN ORDINANCE PROVIDING FOR A CONDITIONAL USE
FOR RETAIL AND SECOND HAND SALES;
DECLARING AN EMERGENCY AND FOR OTHER PURPOSES**

WHEREAS, an application for a Conditional Use Permit was filed with the Planning Commission of the City of Benton, Arkansas, by Jarrett Clements requesting that 706 Center Street be issued a Conditional Use for the operation of retail and second hand sales.

WHEREAS, the Planning Commission ordered a public hearing to be held on the 8th day of September 2015, at 6:00 o'clock P.M., for the purposes of hearing said application, that notice of said hearing having been published in a newspaper having a bona fide circulation in Saline County, Arkansas, evidence having been submitted that all property owners or lessees within 300 feet of the property hereinafter described having either consented to or been notified of said hearing and at said hearing the Planning Commission resolved to recommend to the City Council of the City of Benton, that the Application for a Conditional Use Permit be granted.

WHEREAS, the City Council of the city of Benton desires to grant a Conditional Use to Jarrett Clements for a retail and second hand sales.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Benton that Jarrett Clements is granted a Conditional Use for the operation of a retail and second hand sales.to-wit:

706 CENTER STREET OF THE OWOSSO ADDITION TO THE CITY OF BENTON,
ARKANSAS

THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 15 WEST, SALINE COUNTY, ARKANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE NORTH 88°26'00" WEST ALONG THE NORTH LINE THEREOF FOR 1128.00 FEET; THENCE SOUTH 01°26'45" WEST 29.96 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF EDISON AVENUE; THENCE CONTINUING SOUTH 01°26'45" WEST 126.00 FEET TO THE NORTHWEST CORNER OF LAND DESCRIBED IN DOCUMENT NUMBER 2011-22801; THENCE SOUTH 01°34'00" WEST ALONG THE WEST LINE OF LAND DESCRIBED IN DOCUMENT NUMBER 2011-2280; FOR 114.00 FEET TO THE NORTHWEST CORNER OF LAND DESCRIBED IN DOCUMENT NUMBER 2013-107254 THENCE SOUTH 02°12'47" WEST ALONG THE WEST LINE OF LAND DESCRIBED IN DOCUMENT NUMBER 2013-107254 FOR 50.07 FEET THE SOUTHWEST CORNER OF LAND DESCRIBED IN DOCUMENT NUMBER 2013-107254 SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 88°26'02" EAST ALONG THE SOUTH LINE OF LAND

DESCRIBED IN DOCUMENT NUMBER 2013-107254 174.00 FEET TO THE SOUTHEAST CORNER OF LAND DESCRIBED IN DOCUMENT NUMBER 2013-107254; THENCE NORTH 01°36'51" EAST 100.02 FEET; THENCE SOUTH 88°25'59" EAST 100.00 FEET; THENCE SOUTH 01°34'01" WEST 213.16 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF MISSOURI PACIFIC RAILROAD; THENCE WESTERLY ALONG SAID RIGHT OF WAY LINE 533.54 FEET ALONG A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 5665.00 FEET SAID CURVE HAVING A CHORD DIRECTION OF SOUTH 74°38'49" WEST AND A CHORD LENGTH OF 533.34 FEET; THENCE NORTH 02°57'52" EAST LEAVING SAID NORTH RIGHT OF WAY LINE OF MISSOURI PACIFIC RAILROAD 169.52 FEET; THENCE SOUTH 87°43'28" EAST 230.91 FEET; THENCE NORTH 02°12'47" EAST 101.76 FEET TO A POINT OF BEGINNING. CONTAINING 1.96 ACRES, MORE OR LESS.

TOGETHER WITH A 25 FOOT WIDE EASEMENT FOR USE AS INGRESS AND ENGRESS DESCRIBED AS FOLLOWS:

THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 15 WEST, SALINE COUNTY, ARKANSAS, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE NORTH 88°26'00" WEST ALONG THE NORTH LINE THEREOF FOR 1128.00 FEET; THENCE SOUTH 01°26'45" WEST 29.96 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF EDISON AVENUE; THENCE CONTINUING SOUTH 01°26'45" WEST 126.00 FEET TO THE NORTHWEST CORNER OF LAND DESCRIBED IN DOCUMENT NUMBER 2011-22801; THENCE SOUTH 01°34'00" WEST ALONG THE WEST LINE OF LAND DESCRIBED IN DOCUMENT NUMBER 2011-22801 SOUTH FOR 114.00 FEET TO THE NORTHWEST CORNER OF LAND DESCRIBED IN DOCUMENT NUMBER 2013-107254; THENCE SOUTH 02°12'47" WEST ALONG THE WEST LINE OF LAND DESCRIBED IN DOCUMENT NUMBER 2013-107254 FOR 50.07 FEET THE SOUTHWEST CORNER OF LAND DESCRIBED IN DOCUMENT NUMBER 2013-107254 SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 02°12'47" WEST 101.76 FEET; THENCE NORTH 87°43'28" WEST 25.00 FEET; THENCE NORTH 02°12'50" EAST 101.45 FEET; THENCE SOUTH 88°26'02" WEST 25.00 FEET TO THE POINT OF BEGINNING.; CONTAINING 0.06 ACRES, MORE OR LESS.

ALSO

LOTS 10-23, BLOCK 1, AND THAT PORTION OF THE ALLEY ABANDONED AS RECORDED IN DEED BOOK 135, PAGE 539 LESS AND EXCEPT THE EAST HALF OF SAID ALLEY LYING WEST OF LOTS 4, 5, AND 6, BLOCK 1, OWOSSO ADDITION TO THE CITY OF BENTON, SALINE COUNTY, ARKANSAS AND LOTS 3-13, BLOCK 2, OWOSSO ADDITION TO THE CITY OF BENTON, SALINE COUNTY, ARKANSAS.

It is hereby found and determined that there is an immediate need to authorize the conditional use of the property to allow for the operation of retail and second hand sales. Therefore, an emergency exists and this ordinance is necessary for the preservation of the public peace, health and safety. It shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED, this _____ day of _____, 2015.

Mayor

Attest: _____
City Clerk

DESIGNATED FOR PUBLICATION

ORDINANCE NO. 54 OF 2015

**AN ORDINANCE REZONING CERTAIN LAND IN THE CITY OF BENTON,
SALINE COUNTY, ARKANSAS, DECLARING AN EMERGENCY;
AND FOR OTHER PURPOSES**

WHEREAS, an application for zoning was filed with the Planning Commission of the City of Benton, Arkansas by Mike Parsons, requesting the lands hereinafter described be zoned to a Service Commercial (CS) zoning; and,

WHEREAS, the Planning Commission ordered a Public Hearing be held on September 8, 2015 at 6:00 p.m. for the purpose of hearing said application; the notice of such hearing having been published in a newspaper having a bona fide circulation in Saline County, Arkansas; with evidence having been submitted that all property owners or lessees within 300 feet of the property having been notified of said hearing; and at said hearing, the Planning Commission recommended to the City Council that such request be granted; and,

WHEREAS, the City Council of the City of Benton, Arkansas desires to zone the following property as Service Commercial District (CS).

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

SECTION 1. The following described property is hereby rezoned from a Single Family Residential (R1-7.5) to a Service Commercial (SH) zoning:

State Highway 35 and Kidd Lane

SECTION 2. The City Council, having found that the immediate rezoning of this property will allow construction to commence thereon which will be of benefit to the local economy, hereby declares an emergency and this Ordinance shall be in full force and effect after its passage and approval.

PASSED AND APPROVED, this _____ day of _____, 2015.

Mayor

Attest: _____
City Clerk

DESIGNATED FOR PUBLICATION

RESOLUTION NO. 48 OF 2015

A RESOLUTION EXTENDING THE OPERATIONAL CONTROL OF THE CITY'S PUBLIC ACCESS CHANNEL TO YCAT AND EXTENDING THEIR AGREEMENT TO RECORD CITY COUNCIL MEETINGS; AND FOR OTHER PURPOSES

WHEREAS, the city of Benton presently has a public access channel which operates on Fidelity Cable as well as a public access channel which is available to the city on U-Verse; and

WHEREAS, Your Community Access Television, a not for profit corporation (YCAT) has a yearly contract for the management of the public access channel for the city which is broadcast on both Fidelity Cable and AT&T U-Verse; and

WHEREAS, YCAT provides the recording services of the Benton City Council meetings as part of their contract with the city; and

WHEREAS, the City Council desires to extend YCAT's contract for these services for one additional year.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BENTON, ARKANSAS:

SECTION 1: The City Council does hereby authorize the Mayor and City Clerk to execute any necessary documents to extend for one year the city's agreement with YCAT to manage the public access channel and to record the city council meetings under the current contract terms.

PASSED AND APPROVED this the _____ day of October, 2015.

Dave Mattingly, Mayor

Cindy Stracener, City Clerk

RESOLUTION NO. 49 OF 2015

**A RESOLUTION RATIFYING AND CONFIRMING THE APPOINTMENT OF
MARY KAY MOONEY AS COMMISSIONER TO THE BENTON HISTORIC
DISTRICT COMMISSION; AND FOR OTHER PURPOSES**

WHEREAS, THE City of Benton created the City of Benton Historic District Commission by Ordinance 30 of 2008; and

WHEREAS, the Mayor desires to appoint Mary Kay Mooney to fill the term of office held by Ted Newman, whose term of office expired October 1, 2015.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BENTON, ARKANSAS;

SECTION 1: Mary Kay Mooney is hereby confirmed as a member of the City of Benton Historic District Commission. The term of office shall be for three years and shall expire October 1, 2018.

PASSED AND APPROVED this the _____ day of October 12, 2015.

David Mattingly, Mayor

Cindy Stracener, City Clerk

RESOLUTION NO. 50 OF 2015

A RESOLUTION ACCEPTING THE LOWEST ACCEPTABLE BID FOR DEMOLITION OF A STRUCTURE AT 202 S. EAST STREET, BENTON, ARKANSAS, (FORMERLY KNOWN AS THE BUS STATION); AWARING THE CONTRACT TO T.D. SIMS COMPANY, INC; AND FOR OTHER PURPOSES

WHEREAS, the City of Benton, after having advertised for bids, has determined that the bid submitted by T.D. Sims Company, Inc., is the lowest acceptable bid for demolition of the structure at 202 S. East Street, Benton, Arkansas, and that the City should award the contract to this lowest acceptable bidder.

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

SECTION 1: The bid of T.D. Sims Company, Inc. in the amount of \$9,538.00 is the lowest acceptable bid for the demolition of the structure and the said bid should be, and is hereby, accepted and awarded to T.D. Sims Company, Inc.

SECTION 2: The Mayor and City Clerk are hereby authorized to execute, on behalf of the City of Benton, a contract for the project with the successful bidder and to execute such other documents as may be necessary and convenient to accomplish this purpose. The Mayor is likewise authorized to pay to T.D. Sims Company, Inc. for all work performed pursuant to the terms of the contract.

PASSED AND APPROVED this the 12th day of October, 2015.

David J. Mattingly, Mayor

Cindy Stracener, City Clerk

RESOLUTION NO. 51 OF 2015

A RESOLUTION APPOINTING ALLISON BURCH TO THE CITY OF BENTON A&P COMMISSION; AND FOR OTHER PURPOSES

WHEREAS, the City of Benton created the City of Benton A&P Commission by Ordinance 46 of 2005; and

WHEREAS, A.C.A. §26-75-605 states that appointments to the commission shall be for a four (4) year time period; and

WHEREAS, the term of office for Allison Burch shall be for a term of four (4) years and will expire on October 10, 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BENTON, ARKANSAS:

SECTION 1. Allison Burch is confirmed as a member of the City of Benton A&P Commission. His term of office will expire October 10, 2019.

PASSED AND APPROVED this the _____ day of October, 2015.

David J. Mattingly, Mayor

Cindy Stracener, City Clerk