

CITY OF VAN BUREN, ARKANSAS
REGULAR CITY COUNCIL MEETING
MONDAY, OCTOBER 28, 2019
MUNICIPAL COMPLEX – 5:30 PM

AGENDA

1. Invocation and Pledge of Allegiance – Pastor Brad Corcoran, New Vision Worship Center.
2. Roll Call.
3. Minutes from the September 23, 2019 Regular City Council Meeting.
4. Resolution – Award a Sidearm to Retiring Officer Captain Brent Grill.
5. Resolution – Establishing a City Depository.
6. Ordinance – Annual Library Millage Tax Renewal.
7. Ordinance – Amend Ordinance 07-1963 Regarding Conditional Use.
8. Ordinance – Amend Ordinance 07-1963 Regarding Zoning.
9. Financial Statements.
10. Boards and Commissions:
 - Advertising & Promotion Commission – Reappoint Ms. Debbie Foliart.
 - Library Board – Reappoint Ms. Kathy Hubbs
 - Library Board – Reappoint Ms. Jackie Wyatt.
11. Reports:
 - Police – Fire – Building Department – Public Works/Planning – Ambulance.
12. Miscellaneous and General Discussion:
 - Street Closing Request – Mr. Les Thomas, Veteran’s Day Parade, Monday, November 11, 2019.
 - Street Closing Request – TOTMA, December 31, 2019.
 - Almost Home Quarterly Report – Ms. Connie Martin.
13. Adjournment.

CITY OF VAN BUREN, ARKANSAS

RESOLUTION NO. __ - __ - 2019

BE IT ENACTED BY THE CITY COUNCIL, FOR THE CITY OF VAN BUREN, ARKANSAS, A RESOLUTION TO BE ENTITLED:

A RESOLUTION AWARDED A SERVICE SIDEARM TO CAPTAIN BRENT GRILL UPON HIS RETIREMENT.

WHEREAS, Van Buren Police Captain Brent Grill is retiring from the City on November 30, 2019 after 32 years, 5 months and 15 days of service; and

WHEREAS, Captain Brent Grill has demonstrated his dedication to duty and to the citizens of the City of Van Buren, Arkansas; and

WHEREAS, upon regular service retirement under honorable circumstances, the City wishes to recognize Captain Brent Grill's service as a police officer, and award to him his issued sidearm carried by him at the time of his retirement from service.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VAN BUREN, ARKANSAS, THAT:

SECTION 1: The City Council for the City of Van Buren adopts this Resolution awarding this service sidearm, a Glock G45, Generation 5, 9mm caliber pistol, Serial Number BLBF159, to Captain Brent Grill upon his retirement November 30, 2019.

IN WITNESS WHEREOF, the City of Van Buren, Arkansas, by its City Council, did pass, approve, and adopt, by a vote of ___ for and ___ against, the foregoing Resolution at its regular meeting held on the 28th day of October 2019.

Joseph P. Hurst
Mayor

ATTESTED:

APPROVED AS TO FORM:

Phyllis Thomas
City Clerk/Treasurer

Candice A. Settle
City Attorney

CITY OF VAN BUREN, ARKANSAS

RESOLUTION NO. ___ - ___ - 2019

BE IT ENACTED BY THE CITY COUNCIL, FOR THE CITY OF VAN BUREN, ARKANSAS, A RESOLUTION TO BE ENTITLED:

A RESOLUTION ESTABLISHING A CITY DEPOSITORY AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Van Buren, Arkansas, hereby acknowledges the mandates A.C.A. 19-8-106 which requires a three member board to designate depositories and supervise the depositing of municipal funds; and

WHEREAS, the City Council recognizes that this three member board may consist of the Mayor, City Clerk, a City Council Member selected by the City Council or the City Finance Officer who may in the place of one of the first three listed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF VAN BUREN, ARKANSAS, THAT:

SECTION 1: The following are hereby appointed and shall constitute the three member depository board to fulfill, on behalf of the City of Van Buren, the mandates of A.C.A. 19-8-106 on behalf of the City of Van Buren:

- A) Mayor
- B) City Clerk
- C) City Council Member – Mr. Alan Swaim

IN WITNESS WHEREOF, the City of Van Buren, Arkansas, by its City Council, did pass, approve, and adopt, by a vote of ___ for and ___ against, the foregoing Resolution at its regular meeting held on the 28th day of October 2019.

Joseph P. Hurst
Mayor

ATTESTED:

APPROVED AS TO FORM:

Phyllis Thomas
City Clerk/Treasurer

Candice A. Settle
City Attorney

CITY OF VAN BUREN, ARKANSAS

ORDINANCE NO. ___ - 2019

BE IT ENACTED BY THE CITY COUNCIL, FOR THE CITY OF VAN BUREN, ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE LEVYING (RENEWING) THE MILLAGE TAX FOR THE CITY GENERAL MUNICIPAL PURPOSES AND FOR THE PUBLIC LIBRARY PURPOSES FOR THE YEAR 2019; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Van Buren, Arkansas, is duly incorporated under the laws of the State of Arkansas, with all powers, authority and duties of a city of the First Class; and

WHEREAS, the purpose of this Ordinance is immediately necessary for preservation of the health, safety and welfare of the inhabitants of the City of Van Buren, Arkansas, and an emergency exists which requires that this Ordinance become immediately effective and in full force and effect; and

WHEREAS, the City of Van Buren, Arkansas, must have funds for its municipal operations, and can only obtain the requisite funding to continue its current level of services to its citizens by renewing the levy of a 2 mill tax on real and personal property, for the general municipal purpose of the City, and by renewing the levy of a 1.4 mill tax on real and personal property tax for the Van Buren library maintenance purposes.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF VAN BUREN, ARKANSAS, THAT:

SECTION 1: The rate of all real and personal property in Van Buren, Arkansas, for the year 2019, for general municipal purposes under the authority of Section 4, Article XII, of the Constitution of 1874, of the State of Arkansas, be, and the same is hereby affixed at 2 mills on the dollar of the assessed valuation of all real property subject to taxation in the City of Van Buren, Arkansas, for the year 2019, for general municipal purposes.

SECTION 2: The rate of all real and personal property in the City of Van Buren, Arkansas, for the year of 2019, for the maintenance of a City Public Library, under the authority of a vote of the people of the City of Van Buren, Arkansas, and the City General Elections held on the 7th day of April, 1942, (1 mill) and the 8th day of November, 1994, (.4 mill), be, and the same is hereby affixed at 1.4 mills on the dollar of the assessed valuation of all real and personal property subject to taxation in the City of Van Buren, Arkansas, for the year 2019, for the library maintenance purposes,

subject to the provisions of Act No. 848 of 1981; the same being "adjustment or rollback of tax rates due to increase in aggregate valuation of taxable property."

SECTION 3: A Certified Copy of this Ordinance shall be filed in the office of the County Clerk of Crawford County, Arkansas, in order that the Quorum Court of Crawford County, Arkansas, may include the same in the general levy of the year 2019 and cause the same to be extended upon the tax books and collected as required by law.

SECTION 4: This Ordinance being immediately necessary to obtain revenue to pay expenses of the City Government for the City of Van Buren, Arkansas, and necessary in providing for the immediate preservation of the public peace, health, and safety, an emergency is declared to exist and this Ordinance shall be, take effect, and be in force after its passage and publication.

IN WITNESS WHEREOF, the City of Van Buren, Arkansas, by its City Council, did pass, approve, and adopt, by a vote of ___ for and ___ against, the foregoing Ordinance at its regular meeting held on the 28th day of October 2019.

Joseph P. Hurst
Mayor

ATTESTED:

APPROVED AS TO FORM:

Phyllis Thomas
City Clerk/Treasurer

Candice A. Settle
City Attorney

CITY OF VAN BUREN, ARKANSAS

ORDINANCE NO. ____ - 2019

BE IT ENACTED BY THE CITY COUNCIL, FOR THE CITY OF VAN BUREN, ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE TO AMEND ORDINANCE NO. 07-1963 (AS AMENDED) FOR THE PURPOSE OF ADDING HOMELESS SHELTER AND TRANSITIONAL DWELLING AS A CONDITIONAL USE AND SETTING DEFINITIONS AND RESTRICTIONS THEREON WITHIN THE CITY OF VAN BUREN, ARKANSAS, AND FOR OTHER PURPOSES.

WHEREAS, the City adopted Ordinance 07-1963 relating to the zoning laws of the city of Van Buren, providing definitions, general provision; provisions governing zoning districts, exceptions and modifications, enforcement, and a Board of Adjustment, as allowed by A.C.A. 14-56-401 *et. seq.*; and

WHEREAS, it has been determined by the City Council that there is a need to add a new conditional use to the permitted and conditional use legend; and

WHEREAS, notice of a Public Hearing was duly published, and a Public Hearing was conducted by the Van Buren Planning Commission to consider these proposed amendments; and

WHEREAS, the proposed changes herein were recommended by a majority vote of the entire Planning Commission.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF VAN BUREN, ARKANSAS, THAT:

SECTION 1: Article II of Ordinance No. 7-1963 is amended to add the following definitions:

Homeless Shelter. A facility providing temporary housing to indigent, needy, homeless or transient persons. Such a facility shall be permitted to also provide ancillary services such as meals, counseling and vocational training.

Separation, spacing and procedural requirements for homeless shelters and transitional dwellings will be determined by the planning commission so as not to adversely impact the surrounding properties and neighborhood. In addition to

the development standards and review guidelines established in Article VI, Section 4 of Ordinance No. 7-1963, issues that the planning commission will consider during its review of such facilities include, but are not limited to:

- a. Spacing of existing similar facilities.
- b. Existing zoning and land use pattern.
- c. The maximum number of individuals proposed to be served, the number of employees proposed and type of services being proposed.
- d. Provisions for readily accessible public or quasi-public transportation.
- e. Access to support services such as social services agencies, employment agencies and medical service providers.

Transitional Dwellings. A facility where persons are aided in the readjustment to society following a period of imprisonment or institutionalized treatment. (*See definition for Homeless Shelter for review guidelines*).

SECTION 2: The Permitted and Conditional Use Legend is amended as set forth in attachment "A" hereto.

SECTION 3: The passage and approval of these amendments to the Van Buren Ordinance 07-1963, as amended, will protect the health, safety, and/or welfare of the City and its citizens. Therefore, an emergency is declared to exist and this Ordinance, being necessary for the preservation of the public health, safety and/or welfare shall be in full force and take effect immediately upon after its passage.

SECTION 4: The various provisions and parts of this Ordinance are hereby declared to be severable, and, if any section or part of a section, or any provision or part of a provision herein, is declared to be unconstitutional, inappropriate, or invalid by any court of competent jurisdiction, such holding shall not invalidate or affect the remainder of this Ordinance and to that extent the provisions hereto are declared to be severable.

IN WITNESS WHEREOF, the City of Van Buren, Arkansas, by its City Council, did pass, approve, and adopt, by a vote of ___ for and ___ against, the foregoing Ordinance at its regular meeting held on the 28th of October 2019.

Joseph P. Hurst
Mayor

ATTESTED:

APPROVED AS TO FORM:

Phyllis Thomas
City Clerk/Treasurer

Candice A. Settle
City Attorney

City of Van Buren
Permitted and Conditional
Use Legend

ATTACHMENT "A"

X = Permitted Use C = Conditional Use (must be approved by planning commission)	Residential - 1	Residential - 2	Residential - 3	Residential - 4	Residential - 5	Commercial - 1	Commercial - 2	Industrial - 1	Industrial - 2	Historic District	Open - 0-1
Detached one family dwelling	X	X	X								X
Two family dwellings		X	X								C
Multi-family dwellings			X								C
Churches	C	C	C			C	X	C	C	C	C
Schools offering a general education course	X	X	X			C	C	C	C	C	
Library	X	X	X			C	C	C	C	C	
General purpose farm, garden or nursery	X	X	X	C		C	C	C	C	C	X
Private club not conducted for profit	X	X	X			C	C	C	C	C	C
Municipal recreation or water supply use	X	X	X	C		C	C	C	C	C	C
Accessory structures and uses pertinent to the principal structure and use	X	X	X								X
Parks, playgrounds, etc.	C	X	X	C		C	C	C	C	C	X
Kindergartens (public or private), day care	C	X	X	C		C	C	C	C	C	C
Hospitals, nursing homes, doctor and dental clinics, etc.		C	C	C	C	X	X	X	X	X	
Mobile home parks				X							
Mobile home park accessory and service buildings				X							
Retail establishments providing goods and services such as grocery, drug, hardware, variety stores and similar uses, and hotels, motor hotels, restaurants						X	X	C	C	X	
Office and bank buildings and uses						X	X	C	C	X	
Processing and manufacturing that by reason of operation are not a nuisance in respect to noise, odor, dust, vibration, etc.						X	C	C	C	X	
Wholesaling and warehousing						X	C	C	C	X	
Bulk storage and non-combustible materials						X	X	C	C	X	
Automotive service, repair and storage, provided that wrecked or salvaged vehicles are stored inside a building or are enclosed by a solid fence and not visible to the public from the street or sidewalk						C	X	C	C	C	
Motels, tourist courts							C	X	X	C	
The manufacturing, compounding, processing, packaging or assembling of those products that will require the smaller sized, cleaner and more quiet industries and will involve a minimum of noise, dust, odor, or vibrations							C	X	X	C	
The storage of bulk materials that will not endanger the health, safety and general welfare of the people						C	C	X	X	C	
Retail uses that are accessory to the operation and other essentially similar uses such as animal hospitals, repair shops, transportation terminals, wholesale outlets, farm machinery sales, lumber yards, restaurants, and service stations						C	C	X	X	C	
Single mobile homes on a lot where it may be advantageous to the industrial development of the area provided said lot is at least 40 feet by 90 feet								X	X		

City of Van Buren
Permitted and Conditional
Use Legend

X = Permitted Use C = Conditional Use (must be approved by planning commission)	Residential - 1	Residential - 2	Residential - 3	Residential - 4	Residential - 5	Commercial - 1	Commercial - 2	Industrial - 1	Industrial - 2	Historic District	Open - 0-1
The manufacture of heavy, raw products and those operations that are generally objectionable to residential business uses; including animal and poultry slaughter, foundries, saw mills and junk yards								C	X		
Public facilities and utilities											X
Home based business	C	C	C	C							C
On-site real estate sales office	C	C	C	C							
Indoor Firing Range							C	C	C		
Single and two-family residences subject to restrictions										X	
Recreational Vehicle (RV) Parks				C	C		C				
Homeless Shelter/Transitional dwelling							C	C	C		

CITY OF VAN BUREN, ARKANSAS

ORDINANCE NO. _____ - 2019

BE IT ENACTED BY THE CITY COUNCIL, FOR THE CITY OF VAN BUREN, ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE TO AMEND ORDINANCE NO. 07-1963 (AS AMENDED) TO REVISE THE PROCEDURES AND FEES FOR TEXT AMENDMENTS AND ZONING CHANGES, WITHIN THE CITY OF VAN BUREN, ARKANSAS, AND FOR OTHER PURPOSES.

WHEREAS, the City adopted Ordinance 07-1963 relating to the zoning laws of the city of Van Buren, providing definitions, general provision; provisions governing zoning districts, exceptions and modifications, enforcement, and a Board of Adjustment, as allowed by A.C.A. 14-56-401 *et. seq.*; and

WHEREAS, it has been determined by the City Council that there is a need to revise various sections of the ordinance to allow for a public notification procedure consistent with A.C.A. 14-56-42, to update the fees associated with rezoning applications, and provide clarification to the procedures for zoning code text and zoning map amendments; and

WHEREAS, notice of a Public Hearing was duly published, and a Public Hearing was conducted by the Van Buren Planning Commission to consider these proposed amendments; and

WHEREAS, the proposed changes herein were recommended by a majority vote of the entire Planning Commission.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF VAN BUREN, ARKANSAS, THAT:

SECTION 1: Paragraph (b) of Article VI, Section 4 of Ordinance No. 07-1963, is amended to read as follows:

(b) Application Procedure. The application for a conditional use permit shall be made to the Building Inspector by the property owner or any agent of the property owner. The application shall include an 8 1/2 x 11 inch Site Plan for proposed development. The fee for processing a conditional use application shall be \$150.

SECTION 2: Paragraph (c)(1)(a) of Article VI, Section 4 of Ordinance No. 07-1963, is amended to read as follows:

(c) Application and Processing Requirements. (1) The Planning Commission shall hold a public hearing on all requests for conditional uses after: (a) Publishing a notice in a newspaper of general circulation in the City at least one time fifteen (15) days prior to the public hearing, setting forth the time and place of such hearing and the conditional use proposed.

SECTION 3: Article IX of Ordinance No. 7-1963 is amended to read as follows:

ARTICLE IX. Zoning Code Text Amendment and Rezoning of Property

1. Zoning Code Text Amendment

A proposed text amendment may be initiated by the city council, planning commission, or planning director. Any citizen of Van Buren may request in writing to the planning commission that a proposed text amendment be considered. The planning commission may initiate the proposed text amendment. The Planning Commission and the City Council shall act in accordance with the procedures set forth within this Article.

2. Property Rezoning and Text Amendment Procedures

A. Fee. Any private party or parties desiring a zoning change or text amendment to the code shall pay an application fee of \$275.00 plus all additional associated costs to the City Treasurer to cover the cost of public notices and related expenses.

B. Petition. Any private party or parties desiring a zoning change upon payment of the above fee, shall submit to the Planning Commission a petition giving the legal description of the property, involved and the zoning classification requested for the property. The petition shall also include a statement and diagram explaining why the proposed changes will not conflict with surrounding land uses.

C. Public Hearing. Upon receipt of a petition for a text amendment or a zoning change, the Planning Commission shall hold a public hearing after:

(1) Publishing a notice in a newspaper of general circulation in the City at least one time fifteen (15) days prior to the public hearing, setting forth the time and place of such hearing and the text amendment or the zoning change proposed.

(2) Posting a sign three (3) feet by four (4) feet in size at a conspicuous place on the property, fifteen (15) days prior to the date of the public

hearing and on which is set forth the date and place of the hearing and the proposed zoning change.

(3) Notifying by first-class mail anyone who owns property within three hundred (300) feet of the property being considered for zoning change. Such notification will indicate the date, time, and purpose for the public hearing. The notification must be mailed and dated at least fifteen (15) days prior to the public hearing held by the Planning Commission.

D. Action by Planning Commission. Following the public hearing the proposed text amendment or rezoning may be approved as presented or in modified form by a majority of the Planning Commission and recommended for adoption by the City Council, with the reasons for such recommendations stated in writing.

If the Planning Commission disapproves a proposed text amendment or rezoning, the reason for such disapproval shall be given in writing to the petitioner.

If the Planning Commission neither approves nor disapproves the text amendment or rezoning within forty-five (45) days after receipt of a petition, the action on such text amendment or rezoning by said Planning Commission shall be deemed favorable.

E. Action by the City Council. The City Council, by majority vote, may by ordinance adopt the recommended text amendment or rezoning submitted by the Planning Commission or may return the proposed text amendment or rezoning to the Planning Commission for further study and recommendation.

If the City Council does not concur with the recommendations of the Planning Commission, either as first submitted or as submitted after restudy, the City Council may, by a majority vote, amend this Ordinance by granting the original request for text amendment and/or rezoning in full or in modified form.

F. Appeal by Petition to City Council. Following disapproval of a proposed text amendment or rezoning by the Planning Commission the petitioner may appeal such disapproval to the City Council, provided that the petitioner states specifically in writing to the City Clerk why he considers the Planning Commission's findings and decisions are in error. Such appeal shall be filed with the City Clerk within fifteen (15) days from the date of the Planning Commission action.

G. Re-petitions for Text Amendments and Rezoning of Property. No applications for text amendments or rezonings will be considered by the Planning Commission within twelve (12) months from the date of final

disapproval of a proposed text amendment or a rezoning unless there is evidence submitted to the Planning Commission, which justifies reconsideration.

SECTION 4: The passage and approval of these amendments to the Van Buren Ordinance 07-1963, as amended, will protect the health, safety, and/or welfare of the City and its citizens. Therefore, an emergency is declared to exist and this Ordinance, being necessary for the preservation of the public health, safety and/or welfare shall be in full force and take effect immediately upon after its passage.

SECTION 5: The various provisions and parts of this Ordinance are hereby declared to be severable, and, if any section or part of a section, or any provision or part of a provision herein, is declared to be unconstitutional, inappropriate, or invalid by any court of competent jurisdiction, such holding shall not invalidate or affect the remainder of this Ordinance and to that extent the provisions hereto are declared to be severable.

IN WITNESS WHEREOF, the City of Van Buren, Arkansas, by its City Council, did pass, approve, and adopt, by a vote of ___ for and ___ against, the foregoing Ordinance at its regular meeting held on the 28th of October 2019.

Joseph P. Hurst
Mayor

ATTESTED:

APPROVED AS TO FORM:

Phyllis Thomas
City Clerk/Treasurer

Candice A. Settle
City Attorney