

# BENTON CITY COUNCIL

**JUNE 22, 2020**

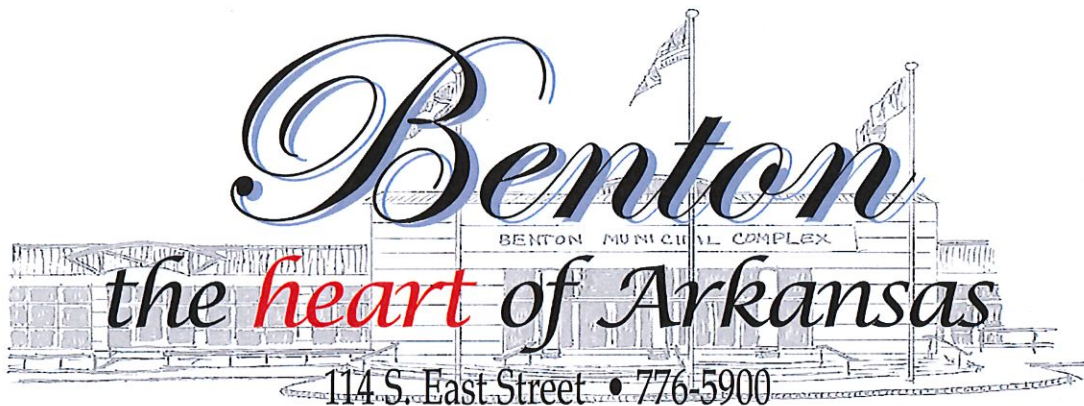
**AGENDA MEETING 6:30 PM**

•

**PUBLIC HEARING 6:50 PM**

•

**REGULAR SESSION 7:00 PM**



**BENTON MUNICIPAL COMPLEX  
114 SOUTH EAST STREET  
COUNCIL CHAMBERS**

**TOM FARMER, MAYOR**

# **PUBLIC HEARING**

**June 22, 2020**

**6:50 P.M.**

## **AGENDA**

**1. CALL TO ORDER**

**2. ORDINANCE NO. 32 OF 2020**

**3. PUBLIC COMMENTS**

**4. ADJOURN**

## **BENTON CITY COUNCIL**

**June 22, 2020**

**7:00 PM**

### **AGENDA**

- |              |                                  |  |
|--------------|----------------------------------|--|
| <b>I.</b>    | <b>Call to Order</b>             | <b>Mayor Tom Farmer</b>  |
| <b>II.</b>   | <b>Invocation</b>                | <b>Pastor Karl Barnes</b>  |
| <b>III.</b>  | <b>Pledge of Allegiance</b>      | <b>Council Member Herzfeld</b>   |
| <b>IV.</b>   | <b>Roll Call</b>                 | <b>City Clerk</b>  |
| <b>V.</b>    | <b>Approval of Minutes</b>       | <b>May 26, 2020</b><br><i>Regular Meeting</i>  |
| <b>VI.</b>   | <b>SERVICE AWARD RECOGNITION</b> | <b>Mayor Farmer</b>  |
|              | <b>MARCH</b>                     | Wade Goodwin 20 years<br>Craig Hill 20 years<br>Eric Knapp 20 years<br>David Vick 20 years   |
|              | <b>APRIL</b>                     | James Melson - 15 years<br>Craig Vidrine 20 years  |
|              | <b>JUNE</b>                      | Joseph Sanders - 15 years<br>Brett Nalley - 20 years<br>Lieutenant Curtis Wood - 25 years<br>Al Appling - 30 years<br>Phillip Christenberry - 35 years<br>Garland Phillips - 35 years  |
| <b>VII.</b>  | <b>RESOLUTION NO. 53 OF 2020</b> |  |
|              |                                  | <i>A RESOLUTION EXEMPTING THURSDAY JULY 2<sup>nd</sup>, FRIDAY JULY 3<sup>rd</sup> AND SATURDAY, JULY 4<sup>th</sup> FROM ORDINANCE 29 OF 2007; PROVIDING FOR FIREWORKS DISPLAYS BY PUBLIC PURSUANT TO ORDINANCE 32 OF 2013 ON THE SAME DATE; AND FOR OTHER PURPOSES</i> |
| <b>VIII.</b> | <b>RESOLUTION NO. 54 OF 2020</b> |  |
|              |                                  | <i>A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF BENTON TO UTILIZE FEDERAL-AID TRANSPORTATION ALTERNATIVES PROGRAM FUNDS; AND FOR OTHER PURPOSES</i>  |
| <b>IX.</b>   | <b>RESOLUTION NO. 55 OF 2020</b> |  |
|              |                                  | <i>A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF BENTON TO UTILIZE FEDERAL-AID TRANSPORTATION ALTERNATIVES PROGRAM FUNDS; AND FOR OTHER PURPOSES</i>  |
| <b>X.</b>    | <b>RESOLUTION NO. 56 OF 2020</b> |  |
|              |                                  | <i>A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF BENTON TO UTILIZE FEDERAL-AID TRANSPORTATION ALTERNATIVES PROGRAM FUNDS; AND FOR OTHER PURPOSES</i>  |

**XI. COMMITTEE REPORTS & MOTIONS**

**1. FINANCE COMMITTEE**

**Council Member Cash**

**A.) ORDINANCE NO. 31 OF 2020**

*AN ORDINANCE WAIVING COMPETITIVE BIDDING AND AUTHORIZING AND RATIFYING THE PURCHASE OF A THREE-DIMENSIONAL LASER IMAGING DEVICE FOR THE POLICE DEPARTMENT; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES*

**B.) RESOLUTION NO. 57 OF 2020**

*A RESOLUTION AMENDING THE 2020 BUDGET FOR THE GENERAL FUND AS ADOPTED IN RESOLUTION 82 OF 2019; ACCEPTING GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$38,174.00 FOR THE PURPOSE OF PURCHASING PERSONAL PROTECTIVE EQUIPMENT FOR THE POLICE DEPARTMENT; AUTHORIZING THE PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT; AND FOR OTHER PURPOSES*

**2. STREET & DRAINAGE COMMITTEE**

**Council Member Hamm**

**A.) ORDINANCE NO. 32 OF 2020**

*AN ORDINANCE ABANDONING THE CITY'S INTERESTS IN A CERTAIN RIGHT OF WAY LOCATED ALONG WATERFALL WAY IN THE CITY OF BENTON; AUTHORIZING THE MAYOR TO EXECUTE DOCUMENTS NECESSARY TO ABANDON THE HEREIN DESCRIBED RIGHT OF WAY; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES*

**3. COMMUNITY SERVICES/ANIMAL CONTROL**

**Council Member Reed**

**A.) ORDINANCE NO. 33 OF 2020**

*AN ORDINANCE EXTENDING THE MORATORIUM CREATED IN ORDINANCE 1 OF 2020 BY THIRTY DAYS; AMENDING ORDINANCE 1 OF 2020; CALLING FOR A PUBLIC HEARING; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES*

**B.) ORDINANCE NO. 34 OF 2020**

*AN ORDINANCE ADOPTING REVISED OUTDOOR SIGN REGULATIONS WITHIN THE CITY OF BENTON; REPEALING ORDINANCE 46 OF 2009 AND ITS AMENDMENTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES*

**C.) ORDINANCE NO. 35 OF 2020**

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

**4. PERSONNEL/HEALTH & SAFETY COMMITTEE**

**Council Member Donnor**

**5. PARKS COMMITTEE**

**Council Member Hart**

**A.) RESOLUTION NO. 58 OF 2020**

*A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A CONTRACT WITH SUNBELT POOLS FOR PROVIDING UV PREVENTATIVE MAINTENANCE SERVICES TO THE RIVER CENTER AT A COST OF \$7,794.00; AND FOR OTHER PURPOSES*

**B.) RESOLUTION NO. 59 OF 2020**

*A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A CONTRACT WITH RED ROC, INC. FOR CONSTRUCTION OF THE BENTON RIVERSIDE TRAIL PHASE TWO AT A COST OF \$220,084.05 FOR WHICH THE CITY IS RESPONSIBLE FOR TWENTY PERCENT OF THE COST AND THE ARKANSAS DEPARTMENT OF TRANSPORTATION IS RESPONSIBLE FOR EIGHTY PERCENT OF THE COST; AND FOR OTHER PURPOSES*

6.	<b>PUBLIC UTILITIES COMMISSION</b>	<b>Council Member Herzfeld</b>
7.	<b>A&amp;P COMMISSION</b>	<b>Council Members Baptist &amp; Brown</b>
XII.	<b>Unfinished Business</b>	
XIII.	<b>New Business</b>	
XIV.	<b>Old Business</b>	
XV.	<b>Public Comments</b>	
XVI.	<b>Announcements</b>	
XVII.	<b>Adjourn</b>	

**MINUTES OF THE BENTON CITY COUNCIL**  
**Regular Session**  
**May 26, 2020**  
**Benton Municipal Complex**

**The Benton City Council was called to order at 7 pm.**

**Mike Titsworth gave the invocation.**

**Council Member Hart led the pledge of allegiance.**

**Roll was called.**

**The following persons were in attendance:**

<b>Council Member Frank Baptist</b>	<b>Council Member Steve Brown</b>
<b>Council Member Jocelyn Cash</b>	<b>Council Member Bill Donnor</b>
<b>Council Member Judd Hart</b>	<b>Council Member Jeff Morrow</b>
<b>Council Member Steve Lee</b>	<b>Council Member Jeff Hamm</b>
<b>Brent Houston, City Attorney</b>	<b>Cindy Stracener, City Clerk</b>
<b>Tom Farmer, Mayor</b>	

**When roll was called eight (8) council members were present. Council Member Reed and Council Member Herzfeld were absent. A quorum was declared.**

**Council Member Hart made a motion to approve the minutes from the May 4, 2020 council meeting. Seconded by Council Member Morrow. The Mayor called for a voice vote. All council members replied in the affirmative, motion was approved with 8 affirmative and 2 absent votes.**

**Council Member Cash was recognized for a report from the Finance Committee. Council Member Cash made a motion to adopt Resolution 42 of 2020 – A Resolution Authorizing the City to Enter into a Contract with Saline County for Payment of the Saline County District Court-Benton Division Judge’s Salary; Authorizing Payments of \$35,651.60 for Fiscal Years 2019-2020 and 2020-2021; And For Other Purposes by title only. Seconded by Council Member Donnor. The resolution was read by title only. The Mayor asked for any comments, none. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, Council Member Cash yes, Council Member Reed absent, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld absent, Council Member Lee yes, and Council Member Hamm yes. Resolution 42 of 2020 was approved with 8 affirmative votes and 2 absent.**

**Council Member Cash made a motion to adopt Resolution 43 – A Resolution Recognizing the Services of Officer Bobby Shell to the Citizens of Benton and Awarding Him His Badge in Recognition of Those Services. Seconded by Council Member Donnor. The resolution was read by the city clerk by title only. The Mayor asked for any comments, none. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, Council Member Cash yes, Council Member Reed absent, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld absent, Council**

**Member Lee yes, and Council Member Hamm yes. Resolution 43 of 2020 was approved with 8 affirmative votes and 2 absent.**

**Council Member Cash made a motion to adopt Resolution 44 of 2020 – A Resolution Authorizing the City to Enter into a Contract with the Benton School District for the Placement of Seven School Resource Officers Within the District; and For Other Purposes by title only. Seconded by Council Member Donnor. The resolution was read by the city clerk by title only. The Mayor asked for any comments, none. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, Council Member Cash yes, Council Member Reed absent, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld absent, Council Member Lee yes, and Council Member Hamm yes. Resolution 44 of 2020 was approved with 8 affirmative votes and 2 absent.**

**Council Member Cash made a motion to adopt Resolution 45 of 2020 – A Resolution Amending the 2020 Budget for the General Fund as Adopted in Resolution 82 of 2019; Accepting Proceeds From an Insurance Settlement in the Amount of \$14,639 for Damage to a Police Unit; Increasing the Budget for Repairs and Maintenance of Police Department Vehicles; For the Police Department; and For Other Purposes by title only. Seconded by Council Member Morrow. The resolution was read by title only. The Mayor asked for any comments, none. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, Council Member Cash yes, Council Member Reed absent, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld absent, Council Member Lee yes, and Council Member Hamm yes. Resolution 45 of 2020 was approved with 8 affirmative votes and 2 absent.**

**Council Member Cash made a motion to adopt Resolution 46 of 2020 – A Resolution Authorizing the Mayor and the Chief of Police to Apply for Grant Funding Through the Office of Justice Programs at the United States Department of Justice Seeking Funds for Personal Protective Equipment; and For Other Purposes by title only. Seconded by Council Member Morrow. The resolution was read by title only. The Mayor asked for any comments, none. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, Council Member Cash yes, Council Member Reed absent, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld absent, Council Member Lee yes, and Council Member Hamm yes. Resolution 46 of 2020 was approved with 8 affirmative votes and 2 absent.**

**Council Member Cash made a motion to adopt Resolution 47 of 2020 – A Resolution Authorizing the Mayor and the Fire Chief to Apply for Grant Funding Through FEMA Seeking Funds for Personal Protective Equipment; and For Other Purposes by title only. Seconded by Council Member Donnor. The resolution was read by the city clerk. The Mayor asked for any comments, none. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, Council Member Cash yes, Council Member Reed absent, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld absent, Council Member Lee yes, and Council Member Hamm yes. Resolution 47 of 2020 was approved with 8 affirmative votes and 2 absent.**

Council Member Hamm was recognized for a report from the Streets and Drainage Committee. Council Member Hamm made a motion to adopt Resolution 48 of 2020 – A Resolution Calling A Public Hearing to Hear the Petition of the Hurricane Lake Estates Property Owner’s Association (HLE POA) to Abandon a Portion of Waterfall Way in Order to Construct a Replacement Waterfall; Calling for Public Notice of the Hearing; and For Other Purposes by title only. Seconded by Council Member Lee. The resolution was read by title only. The Mayor asked for any comments, none. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, Council Member Cash yes, Council Member Reed absent, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld absent, Council Member Lee yes, and Council Member Hamm yes. Resolution 48 of 2020 was approved with 8 affirmative votes and 2 absent.

Council Member Hamm made a motion to adopt Resolution 49 of 2020 – A Resolution Authorizing the City to Enter Into a Contract with All Service Electric, Inc. for Rehabilitation of the Signal Light at the Corner of Military and Landers Roads at a Cost of \$52,731; and for Other Purposes by title only. Seconded by Council Member Cash. The resolution was read by title only. The Mayor asked for any comments, none. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, Council Member Cash yes, Council Member Reed absent, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld absent, Council Member Lee yes, and Council Member Hamm yes. Resolution 49 of 2020 was approved with 8 affirmative votes and 2 absent.

Council Member Hart was recognized for a report from the Community Services/Animal Control Committee. Council Member Hart asked for the first reading of Ordinance 26 of 2020 – An Ordinance Adopting a Revised FEMA Flood Study Along with Associated Maps and Insurance Rates for the City of Benton; Amending Ordinance 17 of 2012; Declaring and Emergency; and For Other Purposes. Seconded by Council Member Morrow. The ordinance was read by the city clerk. The Mayor asked for any comments. The Mayor stated that the maps are available in Community Development and on the city’s website. Council Member Hart made a motion to adopt Ordinance 26 of 2020. Seconded by Council Member Hamm. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, Council Member Cash yes, Council Member Reed absent, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld absent, Council Member Lee yes, and Council Member Hamm yes. Ordinance 26 of 2020 was adopted with 8 affirmative votes and 2 absent. Council Member Hart made a motion to adopt the emergency clause. Seconded by Council Member Morrow. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, Council Member Cash yes, Council Member Reed absent, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld absent, Council Member Lee yes, and Council Member Hamm yes. The emergency clause was approved with 8 affirmative and 2 absent votes.

Council Member Hart made a motion to read Ordinance 27 of 2020 – An Ordinance Providing for a Conditional Use for a Model Home and Sales Office Located at 2433 Vivian Drive; Declaring an Emergency; and For Other Purposes. Seconded by Council Member Lee. The ordinance was read by the city clerk. The Mayor asked for any comments, none.

**Council Member Hart made a motion to adopt Ordinance 27 of 2020. Seconded by Council Member Brown. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, Council Member Cash yes, Council Member Reed absent, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld absent, Council Member Lee yes, and Council Member Hamm yes. Ordinance 27 of 2020 was adopted with 8 affirmative votes and 2 absent. Council Member Hart made a motion to adopt the emergency clause. Seconded by Council Member Lee. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, Council Member Cash yes, Council Member Reed absent, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld absent, Council Member Lee yes, and Council Member Hamm yes. The emergency clause was approved with 8 affirmative and 2 absent votes.**

**Council Member Hart made a motion to suspend the rules and read Ordinance 28 of 2020 – An Ordinance Rezoning Certain Land in the City of Benton, Saline County Arkansas Located at 2321, 2315 and 2319 W. South Street from R-2 to C-3; Declaring an Emergency; and For Other Purposes by title only. Seconded by Council Member Lee. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, Council Member Cash yes, Council Member Reed absent, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld absent, Council Member Lee yes, and Council Member Hamm yes. Motion to suspend the rules was approved with 8 affirmative and 2 absent votes. Council Member Hart made a motion to adopt Ordinance 28 of 2020. Seconded by Council Member Morrow. The Mayor asked for any comment, none. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, Council Member Cash yes, Council Member Reed absent, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld absent, Council Member Lee yes, and Council Member Hamm yes. Ordinance 28 of 2020 was adopted with 8 affirmative and 2 absent votes. Council Member Hart made a motion to adopt the emergency clause. Seconded by Council Member Lee. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, Council Member Cash yes, Council Member Reed absent, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld absent, Council Member Lee yes, and Council Member Hamm yes. The emergency clause was approved with 8 affirmative and 2 absent votes.**

**Council Member Hart made a motion to suspend the rules and read Ordinance 29 of 2020 – An Ordinance Rezoning Certain Land in the City of Benton, Saline County Arkansas Located at 2311 W. South Street from R-2 to C-3; Declaring an Emergency; and For Other Purposes by title only. Seconded by Council Member Donnor. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, Council Member Cash yes, Council Member Reed absent, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld absent, Council Member Lee yes, and Council Member Hamm yes. Motion to suspend the rules was approved with 8 affirmative and 2 absent votes. Council Member Hart made a motion to adopt Ordinance 29 of 2020 by title only. Seconded by Council Member Brown. The ordinance was read by title only. The Mayor asked for any comment, none. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, Council Member Cash yes, Council Member Reed absent, Council Member Donnor yes, Council Member Morrow yes, Council**

**Member Hart yes, Council Member Herzfeld absent, Council Member Lee yes, and Council Member Hamm yes. Ordinance 29 of 2020 was adopted with 8 affirmative and 2 absent votes. Council Member Hart made a motion to adopt the emergency clause. Seconded by Council Member Brown. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, Council Member Cash yes, Council Member Reed absent, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld absent, Council Member Lee yes, and Council Member Hamm yes. The emergency clause was approved with 8 affirmative and 2 absent votes.**

**Council Member Donner was recognized for a report from the Personnel/Health & Safety Committee. Council Member Donnor made a motion to adopt Resolution 50 of 2020 – A Resolution Authorizing the City to Enter into a Contract with Brian Butler Who Shall Serve as the Attorney for the Police and Fire Departments Before the Civil Service Commission; and For Other Purposes by title only. Seconded by Council Member Baptist. The resolution was read by title only. The Mayor asked for any comments, none. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, Council Member Cash yes, Council Member Reed absent, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld absent, Council Member Lee yes, and Council Member Hamm yes. Resolution 50 of 2020 was approved with 8 affirmative votes and 2 absent.**

**Council Member Donnor made a motion to adopt Resolution 51 of 2020 – A Resolution Ratifying and Confirming the Appointment of Baxter Drennon to Fill the Vacancy as Benton City Attorney; and For Other Purposes by title only. Seconded by Council Member Morrow. The resolution was read by title only. The Mayor asked for any comments. Cindy Stracener asked Mr. Drennon if he was sure about taking the position. Mr. Drennon stated yes, he was. Mr. Houston stated that he would assist Mr. Drennon in making this a smooth transition. Mr. Drennon stated that he was excited for the opportunity. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, Council Member Cash yes, Council Member Reed absent, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld absent, Council Member Lee yes, and Council Member Hamm yes. Resolution 51 of 2020 was approved with 8 affirmative votes and 2 absent.**

**Council Member Donnor made a motion to adopt Resolution 52 of 2020 – A Resolution Instituting a Hiring Freeze for Open City Employment Positions; Having an Effective Date of June 1, 2020; and For Other Purposes by title only. Seconded by Council Member Cash. The resolution was read by title only. The Mayor asked for any comments. Council Member Morrow stated that the Mayor does have the authority to identify essential personnel. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, Council Member Cash yes, Council Member Reed absent, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld absent, Council Member Lee yes, and Council Member Hamm yes. Resolution 52 of 2020 was approved with 8 affirmative votes and 2 absent.**

**Council Member Donnor asked that Ordinance 30 of 2020 – An Ordinance Adopting an Organizational Chart for the City Departments; and For Other Purposes be read. Seconded by Council Member Cash. The ordinance was read. The Mayor asked for any comments.**

Council Member Hart asked if this could be put on internet. He was told that it could be and would be put on the website. Council Member Donnor made a motion to adopt Ordinance 30 of 2020. Seconded by Council Member Cash. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, Council Member Cash yes, Council Member Reed absent, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld absent, Council Member Lee yes, and Council Member Hamm yes. Ordinance 30 of 2020 was adopted with 8 affirmative and 2 absent votes.

Council Member Hart was recognized for a report from the Parks Committee. Council Hart stated that the committee would be having a zoom meeting on June 9<sup>th</sup>.

A report from the Public Utilities Commission was next on the agenda. Council Member Lee made a motion to accept the Public Utility Commission 2019 audited financial report as presented. Seconded by Council Member Hart. Roll was called which resulted in Council Member Baptist yes, Council Member Brown yes, Council Member Cash yes, Council Member Reed absent, Council Member Donnor yes, Council Member Morrow yes, Council Member Hart yes, Council Member Herzfeld absent, Council Member Lee yes, and Council Member Hamm yes. Motion was approved with 8 affirmative and 2 absent votes.

Council Member Baptist was recognized for a report on the A&P Commission. He stated that the commission would be meeting this Thursday, the commission did not meet in the month of April.

The Mayor asked if there was any unfinished, new business or old business. None. The Mayor stated that in order to open City Hall a plan will have to be submitted to the Health Department first. This Friday at 10:30 am a big announcement will be made at Fire Station 3. Committee meetings will be held the week of June 8<sup>th</sup>. The next council meeting will be June 22, 2020. On July 2<sup>nd</sup> a drive-in fireworks show will be held behind Holland Chapel Church. 1600 boxes of food were given out by CJOHN. CADC gave out 647 boxes so over 2200 boxes have been given out here. There will be no Third Thursday this month. 28 certificates of service were signed today; totally 287 years of service.

Council Member Hamm made a motion to adjourn, seconded by Council Member Morrow. The meeting was adjourned.

---

Cindy Stracener, City Clerk

---

Tom Farmer, Mayor

RESOLUTION NO. 53 OF 2020

A RESOLUTION EXEMPTING THURSDAY JULY 2<sup>ND</sup>, FRIDAY JULY 3<sup>RD</sup> AND SATURDAY, JULY 4<sup>TH</sup> FROM ORDINANCE 29 OF 2007; PROVIDING FOR FIREWORKS DISPLAYS BY PUBLIC PURSUANT TO ORDINANCE 32 OF 2013 ON THE SAME DATE; AND FOR OTHER PURPOSES

WHEREAS, Ordinance 29 of 2007 prohibits excessive noises within the City of Benton, but authorizes the City Council to pass resolutions from time to time authorizing public activities which are exempted from the ordinance; and

WHEREAS, Ordinance 32 of 2013 authorizes the City Council to allow fireworks displays within the city; and

WHEREAS, Independence Day will celebrate our national pride and heritage and many individuals within the city desire to have fireworks displays on Thursday, July 2<sup>ND</sup>, Friday, July 3<sup>RD</sup> and Saturday, July 4<sup>TH</sup> as part of the holiday celebration; and

WHEREAS, the City Council wishes to designate these activities, which occur within the city as a public activity as defined in Ordinance 29 of 2007, Section 4, paragraph 3; and

WHEREAS, the City Council also wishes to authorize the fireworks displays to occur during this time pursuant to Ordinance 32 of 2013.

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

SECTION 1: The City Council, pursuant to Ordinance 29 of 2007, Section 4, paragraph 3, designates all fireworks displays on July 2, 2020, July 3, 2020 and July 4, 2020 as being exempted from the city's noise ordinance. This designation is only from 10:00 am until 10:00 pm.

SECTION 2: The City Council, pursuant to Ordinance 32 of 2013, does hereby authorize fireworks displays by the public on July 2, 2020, July 3, 2020 and July 4, 2020 from 10:00 am until 10:00 pm.

PASSED AND APPROVED this the \_\_\_\_\_ day of June 2020.

\_\_\_\_\_  
Tom Farmer, Mayor

\_\_\_\_\_  
Cindy Stracener, City Clerk

**RESOLUTION NO. 54 OF 2020**

**A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF BENTON  
TO UTILIZE FEDERAL-AID TRANSPORTATION ALTERNATIVES PROGRAM FUNDS; AND  
FOR OTHER PURPOSES**

**WHEREAS,** *City of Benton* understands Federal-aid Transportation Alternatives Program Funds are available at 80% federal participation and 20% local match to develop or improve Carpenter Street Sidewalks, and

**WHEREAS,** *City of Benton* understands that Federal-aid Funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment prior to actual monetary reimbursement, and

**WHEREAS,** this project, using federal funding, will be open and available for use by the general public and maintained by the applicant for the life of the project.

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

**SECTION I:** *City of Benton* will participate in accordance with its designated responsibility, including maintenance of this project.

**SECTION II:** The Mayor is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of the above stated project.

**SECTION III:** City Council of the City of Benton pledges its full support and hereby authorizes the Arkansas Department of Transportation to initiate action to implement this project.

**THIS RESOLUTION** adopted this \_\_\_\_\_ day of June, 2020.

Signed: \_\_\_\_\_  
Tom Farmer, Mayor

**ATTEST:** \_\_\_\_\_  
(SEAL) Cindy Stracener, City Clerk

**RESOLUTION NO. 55 OF 2020**

**A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF BENTON  
TO UTILIZE FEDERAL-AID TRANSPORTATION ALTERNATIVES PROGRAM FUNDS; AND  
FOR OTHER PURPOSES**

**WHEREAS,** *City of Benton* understands Federal-aid Transportation Alternatives Program Funds are available at 80% federal participation and 20% local match to develop or improve Smithers Drive Sidewalks, and

**WHEREAS,** *City of Benton* understands that Federal-aid Funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment prior to actual monetary reimbursement, and

**WHEREAS,** this project, using federal funding, will be open and available for use by the general public and maintained by the applicant for the life of the project.

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

**SECTION I:** *City of Benton* will participate in accordance with its designated responsibility, including maintenance of this project.

**SECTION II:** The Mayor is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of the above stated project.

**SECTION III:** City Council of the City of Benton pledges its full support and hereby authorizes the Arkansas Department of Transportation to initiate action to implement this project.

**THIS RESOLUTION** adopted this \_\_\_\_\_ day of June, 2020.

Signed: \_\_\_\_\_  
Tom Farmer, Mayor

**ATTEST:** \_\_\_\_\_  
(SEAL) Cindy Stracener, City Clerk

**RESOLUTION NO. 56 OF 2020**

**A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF BENTON  
TO UTILIZE FEDERAL-AID TRANSPORTATION ALTERNATIVES PROGRAM FUNDS; AND  
FOR OTHER PURPOSES**

**WHEREAS,** *City of Benton* understands Federal-aid Transportation Alternatives Program Funds are available at 80% federal participation and 20% local match to develop or improve Stewart Street Sidewalks, and

**WHEREAS,** *City of Benton* understands that Federal-aid Funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment prior to actual monetary reimbursement, and

**WHEREAS,** this project, using federal funding, will be open and available for use by the general public and maintained by the applicant for the life of the project.

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

**SECTION I:** *City of Benton* will participate in accordance with its designated responsibility, including maintenance of this project.

**SECTION II:** The Mayor is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of the above stated project.

**SECTION III:** City Council of the City of Benton pledges its full support and hereby authorizes the Arkansas Department of Transportation to initiate action to implement this project.

**THIS RESOLUTION** adopted this \_\_\_\_\_ day of June, 2020.

Signed: \_\_\_\_\_  
Tom Farmer, Mayor

**ATTEST:** \_\_\_\_\_  
(SEAL) Cindy Stracener, City Clerk

ORDINANCE NO. 31 OF 2020

AN ORDINANCE WAIVING COMPETITIVE BIDDING AND AUTHORIZING AND RATIFYING THE PURCHASE OF A THREE-DIMENSIONAL LASER IMAGING DEVICE FOR THE POLICE DEPARTMENT; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES

WHEREAS, the police department desires to purchase a three-dimensional laser imaging scanner, commonly known as a Total Station, which will process crime scenes, accident reconstruction as well as assist the SWAT Team and emergency response preparations; and

WHEREAS, the equipment will increase the speed and accuracy in documenting these types of events for courtroom testimony in particular and it will also decrease man-hours; and

WHEREAS, the technology for this equipment is not readily available at the current time but the City has contacted the three known vendors who sell this type of equipment and obtained quotes for the equipment; and

WHEREAS, the City desires to accept the lowest quote for the equipment from Faro Technologies, Inc. without going through a formal bidding process; and

WHEREAS, the City Council wishes to authorize and approve the transaction described below.

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

SECTION 1. It is in the best interest of the City to purchase from Faro Technologies, Inc. the above described Total Station equipment for \$83,647.68. Copies of said quote are attached to this ordinance and incorporated herein by reference. The Benton Police Department is authorized and directed to purchase, from the vendor set out in said quote, the equipment listed therein. All actions of the Benton Police Department in pursuing the purchase authorized herein from Faro Technologies, Inc. prior to the formal adoption of this ordinance are hereby confirmed, ratified and approved.

SECTION 2. The requirement of competitive bidding for the purchase hereby authorized is deemed not feasible or practical and, therefore, is waived.

SECTION 3. The Mayor and City Clerk are hereby authorized and directed to execute such additional documentation as may be necessary or convenient to affect the purposes of this ordinance. The Mayor is also authorized to pay the sum of \$83,647.68 to Faro Technologies, Inc. when due.

SECTION 4. The immediate entry into, implementation of, and payment for the equipment listed herein is hereby authorized, and the ratification of actions taken to date, are necessary for the City to properly and timely perform tasks required of the Benton Police Department currently underway, and any delay in the same adds intolerable inconvenience to the delivery of necessary services to the public. 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 June, 2020.

---

Tom Farmer, Mayor

---

Cindy Stracener, City Clerk



FARO Technologies Inc  
250 Technology Park  
Lake Mary FL 32746-7115  
Phone No: (844)646-8002  
Fax No:  
Email: Karen.Beatty@faro.com

Remit to:  
FARO Technologies, Inc.  
P.O. Box 116908  
Atlanta, GA 30368-6908

Quotation No: 20338503  
Quote Date: 03/19/2020  
Expiration Date: 04/18/2020  
Regional Manager: Paul Gregory  
Account Manager: Richard Britt  
Sales Support: Karen Beatty  
Ship: Standard/Ground  
Payment Terms: Net due in 30 days  
with approved credit  
Delivery Terms: EXW ORIGIN  
Delivery Date: 4-6 Weeks

Bill To :  
Benton Police Department  
114 S East St Ste 100  
Benton AR 72015-4387  
US

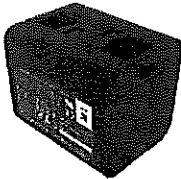
Ship To :  
Benton Police Department  
Dustin Hamm  
114 S East St Ste 100  
Benton AR 72015-4387  
US



Qty	Item No.	Description	Unit Price	Discount	Ext. Price
1	LS-8-S-150	3D_HW_LS_FocusS 150	58,360.00	8,170.40	50,189.60

Laser Scanner FocusS 150 ships with: 1 FocusS 150, with HDR photography, with GPS, compass, altimeter (barometer), dual-axis compensator, WLAN, accessory bay, IP rating 54, on-site compensation functionality, 1x Battery Power Block, 1x Battery Power Dock, 1x 90W Power Supply, 1x Optic Cleaning Fluid, 3x Optic Cleaning Tissues, 1x 32GB SD card, 1x SD card reader, 1x SD card cover, 1x Allen wrench, 1x rugged transport case, calibration certificate and a quick start guide. Please notice: the lead-time may take 6 weeks or more after receipt of written order.

PURCHASE AGREEMENT AND CONDITIONS OF SALE Customer will pay any federal, state and local taxes. All conditions of sale, service and warranty as described in FARO standard purchase conditions currently on file with FARO are made as part of this Quotation and are incorporated herein by reference (02FRM522). DR12 PLEASE REFERENCE FARO QUOTE NUMBER ON ALL DOCUMENTS. BY REFERENCING FARO QUOTE, CUSTOMER AGREES TO SAID TERMS AND CONDITIONS AS LISTED ON FARO QUOTATION.

Qty	Item No.	Description	Unit Price	Discount	Ext. Price
1	TR-SCN-POS	Laser Scanner Tr. - FARO Fac. - Inc	0.00	0.00	0.00
		"Available only at point of FARO system sale. Includes training for 2 Trainees. #Three day course at a training facility provided by FARO that discusses FARO Laser Scanner with FARO Software, setup, and basic measurements. Classroom trainings are scheduled on a first come, first served basis. Classes can be cancelled within two weeks of the scheduled date if sufficient enrollment is not met. Training days must be taken together on consecutive days, and cannot be split into individual days."			
1	TR-SCN-POS-O	Laser Scanner Tr. - Upg to OnSite	5,203.00	0.00	5,203.00
		Available only at point of FARO system sale. Customer Site Upgrade - three day course that discusses FARO Scanner with FARO Software, setup, and basic measurements. Customer Site Trainings are designed for up to 4 people to ensure proper transfer of knowledge and understanding. Price per class. Training days must be taken together on consecutive days, and cannot be split into individual days.			
1	TR-FZ3-COR	FZ Core	0.00	0.00	0.00
		Two consecutive day, consisting of four hour virtual classroom training. The FARO Zone 3D Core training is specifically designed to assist new users.			
1	SOFTS0900	3D_SW_SC_Scene	6,110.00	611.00	5,499.00
		FARO SCENE. New license. Includes 1 year of standard maintenance. License container sold seperately.			

Qty	Item No.	Description	Unit Price	Discount	Ext. Price
1	SOFTL0002	Single User Hard Lock	200.00	20.00	180.00
		Hard lock (USB Dongle) for one single user license. Software licenses purchased separately. Can be used together with SCENE, CAM2, FaroZone or As-Built Software products.			
1	SOFT51002	FARO Zone 3D Advanced	7,995.00	5,996.25	1,998.75
		Loyalty Pricing Applied Advanced version of FARO Zone 3D with the added ability to open SCENE projects and import other point clouds. Includes one (1) year of maintenance.			
1	SOFTL0002	Single User Hard Lock	200.00	20.00	180.00
		Hard lock (USB Dongle) for one single user license. Software licenses purchased separately. Can be used together with SCENE, CAM2, FaroZone or As-Built Software products.			
1	ACCSS8001	3D_AC_LS_FocusS Battery Power Block	640.00	64.00	576.00
		Power Block battery for FARO Focus S and M			
					
1	ACCSS8032	3D_AC_LS_Standard Carbon Fiber Tripod	1,140.00	114.00	1,026.00
		Super lightweight, highly stable, low-vibration, tailored carbon fiber tripod, For perfect performance and increased durability customized for Focus Scanners.			

Qty	Item No.	Description	Unit Price	Discount	Ext. Price
1	COMP0123X64	VR Ready Notebook	5,500.00	550.00	4,950.00
		High-end notebook computer. Contact your FARO representative for current specifications.			
1	ACCSS6069	3D_AC_LS_3D-Scale Bar Kit	2,220.00	222.00	1,998.00
		The 3D Measurement Scale Bar is used as a reference point in scans to verify scan accuracy. NIST Traceable, the certified distance between the spheres is 1.5 meters. The scale bar has two 70 mm spheres mounted on a 31.75 mm (1.25") diameter rod. The spheres on the Scale Bar can also serve as near-distance (under 5 m) targets. The Scale Bar comes in two pieces, that are easily assembled at the scan scene. The Scale Bar Kit includes the Scale Bar, case, and a clamp that allows the scale bar to be mounted onto a standard photography tripod."			
					
1	ACCSS0287	200mm Koppa Target W/ Tripod Mount Kit	2,910.00	291.00	2,619.00
		A complete package of target spheres along with tripods and other accessories, shipped in 2 crates. Spheres are sprayed with #KoppaTuff® coating. The first crate contains a 6 pack of 200mm target spheres with magnetic bases and individual cotton storage/handling bags, and 6 1/4-20 camera tripod mount plates. The second crate contains tripods and accessories that provide most of the standard mounting options for use in the field. Included are 6 camera tripods, 3 small flexible tripods, 3 traffic cone Adapters, and a dozen 2" fender washers.			
					
	<small>Image Not Available</small>				



Qty	Item No.	Description	Unit Price	Discount	Ext. Price
1	ACCSS0299	80Mm Koppa Target Set W/ Trajectory Rods	1,440.00	0.00	1,440.00
		A combination set of 12 80mm targets - 6 magnetic base targets, 6 trajectory mount. Includes 6 1/4" x 10" aluminum, magnetic base stand-off rods. All shipped in a plastic storage crate.			
1	CCR-SCN-V8-Y4	Complete Care-SCN Focus S/M-Y4	15,700.00	7,971.00	7,729.00
		Complete Care service plan includes parts and labor for repair and annual cleaning and calibration. #Extends coverage through year 4 from point of sale.			

Order Total:	107,618.00
Discount Amount:	-24,029.65
Freight, packaging and handling Total:	59.33
Total in USD:	83,647.68

# BENTON POLICE DEPARTMENT



*Scotty L. Hodges*  
Chief of Police



114 South East Street, Suite 100  
Benton, AR 72015



Ph: 501.776.5983  
Fax: 501.776.5952

To: Whom It May Concern  
From: Capt. Kevin Russell  
Date: June 18, 2020  
Subject: 3D Laser Imaging Device Quotes

Greetings,

As part of our request to purchase a three-dimensional laser imaging device we reached out to three companies who make similar pieces of equipment for quotes on their products. Two of the companies, Faro Technologies and Arrowhead Forensics, submitted quotes per our requests. Another company we reached out to, Navigation Electronics, did not submit a quote to us. We attempted to reach out to them several times, but we were unable to obtain a quote from representatives with Navigation Electronics.

These are unique and specialized types of equipment and there were no other companies found that offer similar products after an extensive search. Due to the fact the third company did not submit a quote to us and no other companies were located with similar devices, we were unable to obtain a third quote for this equipment.

Sincerely,

Capt. Kevin W. Russell

# QUOTATION - US - 21005449

Date: 04/07/2020



**Arrowhead Scientific, Inc.**  
**ARROWHEAD FORENSICS**

11006 Strang Line Road Lenexa, Kansas 66215  
800-953-3274 913-894-8399 fax  
www.arrowheadscientificinc.com  
www.arrowheadforensics.com

att. Dustin Hamm  
Benton Police Department  
114 S. East Street Suite #100  
Benton AR 72015

Your reference Benton Police Department-RTC360 (Ar  
Your phone (501) 776-5947  
Your Customer N° 378379

For clarifications, please contact  
Parker Snedden  
parker@arrowheadforensics.com

POS	ARTICLE	QTY	PC	DESCRIPTION	UNIT PRICE	USD /TOTAL
10	1697	1	PC.	RTC360 Package		
				With following configuration:		
	838300	1	PC.	RTC360 Laser Scanner	73,000.00	73,000.00
	874800	1	PC.	Calibration Certificate "Silver" for terrestrial laser scanners - issued by the manufacturer: Angle and Distance measurement.	1.65	1.65
	799191	4	PC.	GEB361 Lithium Ion battery, 11.1V/5.6Ah, chargeable.	265.00	1,060.00
	817063	1	PC.	GVP730 Container for RTC360	370.00	370.00
	842065	2	PC.	MS256 Industrial USB Stick 256GB capacity, USB 3.0	1,160.00	2,320.00
	842066	1	PC.	GST80 Tripod Carbon	2,300.00	2,300.00
	865471	1	PC.	GVP736, Backpack for RTC360	405.00	405.00
	872515	1	PC.	Leica RTC360 QG,multil.1		
	874566	1	PC.	Leica Cyclone FIELD 360 Info Sheet		
	874567	1	PC.	Leica RTC360 USB Documentation Card		
	1432	1	PC.	PowerSupply Configuration With following configuration:		
	799187	1	PC.	GKL341, Charger Pro 5000 Professional charger to charge up to 4x Li-Ion batteries GEB211, GEB212, GEB221, GEB222, GEB241, GEB242, GEB331 and GEB361, AC adapter included.	700.00	700.00

# **QUOTATION - US - 21005449**

Date: 04/07/2020

POS	ARTICLE	QTY	PC	DESCRIPTION	UNIT PRICE	USD /TOTAL
	731440	1	PC.	AC power cable US to charger for Rugby/Javelin.		
160	6013561	1	PC.	1 yr RTC360 Laser Scanner CCP Basic consisting of: 1 yr Customer Support	585.00	585.00
180	6010779	1	PC.	NIST Calibrated ScanStation P30/P40 Dual Target Pole Kit consisting of: 1 x ScanStation P30 / P40 Dual Target Pole Kit (840867) 2 x GZT21, 4.5" Circular Black & White Tilt-N-Turn Target (822694) 1 x NIST Certificate for ScanStation P30/P40 Dual Target Pole (5003964) With following configuration:		
	840867	1	PC.	ScanStation P30 / P40 Dual Target Pole Kit	1,370.00	1,370.00
	5003964	1.000	AU	NIST Certificate for ScanStation P30 / P40 Dual Target Pole	Discount 1,125.00	-342.50 1,125.00
					Discount	-281.25
210	1315	1	PC.	Cyclone REGISTER 360 Permanent With following configuration:		
	864515	1	PC.	Cyclone REGISTER 360 Permanent	4,800.00	4,800.00
					Discount	-1,421.25
230	6012199	1	PC.	Cyclone REGISTER 360 CCP 1yr Technical support by telephone/email. Software updates.	885.00	885.00
					Discount	-221.25
260	1315	1	PC.	Cyclone PUBLISHER Pro Permanent With following configuration:		
	864396	1	PC.	Cyclone PUBLISHER Pro Permanent. Publishes TruView data and JetStream data. Bundle of Cyclone TruView PUBLISHER and Cyclone JetStream PUBLISHER.	6,000.00	6,000.00
					Discount	-1,776.25
280	6012196	1	PC.	Cyclone PUBLISHER Pro CCP 1yr. Technical support by telephone/email. Software updates.	1,105.00	1,105.00
					Discount	-276.25
310	1428	1	PC.	IMS Map360 & Point Cloud Bundle With following configuration:		
	841683	1	PC.	IMS Map360 & Point Cloud Bundle	10,200.00	10,200.00
					Discount	-3,570.00
	841695	1	PC.	IMS Map360 & Point Cloud Envelope	0.15	0.15
					Discount	-0.04

## QUOTATION - US - 21005449

Date: 04/07/2020

POS	ARTICLE	QTY	PC	DESCRIPTION	UNIT PRICE	USD /TOTAL
	888274	1	PC.	IMS Map360 & Point Cloud Annual Maintenance (1 yr)	1,920.00	1,920.00
					Discount	-575.99
350	8248701	1	PC.	Enhanced HDS Data Collector--64GB	5,410.00	5,410.00
					Discount	-811.50
360	6015579	1	PC.	1 Year PSG SMART Plan Pro		
	5310032	1	PC.	Unlim. Viewing of Pre-Recorded Mat.	250.00	250.00
					Discount	-37.50
	5310033	1	PC.	Unlim. Reg. Sched. Virt. Classroom (HDS)	1,000.00	1,000.00
					Discount	-150.00
	5310034	1	PC.	Unlim. Reg. Sched. Virt. Classroom (MSV)	1,000.00	1,000.00
					Discount	-150.00
	5310035	1	PC.	Priority Support & Install	600.00	600.00
					Discount	-90.00
	5310036	2	PC.	2 days of On-site Training	3,200.00	6,400.00
					Discount	-960.00
Total before tax						112,143.02
Sales Tax						
Total						112,143.02

Offer subject to Leica Geosystems terms and conditions, available at:  
[https://portal.leicaus.com/US\\_GT-Cs\\_of\\_Sales.txt](https://portal.leicaus.com/US_GT-Cs_of_Sales.txt)  
Full Software License Agreement: [www.leica-geosystems.com/TCSL](http://www.leica-geosystems.com/TCSL)  
Full Standard Warranty: [www.leica-geosystems.com/TCLW](http://www.leica-geosystems.com/TCLW)

In addition our delivery- and payment conditions are as follows:  
Validity : 04/07/2020 - 06/30/2020

Terms of payment : 30 days net

---

## **QUOTATION - US - 21005449**

Date: 04/07/2020

With your signature you accept our offer on behalf of your company as above  
and you confirm, that you are authorized to do so.

**Name**

---

**Title**

---

**Date/Place**

---

**Signature**

---

---

**RESOLUTION NO. 57 OF 2020**

**A RESOLUTION AMENDING THE 2020 BUDGET FOR THE GENERAL FUND AS ADOPTED IN RESOLUTION 82 OF 2019; ACCEPTING GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$38,174.00 FOR THE PURPOSE OF PURCHASING PERSONAL PROTECTIVE EQUIPMENT FOR THE POLICE DEPARTMENT; AUTHORIZING THE PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT; AND FOR OTHER PURPOSES**

WHEREAS, the City has received the amount of \$38,174.00 in grant funds from the United States Department of Justice for the purchase of personal protective equipment for the police department; and

WHEREAS, the City Council hereby accepts these funds on behalf of the City; and

WHEREAS, the City Council needs to amend the 2020 General Fund budget in order to accept \$38,174.00 in grant funds as additional income for the purpose of purchasing personal protective equipment as set forth in Exhibit "1" to this Resolution.

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

SECTION 1: The City Council does hereby accept the grant funds from the United States Department of Justice as stated above. These grant funds in the amount of \$38,174.00 shall be used to purchase personal protective equipment as stated within the grant.

SECTION 2: Pursuant to the authority granted in A.C.A. Sec. 14-58-202 and 14-58-203 the City Council does hereby amend the FY2020 City of Benton Budget as adopted in Resolution 82 of 2019 for the purpose of accepting \$38,174.00 in grant funds referenced above. The revised income and expenditures for the operations of the city are attached hereto as Exhibit "1" to this resolution and are more fully described therein. The adoption of this amendment shall be deemed as an appropriation of city funds.

PASSED AND APPROVED this the \_\_\_\_\_ day of June, 2020.

\_\_\_\_\_  
Tom Farmer, Mayor

\_\_\_\_\_  
Cindy Stracener, City Clerk

# City of Benton, Arkansas

## General Fund Budget Amendment FY 2020



The Finance Committee of the City of Benton does hereby submit for approval a budget amendment for the Fiscal Year 2020. This submittal includes a revision for the General Fund.

Section 1 defines the dollar amount of the amendments contained in this exhibit.

Section 2 is a detailed explanation of the amended Funding and Disbursements.

### Section 1: Amended Appropriations – Fiscal Year 2020

#### General Fund

	Beginning Approved Budget	Budget Amendment	Revised Budget
Receipts	\$16,878,987	\$38,174	\$16,917,161
Personnel	\$14,528,666	\$0	\$14,528,666
O&M, Other, etc	\$2,190,829	\$21,363	\$2,212,192
Capital Items	\$162,348	\$16,811	\$179,159
Total Budget	(\$2,856)		(\$2,856)

### Section 2: Funding & Disbursements – Fiscal Year 2020

#### General Fund

##### Funding

This budget amendment authorizes the Police Department to accept funds from the DOJ grant that was applied for in the amount of \$38,174 to be deposited into Other-Police 680.210.10.00;

##### O&M, Other, etc

This budget amendment allows for the increase in Police expenditures of \$21,363 in Safety supplies line item 750.670.13.17 for the purchase of personal protective equipment.

##### Capital Items

This budget amendment allows for the increase in Police expenditures of \$16,811 in non-depreciable assets line item 850.900.13.17 for the purchase of protective equipment.

ORDINANCE NO. 32 OF 2020

**AN ORDINANCE ABANDONING THE CITY'S INTERESTS IN A CERTAIN RIGHT OF WAY LOCATED ALONG WATERFALL WAY IN THE CITY OF BENTON; AUTHORIZING THE MAYOR TO EXECUTE DOCUMENTS NECESSARY TO ABANDON THE HEREIN DESCRIBED RIGHT OF WAY; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES**

WHEREAS, the City owns a certain right of way within the median along Waterfall Way and which is more fully described in Exhibit "1" to this Ordinance; and

WHEREAS, Benton Utilities have no utilities within the described right of way and has consented to the City abandoning the right of way in question; and

WHEREAS, with the expansion of Highway 5 the Arkansas Department of Transportation removed the waterfall which existed at the entrance of Hurricane Lake Estates for approximately twenty years; and

WHEREAS, in order to replace the waterfall, the Hurricane Lake Estates Property Owners Association HLEPOA needs additional land for construction; and

WHEREAS, the HLEPOA has maintained the median of Waterfall Way since its construction; and

WHEREAS, a public hearing was held on June 22, 2020 for the purpose of receiving public input into the abandonment issue; and

WHEREAS, the City Council desires abandon its interests in the median along Waterfall Way which is already maintained by the HLEPOA for the reasons stated above.

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

SECTION 1; The City of Benton hereby abandons its ownership interests in the median along Waterfall Way as more fully described in Exhibit "1" of this Ordinance. The Mayor and City Clerk are directed to execute any document reasonably required to release the city's interest as the landowner to the HLEPOA.

SECTION 2. An immediate need exists to release the City's ownership interests on the herein described property, an emergency is therefore declared and this ordinance shall be in full force and effect immediately from and after its passage and approval.

PASSED and APPROVED this the \_\_\_\_\_ day of June, 2020.

\_\_\_\_\_  
**Tom Farmer**  
**Mayor**

Attest:

\_\_\_\_\_  
**Cindy Stracener**  
**City Clerk**



ORDINANCE NO. 33 OF 2020

AN ORDINANCE EXTENDING THE MORATORIUM CREATED IN ORDINANCE 1 OF 2020 BY THIRTY DAYS; AMENDING ORDINANCE 1 OF 2020; CALLING FOR A PUBLIC HEARING; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the City Council in Ordinance 1 of 2020 enacted a moratorium on the construction, placement, erection or installation of any new outdoor commercial advertising signs for a period of six months; and

WHEREAS, the sign ordinance has been prepared for consideration but due to the social distancing directives which have been in place due to the COVID-19 pandemic, the City has not been able to hold a public hearing on this issue; and

WHEREAS, the City Council desires to extend the moratorium for a period of thirty additional days for the purpose of holding a public hearing on this issue.

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

SECTION 1. Section 10 of Ordinance 1 of 2020 is hereby amended to read as follows:

The moratorium hereby established shall be in effect for seven (7) months from the effective date of this Ordinance, unless sooner rescinded or further extended by Ordinance.

SECTION 2. The City Council does hereby call for a public hearing to be held on the issue of new sign regulations for the City of Benton which shall be held on July 7, 2020 at 6:30 pm. All social distancing protocols in effect at that time shall be followed.

SECTION 3. It being immediately necessary for the preservation of the public peace, and safety and to prevent the proliferation of unregulated outdoor commercial advertising signs, off premise and on premise billboards along the interstate, and off premise advertising panels and signs throughout the city in all zoning districts within the City of Benton, Arkansas, an emergency is hereby declared to exist; by reason thereof this Ordinance shall take effect and be in full force and effect from and after its passage and publication.

PASSED and APPROVED this the \_\_\_\_\_ day of June, 2020.

\_\_\_\_\_  
**Tom Farmer**  
Mayor

\_\_\_\_\_  
**Cindy Stracener**  
City Clerk

**DESIGNATED FOR PUBLICATION**

## Ordinance No. 34 of 2020

### AN ORDINANCE ADOPTING NEW OUTDOOR SIGN REGULATIONS FOR THE CITY OF BENTON; REPEALING ORDINANCE NO. 46 OF 2009 AND ITS AMENDMENTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Ordinance 46 of 2009 which adopted as the Benton Sign Regulations which provides guidance for all signage located within the city of Benton has become out of date and in need of significant revision; and

WHEREAS, the manner in which outdoor advertising has changed significantly since the adoption of the regulations in 2009 which does not adequately address current construction methods and design; and

WHEREAS, the Benton Sign Regulations vary considerably according to the zoning district of a property within the city; and

WHEREAS, also the City of Benton has adopted new Zoning Regulations and therefore desires to proceed in updating the zoning district designations and correct typographical errors and make other clarifications within the Benton Sign Regulations as adopted in Ordinance 46 of 2009 and its amendments; and

WHEREAS, the City of Benton after reviewing extensively the current sign regulations as well as the sign regulations of other cities has determined that the revised regulations are reasonable and necessary to regulate outdoor signage within the city.

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

SECTION 1: The City Council of the City of Benton does hereby adopt the City of Benton Sign Regulations which are attached hereto as Exhibit "1" to this ordinance.

SECTION 2: If any provision of this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 3: All City of Benton Ordinances, Resolutions, Regulations, and parts thereof, in conflict with the provisions of this ordinance, are hereby repealed to the extent of such conflict, but not otherwise including Ordinance 46 of 2009 and its amendments.

SECTION 4: It being immediately necessary to establish and adopt the rules and regulations as set forth in this ordinance, and that any material delay in the same would

unnecessarily interfere with projects and programs of the City of Benton, Arkansas, and the inhabitants thereof. Therefore, an emergency is hereby declared to exist; and this ordinance is necessary for the preservation of the public peace, health, and safety. It shall take effect and be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this the \_\_\_\_ day of \_\_\_\_\_ 2020.

---

Tom Farmer, Mayor

Attest:

---

Cindy Stracener, City Clerk

**EXHIBIT 1**

# **BENTON SIGN REGULATIONS**

**City of Benton, Arkansas**

**Ordinance 33 of 2020**

**Date: June 22, 2020**

# **BENTON SIGN REGULATIONS**

## **SECTION ONE**

### **Purpose and Scope**

#### **Section 1.01-Purpose**

Signs are an important and necessary means of communication. When properly regulated, signs can serve as a great economic and aesthetic asset. They can be lively, colorful and exciting. In enacting this Ordinance, it is the intent of the City of Benton to promote attractive signage, facilitate traffic safety, promote commerce, and to comprehensively address community aesthetic concerns about visual clutter and visual blight in the environment. The regulation of signs in the City is intended to promote an aesthetically pleasing environment with these concerns in mind. Sign regulation shall be consistent with land use patterns, and signs shall add to, rather than detract from the architecture of the buildings where they are located. Signs shall be well maintained and, in addition, shall not create traffic safety hazards. The regulation of signs in the City of Benton is intended to be content-neutral and to provide adequate opportunity for the presentation of messages of all kinds.

#### **Section 1.02-Scope**

The primary intent of the Ordinance shall be to regulate signs of a commercial nature intended to be viewed from any vehicular or pedestrian public right-of-way.

This Ordinance shall relate signage to building design, particularly integral decorative or architectural features of buildings. This Ordinance shall not regulate official traffic or government signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; product dispensers and point of purchase displays; displayed in direct connection with commercial promotion; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; signs not exceeding one square foot in area and bearing only property numbers, postbox, numbers, or names of occupants of premises; or any display or construction not defined herein as a sign.

#### **Section 1.03-Applicability**

No signs shall be erected or maintained in any land use district established by the Zoning Ordinance, except those signs specifically enumerated in this ordinance. The number and area of signs as outlined in this ordinance are intended to be maximum standards.

All signage shall adhere to the guidelines and regulations detailed within this document and any and all other current laws pertaining to signage. This ordinance shall supersede all sign requirements of the City of Benton.

The design, height, location, and size of signs are encouraged to be visually complementary and compatible with the scale, and architectural style of the primary structures on the site. As part of development review, sign concepts shall be considered during the design of the site and structures so that signs and graphics can be integrated into the architecture of the project. Sign styles, size, height, scale, colors, location, and materials shall strongly relate to the design of the structures.

Existing single pole on-premise signs which are not on property that is immediately adjacent to the Interstate (i.e. within the Interstate zone) are nonconforming and cannot be modified or relocated or they must then be made to fully conform to these regulations.

Building and/or Remodel permit approvals do not include approval for signage or signs nor for any changes, relocations, and modifications to existing signs.

New developments or expansions of existing buildings/businesses must seek separate sign permit(s) for building signs or site sign(s). Commercial developments located within a common parcel or structure and within one un-subdivided parcel and allowing more than one Tenant, must have a one site sign (2-pole/pylon type sign) on which to advertise for all Tenants. Tenants of commercial developments (existing and new) are required to obtain a sign permit before changing the building or site sign panel or faces of the same. If a 2<sup>nd</sup> Pylon or site sign is needed for the development due to subdividing structures and thus increasing tenants, then a sign application is required for approval of a 2<sup>nd</sup> site sign. The 2<sup>nd</sup> site sign must be placed 100 feet from the first and approved by Variance first then by the Planning Commission.

New Businesses/Tenants of existing commercial structures must get the building owner to concur in writing for their panel/new wall sign/ or window signage and attach it to the permit application for pursuing approval in modification of an existing building wall sign or site sign. In the case of an approved land use change/rezoning, allowing a structure to be used as a business for the first time, then the application must include the building owner concurrence in writing and business licensure.

All new Tenants of a building must obtain a separate sign permit prior to placing a sign on the building or changing any site sign panels. If a new Tenant/Business is required to obtain a business license (other than for a change in address), then a fee will be charged for the sign permit. If an existing Business with an active business license in Benton, relocates to another address within the city limits, then all signs must conform fully for the land use/zoning at the new location and the Building owner must concur in writing and a Sign Permit application must be approved. For existing businesses that are relocating and the dimensions of building or site signs or panels of the same are not to change from existing signage at the new location, then the relocation of existing wall and site signage permit is allowed and a permit fee will not be charged.

## **SECTION TWO**

### **General provisions**

It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the City of Benton except in accordance with the provision of this ordinance.

#### **Section 2.01-Signs Prohibited**

The following types of signs are prohibited in all districts:

- (1) Abandoned signs
- (2) Single pole signs with the exception of on or off premise interstate Billboard signs are allowed and described in Section 3.05
- (3) Festoons and search lights
- (4) Signs imitating or resembling official traffic or government signs or signals

- (5) Snipe signs or signs attached to fences, trees, telephone poles, public benches, streetlights located in public right-of-way and placed on any public property or within 8 feet of the paved surface
- (6) Permanent sale or come-on signs
- (7) Obscene signs
- (8) Inflatable Signs over ten (10) feet tall by ten (10) feet wide by ten (10) feet deep, or one thousand (1000) cubic feet
- (9) Billboards from intersection of Pearson Street west of South Street to I-30
- (10) No sign will be placed or protrude into the highway right-of-way. The edge of a sign, when measured vertically from the existing ground, will not be in a street or highway right-of-way
- (11) Bench signs
- (12) Multi-faced Signs which are three (3) or more by definition.
- (13) LED/EDM signs are not allowed in Residential districts. EDM, EMD, changeable electronic messaging center or any display signs are not allowed in any zone.-EDM /EMD signs cannot be placed in windows. Fuel pricing LED signs are allowed. See Section 2.07.
- (14) Billboards and Off-Premise signs according to Section 2.11
- (15) Portable arrow signs
- (16) Off-Premise Advertising signs may not exist outside the Interstate Zone.
- (17) Off-Premise Advertising or business sign may not be temporarily or permanently placed on retaining walls, fences, barriers, poles, in yards or areas along a street except for as specified in Section 2.03.
- (18) Off-Premise advertising signs in Residential zoned districts. Directional signs are allowed but in special situations as defined in this ordinance.
- (19) Flashing or Animated , moving, blinking, reflecting, revolving, etc. type Signs. See Definitions within 7.4.
- (20) Multiple Banner signs not allowed. See Section 2.10. Only 1 properly affixed Banner or 1 Flag Banner can be used per property, if a banner permit is approved and obtained.
- (21) Inflatable signs over ten (10) feet tall by ten (10) feet wide by ten (10) feet deep, or 1000 cubic feet are not allowed, however, for a 1 time per year special event at any address, a permit can be submitted and obtained for a maximum number of days only which may or may not coincide with the length of the event.

## **Section 2.02-Permits Required**

Unless otherwise provided by this Ordinance, all signs shall require permits and payment of fees as described in the most current fee ordinance. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs unless conditions of Section 1.03 shall apply if there is a change in property ownership, business or business licensure at the address.

## **Section 2.03-Signs Not Requiring Permits**

The following types of signs are exempted from the permit requirements but must be in conformance with all other requirements of the ordinance:

- (1) Construction Signs: Non-illuminated construction signs that are no more than forty-eight (48) square feet in area in residential zones or are no more than sixty-four (64) square feet in area in all other zones. Signs shall be removed within thirty (30) days following completion of construction

- (2) On-Premise Directional/Informational signs of six (6) square feet or less
- (3) Nameplates of two (2) square feet or less, non-illuminated, attached to building or structure, or supported by a post and arm structure, one (1) per occupancy
- (4) Political signs. See 2.03.1
- (5) Public signs or notices, or any sign relating to an emergency. Such as safety signs, danger signs, traffic signs, and official logo signs erected along state and federal highways
- (6) Directional/informational as required for public facilities
- (7) Window signs covering <25% of total window area and are Static (i.e. stick on or paper or painted). LED/EDM signs are not allowed in windows and shall not be animated signs, blinking signs, or electronic message boards.
- (8) Incidental signs (signs for no consequence, total per site  $\leq$  4sf, see 3.03 and 7.04 definition)
- (9) Real estate signs: For residential sales shall be one (1) sign per street frontage and/or one (1) sign per parcel, and/or one (1) sign per tenant lease space not exceeding nine (9) square feet in area and six (6) feet in height, provided it is not in street right-of-way or within eight (8) feet of paved area, unlit, and is removed within fifteen (15) days after the close of escrow or the rental or lease has been accomplished. Open House signs, for the purpose of selling a single house or condominium and not exceeding nine (9) square feet in area and six (6) feet in height, and not in place for more than twenty-four (24) hours in any one month, are permitted off site for directing prospective buyers to property offered for sale.  
For the sale, rental, or lease of commercial, industrial, and multi-family premises: One (1) signs per street frontage not to exceed forty-eight (48) square feet in area to advertise the sale, lease, or rent of the premises. No such sign shall exceed eight (8) feet in height, leading edge of sign shall not occupy street right-of-way or be no closer than eight (8) feet of paved surface, and shall be removed upon sale, lease or rental of the premises.
- (10) Historical markers: historical markers as recognized by local, state or federal authorities.
- (11) Signs created by landscaping
- (12) Temporary signs and banners of a non-commercial nature such as for a going out-of-business, Vacancy of room/space, or to hire staffing are allowed but they must be placed on the same parcel as the business and not exceed twenty-four (24) square feet and be maintained and if used regularly, and be framed and supported and placed in a fixed location.
- (13) Sign face changes not requiring any change to the structure of a sign. An EDM/EMD type face structure is considered a modification of the sign and face type and not a face change.
- (14) A Frame Sign as allowed in Section 3
- (15) Inflatable signs less than ten (10) feet high, by ten (10) feet wide, by ten (10) feet deep, or one thousand (1000) cubic feet
- (16) Yard/garage sale signs
- (17) Temporary signage for special events are allowed.

### **Section 2.03.1-Political Signs**

No permit is required. Political signs shall be removed within fourteen (14) days after primary/general election or election to which they pertain whichever is sooner. Political signs may not be posted earlier than ninety (90) days prior to a primary/general election. Political signs may be located no closer than six (6) feet from edge of pavement or even with the sidewalk, whichever exists but not within the street ROW. Large signs (thirty-two (32) sq. ft. or larger) may be located on private property as long as they do not pose a line-of-sight or clear view issue for traffic and are located at a minimum of six (6) feet or

further from the paved surface. Line-of-sight or clear view will be determined by Code Enforcement/Community Development.

### **Section 2.04-Garage/Yard Sale Signs**

No permit is required. May be used for residential garage/yard sales only and must not be placed within street right-of-way and be six (6) feet of the paved road surface.

#### **Size and Type**

All signs shall be no larger than nine (9) sq. ft., placed on a single or double stake or other freestanding manner.

#### **Location**

One (1) sign at the location of the sale for each street frontage on that property.

One (1) pointer sign per sale may be placed at any intersection under the following conditions: No garage/yard sale sign shall be placed, affixed, stapled, glued or taped to any utility pole, street sign, tree, stop sign, fence, etc. No garage/yard sale sign shall be placed within a street right-of-way or eight (8) feet of the paved street surface in a manner as to interfere with traffic, both vehicular and pedestrian, or interfere with any residential, commercial or industrial property.

#### **Time**

No garage/yard sale signs shall be placed on public property including along streets. No sign will be placed any earlier than six (6:00) P.M. the night before and must be picked up by seven (7:00) P.M. on the last day of the sale.

### **Section 2.05-Sign Construction and Maintenance**

Every sign, all parts, portions, and materials shall be manufactured, assembled, and erected in compliance with all applicable State, Federal, and City regulations and building codes.

Every sign, including those specifically exempt from this ordinance in respect to permits and permit fees, and all parts, portions, and materials shall be maintained and kept in good repair. The display surface of all signs shall be kept clean, neatly painted, and free from rust corrosion and well maintained. A face must be present at all times over all display areas whether advertising a business that is present or not and meet the above requirements, except for the period in which repairs or approved modifications are being made. Thirty (30) days are allowed to complete repairs. All repair and modification work must be communicated to the Community Development Office prior to commencing for permit determinations to be made.

If a sign is found to no longer advertise a business that has been discontinued for ninety (90) days or more and the business' signs have been abandoned or fallen into disrepair, the property owner will be notified and the owner has ten (10) days to contact Community Development to discuss his/her timeframe and plan and must correct the problems within sixty (60) days of notification. If the condition(s) is not corrected within sixty (60) days, the sign shall be required to be removed and the owner must reimburse the city or lien action will be filed.

## **Section 2.06-Lighting/Brightness Limits**

- A. Unless otherwise prohibited by this Ordinance, all signs may be illuminated. No illuminated sign shall be permitted which faces the front, side or rear lot lines of any lot in any residential zoning district and is located within fifty (50) feet thereof.
- B. Every part of the light source of any illuminated sign shall be concealed from view/ shielded to not cause undue light pollution for adjacent property and shall not be viewable from vehicular traffic in the public right-of-way. The light shall not travel from the light source directly to vehicular traffic in the public right-of-way or adjacent property and shall be visible only from a reflecting or diffusing surface.
- C. This provision shall not apply to neon tube lighting.
- D. Back Lit Illuminated Awnings-Unless expressly provided otherwise in this ordinance, awning signs may be illuminated, including without limitation by backlighting.
- E. All existing lights, LED, EDM/EMD, electronic message centers or displays of any type must adhere to the following luminance and illumination level requirements. It is the responsibility of the Property Owners to ensure luminance and illumination levels are not exceeded and that defaults are in place so that any failure or malfunction in operation places the sign in a static state (i.e. fixed position with no flashing or movement). Luminance and illumination levels indicated herein and default operation must be verified prior to the initial use of the sign/displays during day or night hours. The city may require that the owner provide a report and get certified verification from an independent contractor that the following luminance and illumination levels are not exceeded.

### Brightness limits for Luminance levels at sign face:

- \*5,000 nits between sunrise and sunset
- \*700 nits during nighttime hours within the Interstate zone
- \*250 nits during nighttime hours outside the interstate zone and within commercial districts not adjacent to residential districts
- \*125 nits during nighttime hours outside the interstate zone and adjacent to residential districts

### Brightness limits for Illumination Levels at 150 feet from the sign face:

- \*0.3 foot-candles above ambient light levels or
- \*3 lux above ambient light levels

\*As recommended by the Illuminating Engineering Society of North America (IESNA) and United States Sign Council (USSC)

## **Section 2.07-Changeable Copy Signs**

Unless otherwise specified by this ordinance, any sign herein allowed may use manual changeable copy. Only one changeable copy area per sign is allowed. Electronic message boards and electronic numeric displays are not allowed. Static LED fuel price signs are allowed, so long as the lighting levels comply with 2.06. All EMD/EDM, or electronic message boards or centers or displays that exist as of the effective date of this Ordinance, must be included on the City's inventory and will be considered Non-Conforming. All existing signs must be operated so that each message/static display remains for 8 seconds before changing. No display or transition between advertising displays may contain flashing, animation, motion, video or changing in color or intensity (including borders) and all transitions between each advertisement display must be complete within 2 seconds or less. The luminance/illumination levels apply as defined

in section 2.06. Compliance will be determined by Code Enforcement/Community Development. Those already existing will be defined by GPS and will not be replaced if their life expectancy expires or if damaged and costs for repairs of any portion of the sign or face or structure or framing exceed 50% of their initial costs on record since EMD/EDM and messaging center displays of any type and shall hereafter be considered non-conforming. The hours of LED/EDM/EMD sign operation outside the Interstate zone will be 5 a.m. to 11 p.m. daily, except where approval to deviate from these limits is sought and granted from the Community Development Director.

### **Section 2.08-Sign Projections from Buildings**

Signs attached to and wholly supported by a building shall not project more than eight (8) feet from any building and the bottom of such sign shall not be less than ten (10) feet above the sidewalk or fourteen (14) feet above a vehicular right-of-way. Otherwise, no sign shall project into the public right-of-way. Projection signs may be subject to providing proof of insurance if extending over sidewalks or any portion of the right of way.

### **Section 2.09-Sign Similarity to Official Signs**

No sign may be placed or designed so as to simulate or interfere with traffic control devices, official emergency vehicles or official highway directional/informational signs.

### **Section 2.10- Banners**

Banners (per Section 7.05 "Definitions") are allowed to be used. Banners are not considered pre-existing non-conforming signs (grandfathered). Only one (1) Banner is allowed per address for single site with a single commercial, institutional, industrial, or service location and business license. All flag banners are considered a Banner, therefore, one flag banner may be used or one banner properly mounted between two fixed poles (or a fixed base for flag type banner) at a designated and approved location on the property. The banner must be affixed at an approved location on the site or building face. Banners cannot be placed within clear view zones, obstruct clear viewing of any traffic, or obscure visibility or the use of any entry/exit access way to or from the property or access along walkways, ramps, or doorways. A Banner sign may not be attached to fences, railings, trees, roofs, or poles along property lines. A single Banner permit will be issued to each business entitling that business to display a banner legally placed and affixed banner. Flag banners are defined as a banner and will be counted as such. Multiple Flag type banners or separate free standing or wall mounted are not allowed.

One additional Temporary banner, which cannot exceed 6 square feet, is allowed for a 2 week period, for non-advertisement messages such as Grand Opening, New Business, Now Hiring, Going Out-of-Business, etc. etc. but not for sales, merchandise changes, or promotions of upcoming events. Cable hung banners for special time limited events only may be permitted by the Community Development Director for specific times as stated in the approval and as mounted or affixing the cables only.

For Interstate facing property/businesses, two type of Banners are allowed if a permit has been obtained. On premise light Poles are allowed to have mounted On premise advertising Banners < 4 sf each, along Interstate property and do not count towards the two Banners.

For multi-Tenant shopping areas such as strip malls and/or multiple zero-lot line structures, as may exist, but is not limited to TC zoning Districts, etc., each Tenant may have one banner which can only be mounted on the store frontage according to the zoning district regulations herein. Individual banners of any kind that is displayed on the site or in front of an establishment may not be used for multi-Tenant locations except a temporary foldable free-standing sidewalk stand may be used but it cannot block sidewalk access.

**Short Term use of business sign Banners:** A Banner may be wall mounted and/or placed on the Site sign as temporary business sign Banners that do not exceed the zoning size requirements and can be used for a new business up to 2 weeks while awaiting its permanent sign structure to be available only if an approved permit has been issued for the permanent business signs and structures.

## **Section 2.11-Off Premise Billboards & Off-Premise Advertisement Signs**

After the effective date of this ordinance, it shall be unlawful for any person to erect, expand, move, or place any billboard which does not fully conform to the requirements set forth herein.

No new Off-Premise Billboard is allowed within the City of Benton in any zoning district.

No existing Off-Premise Billboard may be replaced if damaged if it is closer than 1,000 feet from another existing Off-Premise Billboard along the same side of the Interstate.

No existing Off-Premise Billboard may be placed along any street or highway within the city limits in any zoning district and any existing Off-Premise Billboard that exists outside the Interstate zone will not be allowed to be replaced in the event that it is damaged by act of God or if its structure must be repaired due to any reason.

No Off-Premise advertising sign is allowed within the city limits along any street or roadway or on any structure, building, fence, or wall.

All Off-premise signs and Billboards that are allowed to remain must be recorded within the City of Benton Off-premise sign or Billboard Inventory. The type of face and size and other key data and contact information must be provided and recorded for each sign or billboard placed in the inventory. No additional electronic message center or display type face structures will be allowed in the city and those that exist for Off-premise Billboards must also be recorded in the inventory. All Off-premise signs and Billboards not included in the inventory must be removed within 60 days from the effective date of this ordinance.

Annual Off-Premise Sign and Billboard Renewal permit fees apply. See Section 6.03.

## Section 2.12-Special Restricted Areas:

**Monument Signs ONLY** along all local streets, collectors and arterials within the City of Benton and for specific streets such as but not limited to Military Road /Benton Parkway/South Street/Northshore/North Street/Alcoa Rd(Hwy 88 from Carpenter to Military and to Benton Parkway)/ Hwy 5(I-30 to Bryant CL)/ Hwy5 (from Hwy35/Kenwood to Benton CL)/Alcoa (from Hwy 5 to Benton Parkway)/ Hwy35 (from Hwy5 to Benton Parkway), Longhills/ Congo/ Shenandoah/ Salt Creek/Winchester/Boone/Northshore/and all institutional, industrial, commercial and residential zoned properties and within all TC districts.

**Monument and two pole signs** are allowed on Hwy5 lying north/west of Salt Creek Rd and along Hwy35 /Edison ( or Hwy 183) and the Benton Parkway juncture and from that juncture along Hwy 35 to the south to the city limits and along Hwy 183 to the east and to the city limits to the east.

## Section 2.12-Indemnification and Insurance

All persons involved in the maintenance, installation, alteration, or relocation of signs near or upon any public right-of-way of property shall agree to hold harmless and indemnify the City, its officers, agents, and employees, against any and all claims of negligence resulting from such work insofar as this ordinance has not specifically directed the placement of a sign. All such signs near public right-of-ways and which could be downed and thus causing damage or harm to the public or public property must show proof of liability insurance equivalent to potential damages as may occur upon or to public property and any element/structure within public property. The liability amount is \$1,000,000 and indicate a \$1,000 deductible per occurrence. This proof of insurance for each specific sign location shall be provided to the City of Benton, Benton Utilities, and ARDOT, according to the public entity that is responsible for the public right-of-way and any utilities/structures within that right-of-way. The insured entity must be defined and the policy must be kept current and updated policies are to be provided if any changes in the proof of insurance are altered throughout the entire time in which the sign and its structure exist.

All persons involved in the maintenance, installation, alteration or relocation of signs shall maintain all required insurance and shall file with the state a satisfactory certificate of insurance to indemnify the state, county, or city against any form of liability.

## SECTION THREE

### Legend

### Regulation by Zone

=equal to

>more than

<less than

For sign and other definitions, see Section 7.04

Note: For PUD zones, sign requirements shall be established by the PUD or shall be assigned an appropriate zoning equivalent by the Administrator dependent upon use.

### All Zones—Sign Permit Not Required

Section Number	Zone(s)	Signs Allowed	Limitations
3.01	All Zones	All signs not requiring permits (Section 2.03)	Must conform with all other requirements of the ordinance

## Residential Zones—Sign Permit Required

Section Number	Zone(s)	Signs Allowed	Limitations
3.02	Residential Zones R1, R2, R3, R4, R5, R6, R7, R8, *TC1,*TC2, *TC3,*PUD	All signs permitted in Section 3.01	As shown in these sections
		subdivision or neighborhood identification sign per external street frontage	Monument sign =< 48 sq. ft. =< 6 ft. in height. May be on street property line as long as it does not extend into the clear view zone.
		identification sign per entrance to apartment or condominium complex	Monument sign =< 36 sq. ft. =< 6 ft. in height. May be on street property line as long as it does not extend into the clear view zone.
		monument only (see section 2.12 for two-pole sign) and 1 wall sign for permitted non-residential uses including religious facilities	=< 48 sq. ft. =< 6 ft. in height Wall sign =< 10% of aggregate area of building elevation on which the sign is installed. May abut street property line as long as it does not extend into the clear view zone.
		Off-Premise Directional signs only in commercial or Industrial zoned areas	For emergency, religious, or institutional facilities and must be approved by Community Development Director. Property owner permission required in writing at the time of applying for a permit. Must meet residential requirements, be maintained and cannot be placed in street right-of-way.
		EMD/EDM signs	Not Allowed

\*These zoning districts may have special residential areas within them and commercial or institutional properties that will dictate special considerations associated with their signage allowances and are usually dictated by their overall impact to the residential properties.

## Commercial, Office, Institutional, and Industrial Zones—Sign Permit Required

Section Number	Zone(s)	Signs Allowed	Limitations
3.03	C1, C2, C3, LI, HI, S *TC1, *TC2, *TC3, *PUD	All signs permitted in Sections 3.01 and 3.02	As shown in these sections
		Banner Sign	<p>=&lt; 24 sq. ft. in area per side</p> <p>1 banner sign is allowed per tenant or business location (see Section 2.10). Banners may be changed. Banners may not be placed within the street right-of-way. Cable hung banners are not permitted within the street right-of-way unless they are of a temporary nature and will be removed within 8 hours of posting. Banners may not be hung from awnings unless canopy sign requirements can be met. (See Section 6.03 Permit Fees)</p>
		<p>A-Frame sign</p> <p><b>No permit is required</b></p>	<p>=&lt; 3 ft. in height =&lt; 2 ft. in width</p> <p>Allowed in commercial districts only and use for temporary banners (see definition). Allowed on a sidewalk immediately in front of the business but not within the street right-of-way. Must leave 36 inches of walkable sidewalk width. Must be readily movable. No permit is required. This does not include real estate signs.</p>
		<p>Monument, Pylon, or two-pole sign(see section 2.12)</p> <p>1 per street frontage</p>	<p>All businesses located within a strip of zero lot line buildings as a shopping center or commercial development must have one pylon, two-pole (see section 2.12)</p> <p>or monument type sign with advertising faces for use. Only one On-Premise sign is allowed.</p> <p>Lots or developments =&lt; 5 acres in size</p> <p>=&lt; 64 sq. ft. in area per side</p> <p>=&lt; 8 ft. in height</p> <p>Lots or developments &gt; 5 and &lt; 20 acres in size</p> <p>=&lt; 64 sq. ft. in area per side</p> <p>=&lt; 10 ft. in height</p>

	<p>Lots of developments &gt; 20 acres in size  =&lt; 96 sq. ft. in area per side  =&lt; 10 ft. in height  Street frontage must be =&gt; 325 ft. in length  If frontage is &lt; 325 ft., the 5-20 acre limits above apply.</p>
Monument sign	<p>=&lt; 64 sq. ft. ~height determined by lot size as noted above.  May abut street property line as long as it does not extend into the clear view zone.  Except in zones TC1, TC2, and TC3 the maximum size =&lt;48sf and maximum height is 6 ft.</p>
Off-premise directional signs	<p>Only directional signs allowed =&lt; 32 sq. ft. in area per side =&lt; 6 ft. in height  Located outside the public right-of-way with the property owner's permission.  No closer than 100 ft. from the nearest other off-premise directional sign.</p>
EMD/EDM signs	Not Allowed
Wall signs May be used in lieu of a projecting sign	<p>=&lt; 10% of aggregate area of building or elevation on which the sign(s) are installed. The total of all wall and awning signs can be no more than the 10% aggregate area</p>
Awning sign	<p>=&lt; 10% of aggregate area of building or elevation on which the sign(s) are installed. The total of all wall and awning signs can be no more than the 10% aggregate area</p>
Under canopy sign	<p>=&lt; 8sq ft. =&gt;7 ft. clearance to grade  1 sign for each separate occupancy or entrance. External illumination only.</p>
Projecting sign (Blade Sign) May be used in lieu of a wall sign	<p>May not project more than 8 ft. from the side of a structure  =&lt; 10% of aggregate area of building elevation on which the sign(s) are installed</p>

=> 10 ft. clearance to grade over pedestrian walkway  
=> 14 ft. clearance over vehicular right-of-way. External illumination only.  
1 sign for each separate occupancy or entrance

Incidental signs                      =< 4 sq. ft. per occupancy

Window signs                      No permit is required if do not exceed 25% total window area.

\*These zoning districts may contain commercial, offices, institutional type areas which will require special consideration with signage compatible with this section and subject to the review and approval by Community Development. Also see Section 2.11, 3.04, and PUD requirements within the Zoning Regulations.

### **Downtown (TC1, TC2, TC3) Sign Zone:**

The Downtown Zones have a need for more unique signage and for a greater variety of signs in the urban area of the City. This area is characterized by densely packed commercial uses that compete for attention. It is the City's intent in its regulations to strike a fair balance between commercial needs, traffic safety, and community concerns about visual clutter and visual blight. The below standards are allowed without review in the TC districts, however, a variance may be sought to allow a design more appropriate to the unique aspects of an urban environment. This variance is reviewed by the Director of Community Development as outline in Section 6.06.

### **Downtown (TC1, TC2, TC3): Sign Permit Required**

Section Number	Zone(s)	Signs Allowed	Limitations
3.04	TC1		As shown in these sections
	TC2		
	TC3		
		Monument, Pylon, or 2 pole sign(see section 2.12)	Allowed under special conditions for businesses and offices, and certain institutions with restrictions based on lot size as noted in 3.03 and overall impact to nearby residential and meet size and height restrictions for TC1, TC2, and TC3 districts.
		Banner sign	=< 24 sq. ft. in area per side 1 banner sign is allowed per tenant or business location. Banners may be changed. Banners may not be hung from awnings unless canopy sign requirements can be met. Banner permits must

be renewed on an annual basis. (See Section 6.03 Permit Fees)

A-Frame sign <b>No permit is required</b>	=< 3 ft. in height =< 2 ft. in width Allowed in the street right-of-way, on a sidewalk immediately in front of the business. Must leave 36 inches of walkable sidewalk width. Must be readily movable.
Wall sign May be used in lieu of a projecting sign	=< 10% of aggregate area of building elevation on which the sign(s) are installed. Must advertise business to which they are attached. The total of all wall and awning signs can be no more than the 10% aggregate area. No off-premises wall signs are allowed.
Awning sign	=< 10% of aggregate area of building elevation on which the sign(s) are installed. The total of all wall and awning signs can be no more than the 10% aggregate area.
Under canopy	=< 8 sq. ft. => 7 ft. clearance to grade 1 sign for each separate occupancy or entrance. Sign may project beyond the front property line, but may not be closer than 6 inches to the line of paved street surface.
Projecting sign (Blade Sign) May be used in lieu of a wall sign	May not project more than 8 ft. from the side of a structure =< 10% of aggregate area of building elevation on which the sign(s) are installed => 10 ft. clearance to grade over pedestrian walkway => 14 ft. clearance over vehicular right-of-way May project beyond the front property line, but may not be closer than 6 inches to the line of the paved street surface. 1 sign for each separate occupancy or entrance
Window sign	No permit is required. Limited to not exceed 25% of total window area.
Roof sign	May be used instead of any wall signs or awning signs. Height =< 20% of the total height of the building to which attached. External illumination or neon only.

LED/EDM signs

Not Allowed, except LED only are allowed for fuel pricing static displays.

### Interstate Signage: Sign Permit Required

Section Number	Zone(s)	Signs Allowed	Limitations
3.05	Property must be adjacent to I-30, must be Zoned C3 or C2, and Off-Premise Billboard must not be closer than 1000 ft. apart and 1000 ft. of the centerline of Interstate 30. All Interstate Off-Premise Billboards must be approved by ARDOT after City approval.	All signs permitted in Sections 3.01, 3.02, and 3.03 with the below additional allowances for interstate static and LED/EMD signs(see section 2.12)	New Off-Premise Billboards are Not Allowed and a new Off- Premise Billboard may only be installed if one that exists and is included in the city's inventory has been removed and all other requirements of ARDOT and the City have been met as described herein. New EDM/EMD Billboards are not allowed. Existing EDM/EMD electronic messaging displays must be replaced with a Static Face if the structure is damaged or its life expectancy has been reached. All Billboards not meeting the requirements herein are considered Non-Conforming and cannot be modified except to conform.
		On-Premise interstate Billboard sign. ARDOT does not approve On Premise signs or Billboards. Must be on property abutting Interstate I-30. May be used in lieu of monument, or a Pylon sign(see section 2.12)	Principal purpose must be to address interstate traffic. =< 300 sq. ft. On Premise Maximum of Two sides with both facing interstate traffic Height must be ≤ 50 ft. above adjacent interstate lane elevation with maximum height above grade of property ≤75 feet, whichever is the least, to the highest portion of the sign. One such type of on - premise interstate Single Pole sign or Interstate Pylon sign is allowed. If the property has two street frontages, then a monument sign for single business or Multi-panel Pylon for multiple tenants or business sign may also be installed along the local street frontage but it cannot exceed height limitations according commercial lot size and sign dimension restrictions. Only one On-Premise Billboard may exist on any property adjacent

to the Interstate. On-Premise and Off-Premise Billboards on the same parcel must be greater than or equal to 50 feet apart and setback a distance of at least 50 feet from the ROW from each other.

Double stacked Billboards are not allowed. Each face must be continuous with no gaps and gaps contribute to the limitation of maximum face size.

Static LED/EMD sign

Static light emitting diode (LED) sign for fuel pricing purposes may be displayed. EDM/EMD Billboards are not allowed. Existing EDM/EMD electronic messaging displays are considered non-conforming and subject to non-conforming requirements. On-Premise and an Off-Premise Billboard structures or signs that are on property adjacent to the Interstate and of any size and contain an electronic messaging display of any size and type, must be at least 350 ft. apart on the same side of the Interstate whether on the same parcel or separated by multiple parcels and this includes any such sign on the Building or roof of the Building. Messaging signs are not allowed to be facing Interstate traffic from within a building or mounted on any portion of the building.

Off-Premise Billboard must be on property abutting Interstate 30 and must be on C2/C3 zoned property and minimum of 1,000 feet apart and approved by ARDOT. ARDOT Approval must be provided to the City prior to starting installation. (see section 2.11). A copy of ARDOT approval must be provided to the City along with proof of insurance and

New Off-Premise Billboards are Not Allowed and a new Off- Premise Billboard may only be installed if one that exists and is included in the city's inventory has been removed and all other requirements of ARDOT and the City have been met as described herein. Maximum size to be determined based on nearest On-Premise existing sign but no larger than 672 sq. ft. At no time may an new Off-Premise Billboard or On-Premise Billboard hinder an existing On-Premise billboard or obstruct its view from the Interstate. Maximum of Two sides with both facing interstate traffic Height must be  $\leq$  50 ft. above adjacent interstate lane elevation with maximum

ARDOT assigned  
permit number.

height above grade of property  $\leq 75$  feet,  
whichever is the least, measured to the  
highest portion of the billboard.

$\geq 25$  ft. to the rear of the On-Premises  
Interstate or local traffic sign and no closer  
than 25 feet to any free standing sign.

$\geq 1,000$  ft. from the nearest other Off-  
Premise Billboard on the same side of the  
interstate. Non-conforming Billboards less  
than 1,000 ft from other Billboards are  
subject to loss of Non-conforming status and  
must obtain new permit approval for any  
modifications or relocations and if they are  
damaged. If they are closer than 1,000 ft.,  
then they may not be allowed to be  
replaced if destroyed or damaged.

The City of Benton and ARDOT requires that  
all EDM/EMD type Off- Premise Billboards  
be  $\geq 1,500$  feet from the nearest other  
EDM/EMD type Off-Premise Billboard on the  
same side of the Interstate,

Must be mounted on a single pole and shall  
not be double stacked. Double stacked  
Billboards are not allowed. Each face must  
be continuous with no gaps and gaps  
contribute to the limitation of maximum  
face size. Only one On-Premise and one Off-  
Premise Billboard may exist on any property  
adjacent to the Interstate.

## **SECTION FOUR**

### **Non-conforming Signs**

#### **Section 4.01-Determination of Legal Non-conformity**

- (1) A non-conforming sign is any permanent sign that was legally established and maintained in compliance with the provisions of all applicable laws in effect at the time of original installation but that does not now comply with the provisions of this sign ordinance. This includes all signs; freestanding, wall, awning, single pole, off-premise advertising, etc.
- (2) A legally established sign which fails to conform to this ordinance shall be allowed continued use, except that the sign shall not be expanded, modified, or relocated, except in the case of street relocation.

- (3) All current wood pole or multiple I-beam billboards shall be allowed replacement to a monopole sign as long as they meet spacing of one thousand (1,000) feet for Static Faces or fifteen hundred (1,500) feet for electronic message center spacing as required by the City of Benton.

## **Section 4.02-Loss of Legal Non-conforming Status**

A legal non-conforming sign shall lose this designation and must fully conform to these regulations:

- (1) Existing signs outside the interstate zone:
- a. If it is relocated or modified in size, type, type of face, or configuration.
  - b. If any portion of the sign is damaged to the extent of more than fifty percent (50%) of the current sign value and replacement cost. The determination for this percent of damage shall be based on the average of three (3) estimates from three (3) separate sign companies.
  - c. Exception: A change of property ownership, business, or business type at a property will cause a loss of legal non-conformity of an on or off premise sign including any single pole sign or Tennant pylon or two-pole, etc. that is not allowed by this ordinance including size or height. The New Owner shall provide current lease information, if changes are made for off-premise signs as applicable, and of any non-conforming sign to the city at the time of seeking a business license or building permit. The non-conforming sign shall be removed or an application approved to comply and maintain the sign at its current or new location on or before the date of the property exchanging ownership and current owner's lease expiration. The new owner cannot extend the expiration date of the current lease agreement until the sign fully conforms to these regulations. If no agreement exists or it has expired, then the non-conforming sign must be removed within 30 days and prior to new owner/business certificate of occupancy.
  - d. Exception: If the static sign face is damaged or destroyed, the face may be replaced with the same type and size. If an Electronic Message display (EDM/EMD) type structure as the face exists prior to the damage, then the EDM/EDM can only be replaced with a Static face/structure. The sign face supporting structure may be temporarily placed on the ground in order to immediately replace the sign face or service the structure,
  - e. Exception: If the structural components of the sign including the face structure is damaged or destroyed, the structure and face may be replaced with a new face and structure of no more than sixty four (64) square feet in area. In no case, may a sign face be replaced with a face larger than the damaged face if it complies with these regulations.
- (2) Interstate signs/billboards: Existing on premise, freestanding pole signs previously allowed up to 300 sq. ft. area per side will be allowed replacement as follows:
- a. If the sign face is damaged or destroyed, the face may be replaced. The sign face supporting structure may be temporarily placed on the ground in order to immediately replace the sign face or service the structure.
  - b. If the structural components of the sign including the face structure is damaged or destroyed, the structure and face may be replaced with a new face and structure of no more than 300 sq. ft. in area. If an existing on premise billboard is larger than 300 sf and is damaged then it must not exceed 300 sf when it is replaced. In no case, may a sign face be replaced with a face larger than 300 s.f. and cannot be double stacked and no gap in the face may exist between panels for displays.

- c. Total height of interstate sign must meet this ordinance if structural components of the sign are altered unless it was less than the maximum height and in this case cannot be increased unless approval is obtained by permit after site conditions have been validated to warrant the need.
- (3) If the size of the sign is altered in any way except toward compliance with this ordinance. This does not refer to change of copy, face of the sign, or normal maintenance. Normal maintenance does not include the replacement of structural elements or a change in face type such as static face to EMD/EDM.
- (4) If the sign(s) advertising a building/development contains the majority of the businesses/tenants and the building/development undergoes major redevelopment such as demolition or expansion requiring a building permit.  
Exceptions:
  - a. A Remodel of an existing building will not cause the loss of legal non-conformity.
  - b. The construction of an additional building which does not increase under roof square feet by more than 50% on the same property, then the structure(s) added shall not cause the loss of legal non-conformity.
  - c. A change of ownership or business or business type or added businesses at a property will cause a loss of legal non-conformity of any sign or on- premise or off-premise single pole or pylon sign or billboard.
- (5) A sign or billboard is allowed to change the advertising face copy without loss of legal non-conforming status however a change in face type such as static to electronic messaging is considered a modification and is not allowed.
- (6) The sign is relocated, except in the case of a street relocation, expansion, or improvement. No modification of any dimension or height of the sign may be made in its relocation for this reason.

### **Section 4.03-Maintenance and Repair of Non-conforming Signs**

The legal non-conforming sign is subject to all requirements of this code regarding safety, maintenance, and repair. At no time shall structural components of a sign be allowed to be visible for more than 2 weeks. Temporary or permanent painted face panels must be in place to cover structural elements. The support poles, base, and sign cabinet exposed surfaces should be kept rust free and in good repair. Any loose and/or unsafe components must be repaired immediately.

If any sign (including any non-conforming sign) is found to no longer advertise a business that has been discontinued for ninety (90) days or more and/or the sign(s) have been abandoned and fallen into disrepair, the sign will lose legal non-conforming status and shall be removed. The property and sign will be posted and the owner will be issued a notice of violation by certified mail. The property owner must then respond to Community Development within 10 days of the date on the notice of violation and must correct the condition within thirty (30) days. If the condition is not corrected within 30 days of the notice of violation, then the sign will lose legal non-conforming status and further Code Enforcement action will proceed as defined in Section 6.05.

## **SECTION FIVE**

### **Construction Specifications**

## **Section 5.01-Construction specifications**

- (1) All signs shall be installed in compliance with current city building and electrical codes.
- (2) Where occupancy is on a corner lot, a minimum clear view zone shall be maintained in a triangulated area at the point of intersection to allow an unobstructed view of oncoming traffic. No sign taller than two (2) feet in height is allowed in the clear view zone. (See definition for clear view zone.)

## **SECTION SIX**

### **Administration and Enforcement**

#### **Section 6.01-Application for Permits**

The Community Development Director or his/her designee shall administer this ordinance.

The Application for a permit for the erection, relocation, or modification of a sign shall be made on a form provided by Community Development and shall be complete and accurate prior to the review commencing. All applications for permits filed with Community Development shall be reviewed and action initiated within two (2) business days. An application is not considered complete until staff have been provided all documents as required. Staff will annotate the date on the application when it is determined that all required documentation has been provided and the date in which the review of the application shall officially commence.

The Community Development Director is authorized to process applications for permits and variances, and cause committee action to hold public hearings, as required. Code Enforcement/Community Development will enforce and carry out all provisions of this code. The application procedure shall be a code review for all signage by zoning district and additionally for site signage shall be subject to obtaining concurrence from all departments represented within the Development Review Committee (DRC). A timeframe from receiving an application to issuing approval is contingent upon several factors and primarily if the application and all required documentation is properly submitted initially. The following are the timeframes typical for usual and proper time for review and approvals:

- \*BillBoards (On-Premise/Off-Premise/Improvements/Modifications/relocations/new): 30 days**
- \*Other Off-Premise Signs outside the Interstate zone: 30 days**
- \*On-Premise site signs and wall signs outside the Interstate zone: 14 days**
- \*All Other signs/banners: 7 days**

Community Development shall issue all sign permits. The Community Development inspectors are empowered, upon presentation of proper credentials, to enter or inspect any building, structure, or premises in the City for the purpose of inspection of a sign and its structural and electrical connections to ensure compliance with all applicable codes and ordinances. Such inspections shall be carried out during business hours unless an emergency exists.

A complete and full application must include the following information:

#### **Permanent Sign:**

- (1) Name and address of the applicant.

- (2) Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
- (3) Place a white stake or stakes at the specific location of the property where the sign (including at all corners) is proposed to be placed as shown on the drawing.
- (4) Written permission from the property owner for the placement of the proposed sign(s) on the site.
- (5) Plans for the sign, drawn to scale, showing the proposed location of the sign in relation to other signs on the site and all dimensions of the sign and to the nearest two property lines, entry/exit drives, and street right-of-way(s).
- (6) Specifications and drawings showing the materials, design, dimensions for the building elevations and that of any wall sign, structural supports, and electrical components of the proposed sign.
- (7) A complete color scheme for the sign, and design drawing of the sign.
- (8) Sufficient other details of the proposed sign to show that it complies with the provisions of this regulation, including electrical power and lighting requirements.
- (9) Computation of the total sign area, the area of each individual sign, the height of each sign from existing and adjacent grade, and the total number of existing and proposed signs on the site.
- (10) An accurate indication on the site plan of the proposed location of each present and future sign.
- (11) Specific GPS location.
- (12) ARDOT approval for all off-premise Interstate Billboards/signs located on the interstate and frontage roads and the assigned ARDOT permit number must be provided prior to commencing any work on site.
- (13) Proof of Insurance
- (14) All Off-Premise signs must be issued a City of Benton Permit number and be included in the Inventory. The permit number must be permanently affixed to the sign structure as described herein.
- (15) Other information as required by the department.

#### **Banner Sign:**

- (1) Name and address of the property owner, name of business, business owner, and applicant.
- (2) Street address and the location of the property on which the banner sign is to be located, along with the address of the property owner.
- (3) Specific details of the banner with dimensions and elevation view with dimensions.
- (4) A scale site plan of the proposed location of the banner display with dimensions to any entry/exit to streets and dimensions from the street ROW and elevation showing proposed mounting to a building or banner fixed site support structure. No Banner may be over 2 feet in height within the clear view zone.
- (5) Temporary/removable supports are not allowed.
- (6) Other information as required by the department.

#### **Expiration of Sign Permit:**

Approval of a sign permit shall expire 12 months from the date of approval and subject to be revoked unless the complete sign structure and all electrical work has been installed. All work, including the final electrical inspection must be complete within the 12 month permit period. A written letter requesting an approval to extend the timeframe must be obtained from the Community Development Director.

## Section 6.02- Issuance and Denial

Community Development shall issue a permit for the continued utilization of the on or off-premises erection, structural alteration, modification, or relocation of a sign provided that the sign complies with all applicable laws and ordinances of the City. In all applications, where a matter of interpretation arises, the more specific definition or higher standard shall prevail.

When a permit is approved, notification (electronic or by phone) will be made by the Community Development Office within 2 days of the decision. When a permit is denied, a written/electronic and phone notification will be made that will include a brief statement indicating the reasons for the denial, citing code sections and/or interpretation of possible nonconformity.

An approved permit can be revoked by the Community Development Director for any misrepresentation or any false statement of fact expressed verbally or within any part of the permit application or if any new issues are brought forward by any City of Benton/Benton Utility Department(s) or it has reached its expiration date prior to being completed and final inspection documented.

## Section 6.03-Permit Fees

Upon approval, the payment of the permit fee for each sign is required by the ordinance. The initial sign permit fee and any additional permit for the same sign, as required by this ordinance, shall be based on the existing fee ordinance. Any required electrical permit fees or inspection fees shall be an additional cost. Permit and inspection fees are nonrefundable. Re-inspection fees apply. Annual renewal permit fees apply to Off-Premise advertising signs/billboards as depicted below.

### Annual Renewal Off-Premise Sign and Billboard Permit Fee:

The below specified annual permit renewal fee must be paid to Community Development Department by January 1 of each year. A late fee of 25% will be assessed after January 1<sup>st</sup> and until January 15<sup>th</sup> of each year. Further Code Enforcement actions will commence if renewal fees are not received by January 15<sup>th</sup> which will entail a written citation being issued and a Court date established with potential fines up to \$500 per violation being assessed above the permit fee and late fee amounts. The purpose of this annual fee is to offset the cost to the City of Benton for enforcement of this Ordinance and should not be construed as a charge for the privilege of doing business.

	<u>Annual Renewal Fee Amount:</u>
Off-Premise <u>Static</u> Face Signs < 96 square feet per side:	\$ 50.00 (1 or 2 sided)
Off-Premise <u>EMD/EDM</u> Face signs < 96 square feet per side:	\$100.00 (1 or 2 sided)
Off-Premise <u>Static</u> Face Signs ≥ 96 square feet per side:	\$100.00(1 or 2 sided)
Off-Premise <u>EMD/EDM</u> structure Signs ≥ 96 square feet per side:	\$200.00(1 or 2 sided)

**Banner permits** are required initially and will remain at thirty-five dollars (\$35). There will not be an annual renewal permit fee for the use of Banner signs.

## Section 6.04-Inspection Upon Completion

Any person installing, structurally altering, modifying, or relocating a sign for which a permit has been issued shall notify Community Development upon completion of the work. Community Development may require inspection(s), including a footing inspection an electrical inspection and/or a final inspection on freestanding signs.

If repair of a damaged sign or its structure, face, cabinets, etc. is to be made, then notification should be made to Community Development indicating the scope of work and address that the work will be done.

At the time of permit approval and issuance, the applicant will be informed of any required additional permits, inspections and specific timeframes and requirements that the applicant must follow to ensure the inspections are properly completed.

### **Section 6.05-Code Enforcement & Violations/Abatement**

Code Enforcement/Community Development will enforce and carry out all provisions of this code.

The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless documented facts to the contrary are brought to the attention of Community Development, as in the case of a leased sign. For purposes of removal, the definition of sign shall include all embellishments and structures designed specifically to support the sign.

The City shall maintain an inventory and identify illegal, non-conforming, and/or abandoned signs within its jurisdiction. The City shall issue citations to the owners of identified illegal or abandoned signs and proceed as necessary to ensure owners/tenants/lessee bring the sign into compliance and/or proceed with abatement of the issues according to these regulations.

When a violation of the sign code exists, Code Enforcement/Community Development shall issue a notice of violation by certified mail to the alleged property owner/violator. The property shall also be posted with a placard indicating a violation has been defined. The property owner is responsible to contact the Community Development Office within 10 days of the date of the placard and date of the notice of violation certified letter. Corrections of all violations are to be initiated immediately by the owner or any and all tenants. The notice of violation shall specify those sections of the sign code which are in violation and shall state that the owner has ten (10) days to contact the Community Development Director and thirty (30) days from the date of the notice in which to correct the alleged violation(s).

If, upon inspection, Community Development and/or Code Enforcement Officer finds that a sign is abandoned or structurally, materially, or electrically defective and repairs are needed, then the property owner shall take appropriate action as directed in the notice of violation. The lack of response by the owner in correcting the violation or responding to the Community Development Director/Code Enforcement will invoke further Code Enforcement action, removal of the sign, business licensure being revoked, and/or citations and fines to be issued. The City reserves the right to condemn such signs/structures and cause them to be removed, and penalties/fines to be levied against the owner and property.

If the violations are of such magnitude or concern that it/they endanger the public or any portion of public property, then Code Enforcement and/or Community Development Director shall so state such danger and indicate immediate removal or resolution to the problem. In such cases of emergency, Community Development and/or Code Enforcement Officer may cause the immediate removal of a

dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety and or cause emergent concern according the local building, street, or utility codes. After emergent removal or demolition of a sign, Community Development and/or Code Enforcement shall mail a notice to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified. The Individual must contact the Community Development Director within ten (10) days.

In cases of any signs (including yard signs, signs on poles, signs on fences, walls, or barriers, or banners, or event signs, etc.) that are placed illegally anywhere in the city and/or within the public right-of-way, then Code Enforcement and/or the Community Development Director may cause immediate removal of the sign without notification to the owner of the sign. Recurring placement of such signs illegally will not be tolerated. Offenses shall not be limited to by any period of time annually or otherwise. The business owner and/or violator shall be issued a notice of violation for the 1<sup>st</sup> offense that shall indicate upon another or 2<sup>nd</sup> offense will cause the business licensure to be revoked immediately unless immediate compliance is obtained. Annual renewal of business licensure will not be granted unless full compliance is attained. A 3<sup>rd</sup> offense shall cause a citation to be issued with potential fines of up to \$500 per location/offense.

## **Section 6.06-Penalties**

If the amount specified in the notice of a repair, demolition, or emergent removal action that has been accomplished by the City of Benton and after duly informing the property owner and that amount or cost has not been paid within sixty (60) days of the notice, it shall become an assessment upon a lien against the property of the sign owner, and will be certified as an assessment against the property together with a ten percent (10%) penalty for collection in the same manner as the real estate taxes.

In addition, any person who fails to comply with the provisions of this Ordinance within ten (10) days after a notice of violation by Community Development and/or a Code Enforcement Officer may be subject to a fine of up to \$500 per day that the violation continues per offense.

## **Section 6.07-Variances for Signs**

No variances shall be allowed from the size area requirements of this ordinance. A variance for any other requirement of this ordinance, i.e., height, location, type, etc., may be applied for. The fee for any sign variance request shall be two hundred dollars (\$200).

Requests for sign variances shall be in writing and shall be submitted along with the sign application. Such request shall demonstrate that special conditions or circumstances exist that are not applicable to other lands, structures, or buildings such that a literal interpretation of the ordinance would result in an undue hardship.

Community Development shall review the request with input from Benton Utilities as needed to determine if the variance should be granted. If the Community Development Director decides to grant the request, he/she must, on the same day, notify all the City Council members of that determination by letter, email, telephone contact, or by placement of a notice in their mailboxes at City Hall or in another manner approved by the Mayor. If anyone of the City Council members feels that the variance request should not have been granted, the Council member must notify the Community Development Director

within no less than five (5) working days from the date of the Community Development Director's decision to grant the request. Upon such notification, the Community Development Director shall refer the variance request to the Board of Adjustment. In order to be placed on the agenda, such notification must be submitted no less than seventeen (17) days prior to the Board of Adjustment. If the Board of Adjustment should also decide to grant the variance, the variance shall be considered granted.

If the Community Development Director decides to refuse the variance request, the applicant may appeal to the Board of Adjustment as noted in section 6.08. The Community Development Director must notify the applicant of the decision to refuse the variance by mail, on the same day of the decision.

The Community Development Director or Board of Adjustment or City Council shall grant only the minimum variance required to make possible the variance request, provided that such variance will be in harmony with the general purpose and intent of the ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

### **Section 6.08-Appeals**

The requesting authority, on behalf of a property owner, or the property owner may file an appeal to the Board of Adjustment within thirty (30) days for any failure to respond to an application within three (3) days of the timeframe as specified for review in Section 6.03, or from the date of the decision that was rendered by Community Development and/or Code Enforcement Officer in denying a permit or variance or in alleging a violation of this Ordinance.

If the Board of Adjustment refuses a variance or decision, the applicant may appeal the decision to the City Council. The appeal must be submitted to the Community Development Department no less than thirty (30) working days from the date of the Board of Adjustments decision and must be submitted for City Council agenda consideration no less than eleven (11) days prior to a scheduled City Council meeting. Deadlines can be obtained from the Community Development Director. The Community Development Director or Board of Adjustments or City Council will grant the appeal only when the requirements and timeframes noted above are suitably demonstrated.

### **Section 6.09-Inventory (Exhibit 2)**

All current Off-Premise and On-Premise Billboards are reflected in the Inventory as of February 2020. No new Off-Premise Billboard location may be installed unless an existing Off-Premise Billboard is permanently removed. On-Premise Billboards for new Business on an existing parcel may be granted by the Community Development Director. Modifications of existing Interstate Billboards are subject to these regulations and shall be governed by Non-Conforming restrictions if they contain EDM/EMD or changeable copy capabilities or exceed face sizes or deviate in any way from regulations as contained herein.

All current signs with Electronic Message Centers and changeable copy are reflected in the Inventory as of February 2020. No new EDM/EMD type sign may be installed within the Interstate zone or any other zoning district within the city limits of the City of Benton. All such signs are hereby considered Non-conforming and any repairs or changes shall be governed by the Non-conforming restrictions of these regulations.

## **SECTION SEVEN**

### **Repeal, Conflict, Severability, Effective Date, and Definitions**

#### **Section 7.01 – Repeal**

The Sign Ordinance 46 of 2009, as adopted August 10, 2009, and all Amendments are hereby repealed.

#### **Section 7.02 – Conflict**

If any portion of this code is found to be in conflict with any other provision of any zoning, building, fire, safety, or health ordinance of the City, the provision which establishes the stricter standard shall prevail.

#### **Section 7.03 – Severability**

If any section, subsection, sentence, clause, or phrase of this code or its application to any person or circumstance is held invalid by the decision of any court of competent jurisdiction, the remainder of this code, or the application of the provision to other persons or circumstances is in effect and shall remain in full force and effect.

#### **Section 7.04 – Effective date**

These Amended Regulations shall take effect and be in full force on the \_\_\_\_ day of ????, 2020.

Approved by the City Council this \_\_\_\_ day of ????, 2020.

#### **Section 7.05- Definitions**

Certain terms are defined for the purposes of the Ordinance as follows:

= - A symbol meaning equal to.

< - A symbol meaning less than.

> - A symbol meaning more than.

**A-Frame Sign** - A sign composed of two panels hinged at the top. From a side elevation resembles an "A". Such signs may be placed only on a sidewalk immediately in front of the business. Such signs are allowed only in the commercial business districts where sidewalks are present.

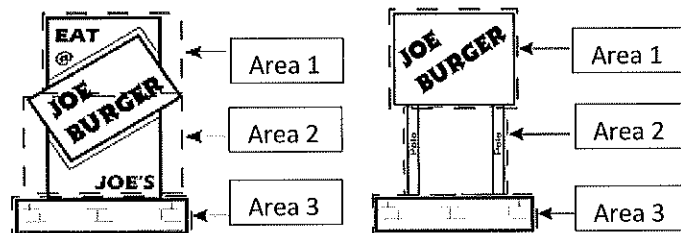
**Abandoned Sign** - A sign that no longer identifies or advertises a bona fide business, lesser, service, owner, product, or activity and is no longer maintained.

**Animated Sign** - (see also and note difference from changeable sign) a sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means. Animated signs visible from the street right of way shall be considered a nuisance and are prohibited. Animated signs include the following types:

- (1) **Naturally Energized:** Signs whose motion is activated by wind or other atmospheric impingement. Wind driven signs include flags, banners, pennants, streamers, spinners, metallic disks, or other similar devices designed to move in the wind.
- (2) **Mechanically Energized:** Signs manifesting a repetitious pre-programmed physical movement or rotation in either one or a series of planes activated by means of mechanically based drives.
- (3) **Electrically Energized:** Illuminated signs whose motion or visual impression of motion is activated primarily by electrical means. Electrically energized animated signs are of two (2) types:
  - a. **Flashing Signs:** Illuminated signs exhibiting a preprogrammed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase), is either the same as or less than the duration of the period of darkness (off phase), and in which the intensity of illumination varies from zero (off) to 100 percent (on) during the programmed cycle.
  - b. **Illusionary Movement Signs:** Illuminated signs exhibiting the illusion of movement by means of a preprogrammed repetitious sequential switching action in which illuminated elements of the sign are turned on or off to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns including any transition movement between advertisements.

#### Area, of Sign

- (1) **Projecting and Monument-** The area of a freestanding or projecting sign shall have only one side of any double or multiple face design counted in calculating its area. The area of the sign shall be measured as follows if the sign is composed of one (1) or more individual elements:



When calculating the sign surface area of any sign, a maximum of three (3) distinct and abutting "Areas" made up of squares or rectangles may be used to encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.

- (2) **Wall Sign or Awning Sign-** The area shall be within a single, continuous perimeter composed of any rectilinear line geometric figure that encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall or awning as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area.



**Awning-** A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. (Compare "Marquee")

**Awning Sign-** A sign painted on, printed on, or attached flat against the surface of an awning. Banners may not be attached to awnings.

**Back Lit Awning-** An internally illuminated fixed space- frame structure with translucent, flexible reinforced covering designed in awning form and with graphics or copy applied to the visible surface of the awning.

**Banner sign-** A sign on cloth or other flexible material that projects from or hangs from a building, pole or wire. Banners include pennants, flags, cable-hung banners and vertical banners. Depending upon its method of attachment, a banner sign may be a flat-mounted sign, a projecting sign, or a freestanding sign. Banner sign may not be attached to fences, railings, trees, or roofs.

**Bench Sign-** A sign located on any part of the surface of a bench or seat place on or adjacent to a public right-of-way.

**Billboard-** Any sign over 96 square feet in dimensions. Also see "Off-Premise Interstate Sign" and "On-Premise Interstate Sign".

**Blade Sign-** see "Projecting Sign"

**Building-** As defined in the Zoning Ordinance.

**Canopy (Building)-** A rigid multisided structure covered with fabric, metal or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities. May be illuminated by means of internal or external sources. (Compare "Marquee")

**Canopy (Freestanding)-** A rigid multisided structure covered with fabric, metal or other material and supported by columns or posts embedded in the ground. May be illuminated by means of internal or external sources.

**Canopy Sign-** A sign affixed or applied to the exterior facing surface or surfaces of a building canopy or freestanding canopy.

**Cable Hung Banner-** A single banner, or several individual banners, or individual cutout letters, suspended by cable over a public right-of-way from poles designated for such civic use.

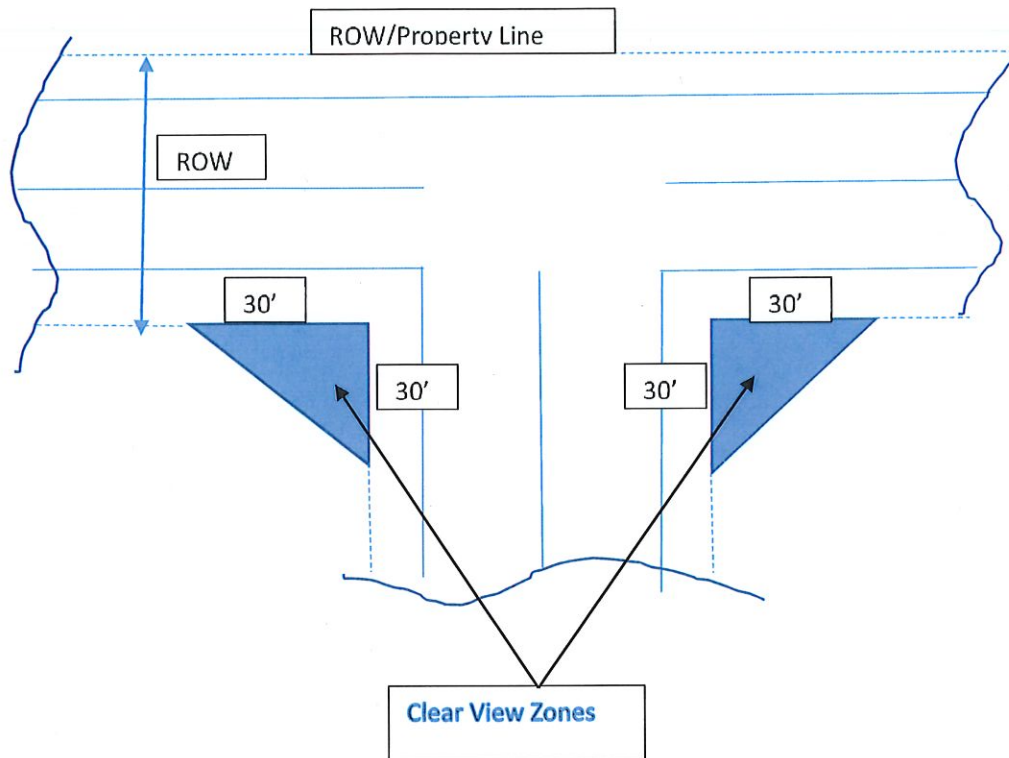
**Changeable Sign-** A sign whose informational content can be changed or altered by manual or electric, electromechanical, or electronic means. Changeable signs include the following types:

- (1) **Manually Activated:** Signs whose alphabetic, pictographic or symbolic informational content can be changed or altered by manual means.
- (2) **Electrically/Electronically Activated/EMD/EDM:** Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. Includes the following two types:
- a. **Fixed Message Electronic Signs:** Signs whose basic informational content has been preprogrammed to include only certain types of information projection, such as time, temperature, predictable traffic conditions, or other events subject to prior programming.
  - b. **Computer Controlled Variable Message Electronic Signs( EMD/EDM):** Signs whose information content can be changed or altered by means of computer-driven electronic impulses. All advertisements must remain static for a period of 8 seconds and no motion or animation is allowed. Should the department, in its discretion, find the sign, or any display or effect thereon, to cause glare or to impair the vision of the driver of any motor vehicle or which otherwise interferes with the operation of a motor vehicle, the owner of the sign shall, within twenty-four hours after notification by the Department, reduce the intensity of the sign to an acceptable level. Failure to reduce lighting intensity on request may be cause for revocation of the permit. Community Development shall be provided with a phone number and contact person for all EMD/EDM signs.

**City-** Unless the context clearly discloses a contrary intent, the word "City" shall mean the City of Benton.

**Clearance (of a sign)-** The smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

**Clear view Zone-** The area of a corner lot closest to the intersection that is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. Typically, such an area is established by marking a point at which the two property lines intersect, measuring thirty (30) feet along each property line and drawing a line across the two back points to form a triangulated area. No sign in excess of two (2) feet above curb grade may be installed in this area. No temporary banners, temporary development/construction signs, temporary road construction signs, fences, vegetation or landscaping may be placed within or extend above two (2) feet above curb grade in this area.



**Community Service Sign-** A sign which solicits support for or participation in a non-profit, non-political, community, public, social event, or public activity. A community service sign may only be erected by a unit of government, school, chamber of commerce, religious organization, or other non-profit agency.

**Construction Sign-** A temporary sign giving the name or names of principal contractors, architects and engineers responsible for construction on the site where the sign is placed. This does not include lending institutions or subdivision lot signs.

**Copy-** The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

**Development Review Committee (DRC) –** All Billboards and On or Off Premise signs on any property that are new or replaced are subject to DRC review and approval prior to issuing a permit for installation. The DRC includes technical staff and department heads of the Water, Sanitary Sewer, and Electric departments of Benton Utilities, Benton Street Department, Benton Fire Department and the Community Development Department.

**Directional/Informational Sign-** An on premise sign giving directions instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs. May contain logo provided that the logo may not comprise more than 20% of the total sign area.

**Directory sign-** A sign on which the names and locations of occupants or the use of a building is given. This shall include office buildings and church directories.

**Disrepair-** Signs that are broken, cracked, vandalized, torn, rotten, faded, faulty, defective, rusty, or otherwise unsightly.

**Double-Faced sign-** a sign with two faces, essentially back-to-back.

**Electric Sign-** A sign or sign structure in which electrical wiring, connections, or fixtures are used.

**Electronic Message Center-** see "Changeable Signs, Electrically or Electronically Activated"

**Electronic Message Device (EMD)-** means a sign with the capability of displaying words, symbols, figures or images controlled by electronic communications.

**Elevation-** The entire side or front of a building including the parapet. Utilized in determining the permissible sign area.

**Face of Sign-** The area of a sign on which the copy is placed. This does not include the mounting structure.

**Festoons-** A string of ribbons, tinsel, small flags, or pinwheels.

**Flashing Sign-** see "Animated Sign, Electrically Energized"

**Freestanding Sign-** A sign supported permanently upon the ground by poles or braces and not attached to any building. SINGLE Pole signs are not allowed.

**Frontage-** The length of the property line of any one premise along a public right-of-way on which it borders.

**Frontage, Building-** The length of an outside building wall on a public right-of-way.

**Government Sign-** Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

**Height (of a sign)-** The vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and the average established ground level beneath the sign, unless adjacent public street curb elevation is higher than the ground level, in which case the height shall be measured from the adjacent or nearest public street curb level. Any berm or other fill placed at the base of the sign shall not be considered normal ground elevation.

**Identification Sign-** A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

**Illegal Sign-** A sign which does not meet the requirements of this code and which has not received legal Non-conforming status.

**Illuminated Sign-** A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

**Incidental Sign-** A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises' e.g., a credit card sign or a sign indicating hours of business. Cumulatively, the sum of all incidental signs in use at any time cannot exceed 4 sf, see 3.03.

**LED Sign-** A sign composed of alphanumeric characters composed of light emitting diodes.

**Lot-** A parcel of land legally defined on a subdivision map recorded with the assessment department or land registry office, or a parcel of land defined by a legal record or survey map.

**Low- Profile Sign-** also "Monument Sign"- A sign mounted directly to the ground. The maximum height is measured from the ground to the top of the sign including any base construction.

**Maintenance-** Cleaning, painting, or minor repair of defective parts of a sign in a manner that does not alter the design, or structure of the sign. No structural parts of a non-conforming sign may be replaced without the loss of the sign's legal non-conformity.

**Mansard-** A sloped roof or roof-like façade architecturally comparable to a building wall.

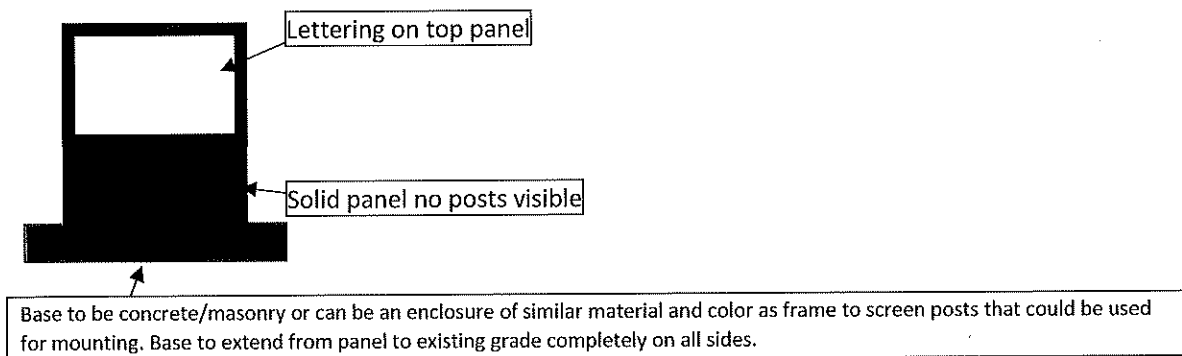
**Marquee-** A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.

**Marquee Sign-** Any sign attached to or supported by a marquee structure.

**Message Board-** The portion of a sign whose informational content can be changed or altered by manual, electric, electromechanical, or electronic means. See: Changeable signs. Electronic message boards associated with LED/EMD type signs are restricted.

**Monument Sign-** A sign mounted directly to the ground. No poles shall be visible. The maximum height is measured from the ground to the top of the sign including any base construction. Maximum area is to be determined as defined in "Area, of Sign Projecting and Monument" This does not include light fixtures intended to illuminate the sign.

Typical Monument sign example



**Multiple-Faced Sign-** A sign containing three (3) or more faces, not necessarily in back-to-back configuration. These are not allowed.

**Nameplate-** A non-electric on premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

**Noncommercial sign-** A temporary sign that carries no message, statement, or expression related to the commercial interests of the sign owner, lessee, author or other person responsible for the sign message. The message does not direct attention to a business operated for profit, or to a commodity or service for sale.

**Non-Conforming sign**

- (1) A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.
- (2) A sign which does not conform to the sign code requirements, but for which a special permit has been issued.

**Occupancy-** The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

**Off-Premise Directional Sign-** A sign that provides direction to a site that is not located on the same parcel or lot as the sign. This sign may contain the name and address of a business, but may contain no advertising copy. This sign may contain the logo, in addition to the name of the establishment. An off-premise directional sign is allowed per Section 3.03.

**Off-Premise Interstate Sign also "Billboard"-** A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e. g., "billboards" or " outdoor advertising." These must have only two sides with both facing Interstate traffic and the sign itself must be located on property immediately adjacent to the Interstate. Limited according to Section 3.04.

**On-Premise Interstate Sign also "Billboard" -** A sign that pertains to the use of the premises and/or property on which it is located. These must have only two sides with both facing Interstate traffic and the sign itself must be located on property immediately adjacent to the Interstate. Limited according to Section 3.04.

**On-Premise Sign-** These are located inside or outside the Interstate zone or property adjacent to the Interstate and limited according to Section 3.03 requirements. These are a sign that pertains to the use of the premises and/or property on which it is located.

**Owner-** A person recorded as such on official records. For the purposes of this Ordinance, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of Community Development, e.g., a sign leased from a sign company.

**Painted Wall Sign-** Any sign that is applied with paint or similar substance on the surface of a wall.

**Parapet-** the extension of a false front wall above the roofline.

**Person-** Any individual, corporation, association, firm, partnership, or similarly defined interest.

**Point of Purchase Display-** Advertising of a retail item accompanying its display, e.g., an advertisement or a product dispenser, tire display, etc.

**Pole Cover-** Cover enclosing or decorating poles or other structural supports of a sign.

**Pole Mounted Sign-** A sign constructed with a base consisting of one or more poles. Single pole signs are only allowed on property immediately adjacent to the interstate, see On and Off Premise Interstate Signs. Outside the Interstate, single pole signs are not allowed. Monument (no poles visible) and two pole signs and/or Pylon signs (having a monument type Base and two poles) are required. See examples. Check ordinance for what type is allowed for each zoning district and areas within districts.

**Political Sign-** A temporary sign used in connection with a local, state, national election, or referendum.

**Portable Sign-** Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building. If electrical power is required, then all codes must be adhered to at all times.

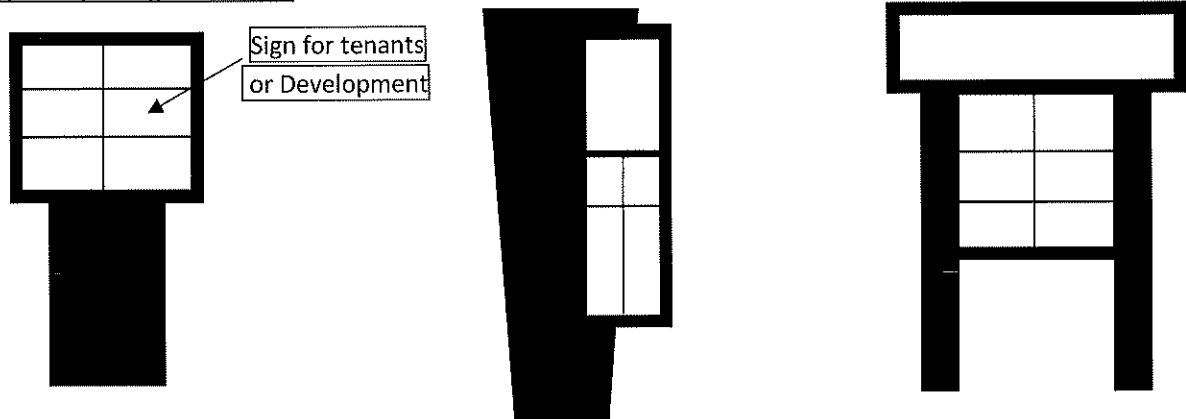
**Post and Arm Sign-** A sign of two (2) square feet or less in area supported by an upright post with a horizontal arm, from which a sign is suspended. No part of the structural support may be greater than six (6) inches in any dimension. Maximum height of four (4) feet.

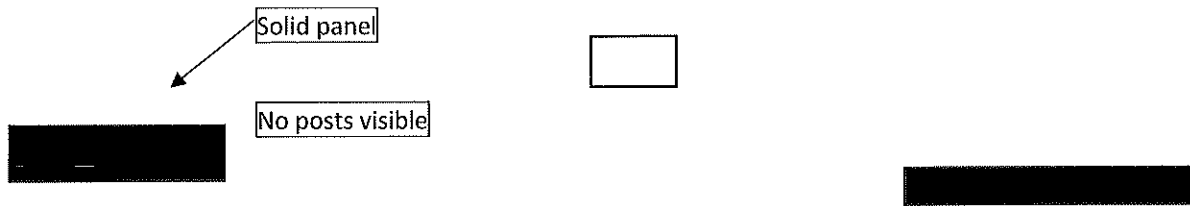
**Projecting Sign-** A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign. Typically projecting from the facade of a building and perpendicular to the pedestrian or vehicular right of way. Maximum area is to be determined as defined in "Area, of Sign Projecting and Monument, and two-pole".

**Premises-** A parcel of land with its appurtenances and building that, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

**Pylon Sign-** A freestanding sign usually in excess of eight feet in height that is detached from a building and located at road frontage /entry points to a development and is supported by a support structure that is a solid-appearing base constructed of a permanent material such as concrete block or brick (similar to a monument sign) and having one or more structural elements which are architecturally similar to the design of the sign. Fixed multiple advertising panels are approved typically for the development and for individual businesses on each sign. For property adjacent to Interstate, these can be a height equal to On Premise Billboards but at all other roadways the height and dimensions will be sized according to lot size, road frontage, and requirements as noted in the zoning district.

Typical Pylon sign examples:





Base to be concrete/masonry or can be an enclosure of similar material and color as frame to screen posts used for mounting. Base can be same size as middle support section but cannot be a single post and must extend from panel to existing grade completely on all sides.

**Real Estate Sign-** A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

**Relocation of a Sign-** the movement of the sign to a new or changed location and includes without limitation any movement of the sign to a new location on the same structure, on the same parcel or elsewhere. Any movement of a sign, no matter how slight, is relocation.

**Roof Sign-** A sign that is attached to a structure located on a roof.

**Roofline-** The top edge of a roof or building parapet, whichever is higher, excluding any mansards, cupolas, pylons, chimneys, or minor projections.

**Rotating Sign-** see "Animated Sign, Mechanically Energized"

**Sign-** Any device, structure, fixture, or placard using graphics, symbols, and/or written copy for the primary purpose of identifying, providing directions or advertising any establishment, person, product, goods, or services. Where the term "sign" is used, it shall refer to on premise signs unless specifically noted otherwise.

**Snipe Sign-** A temporary sign or poster affixed to a tree, fence, etc.

**Subdivision Identification sign-** A freestanding monument or wall sign identifying a recognized subdivision, condominium complex, or residential development.

**Structure-** Any mechanical component to which the actual advertising face is attached. Including the pole.

**Temporary Sign-** A sign not constructed or intended for long-term use.

**Two-pole Sign-** A sign constructed with two vertical support poles. The poles shall be mounted on the outside of the sign face or within the outside one-fourth (1/4) of the sign face. A sign face may be mounted on top or between the two vertical poles.

**Under-Canopy Sign-** A sign suspended beneath a canopy, ceiling, roof, or marquee.

**Vertical Banner-** a banner hung or projecting from a banner pole in the public right-of-way designated for civic use.

**Wall Sign-** A sign attached essentially parallel to and extending not more than twenty-four (24) inches from the wall of a building with no copy on the sides or edges. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard. Wall signs shall be placed only on the sides of buildings with street frontage. Wall sign area shall be measured by the smallest polygon that can be drawn to outline and contain all letters, artwork, and logos, using no angle other than ninety (90) degrees.

**Painted or Vinyl on Retaining Wall or Building Wall or Wrap Signs on the same –** Such signs, whether covering a portion of a retaining wall or building wall or the total wall must conform in total square feet of allowable advertisement size per zoning district(s) and must seek special approval from the Planning Commission. Variances in size and in exceeding allowable square feet in advertisement must be identified in the variance request and first must be approved to be allowed by the Planning Commission before the variance can be submitted to the Board of Adjustment.

**Window sign-** A sign applied directly onto a window or internal to the window within twelve inches of the window and visible from the public right-of-way. Window signs include without limitation the application of words and logos onto window glass, the use of hanging signs and paper signs that are static. However, the display of non-copy merchandise shall be permitted provided the packaging and/or labels are not so extreme as to render it substantially advertising copy. **Window signs shall not be animated signs, blinking signs, or electronic message boards and cannot exceed 25% of the total area of a window.**

**Window Wrap signs** are allowed but the advertisement portion of the window wrap containing any portion of the business or advertisement of a business nature shall be subject to the overall restrictions of a wall sign. The part of the wrap on windows not containing such advertisement is not included in the total sign area for a wall section.

**Under Canopy Sign-** A sign fastened under a canopy structure and mounted perpendicular to the face of the building from which the canopy projects.

**Use-** the purpose, for which a building, lot, sign or structure is intended, designed, occupied, or maintained.

## ORDINANCE NO. 35 OF 2020

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

WHEREAS, an application for rezoning was filed with the Planning Commission of the City of Benton, Arkansas by Matthew McCallister d/b/a McCallister Landscape Supply requesting that the land hereinafter described located at 2805 Salt Creek Road be zoned from R-2 to C-1 and

WHEREAS, the Planning Commission ordered a Public Hearing be held on June 9, 2020 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 rezone the following property from R-2 to C-1.

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 R-2 to C-1:

Parcel Number 805-13514-000; see attached legal description

SECTION 2: The City Council, having found that the immediate rezoning of this property will allow commercial utilization of the property 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 June, 2020.

\_\_\_\_\_  
Tom Farmer, Mayor

\_\_\_\_\_  
Cindy Stracener, City Clerk

DESIGNATED FOR PUBLICATION

CITY OF BENTON  
COMMUNITY DEVELOPMENT DEPARTMENT

Jessica Teague  
Planner  
Phone: (501) 776-5938  
Email: [jessica@bentonar.org](mailto:jessica@bentonar.org)



114 South East Street  
Benton, Arkansas 72015  
Fax: (501) 776-5922  
Web: [www.bentonar.org](http://www.bentonar.org)

MEMORANDUM

TO: Robin Freeman/Brian Black  
Planning Commission

FROM: Jessica Teague  
Community Development

DATE: June 2, 2020

RE: Rezone Request for 2805 Salt Creek Road

---

The applicant is requesting a rezone of 2805 Salt Creek Road from R2 to C1. His plan is to move his landscaping business to a larger lot across the street from his current location. All requirements have been met in accordance with City Ordinance. City and Benton Utilities Staff comments have been provided in the packets and recommend approval.

Please contact the Community Development Office if we may be of further assistance.

## Jessica Teague

---

**From:** Jessica Teague  
**Sent:** Tuesday, June 02, 2020 10:36 AM  
**To:** eric@richardson-engrs.com  
**Cc:** Brad Jordan  
**Subject:** RE: DRC Comments for 2805 Salt Creek Road Rezone

Thank you, Eric, for the clarification.

Sincerely,

*Jessica Teague*

Planner  
Community Development  
City of Benton

**From:** eric@richardson-engrs.com <eric@richardson-engrs.com>  
**Sent:** Monday, June 01, 2020 4:50 PM  
**To:** Jessica Teague <jessica@bentonar.org>  
**Cc:** Brad Jordan <Brad@bentonar.org>  
**Subject:** RE: DRC Comments for 2805 Salt Creek Road Rezone

Jessica,

Our apologies for any confusion on this rezone request. Matt Nalley submitted the application on Mr. McCallister's behalf. Matt works out of our office and is the Surveyor for this project. We're working together on this project. The site plan that Matt sent in with the rezone request was very preliminary. We plan to submit a full set of plans for the site plan following approval of the rezone.

Please find the following responses to the DRC comments:

Community Development:

- Ok

Noted.

Electric Department:

- Benton Electric approves this Rezone.

Noted.

Fire Marshal:

- This is ok

Noted.

Street Department:

- Streets and Drainage approves the rezone

Noted.

Wastewater Conveyance Department:

- Wastewater Conveyance approves the 2805 Salt Creek Road rezone.

Noted.

Water Department:

Please find the following comments.

- Before approval can be given the existing water main running from Salt Creek Road towards the creek, near the proposed detention pond will be abandoned in place. A cut and plug is required at the street right of way and at the property line near the creek. All work is to be done per Benton Utilities specifications and will require a 24 hour notification to the water department for inspections.

Noted. A site/utility plan will be submitted to this effect.

Please contact our office if you have any additional questions/comments.

Thank you,

**Eric Richardson, PE**



210 West Sevier Street, Benton, AR 72015  
Office (501) 315-7225  
Cell (501) 249-3141

**From:** Jessica Teague <[jessica@bentonar.org](mailto:jessica@bentonar.org)>  
**Sent:** Monday, June 1, 2020 4:15 PM  
**To:** [eric@richardson-engrs.com](mailto:eric@richardson-engrs.com)  
**Cc:** Brad Jordan <[Brad@bentonar.org](mailto:Brad@bentonar.org)>  
**Subject:** FW: DRC Comments for 2805 Salt Creek Road Rezone

Forwarding to you per our phone conversation.

Sincerely,

*Jessica Teague*

Planner  
Community Development  
City of Benton

**From:** Jessica Teague  
**Sent:** Monday, June 01, 2020 1:28 PM  
**To:** [mclandscapesupply@gmail.com](mailto:mclandscapesupply@gmail.com)  
**Cc:** Brad Jordan <[Brad@bentonar.org](mailto:Brad@bentonar.org)>  
**Subject:** DRC Comments for 2805 Salt Creek Road Rezone

Good afternoon Matthew,

Below are comments I have received regarding 2805 Salt Creek Road Rezone. Please address all comments and corrections and resubmit revised plans to the Community Development Office. Also, please let me know if you have any

questions or concerns. The Planning Commission will meet at City Hall on June 9<sup>th</sup> at 6:00pm to hear this request. It is recommended that you or a representative attend.

Community Development:

- Ok

Electric Department:

- Benton Electric approves this Rezone.

Fire Marshal:

- This is ok

Street Department:

- Streets and Drainage approves the rezone

Wastewater Conveyance Department:

- Wastewater Conveyance approves the 2805 Salt Creek Road rezone.

Water Department:

Please find the following comments.

- Before approval can be given the existing water main running from Salt Creek Road towards the creek, near the proposed detention pond will be abandoned in place. A cut and plug is required at the street right of way and at the property line near the creek. All work is to be done per Benton Utilities specifications and will require a 24 hour notification to the water department for inspections.

Thank you.

Sincerely,

*Jessica Teague*

Planner

Community Development

114 South East Street

Benton, AR 72015

Office: 501-776-5938, ext. 116

Cell: 501-249-8218

Fax: 501-776-5922



ATTENTION: This email and any files transmitted with it are intended solely for the use of the individual or entity to whom they are addressed. Any unauthorized used, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. The views or opinions presented in this email are solely those of the author and do not necessarily represent those of the City of Benton. You are warned to check this email and any attachments for the presence of viruses. The City of Benton accepts no liability for any damage caused by any virus transmitted by this email.

City of Benton  
Community Development Department  
Attn: Mr. Brad Jordan,  
Community Development Director  
114 South East Street, Benton, AR 72015

May 22, 2020

Re: Letter of Requesting Rezone for 2805 Salt Creek Road, Benton, AR 72015

Dear Mr. Jordan:

Please accept this letter as a request to rezone the property located at the address above, described more particularly per the attached survey. The current zoning for the property is R-2, the proposed zoning will be C-1.

Please contact me with any questions you may have regarding this matter

Very Sincerely,



Matthew McCallister  
McCallister Landscape and Supply  
2710 Salt Creek Road,  
Benton, AR 72019

## REZONE APPLICATION

TO THE BENTON, ARKANSAS PLANNING COMMISSION:

Applicant's Name Matthew McCallister, McCallister Landscape Supply

Address of subject property 2805 Salt Creek, Benton AR

Legal description of subject property See Attached

Parcel Number 805-13514-00

It is requested that the above described property, currently in a R-2 Zone District, be changed to a C-1 Zone District. Attached hereto as a part of this application is an accurate scale drawing of the site and the surrounding area for a minimum distance of three hundred (300) feet from each boundary of the site showing locations of existing streets, property lines and the name and last known address of the recorded legal owners of all properties shown on the drawing. I hereby certify that I am the owner of the property identified in this application and to the best of my knowledge and belief, is true and correct.

Signed [Signature]

Email mclandscape supply@gmail.com

Address 2710 Salt Creek Rd  
Benton AR 72019

Phone 501 574 1522

Subscribed and certified to me this 22 day of May, 2020

45644  
Receipt Number

[Signature]  
Planning Department Representative

NOTE: THIS APPLICATION NEED NOT BE FILED IN PERSON AT THE OFFICE OF THE PLANNING COMMISSION; HOWEVER, WHEN FILING BY MAIL OR SECOND PARTY, THE SIGNATURE MUST BE NOTARIZED.

Legal Description for Parcel 805-13514-000 Rezone

Tract 1

That part of the West Half of the Southeast Quarter of Section 34, Township 1 South, Range 15 West, more fully described as follows: Commencing at a #6 rebar with cap #212 accepted as the southeast corner of the Northwest Quarter of the Southeast Quarter of said Section 34 and run thence South 2°49'09" West along the east line of said W ½ SE ¼ for 285.41 feet to a #6 rebar with cap #212; thence North 76°18'42" West for 39.01 feet to a #6 rebar at the corner of an old fence which is also on the north line of property recorded in Saline County, Arkansas Document 2004 at page 73510; thence the following courses along the north line of property described in Saline County, Arkansas Document 2004 at page 73510 : North 76°18'42" West for 232.82 feet, North 75°41'52" West for 291.41 feet, North 73°51'46" West for 25.23 feet to the center of Salt Creek; thence North 58°43'33" East along said creek for 55.79 feet; thence North 68°56'05" East for 16.73 feet to a point in the center of Salt Creek; thence North 74°24'21" West for 121.96 feet; thence North 50°37'05" West for 179.55 feet to the west right of way of Salt Creek Road; thence North 26°11'13" East along said west right of way for 138.13 feet; thence North 25°08'00" East along said west right of way for 10.41 feet to the south line of property described in Saline County, Arkansas Document 2001-060526, said point being the point of beginning of property herein described; thence North 21°57'38" East along said west right of way for 125.00 feet to the south line of property described in Saline County, Arkansas Document 2009-068520; thence South 71°13'57" East along the south line of said property (Doc 2009-068520) for 225.76 feet to a point in the center of Salt Creek; thence the following courses along the centerline of said Salt Creek: South 17°46'02" West for 14.21 feet, South 1°46'56" West for 25.63 feet, South 2°54'36" East for 50.52 feet, South 5°18'05" East for 19.15 feet, South 5°18'06" East to a point on the south line of said property described in Document 2001-060526; thence North 75°52'15" West along the south line of said property (Doc. 2001-060526) for 267.80 feet to the point of beginning, containing 0.64 acres more or less.

Staff Use:

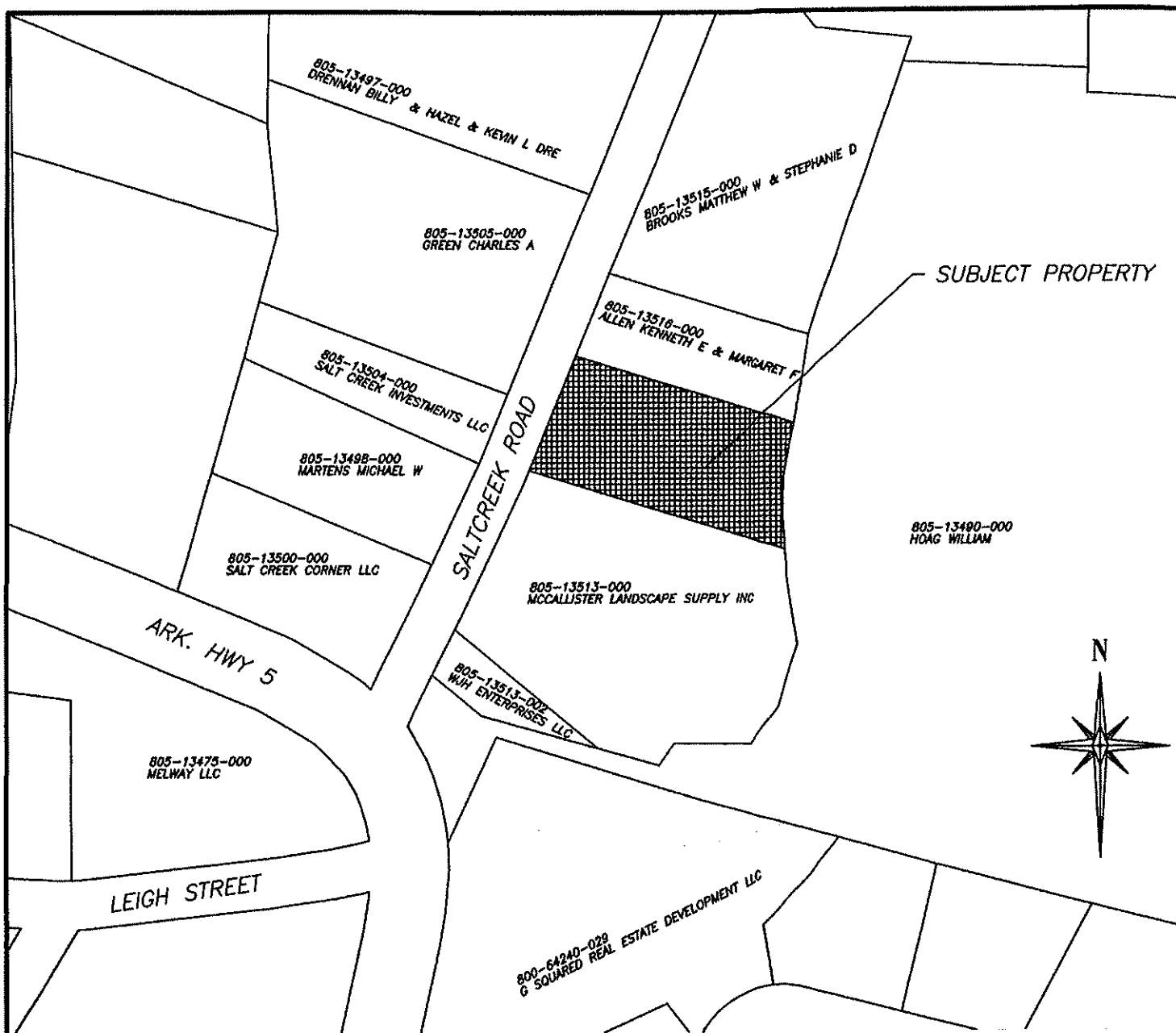
DATE SUBMITTED \_\_\_\_\_  
DATE OF NEXT MEETING \_\_\_\_\_  
AD MUST RUN NO LATER THAN \_\_\_\_\_

#### APPLICATION AND PROCEDURAL REQUIREMENTS FOR REZONING

1. Submit application for rezone in writing to Director of Community Development/Community Services Supervisor.
2. **Proof of ownership of said property must be submitted with application.** (Warranty deed, property tax letter, etc.)
3. **If the owner of said property will not be available, a notarized letter signed by the property owner must be presented identifying their representative/agent by name.**
4. Pay \$30 rezone fee.
5. Provide 20 copies of vicinity map (8.5 x 11" size) clearly outlining the property in question.
6. Place a notice of public hearing in a newspaper of general circulation at least fifteen (15) days prior to the Planning Commission meeting that states the purpose of application, location of the property involved, date, time, and place of the public hearing. (See attachment 1)
7. Provide "Proof of Publication" (a document you will get from the newspaper office) shall be furnished by the applicant to the Director of Community Development/Community Services Supervisor prior to or at the public hearing.
8. Send, or have mailed on your behalf, a notice of public hearing to all persons that lease or own property within 300 feet of the proposed zoning change. (Attachment 3) If you mail the notice, you should provide the Community Development Department with the green return receipts supplied by the post office. The notice of public hearing may also be delivered by hand, but you must maintain signatures showing receipt of the public notice.

Written notice to these individuals must be given 15 days in advance of the public hearing.

9. Provide the Community Development Department with a scale drawing of the site and the surrounding area for a minimum distance of three hundred (300) feet from each boundary of the site showing the locations of existing streets, property lines and the name and last known address of the recorded legal owners of all properties shown on the drawing.
10. Post a "Subject to Rezone" sign on the property.

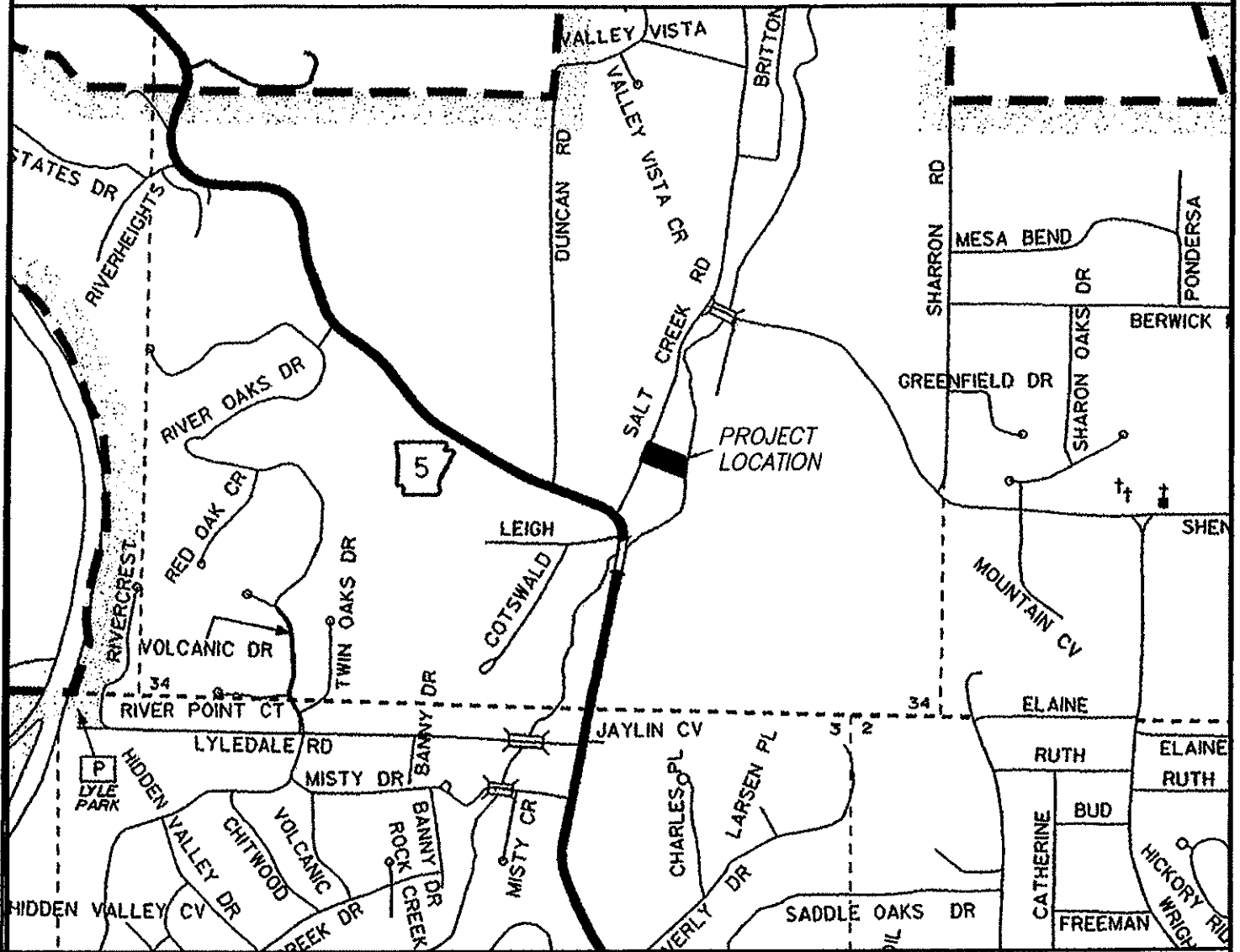


OWNERSHIP MAP FOR PARCEL 805-13514-000  
REQUESTED REZONE R-2 TO C-1  
PROPERTY OWNERS WITHIN 300' OF SUBJECT PROPERTY

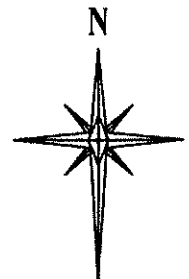
1 inch = 150 ft.

Parcel Number	Property Owner	Address
805-13490-000	HOAG, WILLIAM	87 EL DORADO DRIVE LITTLE ROCK AR 72212
805-13500-000	SALT CREEK CORNER LLC	PO BOX 381 BENTON AR 72018
805-13513-000	MCCALLISTER LANDSCAPE SUPPLY INC	SUBJECT PROPERTY
805-13514-000	MCCALLISTER LANDSCAPE SUPPLY INC	2719 SALT CREEK ROAD BENTON AR 72019
805-13505-000	GREEN, CHARLES A	14304 CECIL DRIVE LITTLE ROCK AR 72223
805-13498-000	MARTENS, MICHAEL W	2720 SALT CREEK RD BENTON AR 72019
805-13504-000	SALT CREEK INVESTMENTS LLC	524 WILDCREEK CIRCLE LITTLE ROCK AR 72223
805-13513-002	WJH ENTERPRISES LLC	87 EL DORADO DRIVE LITTLE ROCK AR 72212
805-13497-000	DRENNAN, BILLY GENE & HAZEL KATHERINE & KEVIN L DRE	2914 SALT CREEK RD BENTON AR 72015
805-13516-000	ALLEN, KENNETH E & MARGARET F	2811 SALT CREEK ROAD BENTON AR 72019
805-13515-000	BROOKS, MATTHEW W & STEPHANIE D	114 SHENANDOAH BENTON AR 72019
800-64240-029	G SQUARED REAL ESTATE DEVELOPMENT LLC	1229 HOT SPRINGS HWY BENTON AR 72019

VICINITY MAP FOR PARCEL 805-13514-000  
CURRENT ZONING - R-2  
REQUESTED ZONING - C-1



VICINITY MAP  
1" = 1000'



8 1 4 1 9 7 3  
Tx: 4095036

First National Title Company  
226 South Olive Street  
Malvern, AR 72104



2020-003748

I certify this instrument  
was filed on:

02/26/2020 10:47:53 AM  
Myka Bono Sample  
Saline County Circuit Clerk

Pages: 4  
C GREGORY

## WARRANTY DEED UNMARRIED PERSON

### KNOW ALL MEN BY THESE PRESENTS:

That, **Bambi Dawn Bowden, an unmarried person**, hereinafter called Grantor, for and in consideration of the sum of One and no one hundredths (\$1.00) Dollars and other good and valuable consideration in hand paid by **McCallister Landscape Supply, Inc.**, the receipt of which is hereby acknowledged, does hereby grant, bargain sell and convey unto the said, **McCallister Landscape Supply, Inc.**, hereinafter called Grantee, and unto its successors and assigns forever, the following lands lying in the County of Saline and State of Arkansas, to wit:

Part of the West Half of the Southeast Quarter of Section 34, Township 1 South, Range 15 West, Saline County, Arkansas, described as follows: Beginning at the Northeast corner of the SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  and run thence South 01 deg. 10 min. West for 258.92 feet to an established fence line; run thence North 77 deg. 43 min. West, along fence line, for 271.83 feet; thence North 76 deg. 41 min. West, along fence line, for 291.41 feet; thence North 74 deg. 51 min. West, along fence line, for 100 feet; thence North 75 deg. 35 min. West, along fence line, for 121.41 feet to a 1 inch rebar found; thence South 18 deg. 12 min. West for 99.29 feet to an iron pin set in the East line of Arkansas State Highway No. 5, being 30 feet from and perpendicular to the centerline thereof; run thence North 28 deg. 19 min. 39 sec. West, along the East line of said Highway, for 99.04 feet to the East line of Salt Creek Road; run thence North 30 deg. 19 min. 05 sec. East, along road line, for 131.19 feet; thence North 22 deg. 10 min. 47 sec. East, along road line, for 172.32 feet; thence South 77 deg. 46 min. 34 sec. East for 298.58 feet, along old fence line; thence South 76 deg. 25 min. 43 sec. East, along fence line, for 342.98 feet; thence South 81 deg. 12 min. 39 sec. East for 91.04 feet to the intersection with the East line of the NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ; thence South, along said East line, for 30.48 feet to the point of beginning.

AND

That part of the Northwest Quarter of the Southeast Quarter of Section 34, Township 1 South, Range 15 West, Saline County, Arkansas, described as follows: Beginning at the intersection of the Old Hot Springs Highway #70 and the South line of the said NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  and run thence North, along the East line of Salt Creek Road, 272 feet for a point of beginning; from said point, run thence North, along the East side of said road, 125 feet; thence South 73 deg. East 243.5 feet to the center of Salt Creek; thence in a Southerly direction, along the center of said Creek, to a point South 73 deg. East from the point of beginning; thence North 73 deg. West to the point of beginning.

**LESS and EXCEPT the following described lands:** That part of the Northwest Quarter of the Southeast Quarter of Section 34, Township 1 South, Range 15 West, Saline County, Arkansas, described as follows: Beginning at a #6 rebar with cap #212 accepted as the Southeast corner of said NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  and run thence North 87 deg. 03 min. 23 sec. West, along the South line of said NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ , for 87.20 feet to a point on the North line of property described in Saline County Document No. 2000 24331; thence North 74 deg. 04 min. 49 sec. West, along the North line of said property described in Document No. 2000 24331, for 346.49 feet; thence North 75 deg. 22 min. 45 sec. West, along the North line of said property described in Document No. 2000 24331, for 33.44 feet to the center of Salt Creek; thence the following courses along the center of said Salt Creek: North 05 deg. 18 min. 05 sec. West for 19.15 feet; North 04 deg. 02

Prepared under the supervision of  
James R. Pender  
Attorney At Law  
415 N. McKinley Street, Ste 1200  
Little Rock, AR 72205

min. 44 sec. West for 40.11 feet; North 01 deg. 41 min. 23 sec. East for 36.07 feet; North 17 deg. 46 min. 02 sec. East for 15.50 feet to the Southeast corner of property described in Saline County Document No. 2001 60526; thence North 27 deg. 19 min. 13 sec. East, along the East line of said property described in Document No. 2001 60526, for 126.23 feet to the Southeast corner of property described in Saline County Document No. 1998 42252; thence North 05 deg. 49 min. 19 sec. East for 92.24 feet to the Southeast corner of property described in Saline County Deed Record Book 372 at page 104; thence North 21 deg. 37 min. 36 sec. East, along the East line of said property described in Deed Book 372 at page 104, for 187.86 feet; thence South 87 deg. 00 min. 48 sec. East for 174.28 feet to the Southwest corner of property described in Saline County Deed Record Book 365 at page 690; thence South 87 deg. 00 min. 48 sec. East, along the South line of said property described in Deed Book 365 at page 690, for 162.00 feet to the East line of said NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ; thence South 02 deg. 04 min. 22 sec. West, along the East line of said NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ , for 579.27 feet to the point of beginning, containing 5.18 acres, more or less.

AND

**LESS and EXCEPT the following described lands:** Part of the West Half of the Southeast Quarter of Section 34, Township 1 South, Range 15 West, Saline County, Arkansas, described as follows: Commencing at a #6 rebar with cap #212 accepted as the Southeast corner of the NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of said Section 34 and run thence South 02 deg. 49 min. 09 sec. West, along the East line of said W  $\frac{1}{2}$  of SE  $\frac{1}{4}$ , for 285.41 feet to a #6 rebar with cap #212; thence North 76 deg. 18 min. 42 sec. West for 39.01 feet to a #6 rebar at the corner of an old fence which is also on the North line of property described in Saline County Document No. 2004 73510, said point being the point of beginning of property herein described; thence the following courses along the North line of property described in said Document No. 2004 73510: North 76 deg. 18 min. 42 sec. West for 232.82 feet; North 75 deg. 41 min. 52 sec. West for 291.41 feet; North 73 deg. 51 min. 52 sec. West for 100.00 feet; North 74 deg. 24 min. 40 sec. West for 121.41 feet; thence South 20 deg. 35 min. 48 sec. West 112.14 feet to a point on the East right of way of Arkansas State Highway No. 5; thence North, along the arc of a curve, said curve having a radius of 245.73 feet, a delta angle of 25 deg. 27 min. 23 sec. and a bearing and chord distance of North 20 deg. 59 min. 27 sec. West for 108.28 feet, for 109.18 feet to the intersection of the East right of way Arkansas State Highway No. 5 and the East right of way Salt Creek Road; thence North 32 deg. 42 min. 54 sec. East, along the East right of way of said Salt Creek Road, for 78.23 feet; thence South 74 deg. 24 min. 40 sec. East for 299.04 feet to the center of Salt Creek; thence the following courses along the centerline of said Salt Creek: North 68 deg. 56 min. 18 sec. East for 37.80 feet; North 46 deg. 14 min. 34 sec. East for 27.41 feet; North 27 deg. 09 min. 57 sec. East for 44.67 feet; North 12 deg. 55 min. 53 sec. East for 23.89 feet; North 02 deg. 49 min. 07 sec. East for 29.85 feet; North 08 deg. 46 min. 12 sec. West for 44.30 feet; North 9 deg. 35 min. 45 sec. West 33.09 feet; North 05 deg. 18 min. 06 sec. West for 12.97 feet to the North line of property described in Saline County Document No. 2000 24331; thence South 75 deg. 22 min. 45 sec. East, along the North line of said property described in Document No. 2000 24331, for 33.44 feet; thence South 74 deg. 04 min. 49 sec. East, along the North line of said property described in Document No. 2000 24331, for 346.49 feet to a point on the South line of said NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ; thence South 87 deg. 03 min. 23 sec. East, along the South line of said NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ , for 58.13 feet; thence South 04 deg. 43 min. 43 sec. West for 278.47 feet to the point of beginning, containing 3.20 acres, more or less.

AND

**LESS and EXCEPT the following described lands:** Part of the West Half of the Southeast Quarter of Section 34, Township 1 South, Range 15 West, Saline County, Arkansas, described as follows: Commencing at a #6 rebar with cap #212 accepted as the Southeast corner of the NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of said Section 34 and run thence South 02 deg. 49 min. 09 sec. West 285.41 feet; thence North 76 deg. 18 min. 42 sec. West 271.83 feet; thence North 75 deg. 42 min. 52 sec. West 291.41 feet; thence North 73 deg. 51 min. 46 sec. West 25.23 feet to a point in the center of Salt Creek; thence North 58 deg. 43 min. 33 sec. East 55.79 feet to a point in the center of Salt Creek; thence North 68 deg. 56 min. 18 sec. East 14.76 feet to a point in the center of Salt Creek; thence leaving Salt Creek, North 74 deg. 24 min. 40 sec. West 117.69 feet to the point of beginning for the tract herein described; thence North 50 deg. 37 min. 05 sec. West 187.56 feet to the Easterly right of way line of Salt Creek Road; thence South 25 deg. 09 min.

30 sec. West, along the said Easterly right of way line of Salt Creek Road, 51.58 feet; thence South 50 deg. 37 min. 05 sec. East 61.49 feet; thence South 74 deg. 24 min. 40 sec. East 123.94 feet to the point of beginning, containing 0.14 acres, more or less.

AND

**LESS and EXCEPT the following described lands:** Street and Utility Right of Way as conveyed to the City of Benton in Warranty Deed filed August 13, 2002 as Saline County Document No. 2002 057055; Street and Utility Right of Way as conveyed to the City of Benton in Warranty Deed filed August 13, 2002 as Saline County Document No. 2002 057058; and, Street and Utility Right of Way as conveyed to the City of Benton in Warranty Deed filed May 5, 2003 as Saline County Document No. 2003 042094.

To have and to hold the same unto the said Grantee and unto its successors and assigns forever, with all appurtenances thereunto belonging.

And I hereby covenant with said Grantee that I will forever warrant and defend the title to said lands against all lawful claims whatever, subject to existing easements, building lines, restrictions and assessments of record, if any. No warranty or representation is made as to any mineral interest on the aforementioned property.

WITNESS my hand on this February 20, 2020.

Bambi Dawn Bowden  
Bambi Dawn Bowden

#### ACKNOWLEDGMENT

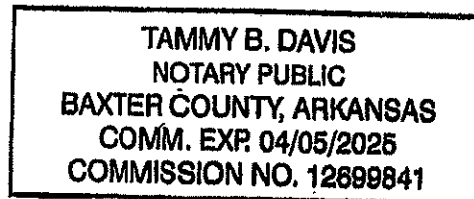
STATE OF Arkansas  
COUNTY OF Baxter

BE IT REMEMBERED, that on this day came before the undersigned, a Notary Public within and for the County aforesaid, duly commissioned and acting, **Bambi Dawn Bowden, an unmarried person**, to me well known as the Grantor in the foregoing Deed and stated that she had executed the same for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal as such notary public this February 20, 2020.

Tammy B. Davis  
Notary Public

My commission expires: 4-5-2025





STATE OF ARKANSAS  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
MISCELLANEOUS TAX SECTION  
P.O. BOX 896, LITTLE ROCK, AR 72203-0896

# Real Estate Transfer Tax Stamp

Proof of Tax Paid



File Number: 111-200016-JB

**Grantee:** MCCALISTER LANDSCAPE SUPPLY INC  
**Mailing Address:** 2710 SALT CREEK RD  
BENTON AR 720190000

**Grantor:** BAMBI DAWN BOWDEN  
**Mailing Address:** PO BOX 1305  
MOUNTAIN HOME AR 726540000

**Property Purchase Price:** \$127,000.00  
**Tax Amount:** \$419.10  
**County:** SALINE  
**Date Issued:** 02/25/2020  
**Stamp ID:** 736184320

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument

**Grantee or Agent Name (printed):** Janice Brown FNTC

**Grantee or Agent Name (signature):** [Signature] **Date:** 2/25/2020

**Address:** 2719 Salt Creek Rd.

**City/State/Zip:** Benton AR 72019

7020 0090 0001 4282 3176

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

BENTON, AR 72019

Certified Mail Fee	\$3.55	0315
\$	\$2.85	11
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	
Total Postage and Fees	\$8.95	

Sent To  
6 Sqaured Road Estate Dev. LLC  
Street and Apt. No., or PO Box No.  
1229 Hot Springs Hwy  
City, State, ZIP+4®  
Benton AR 72019

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 0090 0001 4282 3211

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

BENTON, AR 72019

Certified Mail Fee	\$3.55	0315
\$	\$2.85	11
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	
Total Postage and Fees	\$8.95	

Sent To  
Matthew & Stephanie Brooks  
Street and Apt. No., or PO Box No.  
114 Shenandoah  
City, State, ZIP+4®  
Benton AR 72019

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 0090 0001 4282 3174

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

BENTON, AR 72019

Certified Mail Fee	\$3.55	0315
\$	\$2.85	11
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	
Total Postage and Fees	\$8.95	

Sent To  
Billy & Hazel Orennan  
Street and Apt. No., or PO Box No.  
2914 Salt Creek Rd  
City, State, ZIP+4®  
Benton AR 72019

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 0090 0001 4282 3161

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

BENTON, AR 72019

Certified Mail Fee	\$3.55	0315
\$	\$2.85	11
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	
Total Postage and Fees	\$8.95	

Sent To  
Kenneth & Margaret Allen  
Street and Apt. No., or PO Box No.  
2811 Salt Creek Rd  
City, State, ZIP+4®  
Benton AR 72019

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 0090 0001 4282 3150

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

LITTLE ROCK, AR 72223

Certified Mail Fee	\$3.55	0315
\$	\$2.85	11
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	
Total Postage and Fees	\$8.95	

Sent To  
Salt Creek Investments LLC  
Street and Apt. No., or PO Box No.  
524 Wildcreek Circle  
City, State, ZIP+4®  
Little Rock, AR 72223

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 0090 0001 4282 3167

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

LITTLE ROCK, AR 72212

Certified Mail Fee	\$3.55	0315
\$	\$2.85	11
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	
Total Postage and Fees	\$8.95	

Sent To  
W S H Enterprises LLC  
Street and Apt. No., or PO Box No.  
87 E1 Paradise Drive  
City, State, ZIP+4®  
Little Rock, AR 72212

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 0090 0001 4282 3136

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee \$3.55

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$2.85

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55

Total Postage and Fees \$6.95

Sent To Charles Green

Street and Apt. No., or PO Box No. 14304 Cecil Dr

City, State, ZIP+4® Little Rock AR 72223

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 0090 0001 4282 3143

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee \$3.55

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$2.85

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55

Total Postage and Fees \$6.95

Sent To Michael W. Martens

Street and Apt. No., or PO Box No. 2220 Salt Creek Road

City, State, ZIP+4® Benton AR 72019

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 0090 0001 4282 3112

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee \$3.55

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$2.85

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55

Total Postage and Fees \$6.95

Sent To William Hoas

Street and Apt. No., or PO Box No. 87 E. Colorado Dr

City, State, ZIP+4® Little Rock AR 72212

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 0090 0001 4282 3129

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee \$3.55

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$2.85

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55

Total Postage and Fees \$6.95

Sent To Salt Creek Corner LLC

Street and Apt. No., or PO Box No. P.O. Box 381

City, State, ZIP+4® Benton AR 72018

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

No 45694

DATE 5-22 2000

CITY OF BENTON, ARKANSAS  
GENERAL FUND

RECEIVED OF McCullister Landscape \$ 30.00  
FOR Re-Zone Permit Supply  
28005 Salt Creek Road  
# 5891 TO

RECEIVED BY:

Tuesday, June 09, 2020				
Rezone-2805 Salt Creek Road R2-C1				
	Voter		YES	NO
1	Chairman	Robin Freeman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2	Vice Chairman	Brian Black	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	Member	Lois Burks	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Member	Mark Chilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	Member	Baxter Drennon	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	Member	Stephanie Griffin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7	Member	Eric Rytima	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
8	Member	Jim Stilwell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9	Member	Carl West	<input checked="" type="checkbox"/>	<input type="checkbox"/>

7-0

Nomination
Motion <i>Stilwell</i>
Second <i>West</i>

Nomination
Motion
Second

**RESOLUTION NO. 58 OF 2020**

**A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A CONTRACT WITH  
SUNBELT POOLS FOR PROVIDING UV PREVENTATIVE MAINTENANCE  
SERVICES TO THE RIVER CENTER AT A COST OF \$7,794.00; AND FOR OTHER  
PURPOSES**

WHEREAS, the City wishes to enter into a one (1) year agreement with Sunbelt Pools to provide UV preventative maintenance services to the River Center for total cost of \$7,794.00; and

WHEREAS, a copy of the proposal from Sunbelt Pools is attached hereto as Exhibit "1".

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

SECTION 1: The Mayor and City Clerk are hereby authorized to execute, on behalf of the City of Benton, a one (1) year agreement with Sunbelt Pools to provide UV preventive maintenance services for the River Center which is consistent with the terms contained in Exhibit "1".

PASSED AND APPROVED this the \_\_\_\_\_ day of June, 2020.

\_\_\_\_\_  
Tom Farmer, Mayor

\_\_\_\_\_  
Cindy Stracener, City Clerk



## **UV Preventative Maintenance Service Contract Proposal (Benton Riverside Aquatic Park)**

Effective Date: Date of Payment Received

This contract proposal is for the expected routine maintenance of the UV Systems and the replacement of consumable items in normal use and wear. It will strive to minimize downtime by proactively monitoring the system and providing cleaning and calibration services. This agreement is good for 12 months @ \$7,200.00. This agreement can be renewed every 12 months as long as written notice is given to Sunbelt Pools. Time shall not be allowed to lapse between renewals.

### **Systems Covered:**

- ECF 225-10
- ECF 215-6

### **Services Included – performed by factory trained technician:**

1. Labor: Two visits per year for service. These visits will include:
  - a. Complete cleaning of the unit
  - b. Checking and adjusting the function of the automatic wipers
  - c. Checking voltages for problems or potential problems that can be observed
  - d. Labor to replace parts listed below
2. Parts included:
  - a. New UV lamp(s). Lamps are replaced if they fail to produce the required intensity as shown by the real time UV monitor on the unit or if they fail to light or if they stay in a lamp fault – they are not replaced simply because of age. (One set per year. If a lamp fails that is covered by the 4,000 hour warranty on the lamp, that lamp, will be replaced again. Lamp failures caused by abuse, dirty power or excessive on/off cycles are not included)
  - b. Wiper blades
  - c. Quartz sleeve(s)
3. Remaining on the service agreement qualifies these units for the extended factory warranty on non-consumable components – see the attached manufacturer's extended warranty.

Note: Cleaning of the UV safety screen is not included and filter system pressures should be monitored as increases are an indication that debris may have passed through the filter and become caught in the screen.

**10555 PLANO ROAD DALLAS, TEXAS 75238-1305 214 343.1133**

**CELL 972-974-2771 FAX 214 343.1201**

**[www.sunbeltpools.com](http://www.sunbeltpools.com) [guym@sunbeltpools.com](mailto:guym@sunbeltpools.com)**



## Quote

Quote ID: 48641  
 Customer ID: 1692  
 Employee ID: marlenec  
 Quote Expires: 6/26/2020

Benton Riverside Aquatic Park  
 Adam Nelsen  
 1800 Citizens Drive  
 Benton, AR 72015

### Location:

Benton Riverside Aquatic Park  
 Adam Nelsen  
 1800 Citizens Drive  
 Benton, AR 72015  
 Business (501) 776-5970 Adam N.  
 Cell (501) 317-1680 Adam N.

Qty	Item	Unit Price	Total
1	UV Service Contract - Effective August 1, 2020 - July 31, 2021 ETS Systems covered - ECF-225-10 & ECF-215-6	\$7,200.00	\$7,200.00

<b>Sub Total</b>	<b>\$7,200.00</b>
<b>Taxes</b>	<b>\$594.00</b>
<b>Total</b>	<b>\$7,794.00</b>

**RESOLUTION NO. 59 OF 2020**

**A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A CONTRACT WITH RED ROC, INC. FOR CONSTRUCTION OF THE BENTON RIVERSIDE TRAIL PHASE TWO AT A COST OF \$220,084.05 FOR WHICH THE CITY IS RESPONSIBLE FOR TWENTY PERCENT OF THE COST AND THE ARKANSAS DEPARTMENT OF TRANSPORTATION IS RESPONSIBLE FOR EIGHTY PERCENT OF THE COST; AND FOR OTHER PURPOSES**

WHEREAS, the City of Benton published a Request for Bids for the construction of Riverside Trail Phase Two, ARDOT Job Number 061542; and

WHEREAS, after a review of the bids it has been determined that the contract should be awarded to Red Roc, Inc. which is the lowest acceptable bid; and

WHEREAS, the City wishes to enter into an agreement with Red Roc, Inc. for the construction of Riverside Trail Phase Two for the sum of \$220,084.05 for which the City is responsible for twenty percent (20%) of the cost and the Arkansas Department of Transportation is responsible for eighty percent (80%) of the cost.

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

SECTION 1: The Mayor and City Clerk are hereby authorized to execute, on behalf of the City of Benton, a contract with Red Roc, Inc. for the construction of Riverside Trail Phase Two and to pay the agreed upon compensation when due.

PASSED AND APPROVED this the \_\_\_\_\_ day of June, 2020.

\_\_\_\_\_  
Tom Farmer, Mayor

\_\_\_\_\_  
Cindy Stracener, City Clerk

DOCUMENT 00300

BID FORM

NOTE TO BIDDER: Please use BLACK Ink for completing this Bid form.

To: City of Benton  
Address: City Hall  
Benton, Ar 72015

Project Title: BENTON RIVERSIDE TRAIL PH. 2 (TAP-16) (S)  
F.A.P. TAPC-0035(53) / ARDOT JOB 061542

Engineer's  
Project No.: LR16-5829

Date: 5-20-2020

Bidder: RED ROC, INC  
Address: P.O. Box 88, Benton, Ar 72018  
Bidder's person to contact for additional information on this Bid:  
Name: Steve Smith  
Telephone: 501-690-9022

ADDENDA

The Bidder hereby acknowledges that he/she has received Addenda Numbers:

# 1 , # 2 to these Specifications.  
(Bidder Insert number of each addendum received.)

INSURANCE AND BONDING REQUIREMENTS

The Bidder hereby acknowledges that he/she has read and understands the performance bond, payment bond, and Insurance requirements for this project as specified in the General Conditions. If awarded a construction contract, the Bidder agrees to furnish the required bonds and insurance certificates within fifteen (15) days of the date the award is made.

Signature Steve Smith Title Vice president

MEASUREMENT AND PAYMENT

The Bidder hereby acknowledges that he/she has read and understands Section 01025 - Measurement and Payment completely prior to completing this Bid Form.

Signature Steve Smith Title vice president

### **BIDDER'S DECLARATION AND UNDERSTANDING**

The undersigned, hereinafter called the Bidder, declares that the only persons or parties interested in this Bid are those named herein, that this Bid is, in all respects, fair and without fraud, that it is made without collusion with any official of the Owner, and that the Bid is made without any connection or collusion with any person submitting another Bid on this Contract.

The Bidder further declares that he has carefully examined the Contract Documents for the construction of the project, that he has personally inspected the site, that he has satisfied himself as to the quantities involved, including materials and equipment, and conditions of work involved, including the fact that the description of the quantities of work and materials, as included herein, is brief and is intended only to indicate the general nature of the work and to identify the said quantities with the detailed requirements of the Contract Documents, and that this Bid is made according to the provisions and under the terms of the Contract Documents, which Documents are hereby made a part of this Bid.

The Bidder further agrees that he has exercised his own judgement and has utilized all data which he believes pertinent from the Engineer, Owner, and other sources in arriving at his own conclusions.

The Bidder states that he has experience in and is qualified to perform the work herein specified and, if he does not have craftsmen experienced and qualified in any phase of the work for which this Bid is offered, that he will subcontract the work under said phase to a contractor who does have the necessary experience and qualifications.

### **CONTRACT EXECUTION AND BONDS**

The Bidder agrees that if this Bid is accepted, he will, within 15 days after notice of award, sign the Contract in the form annexed hereto, and will at that time, deliver to the Owner the Performance Bond and Payment Bond required herein, and will, to the extent of his Bid, furnish all machinery, tools, apparatus, and other means of construction and do the work and furnish all the materials necessary to complete all work as specified or indicated in the Contract Documents.

### **CERTIFICATES OF INSURANCE, PAYMENT BOND, AND PERFORMANCE BOND**

The Bidder further agrees to furnish the Owner, before executing the Contract, the certificates of Insurance, Payment Bond, and Performance Bond as specified in these Documents.

### **START OF CONSTRUCTION, CONTRACT COMPLETION TIME, AND LIQUIDATED DAMAGES**

Start of Construction, Contract Completion Time, and Liquidated Damages are stated in Document 00500 - Contract.

### **SALES AND USE TAXES**

The Bidder agrees that all federal, state, and local sales and use taxes are included in the stated bid prices for the work.

### **UNIT PRICE BASE BID**

Any Bid may be rejected which contains material omissions, or irregularities, or in which any of the unit prices are obviously unbalanced in the opinion of the Owner. Also, a bid may be rejected if, in any

manner it shall fail to conform to the conditions of the published Bidding Requirements and Contract Documents.

The bidder agrees to accept as full payment for the work proposed herein the amount computed under the provisions of the Contract Documents and based on the following unit price amounts, it being expressly understood that the unit prices are independent of the exact quantities involved. The bidder agrees that the unit prices represent a true measure of the labor and materials required to perform the work, including all allowances for overhead and profit for each type and unit of work called for in the Contract Documents.

Item No.	ARDOT Item No.	Description	Units	Qty.	Unit Price	Total Cost
1	202	Removal and Disposal of Bollards	EA	4	\$75.00	\$ 300.00
2	SP & 202	Removal and Disposal of Asphalt Pavement	SY	1267	\$ 6.00	\$ 7602.00
3	SP	Pipe Bollard	EA	2	\$ 450.00	\$ 900.00
4	210	Unclassified Excavation	CY	265	\$ 23.00	\$ 6095.00
5	SS & 303	Aggregate Base Course (Class 7)	TON	17	\$ 50.00	\$ 850.00
6	SS & 401	Tack Coat	GAL	959	\$ 4.00	\$ 3836.00
7	SP, SS, & 407	Asphalt Binder (PG 64-22) In ACHM Surface Course (1/2")	TON	23	\$ 500.00	\$ 11,500.00
8	SP, SS, & 407	Mineral Aggregate in ACHM Surface Course (1/2")	TON	443	\$ 111.85	\$ 49,549.55
9	601	Mobilization	LS	1	\$12,770.00	\$12,770.00
10	603	Maintenance of Traffic	LS	1	\$ 4,000.00	\$ 4,000.00
11	SS & 606	12" Side Drain	LF	41	\$ 45.00	\$ 1845.00
12	620	Seeding	AC	0.16	\$3,500.00	\$ 560.00
13	620	Water	MG	16	\$ 25.00	\$ 400.00
14	SS & 620	Mulch Cover	AC	0.16	\$3,500.00	\$ 560.00
15	621	Silt Fence	LF	1700	\$ 5.00	\$ 8,500.00
16	621	Sediment Removal and Disposal	CY	63	\$ 17.50	\$ 1,102.50
17	623	Second Seeding Application	AC	0.16	\$3,500.00	\$ 560.00
18	SS & 633	Concrete Walks	SY	1267	\$55.25	\$ 70,001.75
19	SS & 633	Handrailing	LF	270	\$ 115.00	\$ 31,050.00
20	816	Filter Blanket	SY	229	\$ 5.25	\$ 1,202.25
21	816	Dumped Riprap	CY	45	\$ 60.00	\$ 2,700.00
22	816	Dumped Riprap (18"-24")	CY	70	\$ 60.00	\$ 4,200.00

TOTAL COST OF CONSTRUCTION \$ 220,084.05

Two hundred twenty thousand eighty four and 05/100 -  
Words

### BASIS OF AWARD

The Bidder understands that the Contract will be awarded to the most qualified bidder with the lowest Total Base Bid that the Owner may choose that makes the Project cost acceptable to the Owner. The Owner reserves the right to waive Irregularities, reject bids, choose the most qualified bidder for the Project, and to postpone award of the Contract for a period of time which shall not exceed beyond 90 days from the bid opening date.

### PAYMENT SCHEDULE

A detailed payment schedule for each structure or unit shall be submitted by the successful low Bidder. The successful low Bidder shall meet with the Engineer and Owner in Little Rock, Arkansas, to review the format and details of the payment schedule. This meeting shall be held within 5 days of notification that the Contractor is the low Bidder. The purpose of the meeting shall be to establish an acceptable format for the payment schedule. The construction detailed payment schedule shall be completed by the Contractor 14 days after the meeting and submitted to the Engineer and Owner for review and approval. Failure of the Contractor to submit the payment schedule as required may result in the Owner's rejection of the Bid or delay in processing the Contractor's request for a progress payment.

### SUBCONTRACTORS

The Bidder further certifies that proposals from the following subcontractors were used in the preparation of this Bid; and if awarded a contract, Bidder agrees to not enter into Contracts with others for these divisions of the Work without written approval from the Owner and Engineer.

SALT CREEK PAVING CO

Subcontractor

0016340321

Arkansas Contractor License #

PO BOX 1379, Benton, AR 72018

Street Address, City, State, Zip Code

Subcontractor

Arkansas Contractor License #

Street Address, City, State, Zip Code

Subcontractor

Arkansas Contractor License #

Street Address, City, State, Zip Code

Subcontractor

Arkansas Contractor License #

Street Address, City, State, Zip Code

The Bidder shall list the suppliers/vendors where material for this Project will be purchased from and successful Bidder shall update suppliers/vendors during construction of the Project.

### PERFORMANCE OF WORK BY CONTRACTOR

**SURETY**

If the Bidder is awarded a construction Contract on this Bid, the Surety who provides the Performance and Payment Bond will be:

Granite Re, Inc. whose address is:  
14001 Quailbrook Dr., OKC, OK  
Street, City, State Zip Code

**BIDDER**

The name of the Bidder submitting this Bid is:

Red Roc, Inc. doing business at:  
P.O. Box 88, Benton, AR 72018  
Street, City, State, Zip Code

which is the address to which all communications concerned with this Bid and with the Contract shall be sent.

The names of the principal officers of the corporation submitting this Bid, or of the partnership, or of all persons interested in this Bid as principals are as follows:

Glenda Smith President  
Steve Smith Vice President  
Clark Smith Sec

**If Sole Proprietor or Partnership**

IN WITNESS hereto the undersigned has set his (its) hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature of Bidder

\_\_\_\_\_  
Title

If Corporation

IN WITNESS WHEREOF the undersigned corporation has caused this instrument to be executed

and its seal affixed by its duly authorized officers this 20 day of May, 2020

(SEAL)

RediRoc, Inc.  
Name of Corporation

By S. Lane Smith

Title Vice President

Attest Clark Smith  
Secretary

**CITY OF BENTON**  
**SUPPLEMENT TO PROPOSAL**  
**CERTIFICATION**

The prospective contractor certifies, by signing and submitting this proposal, to the best of his or her knowledge and belief, that:

- 1 No Federal appropriated funds have been paid or will be paid, by or on his or her behalf, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or any employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- 2 If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal-Aid contract, the prospective contractor shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities", in accordance with its instructions. (Available from Arkansas Department of Transportation, Program Management Division).

This Certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. This Certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U. S. Code.

During the period of performance of this contract, the contractor and all lower tier subcontractors must file a Form-LLL at the end of each calendar year quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any previously filed disclosure form. Any person who fails to file the required Certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure.

The prospective contractor also agrees by submitting his or her proposal that he or she shall require that the language of this Certification be included in all lower tier subcontracts which exceed \$100,000 and that all such subcontractors shall certify and disclose accordingly.

CITY OF BENTON  
SUPPLEMENT TO PROPOSAL  
CERTIFICATION

**THIS CERTIFICATION SHALL BE COMPLETED BY THE BIDDER AS  
PART OF THIS PROPOSAL**

The bidder RED ROC, INC, proposed subcontractor \_\_\_\_\_, hereby certifies that he has ✓, has not \_\_\_\_\_, participated in a previous contract or subcontract subject to the equal opportunity clause, as required by Executive Orders 10925, 11114, or 11246, and that he has ✓, has not \_\_\_\_\_, filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance, a Federal Government contracting or administering agency, or the former President's Committee on Equal Employment Opportunity, all reports due under the applicable filing requirements.

(Currently, Standard Form 100 [EEO-1] is the only report required by the Executive Orders or their implementing regulations.)

JOB NO. ARDOT 061542

RED ROC, INC

F.A.P. NO. TAPC-0035(S3)

By: Steve Smith

(Company)

(Signature)

5-20-2020

VICE president

(Date Executed)

(Title of Person Signing)

**NOTE:** The above certification is required by the Equal Employment Opportunity Regulations of the Secretary of Labor (41 CFR 60-1.7 (b) (1)), and must be submitted by bidders and proposed subcontractors only in connection with contracts and subcontracts which are subject to the equal opportunity clause. Contracts and subcontracts which are exempt from the equal opportunity clause are set forth in 41 CFR 60-1.5. (Generally only contracts or subcontracts of \$10,000 or under are exempt.)

Proposed prime contractors and subcontractors who have participated in a previous contract or subcontract subject to the Executive Orders and have not filed the required reports should note that 41 CFR 60-1.7 (b) (1) prevents the award of contracts and subcontracts unless such contractor submits a report covering the delinquent period or such other period specified by the Federal Highway Administration or by the Director, Office of Federal Contract Compliance, U. S. Department of Labor.

**CITY OF BENTON**  
**SUPPLEMENT TO PROPOSAL**  
**ANTI-COLLUSION AND DEBARMENT CERTIFICATION**

**FAILURE TO EXECUTE AND SUBMIT THIS CERTIFICATION SHALL RENDER THIS BID  
NONRESPONSIVE AND NOT ELIGIBLE FOR AWARD CONSIDERATION.**

As a condition precedent to the acceptance of the bidding document for this project, the bidder shall file this Affidavit executed by, or on behalf of the person, firm, association, or corporation submitting the bid. The original of this Affidavit shall be filed with the CITY OF BENTON at the time proposals are submitted.

**AFFIDAVIT**

I hereby certify, under penalty of perjury under the laws of the United States and/or the State of Arkansas, that the bidder listed below has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid for this project, is not presently barred from bidding in any other jurisdiction as a result of any collusion or any other action in restraint of free competition, and that the foregoing is true and correct.

Further, that except as noted below, the bidder, or any person associated therewith in the capacity of owner, partner, director, officer, principal investigator, project director, manager, auditor, or any position involving the administration of Federal funds:

- a. is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any Federal agency;
- b. has not been suspended, debarred, voluntarily excluded or determined ineligible by any Federal agency within the past 3 years;
- c. does not have a proposed debarment pending; and
- d. has not been indicted, convicted, or had an adverse civil judgment rendered by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

**CITY OF BENTON**  
**SUPPLEMENT TO PROPOSAL**  
**ANTI-COLLUSION AND DEBARMENT CERTIFICATION**

**FAILURE TO EXECUTE AND SUBMIT THIS CERTIFICATION SHALL RENDER THIS BID  
NONRESPONSIVE AND NOT ELIGIBLE FOR AWARD CONSIDERATION.**

**EXCEPTIONS:**

APPLIED TO	INITIATING AGENCY	DATES OF ACTION

Exceptions will not necessarily result in denial of award, but will be considered in determining bidder responsibility. Providing false information may result in criminal prosecution or administrative sanctions.

Job No. <u>ARDOT 061542</u>	<u>RED ROC, INC</u> (Name of Bidder)
F.A.P. No. <u>TAPC-0035 (53)</u>	<u><i>Steve Smith</i></u> (Signature)
<u>5-20-2020</u> (Date Executed)	<u>vice president</u> (Title of Person Signing)

The following Notary Public certification is **OPTIONAL** and may or may not be completed at the contractor's discretion.

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

\_\_\_\_\_, being duly sworn, deposes and says that he is

\_\_\_\_\_ of \_\_\_\_\_  
(Title) (Name of Bidder)

and that the above statements are true and correct.

Subscribed and Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
(Notary Public)

(NOTARY SEAL)

DOCUMENT 00350

BID BOND

STATE OF ARKANSAS

KNOW ALL MEN BY THESE PRESENTS, that we:

Red Roc, Inc.

Principal and Contractor, and Granite Re, Inc.

hereinafter called Surety, are held and firmly bound unto the **City of Benton, Arkansas** and represented by its Mayor and City Council, hereinafter called Owner, in the sum of

Five Percent of Amount of Bid DOLLARS (\$ 5% of Bid )

lawful money of the United States of America, for the payment of which well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, by these presents.

**WHEREAS**, the Principal contemplates submitting or has submitted a bid to the Owner for the furnishing of all labor, materials (except those to be specifically furnished by the Owner), equipment, machinery, tools, apparatus, means of transportation for, and the performance of the work covered in the Bid and the detailed Drawings and Specifications, entitled:

**BENTON RIVERSIDE TRAIL PH. 2 (TAP-16) (\$)  
F.A.P. TAPC-0035(53) / ARDOT JOB NO. 061542  
MCE JOB NO. LR16-5829**

**WHEREAS**, it was a condition precedent to the submission of said bid that a cashier's check, certified check, or bid bond in the amount of 5 percent of the base bid be submitted with said bid as a guarantee that the Bidder would, if awarded the Contract, enter into a written Contract with the Owner for the performance of said Contract within 15 consecutive calendar days after written notice having been given of the award of the Contract.

**NOW, THEREFORE**, the conditions of this obligation are such that if the Principal within 15 consecutive calendar days after written notice of such acceptance enters into a written Contract with the Owner and furnishes a Contract Surety Bond in an amount equal to 100 percent of the base bid, satisfactory to the Owner, then this obligation shall be void; otherwise the sum herein stated shall be due and payable to the Owner and the Surety herein agrees to pay said sum immediately upon demand of the Owner in good and lawful money of the United States of America, as liquidated damages for failure thereof of said Principal.

IN WITNESS WHEREOF, the said Red Roc, Inc., as Principal herein, has caused these presents to be signed in its name by its \_\_\_\_\_ and attested by its \_\_\_\_\_ under its corporate seal, and the said Granite Re, Inc. as Surety herein, has caused these presents to be signed in its name by its Attorney-in-Fact & Arkansas Resident Agent \_\_\_\_\_ under its corporate seal, this 20th day of May A.D., 2020

Signed, sealed and delivered  
in the presence of:

Red Roc, Inc.  
Principal-Contractor

By Steve Smith

Glenda Smith  
As to Principal

vice president  
Title

Surety

Granite Re, Inc.

Matthew K. Smith  
Witness, As to Surety

Holly Clevenger  
Attorney-in-Fact Holly Clevenger  
(Power-of-Attorney to be Attached)

By Holly Clevenger  
Agent Holly Clevenger,  
Arkansas Resident Agent

**GRANITE RE, INC.**  
**GENERAL POWER OF ATTORNEY**

**Know all Men by these Presents:**

That GRANITE RE, INC., a corporation organized and existing under the laws of the State of MINNESOTA and having its principal office at the City of OKLAHOMA CITY in the State of OKLAHOMA does hereby constitute and appoint:

BENSON A. CASHION; MATTHEW K. CASHION, JR.; JUDY SCHOGGEN; MICHAEL G. DORNBLASER; JIM R. ALLBRITTON; LEE W. JACKSON; JULIE MARTIN; DANETTE WARD; CATHERINE PARKER; LOLA BURTON; SUSAN SIMMONS; HOLLY CLEVINGER; JOHN A. DAVIE its true and lawful Attorney-in-Fact(s) for the following purposes, to wit:


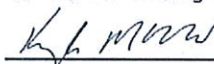
To sign its name as surety to, and to execute, seal and acknowledge any and all bonds, and to respectively do and perform any and all acts and things set forth in the resolution of the Board of Directors of the said GRANITE RE, INC. a certified copy of which is hereto annexed and made a part of this Power of Attorney; and the said GRANITE RE, INC. through us, its Board of Directors, hereby ratifies and confirms all and whatsoever the said:

BENSON A. CASHION; MATTHEW K. CASHION, JR.; JUDY SCHOGGEN; MICHAEL G. DORNBLASER; JIM R. ALLBRITTON; LEE W. JACKSON; JULIE MARTIN; DANETTE WARD; CATHERINE PARKER; LOLA BURTON; SUSAN SIMMONS; HOLLY CLEVINGER; JOHN A. DAVIE may lawfully do in the premises by virtue of these presents.

In Witness Whereof, the said GRANITE RE, INC. has caused this instrument to be sealed with its corporate seal, duly attested by the signatures of its President and Secretary/Treasurer, this 3<sup>rd</sup> day of January, 2020.

STATE OF OKLAHOMA )  
                                  ) SS:  
COUNTY OF OKLAHOMA )



  
\_\_\_\_\_  
Kenneth D. Whittington, President  
  
\_\_\_\_\_  
Kyle P. McDonald, Treasurer

On this 3<sup>rd</sup> day of January, 2020, before me personally came Kenneth D. Whittington, President of the GRANITE RE, INC. Company and Kyle P. McDonald, Secretary/Treasurer of said Company, with both of whom I am personally acquainted, who being by me severally duly sworn, said, that they, the said Kenneth D. Whittington and Kyle P. McDonald were respectively the President and the Secretary/Treasurer of GRANITE RE, INC., the corporation described in and which executed the foregoing Power of Attorney; that they each knew the seal of said corporation; that the seal affixed to said Power of Attorney was such corporate seal, that it was so fixed by order of the Board of Directors of said corporation, and that they signed their name thereto by like order as President and Secretary/Treasurer, respectively, of the Company.

My Commission Expires:  
August 8, 2021  
Commission #: 01013257



  
\_\_\_\_\_  
Kathleen E. Carlson  
Notary Public

**GRANITE RE, INC.**  
**Certificate**

THE UNDERSIGNED, being the duly elected and acting Secretary/Treasurer of Granite Re, Inc., a Minnesota Corporation, HEREBY CERTIFIES that the following resolution is a true and correct excerpt from the July 15, 1987, minutes of the meeting of the Board of Directors of Granite Re, Inc. and that said Power of Attorney has not been revoked and is now in full force and effect.

"RESOLVED, that the President, any Vice President, the Secretary, and any Assistant Vice President shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the Company in the course of its business. On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the Company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

IN WITNESS WHEREOF, the undersigned has subscribed this Certificate and affixed the corporate seal of the Corporation this  
20<sup>th</sup> day of May, 2020.



  
\_\_\_\_\_  
Kyle P. McDonald, Secretary/Treasurer

*This Addendum must be signed and email to [pwitcher@mce.us.com](mailto:pwitcher@mce.us.com) or faxed back to McClelland Consulting Engineers, attention Paige Witcher, at 501/371-9932 to acknowledge receipt 24 hours prior to the bid opening.*

Signature: *Steve Smith*  
Company: *Red Roc, Inc.*

ADDENDUM NO. 1

DATE: May 14, 2020

RE: BENTON RIVERSIDE TRAIL PH. 2 (TAP-16) (S), F.A.P. TAPC-0035(53), ARDOT JOB NO. 061542, MCE PROJECT NO. LR16-5829

FROM: McClelland Consulting Engineers, Inc.  
7302 Kanis Road  
Little Rock, Arkansas 72204  
Phone: 501/371-0272

TO: PROSPECTIVE BIDDERS:

This Addendum forms a part of the Contract Documents and modifies the original Bidding Documents dated **February 27, 2020** as noted below. Acknowledge receipt of the Addendum in the space provided on the Bid Form. Failure to do so may subject the Bidder to disqualification.

This Addendum consists of 1 page(s).

#### CLARIFICATIONS

1. Item No. 16 Sediment Removal and Disposal shall be paid as plan quantity.
2. **Section 01025 Measurement and Payment:** D. 3. Remove line "Volumes are shown in the cross section sheets for reference."

END OF ADDENDUM

*This Addendum must be signed and email to [pwitcher@mce.us.com](mailto:pwitcher@mce.us.com) or faxed back to McClelland Consulting Engineers, attention Paige Witcher, at 501/371-9932 to acknowledge receipt 24 hours prior to the bid opening.*

Signature: *Steve Smith*  
Company: *Red Roc, Inc*

ADDENDUM NO. 2

DATE: May 18, 2020

RE: BENTON RIVERSIDE TRAIL PH. 2 (TAP-16) (S), F.A.P. TAPC-0035(53), ARDOT JOB NO. 061542, MCE PROJECT NO. LR16-5829

FROM: McClelland Consulting Engineers, Inc.  
7302 Kanis Road  
Little Rock, Arkansas 72204  
Phone: 501/371-0272

TO: PROSPECTIVE BIDDERS:

This Addendum forms a part of the Contract Documents and modifies the original Bidding Documents dated **February 27, 2020** as noted below. Acknowledge receipt of the Addendum in the space provided on the Bid Form. Failure to do so may subject the Bidder to disqualification.

This Addendum consists of 3 page(s).

#### CLARIFICATIONS

1. Item No. 18 Concrete Sidewalks includes 4" of concrete and 4" class 7 as shown in the detail on page 10.
2. Item No. 5 Aggregate Base Course (Class 7) quantity is for called out areas of spot repair.

Good afternoon Stephanie and Daniel,

Please see the below email from Ashley Smith from ARDOT regarding the total funding amount for this project. With the low bid being \$220,084.05, you will receive full 80/20 funding from ARDOT. Below is the breakdown of costs:

- ARDOT funding (80% of construction) = \$176,067.24
- City of Benton's Responsibility (20% of construction) = \$44,016.78

We are checking all the bid numbers right now and should have a certified bid tab completed by tomorrow. Please feel free to call or email us with questions.

Thank you,

**Maneesh Krishnan, P.E. M.ASCE**  
Asst. Transportation Department Manager, Senior Associate



7302 Kanis Road | Little Rock, AR 72204  
P.O. Box 34087 | Little Rock, AR 72203  
501.371.0272 office | 479.601.3371 cell | 501.371.9932 fax  
[mkrishnan@mce.us.com](mailto:mkrishnan@mce.us.com)

Red Rock	\$220,084.05	Benton, AR
Wagner Inc.	\$231,545.00	Searcy, AR
JCON	\$239,380.00	Benton, AR
Hyde Co Inc.	\$249,983.61	North Little Rock, AR
Township Builders	\$256,473.00	Little Rock, AR
Burkhalter Tech	\$296,286.00	North Little Rock, AR

\*Shield & Associates- No Bid (improper documents)