REVISED

A G E N D A

SILOAM SPRINGS BOARD OF DIRECTORS
JANUARY 5, 2016
WORKSHOP: INTERNATIONAL PROPERTY MAINTENANCE CODE 5:30 PM
BOARD MEETING - 6:30 PM
ADMINISTRATION BUILDING, 400 N. BROADWAY

Workshop: International Property Maintenance Code 5:30 pm – 6:30 pm

Regular Board of Directors Meeting:

Opening of Regularly Scheduled Meeting
Call to Order
Roll Call
Prayer
Pledge of Allegiance
Approval of Minutes
Regular Meeting of December 15, 2015

I. Public Input
Items from the Public not on the Agenda (public may address any City business not listed on the agenda)

II. Presentations
A. Police Department / Life Saver Awards

III. Regularly Scheduled Items

Contracts and Approvals
B. Approve Consent in Lieu of a Meeting of the Sole Shareholder of the Illinois Water Development Company, Inc.

Ordinances
C. Ordinance 15-33 / 3rd Reading / Amending Code Section 66-95 / Changing maximum permitted grass height from six inches to nine inches
D. Ordinance 16-01 / 1st Reading / Amending Chapter 6 of the Code of Ordinances / Alcoholic Beverages

Resolutions
E. Resolution 01-16 / Procedures and Organizational Matters of the Board of Directors
F. Resolution 02-16 / Significant Development / 1200 block of West Valley Drive

Staff Reports
F. Administrator's Report
2015-2016 Board of Director's Goals – 4th Quarter 2015 Update

IV. Directors Reports

V. Adjournment

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE CITY OF SILOAM SPRINGS, BENTON COUNTY, ARKANSAS, HELD DECEMBER 15, 2015

The Board of Directors of the City of Siloam Springs, Arkansas, met in regular session at the City of Siloam Springs Administration Building, on December 15, 2015.

The Meeting was called to order by Mayor Turner.

Roll Call: Johnson, Smiley, Burns, Beers, Smith, Jones –Present
Coleman –Absent

Phillip Patterson, City Administrator; Jay Williams, City Attorney; Renea Ellis, City Clerk; James Wilmeth, Police Chief; Todd Colvin, Deputy Fire Chief; Justin Bland, City Engineer; Ben Rhoads, Senior Planner; and Christina Petriches, Finance Director; present.

Opening prayer was led by Carol Smiley.

Mayor John Turner led the Pledge of Allegiance.

A copy of the December 1, 2015, minutes of the regular meeting had previously been given to each Director. A Motion was made by Smiley and seconded by Jones to accept the minutes. Mayor called for a voice vote. Motion passed unanimously.

The first agenda item was the Open Hearing for Citizens Present.
Les Carroll, Commander at American Legion Post 29, expressed his gratitude to the City for their support to the veterans' organizations, and how proud he is to be a part of this community. Don Cundiff, 601 W. Tahlequah, presented certificates from the American Legion to Frank Johnson, Brad Burns and Chief James D. Wilmeth and the Siloam Springs Police Department and Chief Neely and Siloam Springs Fire Department for their involvement in the Veteran's Day Parade. Cundiff expressed appreciation on behalf of the Legionnaires and public that were present. Karl Mounger, 708 Katie Lane, expressed his concerns of the residential areas in the City and their need for improvement. He then stated he misspoke in the comment he made at the previous Board meeting that adopting the International Property Maintenance Code was one of the worst things the City could do. He stated he feels that a Property Maintenance Code is needed. Don Cundiff, 601 W. Tahlequah, stated he has no qualms against the International Property Maintenance Code with regard to safety, but has a problem with cosmetic repairs. He stated repairs will cause rent increase and asked in your intent to help; be sure to not hurt.

The next item on the agenda: Parks Advisory Board Members.
Discussion: Troy Kirkendall, Parks and Recreation Manager, briefed the item. A Motion to approve Tom Elgie, Diane Winder and Isaac McKinney to serve three-year terms on the Parks Advisory Board beginning January 2016 was made by Smiley and seconded by Jones.
Roll Call:
Smiley, Burns, Beers, Smith, Jones, Johnson,–Aye.

6 Ayes. No Nays. Motion passed.

The next item on the agenda: Planning and Zoning / Board of Adjustment Members.
Discussion: Ben Rhoads, Senior Planner, briefed the item and named nominees. A Motion to approve Kolin Blakely, Judy Nation, and John Engle to serve a three-year terms on the Planning Commission beginning January 2016 was made by Burns and seconded by Smiley.
Roll Call:
Burns, Beers, Smith, Jones, Johnson, Smiley –Aye.
6 Ayes. No Nays. Motion passed.

The next item on the agenda: City of Siloam Springs, Arkansas Public Education Facilities Board (John Brown University).
Discussion: Jay Williams, City Attorney, briefed the item. He stated nominees were submitted, but were later withdrawn due to various conflicts. Williams went on to state if no eligible nominees are available, the Mayor may appoint a nominee. A Motion to appoint Ron Harp to the City of Siloam Springs, Arkansas Public Education Facilities Board (John Brown University), was made by Burns and seconded by Smiley.
Roll Call:
Beers, Smith, Jones, Johnson, Smiley, Burns –Aye.
6 Ayes. No Nays. Motion passed.

The next item on the agenda: Granting of Sanitary Sewer Force Main Easement / Simmons Foods, Inc.
Discussion: Justin Bland, City Engineer, briefed the item. A Motion to approve an easement agreement dedicating an easement for a sanitary sewer force main to Simmons Foods, Inc., similar to the attached agreement, and subject to the approval of the Significant Development Permit for Simmons Pet Foods located in the 1100 block of East Ashley Street was made by Burns and seconded by Smiley. Smiley clarified that Simmons will be undertaking the expense to provide this, with no cost to the City.
Roll Call:
Smith, Jones, Johnson, Smiley, Burns, Beers –Aye.
6 Ayes. No Nays. Motion passed.

The next item on the agenda: Granting of Fiber Optic Communication Easement / Siloam Springs Regional Hospital.
Discussion: Justin Bland, City Engineer, briefed the item. Smiley pointed out that the hospital will be undertaking the expense to provide this, with no cost to the City. A Motion to approve an easement agreement dedicating a fiber optic easement to the Siloam Springs Regional Hospital in a form similar to that attached was made by Smiley and seconded by Burns.
Roll Call:
Jones, Johnson, Smiley, Burns, Beers, Smith –Aye.
6 Ayes. No Nays. Motion passed.

The next item on the agenda: Approval of Mutual Ground Lease Assignment / Cecil Smith Field / Simmons Foods and Ozark Management.

Discussion: Jay Williams, City Attorney, briefed the item. Don Cundiff, 601 W. Tahlequah, asked the cost of the lease, and if the price has risen. Williams stated this agreement does not provide any bearing on the leases, but there is an automatic adjustment that is based on the consumer price index and will go into effect on the 1st of each year. He then pointed out that this lease is for ground, and not the hangars themselves. Phillip Patterson, City Administrator, stated the hangars are privately owned. Smiley stated this is a positive opportunity to increase fuel sales for the City. A Motion to approve mutual airport ground lease assignment between Simmons Foods and Ozark Management Company was made by Burns and seconded by Beers.
Roll Call:
Johnson, Smiley, Burns, Beers, Smith, Jones –Aye.
6 Ayes. No Nays. Motion passed.

The next item on the agenda: Approval of 2016 Audit Services / Request of Qualifications / BKD.
Discussion: Christina Petriches, Finance Director, briefed the item. Smith expressed her appreciation for the rankings. A Motion to approve a bid for three years of auditing services with BKD was made by Smiley and seconded by Johnson.
Roll Call:
Smiley, Burns, Beers, Smith, Jones, Johnson –Aye.
6 Ayes. No Nays. Motion passed.

The next item on the agenda: Approval of Attorney Client Agreement / Liquid Aluminum Sulfate Antitrust Case / Roberts Law Firm, PA.
Discussion: Jay Williams, City Attorney, briefed the item. Smiley asked if there is any expense to the City. Williams answered no. Jones asked the percentage the law firm is seeking to benefit from this. Williams stated he does not know, but can retrieve figures at a later time. A Motion to approve retention of Roberts Law Firm to represent City in Class Action lawsuit involving price-fixing of water treatment chemicals was made by Smiley and seconded by Johnson.
Smith asked what staff involvement would be necessary to support this. Williams stated it will involve record and data collection.
Roll Call:
Burns, Beers, Smith, Jones, Johnson, Smiley –Aye.
6 Ayes. No Nays. Motion passed.

The next item on the agenda: Ordinance 15-28 / 3rd Reading / Extension of Existing Levy of 0.375 Percent Sales and Use Tax (3/8ths).
Discussion: Phillip Patterson, City Administrator, briefed both Ordinance 15-28 and Ordinance 15-29, which included the date of election, and uses proposed for the additional funds. Don Cundiff, 601 W. Tahlequah, asked if there will be town hall meetings held. Mayor answered yes; there will be opportunities for workshops. Meredith Bergstrom, 210 East Franklin, stated March 1st is fine for the election, and explained her initial thought was that the election was being held during Spring Break. She then stated she feels that everyone in the City should get the opportunity to vote. Patterson stated March 1st is the primary date. Smiley clarified that the list given were examples only and not definitive projects. Johnson pointed out this tax is an existing tax; not a new one. Burns encouraged citizens to look at the City website. He then expressed his excitement for the upcoming projects for the City in the future. A Motion to Place 15-28 /

Extension of Existing Levy of 0.375 Percent Sales and Use Tax (3/8ths) on its third reading, suspending the rules and reading title only, was made by Smiley and seconded by Smith.
Roll Call:
Beers, Smith, Jones, Johnson, Smiley, Burns –Aye.
6 Ayes. No Nays. Motion passed.

An Ordinance entitled:

AN ORDINANCE PROVIDING FOR THE EXTENTION OF AN EXISTING LEVY OF A .375 PERCENT SALES AND USE TAX WITHIN THE CITY OF SILOAM SPRINGS, ARKANSAS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

Was read on its third reading.

A Motion to adopt Ordinance 15-28 Extension of Existing Levy of 0.375 Percent Sales and Use Tax (3/8ths) was made by Smiley and seconded by Burns.
Roll Call:
Smith, Johnson, Smiley, Burns, Beers –Aye.
Jones –Nay.
5 Ayes. 1 Nay. Motion passed.

The next item on the agenda: Ordinance 15-29 / 3rd Reading / Calling for Special Election on the Question of Levying a Percent Sales and Use Tax / Declaring an Emergency.
A Motion to Place Ordinance 15-29 / Calling for Special Election on the Question of Levying a Percent Sales and Use Tax / Declaring an Emergency, on its third reading, suspending the rules and reading title only, was made by Smiley and seconded by Jones.
Roll Call:
Jones, Johnson, Smiley, Burns, Beers, Smith –Aye.
6 Ayes. No Nays. Motion passed.

An Ordinance entitled:

AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF SILOAM SPRINGS, AR., ON THE QUESTION OF LEVYING A .375 PERCENT SALES AND USE TAX WITHIN THE CITY OF SILOAM SPRINGS, AR.; PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY.

Was read on its third reading.

A Motion to adopt Ordinance 15-29 Calling for Special Election on the Question of Levying a Percent Sales and Use Tax and Declaring an Emergency, was made by Smiley and seconded by Burns.
Roll Call:
Johnson, Smiley, Burns, Beers, Smith, Jones –Aye.
6 Ayes. No Nays. Motion passed.

A Motion to declare an emergency on Ordinance 15-29 was made by Johnson and seconded by Jones.
Roll Call:
Smiley, Burns, Beers, Smith, Jones, Johnson –Aye.
6 Ayes. No Nays. Motion passed.

The next item on the agenda: Ordinance 15-30 / 2nd Reading / Amend Section 102-21 of the City Municipal Code / Rezone R-2 & M-H to P-K / 228 Lake Francis Drive / Southside Park.
Discussion: Ben Rhoads, Senior Planner, briefed the item. A Motion to Place Ordinance 15-30, rezoning from R-2 and M-H, to P-K, on property described as 228 Lake Francis Drive / Southside Park on its second and third reading, suspending the rules and reading title only, was made by Burns and seconded by Smiley.
Roll Call:
Burns, Beers, Smith, Jones, Johnson, Smiley –Aye.
6 Ayes. No Nays. Motion passed.

An Ordinance entitled:

AN ORDINANCE AMANDING SECTION 102-21 OF THE SILOAM SPRINGS MUNICIPAL CODE (CITY ZONING MAP); REZONING (FROM R-2 & M-H TO P-K) THE PROPERTY LOCATED AT 228 LAKE FRANCIS DRIVE.

Was read on its second and third reading.

A Motion to adopt Ordinance 15-30 Amending Section 102-21 of the City Municipal Code / Rezone R-2 & M-H to P-K / 228 Lake Francis Drive / Southside Park was made by Smiley and seconded by Beers.
Roll Call:
Beers, Smith, Jones, Johnson, Smiley, Burns –Aye.
6 Ayes. No Nays. Motion passed.

The next item on the agenda: Ordinance 15-32 / 2nd Reading / Amending Municipal Code Section 94-127 / Unlicensed and Inoperable Vehicles.
Discussion: James Harris, Code Enforcement Manager, briefed the item. After discussion by the Board, a Motion to table Ordinance 15-32 to the January 19th meeting was made by Burns and seconded by Beers.
Smiley stated she appreciates the work done, but the Ordinance needs to be tightened up. Beers stated he is in favor of tabling this item to make sure it's in-line with the International Property Maintenance Code.
Roll Call:
Smith, Jones, Johnson, Smiley, Burns, Beers –Aye.
6 Ayes. No Nays. Motion passed.

The next item on the agenda: Ordinance 15-33 / 2nd Reading / Amending Code Section 66-95 / Changing maximum permitted grass height from six inches to nine inches.

Discussion: James Harris, Code Enforcement Manager, briefed the item. A Motion to Place Ordinance 15-33 Amending Code Section 66-95 / Changing maximum permitted grass height from six inches to nine inches on its second reading, suspending the rules and reading title only, was made by Smiley and seconded by Jones.
Roll Call:
Jones, Johnson, Smiley, Beers, Smith –Aye.
Burns –Nay.
5 Ayes. 1 Nay. Motion passed.

An Ordinance entitled:

AN ORDINANCE AMENDING SECTION 66-95 OF THE MUNICIPAL CODE TO CHANGE THE MAXIMUM PERMITTED HEIGHT FOR WEEDS AND GRASS FROM SIX TO NINE INCHES.

Was read on its second reading.

The next item on the agenda: Resolution 44-15 / Authorize Significant Development Permit / 1100 Block of East Ashley / Simmons Pet Food.
Discussion: Ben Rhoads, Senior Planner, briefed the item. A Motion to approve Resolution 44-15 / Authorize Significant Development Permit / 1100 Block of East Ashley / Simmons Pet Food was made by Burns and seconded by Smiley.
Smiley thanked Simmons for bringing this opportunity to the City. Jeff Webster of Simmons Pet Food, expressed his gratitude for the opportunity to bring this facility to Siloam Springs.
Roll Call:
Johnson, Smiley, Burns, Beers, Smith, Jones –Aye.
6 Ayes. No Nays. Motion passed.

Administrator's Report: Phillip Patterson, City Administrator, went over the 3rd quarter Financial Statement. He reported staff requested a statement of qualifications to help identify "retail leakages". He said the funds to pay a retail consultant were included in the 2016 budget, and that they have decided to enter a contract with Retail Attractions out of Owasso, Oklahoma in the amount of $48,000. He stated this company has experience in Arkansas and could help the City market itself on a national level.

Open Hearing of Directors: Mayor stated the Christmas Parade went great, and gave kudos to the Heritage League. He stated Governor Hutchinson was in town for the groundbreaking, and that he's thankful for Simmons. He reminded everyone of the workshop held on January 5th for the International Property Maintenance Code and wished everyone a Merry Christmas, and safe travels over the holiday. Beers stated how excited he felt to be a part of Siloam Springs after attending the Arkansas Municipal League conference and finding out we are the 28th largest City in Arkansas. He stated with upcoming economic development, Siloam Springs is a great place to live. He then expressed how proud he is to be a part of this community. Burns stated he is excited for the economic development growth, especially in Ward 2. He announced he would be be "out-of-pocket" until the 1st of the year. Burns wished everyone a Merry Christmas, and to remember those serving abroad. Johnson stated he appreciates being recognized by the American

Legion. He said he enjoyed attending the Arkansas Municipal League conference and how informative it was. He went on to say the Christmas parade went great and wished everyone a Merry Christmas. Smith stated she, as well, enjoyed the Christmas parade. She then congratulated Simmons Pet Food and thanked it for the investment. Smiley stated it was a great Christmas parade. She then thanked the City for the opportunity to attend the Arkansas Municipal League conference. She thanked a non-profit organization called Vested Interest in Canines for providing Fado a protective vest. She congratulated Simmons on the groundbreaking. Smiley then thanked all citizens for the opportunity to serve the community and said she would take Don Cundiff's comments to heart regarding the property maintenance codes. She then wished everyone a Merry Christmas, and safe travels.

Smiley made a motion to adjourn; seconded by Beers. The Mayor called for a voice vote. All Ayes. Motion passed.

Meeting adjourned.

APPROVED:

ATTEST:

_____
John Mark Turner, Mayor

_____
Renea Ellis, City Clerk

{seal}

Siloam Springs
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STAFF REPORT

TO: Mayor and Board of Directors
FROM: John C. "Jay" Williams, III, City Attorney
DATE: December 30, 2015
RE: Approve Consent in Lieu of a Meeting of the Sole Shareholder of the Illinois Water Development Company, Inc.

Recommendation: Authorize the signing of the Consent in Lieu of Annual Meeting of the Sole Shareholder of the Illinois Water Development Company, Inc.

Background: The Illinois Water Development Company is an Oklahoma Corporation that holds title to certain land along the Illinois River in Oklahoma, including the land where the City's water intake is located. The City is the sole corporate shareholder. This arrangement came about many years ago, due to restrictions Oklahoma put in to place regarding "foreign" corporations owning land in Oklahoma directly.

The corporation is required to hold an annual meeting, or obtain written consent of the shareholder(s) (only one in this case) to waive it. After consulting with corporate counsel in Kansas City, it does not appear that an annual meeting for 2015 is required. Approval of the document before you will signify consent to waiver of the annual meeting, and authorize the Mayor to sign documents and take such other reasonable actions on behalf of the shareholder, City of Siloam Springs, as necessary to finalize the corporate records for the past year.
Please do not hesitate to contact me if you have any questions.

Fiscal Impact: Staff is not aware of any fiscal impact.

Attachments: Consent in Lieu of Annual Meeting of the Sole Shareholder of the Illinois Water Development Company, Inc.

CONSENT IN LIEU OF AN
ANNUAL MEETING OF THE SOLE SHAREHOLDER
OF
ILLINOIS WATER DEVELOPMENT COMPANY, INC.

In lieu of an annual meeting of the sole shareholder of Illinois Water Development Company, Inc., an Oklahoma corporation (the "Corporation"), the undersigned, being the sole shareholder of the Corporation entitled to vote upon the resolutions set forth below, does hereby consent to the adoption of, and does hereby adopt, the following resolutions:

RESOLVED, that the following persons be, and they hereby are, elected directors of the Corporation, each to hold office until such director's successor is duly elected and qualified or until such director's earlier resignation or removal:

John Mark Turner
Carol Smiley

FURTHER RESOLVED, that all prior acts, actions and things done in the name and on behalf of the Corporation by its directors and officers disclosed to the shareholder be, and they hereby are, in all respects, approved, ratified and confirmed.

Dated: January __, 2016.

CITY OF SILOAM SPRINGS,
ARKANSAS

By: _____
Mayor John Mark Turner

Siloam Springs
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STAFF REPORT

TO: Phillip Patterson, City Administrator
CC: Greg Neely, Fire Chief
FROM: James Harris, Animal Services/Code Enforcement Manager
DATE: November 19, 2015
RE: Ordinance 15-33 / Amending Municipal Code Section 66-95 / Permitted height for weeds and grass from six to nine inches.

Recommendation: Approve Ordinance 15-33 amending Code Section 66-95 changing maximum permitted grass height from six inches to nine inches.

Background: With the proposal of the International Property Maintenance Code this code section will need to be amended so that there are no conflicts between our city code and the Property Maintenance Code.

Increasing the height by 3 inches will allow citizens to be on a two week rotation for mowing their yard without their yard becoming a violation of city code. During years like the current year we had, citizens had to mow weekly to stay within our ordinance. This created a burden on our citizens that are on a fixed or low income.

Fiscal Impact: There will be no fiscal impact to the city by amending this code section.

Attachments: Ordinance No. 15-33

ORDINANCE NO. 15 - 33

AN ORDINANCE AMENDING SECTION 66-95 OF THE MUNICIPAL CODE TO CHANGE THE MAXIMUM PERMITTED HEIGHT FOR WEEDS AND GRASS FROM SIX TO NINE INCHES

WHEREAS, in order to align provisions of the Siloam Springs City Code dealing with grass and weeds with the International Property Maintenance Code; **Now Therefore:**

BE IT ENACTED, by the Board of Directors of the City of Siloam Springs, as follows:

SECTION I. Amendment.

Subsections 2, 3 & 4 of Section 66-95 of the City Code (Guidelines for trees, weeds, and grasses) are hereby amended as follows (added terms are underlined, deleted terms are ~~struck through~~.):

Sec. 66-95. - Guidelines for trees, weeds, and grasses.

In ordering the cutting or removal of weeds, grasses and trees, the administrator (or administrator's designee) shall proceed by the following guidelines:

[Subsections 1, 5 & 6 are unaffected, and are omitted for brevity.]

(2) All lands, except as otherwise provided in subsection (1) above, shall be maintained so that weeds and grasses thereon shall not exceed ~~six~~ nine inches in height.

(3) All lands which lie within the fire district of the city shall be maintained so that grasses and weeds shall not exceed ~~six~~ nine inches in height.

(4) The owners of all lands, other than those described in subsection (1) of this section, shall maintain all unopened street rights-of-way, easements for utility drainage, walking or other purposes, unopened alleys, and opened alleys other than the portion of the same used for vehicular traffic, which adjoin the owners' lands so that weeds and grasses shall not exceed ~~six~~ nine inches in height. If any such rights-of-way, easement or alley is adjoined by the lands of two property owners, then each owner shall maintain such right-of-way, easement or alley to its midpoint.

SECTION II. Repealer and severability.

Prior Ordinances in conflict with the provisions enacted herein are repealed to the extent of the conflict as of the effective date of this Ordinance. If any provision of a section of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of the section or related

sections which can be given effect without the invalid provision or application, and to this end the provisions are severable.

ORDAINED AND ENACTED this _____ day of _____, 201__.

APPROVED:

ATTEST:

_____
John Mark Turner, Mayor

_____
Renea Ellis, City Clerk

(SEAL)

Siloam Springs
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STAFF REPORT

TO: Mayor and Board of Directors
FROM: Phillip Patterson, City Administrator
DATE: December 30, 2015
RE: Ordinance 16-01 / First Reading / Amending Chapter 6 of the Code of Ordinances / Alcoholic Beverages

Recommendation: Approval of Ordinance 16-01 amending Chapter 6 of the City's code of ordinances regarding alcoholic beverages.

Background: In 2013, the City adopted Ordinance No. 13-01, which established the most current code on alcoholic beverages. As with any newly written rules and regulations, once implementation occurs it sometimes becomes apparent that amendments are needed. So it is with the City's alcoholic beverage code. Due to a number of reasons, staff began reviewing and researching various amendments to Chapter 6 beginning in early 2015. The proposed changes are a result of this effort.

Attached, please find a copy of the proposed changes (Exhibit A). This attachment shows the redacted text (~~deleted text~~ vs. added text). The attached ordinance only shows the text of how the Code will read, subject to the adoption of the ordinance. The following is a short summary of the proposed amendments:

1. Sec. 6-2 Definitions. The terms Disturbance and Premises have been added.
2. Sec. 6-4 Applications for Permits. A requirement to have all members of a co-partnership identified. An exemption to the 200' restriction from a church or school in the Historic Downtown Overlay District. A list of individuals who the City will not issue a liquor permit to. A requirement for local criminal background checks. A requirement for what information a liquor permit must contain.
3. Sec. 6-6 Prohibited Activities/Warning Notice. Provisions added regarding disturbances.
4. Sec. 6-11 Beer and Wine Sales, Location. This section is proposed for deletion since the requirement is previously stated in section 6-4(g).
5. Sec. 6-17 Operating without a City Permit. Revisions clarify that providing alcoholic beverages for consumption on- or off-premise without a city permit is a violation, except when in a private residence to family or guests.
6. Sec. 6-19 - Revocation. Revise title to include term "suspension". Clarify procedures for hearing before city administrator related to a suspension or revocation of a permit.
7. Sec. 6-20 - Statement of Causes of Suspension or Revocation of City Controlled Beverage Permit. New section added to require permittees to be notified of potential causes of suspension or revocation of permit, along with process for notification of suspension or revocation.

8. Sec. 6-21 Acts Resulting in Revocation or Suspension of City Controlled Beverage License. New section added to identify acts that may result in suspension or revocation of permit for up to 30, 90 or 120 days.
9. Sec. 6-31(j) Special Event Alcohol Permit. Clarifies hours of permit. Allows a person or entity to obtain six (6) rather than two (2) permits per year. Reduces permit fee from $50 to $25.

Staff believes that these proposed amendments are necessary and appropriate for the continued implementation and enforcement of the City's liquor rules and regulations, and in the best interest of the City. For these reasons staff recommends approval.

Fiscal Impact: Staff is not aware of any significant budgetary impacts associated with these code amendments.

Attachments:

Exhibit A – Redacted copy of Code Chapter 6
Ordinance 16-01

EXHIBIT A

Chapter 6 - ALCOHOLIC BEVERAGES

ARTICLE I. - GENERAL PROVISIONS

Sec. 6-1. - Applicability.

(a) It is hereby declared that the business of manufacturing, transporting, storing, handling, receiving, distributing, selling, serving, or dispensing, either at wholesale or retail, any controlled beverage, except wine, within the City of Siloam Springs, is a privilege, and for the exercise of such privilege there are hereby imposed the regulations, requirements, restrictions, fees, and taxes as set forth in this chapter.

(b) These general provisions shall apply to all permittees in addition to any specific provisions under individual headings for each type of permit.

(c) Nothing in this chapter shall be read as authorizing distribution, possession or consumption of any controlled beverage at or within the parks, athletic fields or other public facilities of the City of Siloam Springs.

Sec. 6-2. - Definitions.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words and phrases not specifically defined in this chapter shall have the meanings assigned by A.C.A. tit. 3 and/or the Arkansas Alcoholic Beverage Control Division Regulations.

Alcoholic beverages means all intoxicating liquors of any sort, other than beer and wine.

Beer means any fermented liquor made from malt or any similar substance therefor and having an alcohol content not in excess of five percent or less than one-half of one percent by weight.

City means the City of Siloam Springs, Arkansas.

Controlled beverages means all beverages of any kind subject to regulation under any alcoholic beverage control law of the State of Arkansas and this chapter.

Disturbance means a breakdown of peaceful and law abiding behavior to include, but not be limited to, a fight, brawl or riot, or the commission of a criminal act.

Hotel means every building or other structure commonly referred to as a hotel, motel, motor lodge, or by similar name, which is kept, used, maintained, advertised, and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers or guests, whether transient, permanent, or residential, in which 50 percent or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms with adequate and sanitary kitchen facilities, and a seating capacity for at least 50 persons, where meals are regularly served to such guests, such sleeping accommodations and dining room being conducted in the same building or in separate buildings or structures used in connection therewith that are on the same premises and are a part of the hotel operation.

Large attendance facility means a facility housing convention center activity, or tourism activity, or trade show and product display and related meeting activity, or any similar large meeting or

attendance activity, and, either itself or through one or more independent contractors, complies with all of the following:

(1) Actually serves full and complete meals and food on the premises;
(2) Has one or more places for food service on premises with a seating capacity for not less than 500 people;
(3) Employs a sufficient number and kind of employees to serve meals and food on the premises capable of handling at least 500 people; and
(4) Serves controlled beverages on premises at one or more places only on days that meals and food are served at one or more places on premises.

Light wine means the fermented juices of grapes, berries, or fruits and any other mixture containing the fermented juice of grapes, berries, or fruits, having an alcoholic content between one-half of one percent and five percent alcohol by weight.

Malt beverage products means any liquor brewed from the fermented juices of grain having an alcoholic content of not less than five percent nor more than 21 percent by weight.

Malt liquor means liquor brewed from the fermented juices of grain.

Microbrewery-restaurant means any establishment in which beer, containing not in excess of five percent of alcohol by weight, and/or malt beverage products, containing not in excess of 21 percent of alcohol by weight, are both brewed and sold at retail in a restaurant setting under the same ownership and in the same building or attached buildings.

On-premises consumption means the sale of alcoholic beverages by the drink or in broken or unsealed containers for consumption on the premises where sold.

Permit means any authorization issued by the Alcoholic Beverage Control Division of the State of Arkansas and/or by the city pursuant to any Arkansas Alcoholic Beverage Control Division regulation and/or this chapter of the Code of Siloam Springs whether described as a permit, license or otherwise.

Permittee means the person to whom a permit has been issued.

Person means any natural person, partnership, association, corporation, syndicate, or company.

Premises means a defined location, structure or building, together with its land and outbuildings, occupied by a business and utilized in the pursuit of its interest, but excluding those areas used solely as a private residence. Provided that nothing in this code shall authorize sale, dispensing or consumption of alcoholic beverages on premises more broadly defined than authorized or licensed by the Alcoholic Beverage Control Division.

Private club means a nonprofit corporation organized and existing under the laws of this state, no part of the net revenues of which shall inure directly or indirectly to the benefit of any of its members or any other individual, except for the payment of bona fide expenses of the club's operations, conducted for some common recreational, social, patriotic, political, national, benevolent, athletic, or other nonprofit object or purpose other than the consumption of alcoholic beverages. The nonprofit corporation shall have been in existence for a period of not less than one year before application for a permit. At the time of application for the permit, the nonprofit corporation must have not less than 100 members regularly paying annual dues of not less than $5.00 per member, and, at the time of application, must own or lease, or be the holder of a buy-sell agreement or offer and acceptance, or have an option to lease a building, property, or space

therein for the reasonable comfort and accommodation of its members and their families and guests, and restrict the use of club facilities to such persons.

Restaurant means any public place or private place kept, used, maintained, advertised and held out to the public or to a private or restricted membership as a place where complete meals are actually and regularly served, such place being provided with adequate and sanitary kitchen and dining equipment and a seating capacity of at least 50 people and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests or members. At least one meal per day shall be served at least five days a week, with the exception of holidays, vacations and periods of redecorating. Further, on the day that alcoholic beverages are served to customers of the outlet, the outlet must also prepare and serve at least one complete meal for consumption on the premises.

Retailer means any person who holds a permit under any alcoholic beverage control law of the State of Arkansas to sell at retail controlled beverages to consumers only.

Spirituous means liquor distilled from the fermented juices of grains, fruits, or vegetables containing more than 21 percent alcohol by weight, or any other liquids containing more than 21 percent alcohol by weight.

State means the State of Arkansas.

Vinous means the fermented juices of fruits containing more than five percent and not more than 21 percent alcohol by weight.

Wholesaler and distributor means any person who holds a permit under any alcoholic beverage control law of the State of Arkansas to purchase controlled beverages from a manufacturer or importer and to sell such controlled beverages to retailers only.

Sec. 6-3. - Permits required.

(a) It shall be unlawful for any person to engage in the business of manufacturing, transporting, storing, handling, receiving, distributing, selling, or dispensing, either at wholesale or retail, any controlled beverage, except wine, within the city without a permit issued by the city, or with an expired permit.

(b) The provisions of this chapter exempting wine mean that said regulations shall not apply to the manufacture, sale, and distribution of wines or vinous liquors manufactured, sold, and distributed by residents of Arkansas. In such instances, the applicable laws and regulations of the State of Arkansas shall apply, and same shall be enforceable as if incorporated herein.

Sec. 6-4. - Application for permits.

(a) Application for a permit required by this chapter shall be in writing on a form prescribed by the city and shall be accompanied by the required fee and a copy of the applicant's state permit. No city permit will be issued until applicant has received a state permit.

(b) It shall be unlawful for any person to make any false statement or representation in any application required by this chapter or to give any false answer to any question contained therein.

(c) An application shall identify all members having ownership of a copartnership seeking a permit under this section.

(~~e~~d) Permits required by this chapter shall be issued in such a manner that they will run for such length of time as the state permit. Annual permit renewal fees shall be due and payable prior to the initial opening of the business, and thereafter on September 15 of each year for the succeeding year. Late fees shall be imposed at the same rates and in the same manner as for business privilege licenses, as provided at section 22-33 of this Code.

(~~d~~e) The city will not issue or renew any permits pursuant to this chapter until all outstanding hotel, motel, and restaurant taxes and/or supplemental beverage taxes, if applicable, are paid.

(~~e~~f) No new permit shall be granted to any person to engage in the sale of liquor at retail, for consumption off the premises, for any business situated within 1,000 feet of any church or school. The distance shall be measured from the nearest point of the church or school building to the nearest point of the building to be permitted.

(~~f~~g) No ~~other~~ new permits shall be granted to any person to engage in the business of manufacturing, transporting, storing, handling, receiving, distributing, selling, or dispensing, either at wholesale or retail, any controlled beverage, for any business situated within 200 feet of any church or school building. The distance shall be measured from the nearest point of the church or school building to the nearest point of the building to be permitted. The distance requirement shall not apply to businesses located in the H-1DT (Historic Downtown) Overlay District.

(h) No permit shall be issued to:

(1) A person who has been convicted of, or plead guilty or nolo contendere to, a felony;

(2) A person under the age of twenty-one (21) years;

(3) A person who is not a citizen or resident alien of the United States;

(4) A copartnership, unless all members of such copartnership are citizens or resident aliens of the United States;

(5) A person who shall have had his or her permit issued under this Code revoked for cause or who has been convicted of a violation of this Code until the expiration of two (2) years from the date of such revocation or conviction; or

(6) A corporation or copartnership, if any of its officers or members have been convicted of a violation of this Code, have had a permit issued under this Code revoked for cause until two (2) years from the date of the conviction or revocation, or who have been convicted of, or plead guilty or nolo contendere to a felony.

(7) Any person or entity not in possession of a valid City business license.

(~~g~~i) All permits issued by the city pursuant to this chapter shall be prominently displayed on the permitted premises by the permittee in the same manner as required by the state for state permits.

(j) In order to determine an applicant's suitability for a permit, the applicant, or in the case of a copartnership, its members shall submit to a local criminal background check through the city's police department. The applicant(s) shall sign a release that allows the police department to divulge the results of all criminal background checks to the city administrator or his/her designee.

(~~h~~k) When any state permit is revoked by the state or required to be returned to the state for any reason, the city permit shall be returned to the city. The city will restore the permit upon proof that the state permit has been restored to the applicant, provided that no reclaimed permit will be restored to an applicant until all outstanding hotel, motel, and restaurant taxes and/or supplemental beverages taxes, if applicable, are paid.

(~~i~~l) All fees, taxes, and penalties received by the city pursuant to this chapter shall be deposited to the credit of general fund revenues.

(~~j~~m) Permits shall not be transferable or assignable except as provided by A.C.A. § 3-4-103A (Fiduciaries—Continuation of permitted business).

(n) Permits issued by the city shall contain, in addition to any further information or material to be prescribed by the rules and regulations of the Alcoholic Beverage Control Division, the following:

(1) The name of the person to whom the permit is issued;

(2) The type of permit;

(3) A description by street and number, or otherwise, of the permitted premises;

(4) A statement in substance that the permit shall not be deemed a property or vested right and that it may be revoked at any time pursuant to law;

(5) The name and address of the owner of the premises. Upon a change in the ownership, the permittee or the new owner may file notice to that effect in writing with the city on forms to be provided by the city for that purpose.

Sec. 6-5. - Right of city to inspect records.

The city shall have the right to inspect and examine the records of any permittee subject to any tax or permit fee based on gross sales or receipts.

Sec. 6-6. - Prohibited activities/warning notice.

(a) Any person to which a controlled beverage permit has been issued shall comply with all laws and regulations of the State of Arkansas, the Alcoholic Beverage Control Division of the State of Arkansas, and the City of Siloam Springs regarding the control and regulation of controlled beverages, including but not limited to the following:

(1) Purchase by or for minors, sale to minors, or handling by minors prohibited.

a. It shall be unlawful for any person under the age of 21 years to have in his or her possession, to purchase or attempt to purchase, or otherwise obtain any controlled beverages. However, this provision shall not apply to beverages served by members of one's family or to the use of wine in any religious ceremony or rite in any established church or religion.

b. It shall be unlawful for any person to, knowingly or unknowingly, purchase on behalf of, furnish to, give away to, or otherwise dispose of to any person under the age of 21 years any controlled beverages; however, this provision shall not apply to the serving of such to members of one's family or to the use of wine in any religious ceremony or rite in any established church or religion.

c. It shall be unlawful for any person engaged in the business of manufacturing, distributing or selling, at wholesale or retail, any controlled beverages to sell, offer for sale, or give away, under any conditions, any such controlled beverages to any person under the age of 21 years. The burden of determining the age of any person shall be upon the seller.

d. It shall be unlawful for any wholesaler, retailer, or transporter of controlled beverages to allow any employee or other person under the age of 21 years of age to have anything whatsoever to do with the sale, transporting or handling of controlled beverages. However, with the written consent of a

parent or guardian, persons 18 years of age and older may be employed by licensed liquor and beer wholesalers and by licensed native wineries to handle controlled beverages at the place of business of the licensed wholesaler or wineries.

(2) A warning notice regarding the sale to, possession or purchase by, or furnishing to minors of controlled beverages shall be posted in a conspicuous place in public view in each place of business where controlled beverages are sold, served or dispensed, including all drive up windows. The warning notices shall be of the size, have the content, and be posted in the manner as prescribed by the Arkansas Alcoholic Beverage Control Division.

(b) Except where otherwise expressly authorized under the laws of the State of Arkansas, no establishment selling controlled beverages, including beer and small farm wine, may sell or otherwise distribute controlled beverages through drive-up windows. Any premises licensed for controlled beverage sales that maintains or operates a drive-up window for sales of food or other merchandise must post a notice not less than three inches by five inches, clearly affixed to the drive up window and clearly visible to patrons thereof, stating "NO ALCOHOLIC BEVERAGES SOLD THROUGH THIS DRIVE UP WINDOW." The same notice must also be posted on the interior of the permitted outlet so as to be clearly visible to employees selling items, through the drive up window.

(c) No ~~person who has received a license under any ordinance of the City of Siloam Springs~~ permittee for the sale or dispensing of alcoholic beverages for on-premises consumption including private club licenses shall suffer or permit any person to appear on the licensed premises in such manner or attire as to expose to view any portion of the pubic area, anus, vulva, or genitals or any simulation thereof, nor suffer or permit any female to appear on the premises in such manner or attire as to expose to view any portion of her breast below the top of the areola or any simulation thereof.

(d) That no person shall bring into or consume or allow to be brought into or allow to be consumed intoxicants or alcoholic beverages of any kind, in any commercial establishment, or business, which suffers or permits any person to appear on the premises in such manner or attire as to expose to view any portion of the pubic area, anus, vulva, or genitals or any simulation thereof, or suffers or permits any female to appear on the premises in such manner or attire as to expose to view any portion of her breast below the top of the areola or any simulation thereof.

(e) It shall be unlawful for any permittee to willfully permit any disturbance or unlawful or disorderly act or conduct to be committed by any person or group of persons upon any premises permitted for the sale of controlled beverages.

(f) It shall be unlawful for any permittee, in any manner to encourage or participate in any disturbance or unlawful or disorderly act or conduct upon any premise permitted for the sale of controlled beverages. However, such person engaged in the sale of controlled beverages may use such lawful means as may be proper to protect his person or property from damage or injury.

(g) Permittees, or their managers on duty, shall promptly report any disturbance on the premises.

(h) It shall be unlawful for any permittee to not post and keep at all times visible to the public, in a conspicuous place on the premises, a sign to be furnished by the city , which sign shall be in the following form: "WARNING – THE CITY OF SILOAM SPRINGS POLICE

DEPARTMENT MUST BE NOTIFIED OF ALL DISTURBANCES IN THIS ESTABLISHMENT".

(~~e~~i) If any ~~person engaged in the sale of controlled beverages in the city~~permittee shall conduct his place of business in a manner as to constitute a nuisance, the city administrator, subject to appeal to the board of directors, shall revoke the license of such person to sell controlled beverages in the city.

(~~f~~j) Any person violating any provision of this ordinance shall be subject to the general penalties as set out in section 1-7 of the Code of Siloam Springs.

Sec. 6-7. - Liquids exempt.

The articles enumerated in this section shall not, after having been manufactured and prepared for the market, be subject to the provisions of this chapter:

(~~1~~a) Denatured alcohol or denatured rum produced and used as provided by laws and regulations now or hereinafter in force.

(~~2~~b) Medical preparations manufactured in accordance with formulae prescribed by the United States Pharmacopoeia, national formulary or the American Institute of Homeopathy that are unfit for use for beverage purposes.

(~~3~~c) Patented, patent and proprietary medicines that are unfit for use for beverage purposes.

(~~4~~d) Toilet, medical and antiseptic preparations and solutions that are unfit for use for beverage purposes.

(~~5~~e) Flavoring extracts and syrups that are unfit for use as a beverage or for intoxicating beverage purposes.

(~~6~~f) Vinegar and preserved sweet cider.

(~~7~~g) Alcohol medicated according to such formulae as will render it unfit for beverage purposes and which is to be sold for legitimate external use.

(~~8~~h) Alcohol for mechanical and scientific purposes if unfit for a beverage.

(~~9~~i) The provisions of this chapter shall not apply to pure, ethyl or denatured alcohol intended for use and/or used for scientific, chemical, mechanical, industrial, medicinal and/or culinary purposes, or for use in the manufacture of patented, patent, proprietary, medicinal, pharmaceutical, antiseptic, toilet, scientific, chemical, mechanical and industrial preparations or products unfit for beverage purposes.

Sec. 6-8. - Drinking in public place.

No person shall, in any public place, highway, street, or in or upon any passenger coach or in or upon any vehicle commonly used for the transportation of passengers, or in or about any depot, platform, waiting station or room, drink any intoxicating liquor, beer or wine.

Sec. 6-9. - Public intoxication.

No person shall be drunk or intoxicated in any public place, public building or at any public gathering.

Sec. 6-10. - Sunday sale of wine, beer.

(a) Notwithstanding any other provision of this chapter, it shall be unlawful for any person to sell any wine or beer for off-premises consumption on Sunday.

(b) Any person violating this section shall be punished by a fine of not less than $50.00 nor more than $100.00.

~~**Sec. 6-11. - Beer and wine sales, location.**~~

~~No person shall engage in the retail or wholesale sale, trade, or giving away of beer or wine within 200 feet of any church or school building.~~

Secs. 6-~~12~~11—6-15. - Reserved.

ARTICLE II. - PENALTIES/SUSPENSION/REVOCATION

Sec. 6-16. - Furnishing to or consumption by minors, drunkards or intoxicated persons.

(a) Any person convicted of knowingly or unknowingly selling, serving, giving, procuring or otherwise furnishing any controlled beverage to any person under 21 years of age, or habitual drunkard or intoxicated person shall be deemed guilty of a misdemeanor and shall be fined not less than $200.00 nor more than $500.00.

(b) Any person under the age of 21 years or habitual drunkard or intoxicated person who has in his or her possession, purchases or attempts to purchase, or otherwise obtain any controlled beverage shall, upon conviction, be deemed guilty of a misdemeanor and shall be subject to a fine of not less than $10.00 nor more than $500.00.

Sec. 6-17. - Operating without a city permit.

(a) Beer and light wine. Any person who sells, serves, barters, exchanges, or gives away beer or light wine without having a valid city permit as provided by this chapter shall, upon conviction, be deemed guilty of a misdemeanor and shall be fined not more than $500.00. Each day of such operation without a valid city permit shall constitute a separate and distinct offense.

(b) On-premises consumption, including private clubs. Any person who sells, serves, barters, exchanges, or gives away controlled beverages, except wine, for on-premises consumption without having a valid city permit as provided by this chapter shall, upon conviction, be deemed guilty of a misdemeanor and shall be fined not more than $500.00. Each day of such operation without a valid city permit shall constitute a separate and distinct offense.

(c) General. Any person, except as provided in ~~(~~subsections (a) and (b) above, who sells, serves, barters, exchanges, or gives away controlled beverages, except wine, for consumption on- or off-premise, without having a valid city permit as provided in this chapter shall, upon conviction, be deemed guilty of a misdemeanor and shall be fined not more than $500.00. Each day of such operation without a valid city permit shall constitute a separate and distinct offense. Provided, however, that these provisions shall not be construed to require a license of any lawful occupant ~~of private premises~~in their private residence to serve alcohol, without charge, to family or guests.

Sec. 6-18. - General penalty.

Except as set forth above, any person violating any provision of this chapter shall be subject to the general penalties as set out in section 1-7 of the Code of Siloam Springs.

Sec. 6-19. ~~—~~ Suspension or Revocation.

(a) The city administrator may, upon his own complaint or that of any law enforcement officer or agency having jurisdiction over the permitted premises, suspend, cancel or revoke any permit granted under this chapter if the permit granted to such permittee by the state is suspended, canceled or revoked respectively for any reason, or if the permittee is convicted of any violation of applicable state law, or is guilty of any of the other acts or omissions listed as causes under A.C.A. § 3-9-235(b), as grounds for revoking a state permit.

(b) The city administrator may, for any other lawful reason, suspend for a period not to exceed six months or revoke the ~~license~~ permit of any ~~licensee~~ permittee violating this chapter after due notice to the ~~licensee~~ permittee and an opportunity for the ~~licensee~~ permittee to be heard.

(c) The proceedings shall be in accordance with rules and regulations established by the city administrator and not inconsistent with law. However, the city administrator shall not be bound by the legal rules of evidence in conducting hearings and in making his or her decisions and may take into consideration any testimony, papers, or documents which he or she may deem relevant to the issue.

(~~c~~d) When any ~~license~~ permit is revoked, no new ~~license~~ permit shall be issued to the same person, partnership or corporation within one year of such revocation.

Sec. 6-20. - Statement of causes of suspension or revocation of city controlled beverage permit.

(a) There shall be printed and furnished by the City to each permittee a statement of the causes for which controlled beverage permits may be suspended or revoked.

(b) The statement shall be prepared by the city administrator or their designee and delivered to the permittee as soon as may be practicable thereafter.

(c) Any amendments therein shall also be sent by the city administrator or their designee to all permittees as soon as may be practicable after the amendment.

(d) Failure to send the statement or changes therein, or failure to receive them, or any misstatement or error contained in the statement or amendments shall, however, not be an excuse or justification for any violation or remit or decrease any penalty or forfeiture therefor.

(e) Within three (3) days after a permit shall have been suspended or revoked, notice thereof shall be given to the permittee by mailing the notice addressed to him or her at the premises permitted.

(f) Notice shall also be mailed to the owner of the premises permitted.

(g) The holder of the permit shall thereupon surrender the permit to the city administrator or his/her designee.

(h) The mailing of the permit by the permittee to the city administrator or his/her designee by registered mail or insured parcel post shall be deemed sufficient compliance with this provision.

(i) The city administrator, immediately upon notice of suspension or revocation, shall serve a written notice thereof upon to the police chief and the city clerk.

(1) This notice shall identify the permit number of the suspended permit, and state the name and place of residence of the holder, the location of the permitted premises, and the date when the permit was suspended or revoked. In the case of a suspension, the notice shall include the dates of the suspension.

(2) In case the permit is not immediately surrendered, the city administrator shall issue a written demand for the surrender of the permit and deliver the demand to the police chief. The police chief or their designee shall immediately take possession of the permit and return the permit to the city administrator or his/her designee.

Sec. 6-21. Acts Resulting in Revocation or Suspension of City Controlled Beverage License:

(a) The prohibited acts identified in section 6-6 of this chapter and reasons for suspension or revocation of a permit identified in section 6-19 notwithstanding, the following acts on the part of any permittee or their employees are violations which may result in the suspension of the permittee's city controlled beverage permit for a period up to 30 days:

(1) Sale of controlled beverages when the permit is not posted;
(2) Failure to maintain health, safety, and sanitary standards;
(3) Consuming, or under the influence of, a controlled beverage while on duty;
(4) Failure to surrender a permit when the business has been voluntarily inoperative for over thirty (30) days;
(5) Use of an unlabeled dispensing faucet;
(6) Allowing prostitutes to frequent the premises;
(7) Allowing immoral conduct on the premises;
(8) Negligently selling to users of narcotics;
(9) Delivery of controlled beverages by a retailer away from his or her permitted premises;
(10) Sale of controlled beverages in a container or of a size other than approved by the Arkansas Beverage Control Division for such use;
(11) Misrepresentation of a brand, or keeping beverages in an unauthorized container, or refilling, diluting, or failing to destroy empty bottles;
(12) Failure to maintain membership books or properly maintain guestbooks by a private club;
(13) Allowing an unauthorized guest in a private club;
(14) Dispensing to nonmembers or non-guests by a private club;
(15) Unauthorized purchasing by a private club from other than a retailer;
(16) Failure to maintain financial records;

(b) The prohibited acts identified in section 6-6 of this chapter and reasons for suspension or revocation of a permit identified in section 6-19 notwithstanding, the following acts on the part of any permittee or their employees are violations which may results in the suspension of the permittee's city controlled beverage permit for a period up to 90 days:

(1) Defacing, destroying, or altering a permit;
(2) Manufacturing, selling, offering, dispensing, or giving away, possessing, or transporting controlled beverages upon which tax is not paid;
(3) Failure to maintain proper records by a manufacturer;
(4) Selling to any person the permittee knows or has reasonable cause to believe is acquiring the controlled beverages for the purpose of illegal sale or other prohibited disposition (bootlegging);
(5) Accepting food stamps in payment for controlled beverages;
(6) Sale of controlled beverages by vending machine.

(c) The prohibited acts identified in section 6-6 of this chapter and reasons for suspension or revocation of a permit identified in section 6-19 notwithstanding, the following acts on the

part of any permittee or their employees are violations which may results in the suspension of the permittee's city controlled beverage permit for a period up to 120 days:

(1) Failure to furnish access to premises by any law enforcement officer or any authorized Alcoholic Beverage Control Division personnel or failure to cooperate or take reasonable action to assist any such law enforcement officers or authorized division personnel who are on the permitted premises in the performance of their duties;

(2) Failure to allow inspection of books or records;

(3) Posting permit on unauthorized premises;

(4) Manufacture or possession of controlled beverage with excess alcoholic content;

(5) The permittee possessed or knew or reasonably should have known that any agent or employee or patron of the establishment possessed, used, sold or produced on the permitted premises any illegal drug or narcotic or controlled substance or that any agent or employee while acting on the permittee's behalf knowingly allowed the possession, use, sale or production on the permitted premises of any illegal drug or narcotic or controlled substance;

(6) Selling or allowing the consumption of alcoholic beverages on the permitted premises when the permit is suspended or on inactive status;

(7) Selling to minors;

(8) Unauthorized employment of a minor;

(9) Disorderly conduct or a breach of the peace by a patron or employee on the permitted premises. Disorderly conduct includes without limitation a fight, brawl, or disturbance that results in bodily injury to a person on the permitted premises;

(10) Selling to an intoxicated person;

(11) Unauthorized manufacturing, selling, offering, dispensing, or giving away of controlled beverages;

(12) Conducting or permitting gambling on premises, not including bingo and raffles allowed in A.C.A. § 23-114-101 Charitable Bingo and Raffles Enabling Act, or a lottery allowed in A.C.A. § 23-115-101 Arkansas Scholarship Lottery Act;

(13) Violation of legal closing hours;

(14) Possession of a weapon on the permitted premises by a person without a possessory or proprietary interest in the permitted premises, unless otherwise authorized by law.

Secs. 6-20—6-25. - Reserved.

ARTICLE III. - TYPES OF PERMITS—FEES—SPECIFIC PROVISIONS—HOURS OF OPERATION

Sec. 6-26. - Wholesale. Modified

(a) *Wholesale liquor permit.* Authorizes the purchase from licensed manufacturers or importers of spirituous and vinous beverages or malt liquor containing more than five percent alcohol by weight, and the sale of such beverages to persons holding a valid liquor off-premises permit or a hotel, motel or restaurant on-premises consumption permit.

(1) Permit fee. There is hereby levied an annual permit fee renewable on September 15 of $500.00 for each and every establishment engaged in storing, transporting and/or selling at wholesale any spirituous or vinous (except wine) liquors within the city.

(2) Hours of operation. It shall be unlawful for any person to sell, offer for sale, or give away, at wholesale, any spirituous, vinous, or malt liquors before the hours of 6:00 a.m. and after the hour of 11:00 p.m. on weekdays, 12:00 midnight on Friday and Saturday, at any hour on Sunday, on Christmas Day, or during any 24-hour interval designated an emergency period by the mayor, board of directors, or any person acting in the mayor's or board of director's capacity.

(b) *Wholesale beer and light wine permit.* Authorizes the purchase of beer, light wine or malt liquor from a licensed manufacturer or importer and the sale of such beverages to retailers holding a valid permit to sell beer, light wine or malt liquor for consumption on or off the premises.

(1) Permit fee. There is hereby levied an annual permit fee renewable on September 15 of $125.00 for each and every wholesale dealer, broker or distributor of beer and light wine. (Per A.C.A. § 3-5-101, wholesalers of beer may sell malt liquor.)

(2) Hours of operation. The authorized hours of operation shall be the same as for wholesale liquor dealers in [subsection] (a).

(3) [Report of sales.] All wholesale dealers and distributors selling beer and light wine to retail dealers within the city shall provide to the city's accounting division on or before June 30 of each year a report of said distributor's total sales of beer and light wine for the previous calendar year to each retailer within the city. No wholesale beer and light wine permit will be renewed until such report has been received by the city.

Secs. 6-27—6-30. - Reserved.

Sec. 6-31. - Retail. Modified

(a) *Retail liquor off-premises permit.* Authorizes the purchase of spirituous and vinous beverages from any person holding a valid wholesale liquor permit and the sale of such beverages at retail to consumers for consumption off the premises; any holder of a liquor off-premises permit may also purchase malt liquors containing more than five percent alcohol by weight from either persons holding a wholesale beer permit or a wholesale liquor permit, and sell such beverages to consumers for consumption off the premises described in the permit. It shall be unlawful for any person to accept retail orders for any spirituous, vinous, or malt liquors for delivery outside of the premises of the store operated by such person.

(1) Permit fee. There is hereby levied an annual permit fee renewable on September 15 of $250.00 for each and every retail liquor dealer engaged in the business of selling or dispensing, at retail any vinous (except wine), spirituous, or malt liquors for off-premises consumption.

(2) Hours of operation. It shall be unlawful for any person to sell or offer to sell an controlled beverages for off-premises consumption before the hour of 7:00 a.m. or after the hour of 11:00 p.m. on weekdays, after the hour of 12:00 midnight on Friday or Saturday and at any hour on Sunday on Christmas Day, or during any 24-hour period designated an emergency by the mayor or the board of directors.

(b) *Retail beer and light wine off-premises permit.* Authorizes the purchase of beer, light wine, or malt liquor containing less than five percent alcohol by weight from wholesalers holding a valid permit and the sale of such controlled beverages for consumption off the premises described in the permit.

(1) Permit fee. For the privilege of selling beer and light wine, at retail, for off-premises consumption, there is hereby levied an annual permit fee renewable on September 15 as follows:

a. For a retailer whose annual gross sales of beer and/or light wine do not exceed $1,000.00, the permit fee shall be $15.00.

b. For a retailer whose annual gross sales of beer and/or light wine exceed $1,000.00, the permit fee shall be $15.00 plus one-half-cent for each dollar of gross sales in excess of $1,000.00.

c. The permit fee for a new applicant with no sales history shall be $40.00.

d. For the purpose of renewing an existing permit, annual sales shall be the actual gross sales for the previous calendar year. If the permittee has not been in operation for a full year at December 31 of the previous year, annual sales shall be determined by dividing the total actual sales by the number of months of operation and multiplying the result by 12.

e. If a new permit was issued between March 15 and September 14, the first renewal rate (due on September 15 of the issue year) shall be $40.00.

(2) Hours of operation. It shall be unlawful for any person to sell or offer to sell beer or light wine for off-premises consumption before the hour of 7:00 a.m. or after the hour of 11:00 p.m. on weekdays, after the hour of 12:00 midnight on Friday or Saturday, at any hour on Sunday, on Christmas Day, or during any 24-hour period designated an emergency by the mayor or board of directors.

(c) *Retail beer and light wine on-premises permit.* Authorizes the purchase of beer, light wine, or malt liquor containing less than five percent alcohol by weight from a wholesaler holding a valid permit and the sale of such controlled beverages for consumption on or off the premises described in the permit.

(1) Permit fee. There is hereby levied an annual permit fee of the same amounts and computed in the same manner as the annual fees for retail beer and light wine off premises in [subsection] (b) above.

(2) Hours of operation. It shall be unlawful for any person to serve, sell, offer for sale, or give away for consumption on-premises any beer or light wine between the hours of 1:00 a.m. and 7:00 a.m. on Monday through Saturday, on Sunday except during the hours of 10:00 a.m. until midnight, on Christmas Day, or during any 24-hour interval designated an emergency period by the mayor, board of directors, or any person acting in the mayor's or the board of director's capacity.

(d) *Private club permit.* Authorizes the purchase of any controlled beverages from persons holding an off-premises retail liquor or beer permit who have been designated by the director of the State Alcoholic Beverage Control Board as a private club distributor, and authorizes the dispensing of such beverages for consumption on the premises of the private club to members and guests only of the private club. (Private clubs holding a retail beer on-premises permit may purchase beer, light wine, or malt liquor containing not more than five percent alcohol by weight from holders of valid wholesale beer permits).

(1) Permit fee. For the privilege of operating a private club within the city, there is hereby levied an annual permit fee of $250.00. For any new private club permit issued between March 15 and September 14, the first renewal rate (due on September 15 of the issue year) shall be $125.00.

(2) Supplemental beverage tax. In addition to the $250.00 per year permit fee, there is hereby imposed and levied a city supplemental tax of five percent upon the annual gross receipts which are derived by such private club from charges to the members and/or their guests for the following services:

a. For the preparation and serving of mixed drinks; and

b. For the cooling and serving of beer, light wine, and wine.

The city's supplemental beverage tax is in addition to the state supplemental tax on private clubs and shall be paid to the appropriate city official, shall be due monthly at the same time that the state supplemental tax is due, and shall be accompanied by one copy of the state supplemental tax return. If any permittee shall fail to remit the supplemental tax within the time period that the state tax is due, a penalty of 12½ percent of the tax due shall be due and payable in addition to the tax.

(3) Hours of operation. It shall be unlawful for the owner, operator, or any employee of a private club to serve or permit the consumption of any controlled beverages on the premises of said private club between the hours of 2:00 a.m. and 10:00 a.m. on any day, or during any 24-hour interval designated an emergency period by the mayor, board of directors, or any person acting in the mayor's or the board of director's capacity.

(e) *On-premises consumption—Hotel, motel or restaurant permit.* Authorizes the purchase of any controlled beverages from persons holding a valid wholesale permit and the sale of such beverages for consumption on the premises of the restaurant described in the permit or in-room hospitality units of the hotel or motel described in the permit. (Persons holding an on-premises consumption hotel, motel, or restaurant permit are not required to have a retail beer permit).

(1) Permit fee. For the privilege of selling controlled beverages for on-premises consumption by hotels, motels, or restaurants, in accordance with A.C.A. § 3-9-201 et seq., there is hereby levied annual permit fees in the following applicable amounts:

a. Hotel or motel having fewer than 100 rooms, $250.00.

b. Hotel or motel having 100 or more rooms, $500.00.

c. Restaurants having a seating capacity of less than 100 persons, $250.00

d. Restaurants having a seating capacity of 100 or more persons, $500.00.

e. Any new permit issued for on-premises consumption hotel, motel, or restaurant operations between March 15 and September 14, shall be at one-half the rates shown above.

(2) Supplemental beverage tax. In addition to the annual permit fees for the sale of controlled beverages for on-premises consumption by hotels, motels, or restaurants, there is hereby levied a city supplemental beverage tax of five percent upon the annual gross proceeds or gross receipts from the sale of alcoholic beverages pursuant to this subsection. Wine, beer, light wine, and malt liquors containing less

than five percent alcohol by weight, shall not be subject to the supplemental beverage tax.

The city's supplemental beverage tax is in addition to the state supplemental tax and shall be paid to the appropriate city official, shall be due monthly at the same time that the state supplemental tax is due, and payment shall be accompanied by one copy of the state supplemental tax return. If any permittee shall fail to remit the supplemental tax within the time period that the state tax is due, a penalty of 12½ percent of the tax due shall be due and payable in addition to the tax.

(3) Hours of operation. It shall be unlawful for any person holding an on-premise consumption hotel, motel or restaurant permit to sell, offer for sale, serve give away, or permit consumption of any controlled beverages between the hours of 2:00 a.m. and 10:00 a.m. on Monday through Saturday, on Sunday except between the hours of 10:00 a.m. until midnight (except when a Sunday falls on December 31 of any year, in which case until 2:00 a.m. the following Monday), on Christmas Day, or during any 24-hour interval designated an emergency period by the mayor, board of directors, or any person acting in the mayor's or the board of director's capacity.

(f) *Large attendance facility permit.* Authorizes the sale of all types of controlled beverages by a facility which houses a convention center activity, or tourism activity where such establishment has a seating capacity of not less than 500 people and which serves controlled beverages only on the premises on days that meals and food are served at one or more places on the premises.

(1) Permit fee. There is hereby levied an annual permit fee of $500.00 for each and every large attendance facility within the city. For any new permit issued between March 15 and September 14, the permit fee shall be one-half of the above amount.

(2) Supplemental beverage tax. Large attendance facilities shall be subject to the same supplemental beverage taxes, due dates, and penalties as on-premises consumption hotel, motel, or restaurant permittees in [subsection] (e).

(3) Hours of operation. The hours of operation for large attendance facility permittees shall be the same as those allowed for on-premises consumption hotel, motel, or restaurant permittees in [subsection] (e).

(g) *Off-premises caterer permit.* Authorizes the purchase of alcoholic beverages from a retailer to transport to a private function which is being catered by the permit holder and to serve alcoholic beverages to attendees of the private function in conjunction with catered food.

(1) Permit fee. A permit fee of $250.00 is levied annually, renewable on September 15. For any new permit issued between March 15 and September 14, the permit fee shall be half of the above amount.

(2) Hours of operation. The hours of operation for an off-premises catering permittee shall be the same as those allowed for on-premises consumption hotel, motel, or restaurant permittees in [subsection] (e).

(h) *Restaurant beer and wine permit.* Authorizes a restaurant which has a valid state restaurant beer and wine permit to obtain a City of Siloam Springs Restaurant Beer and Wine Permit for the retail sale of beer and wine pursuant to A.C.A. § 3-9-301 and § 3-4-1001 et seq.

(1) Permit fee. There is hereby levied an annual permit fee renewable on September 15, of the same amounts and computed in the same manner as the annual fees for retail beer and light wine off-premises and on-premises permits in subsections (b) and (c) of this section.

(2) Hours of operation. It shall be unlawful for any restaurant to sell beer or wine through this permit beyond the hours established for the retail beer and light wine on-premises permit of subsection (c).

(i) *Satellite catering permit* to serve large meeting or attendance facility. Only caterers with on-premises consumption - hotel, motel and restaurant permits authorized by subsection (e) may cater alcoholic beverages in large meeting and attendance facilities as defined in A.C.A. § 3-9-202(8).

(1) Permit fee. There is hereby levied an annual permit fee renewable on September 15 for a satellite catering permit of $250.00. For any new permit issued between March 15 and September 14, the permit fee shall be half of the above amount.

(2) Supplemental beverage tax. Satellite catering activities will be subject to the same supplemental beverage taxes, due dates, and penalties as on-premises consumption hotel, motel, or restaurant permittees in subsection (e).

(3) Hours of operation. The hours of operation for any satellite catering permittee shall be the same as those allowed for on-premises consumption hotel, motel, or restaurant permittee in subsection (e).

(j) *Special event alcohol permit.* Authorizes any person, 21 years of age or older and not otherwise prohibited by the laws of the State of Arkansas or the United States, to purchase a permit authorizing the dispensing of controlled beverages for consumption on private premises that are not otherwise licensed for such distribution by the City of Siloam Springs. Said permit shall be subject to the following conditions:

a. Application for said permit must be made no less than 15 days in advance.

b. Said permit shall be good for the hours of 10:00 a.m. to 12:00 ~~p.m.~~midnight during one 24-hour period designated by the applicant.

c. Said permit shall not authorize the dispensing of any controlled beverages on city property, or any other location prohibited by law, including within applicable distances from church or school buildings.

d. No person or entity may obtain more than ~~two~~ six (6) special event alcohol permits during any given calendar year.

e. The city reserves the right to deny any request for a special event alcohol permit if, in the opinion of the city administrator, fire chief, chief of police or any public health official, such permit would be detrimental to public health, safety or welfare.

(1) Permit fee. The special event alcohol permit fee shall be $~~50~~25.00, payable at the time of application.

(2) Hours of operation. It shall be unlawful for the holder of any special event alcohol permit, or their agent or employee, to serve or permit the consumption of any controlled beverages on the permitted premises outside of the hours set forth in the permit, or during any 24-hour interval designated an emergency period by the mayor, board of directors, or any person acting in the mayor's or the board of director's capacity.

(k) *Microbrewery permit.* A~~a~~uthorizes an establishment, with appropriate state licenses, to operate a microbrewery which shall manufacture one or more varieties of beer or malt beverage in an aggregate quantity not to exceed 5,000 barrels per year and to store any such beer or malt beverage and any other beer or malt beverage which the microbrewery-restaurant licensee may purchase from wholesalers licensed by this state on the

microbrewery-restaurant licensed premises. The establishment holding said permit may also:

a. Operate a restaurant (if otherwise properly zoned and licensed by the city) which shall be the sales outlet for beer or malt beverage manufactured by the microbrewery and which shall sell the beer or malt beverage and any other beer or malt beverage which the microbrewery-restaurant licensee may purchase from wholesalers licensed by this state for consumption on the licensed premises;

b. Sell on the premises beer or malt beverages manufactured by the microbrewery in brewery-sealed packages at retail directly to the consumer for off-premises consumption;

c. Provide products it manufactures to charitable or nonprofit organizations or sell for resale products it manufactures to charitable or nonprofit organizations holding valid special event alcohol permits as provided for by the alcoholic beverage control board, and City of Siloam Springs, except that the microbrewery-restaurant licensee may not sell to nonprofit organizations holding private club licenses. The sale of those products shall be limited to the duration of the particular special event; and

d. Sell beer or malt beverages manufactured by the microbrewery-restaurant to a nonprofit corporation leasing space in the microbrewery-restaurant or in an adjoining building.

(1) Permit fee. There is hereby levied an annual permit fee renewable on September 15, of the same amounts and computed in the same manner as the annual fees for retail beer and light wine off-premises and on-premises permits in subsections (b) and (c) of this section.

(2) Hours of operation. It shall be unlawful for any restaurant to sell beer or wine through this permit beyond the hours established for the retail beer and light wine on-premises permit of subsection (c).

Sec. 6-36. - Manufacturing.

(a) *Liquor manufacturing permit.* Authorizes the manufacture or distilling of spirituous or vinous liquors, and the sale to persons holding valid permits to wholesale or import such liquors.

(1) Permit fee.

a. For the manufacturing and sale of spirituous liquors, the annual permit fee renewable on September 15 shall be $500.00 for each and every manufacturing plant.

b. For the manufacturing and sale of vinous (except wine) liquors, the annual permit fee renewable on September 15 shall be $250.00 for each and every manufacturing plant.

(b) *Beer manufacturing permit.* Authorizes the manufacture of beer containing not in excess of five percent alcohol by weight, and the sale of such beer to persons holding a valid permit to wholesale or import such beer.

(1) Permit fee. For the manufacture and sale of beer, the annual permit fee renewable on September 15 shall be $250.00 for each and every manufacturing plant.

(2) However, no city manufacturing permit shall be required for home-brewed beer:

a. Upon the manufacturer's own premises;

b. For consumption by the manufacturer and his or her family and guests, but not for sale; and

c. In quantities per calendar year not to exceed:

1. Two hundred gallons if there are two or more adults in the household; or

2. One hundred gallons if there is only one adult in the household.

(3) Any manufacturer of home-brewed beer must have attained 21 years of age.

(4) "Home-brewed" means beer made from malted barley, wheat, or cereal grains, or any substitute therefor, and having an alcoholic content not in excess of five percent by weight, brewed for consumption by the manufacturer and his or her family and guests, but not for sale.

(c) *Rectifying permit.* Authorizes the rectifying, purifying, mixing, blending, or flavoring of spirituous liquors or the bottling, warehousing, or other handling or distribution of rectified distilled spirits. Rectifiers may sell, deliver, or transport only to wholesalers holding a valid permit to wholesale, to other rectifiers, or for the purpose of export out of state.

(1) Permit fee. For the privilege of rectifying, blending, or flavoring spirituous liquors, there is hereby assessed an annual permit fee, renewable on September 15, of $750.00 for each and every rectifying, blending, or flavoring plant.

Secs. 6-37—6-40. - Reserved.

ORDINANCE NO. 16 – 01

AN ORDINANCE AMENDING CHAPTER 6, ALCOHOLIC BEVERAGES, OF THE SILOAM SPRINGS MUNICIPAL CODE TO ADD DEFINITIONS, STATE SPECIFIC GROUNDS FOR SUSPENSION OR REVOCATION OF PERMITS, AND FOR OTHER PURPOSES.

WHEREAS, experience has shown the need for certain clarifications and technical corrections to the Siloam Springs Alcoholic Beverage Code; and

WHEREAS, the following amendments will provide greater clarity to alcohol permittees, city staff and the general public as to allowed activities, as well as penalties and remedies for violations; and

WHEREAS, said changes are in the best interest of the health, safety and general welfare of the citizens of Siloam Springs;

NOW THEREFORE BE IT ENACTED, by the Board of Directors of the City of Siloam Springs, as follows:

Section 1: Section 6-2, Article I, Chapter 6 of the Siloam Springs Municipal Code is hereby amended to include the following definitions in alphabetical order:

Disturbance means a breakdown of peaceful and law abiding behavior to include, but not be limited to, a fight, brawl or riot, or the commission of a criminal act.

Premises means a defined location, structure or building, together with its land and outbuildings, occupied by a business and utilized in the pursuit of its interest, but excluding those areas used solely as a private residence. Provided that nothing in this code shall authorize sale, dispensing or consumption of alcoholic beverages on premises more broadly defined than authorized or licensed by the Alcoholic Beverage Control Division.

Section 2: Section 6-4, Article I, Chapter 6 of the Siloam Springs Municipal Code is hereby amended to read as follows:

Sec. 6-4. - Application for permits.

(a) Application for a permit required by this chapter shall be in writing on a form prescribed by the city and shall be accompanied by the required fee and a copy of the applicant's state permit. No city permit will be issued until applicant has received a state permit.

(b) It shall be unlawful for any person to make any false statement or representation in any application required by this chapter or to give any false answer to any question contained therein.

(c) An application shall identify all members having ownership of a co-partnership seeking a permit under this section.

(d) Permits required by this chapter shall be issued in such a manner that they will run for such length of time as the state permit. Annual permit renewal fees shall be due and payable prior to the initial opening of the business, and thereafter on September 15 of

each year for the succeeding year. Late fees shall be imposed at the same rates and in the same manner as for business privilege licenses, as provided at section 22-33 of this Code.

(e) The city will not issue or renew any permits pursuant to this chapter until all outstanding hotel, motel, and restaurant taxes and/or supplemental beverage taxes, if applicable, are paid.

(f) No new permit shall be granted to any person to engage in the sale of liquor at retail, for consumption off the premises, for any business situated within 1,000 feet of any church or school. The distance shall be measured from the nearest point of the church or school building to the nearest point of the building to be permitted.

(g) No new permits shall be granted to any person to engage in the business of manufacturing, transporting, storing, handling, receiving, distributing, selling, or dispensing, either at wholesale or retail, any controlled beverage, for any business situated within 200 feet of any church or school building. The distance shall be measured from the nearest point of the church or school building to the nearest point of the building to be permitted. The distance requirement shall not apply to businesses located in the H-1DT (Historic Downtown) Overlay District.

(h) No permit shall be issued to:

(1) A person who has been convicted of, or plead guilty or nolo contendere to, a felony;

(2) A person under the age of twenty-one (21) years;

(3) A person who is not a citizen or resident alien of the United States;

(4) A copartnership, unless all members of such copartnership are citizens or resident aliens of the United States;

(5) A person who shall have had his or her permit issued under this Code revoked for cause or who has been convicted of a violation of this Code until the expiration of two (2) years from the date of such revocation or conviction; or

(6) A corporation or copartnership, if any of its officers or members have been convicted of a violation of this Code, have had a permit issued under this Code revoked for cause until two (2) years from the date of the conviction or revocation, or who have been convicted of, or plead guilty or nolo contendere to a felony.

(7) Any person or entity not in possession of a valid City business license.

(i) All permits issued by the city pursuant to this chapter shall be prominently displayed on the permitted premises by the permittee in the same manner as required by the state for state permits.

(j) In order to determine an applicant's suitability for a permit, the applicant, or in the case of a copartnership, its members shall submit to a local criminal background check through the city's police department. The applicant(s) shall sign a release that allows the police department to divulge the results of all criminal background checks to the city administrator or his/her designee.

(k) When any state permit is revoked by the state or required to be returned to the state for any reason, the city permit shall be returned to the city. The city will restore the permit upon proof that the state permit has been restored to the applicant, provided that no reclaimed permit will be restored to an applicant until all outstanding hotel, motel, and restaurant taxes and/or supplemental beverages taxes, if applicable, are paid.

(l) All fees, taxes, and penalties received by the city pursuant to this chapter shall be deposited to the credit of general fund revenues.

(m) Permits shall not be transferable or assignable except as provided by A.C.A. § 3-4-103A (Fiduciaries – Continuation of permitted business).

(n) Permits issued by the city shall contain, in addition to any further information or material to be prescribed by the rules and regulations of the Alcoholic Beverage Control Division, the following:

(1) The name of the person to whom the permit is issued;

(2) The type of permit;

(3) A description by street and number, or otherwise, of the permitted premises;

(4) A statement in substance that the permit shall not be deemed a property or vested right and that it may be revoked at any time pursuant to law;

(5) The name and address of the owner of the premises. Upon a change in the ownership, the permittee or the new owner may file notice to that effect in writing with the city on forms to be provided by the city for that purpose.

Section 3: Section 6-6, Article I, Chapter 6 of the Siloam Springs Municipal Code is hereby amended to read as follows:

Sec. 6-6. - Prohibited activities/warning notice.

(a) Any person to which a controlled beverage permit has been issued shall comply with all laws and regulations of the State of Arkansas, the Alcoholic Beverage Control Division of the State of Arkansas, and the City of Siloam Springs regarding the control and regulation of controlled beverages, including but not limited to the following:

(1) Purchase by or for minors, sale to minors, or handling by minors prohibited.

a. It shall be unlawful for any person under the age of 21 years to have in his or her possession, to purchase or attempt to purchase, or otherwise obtain any controlled beverages. However, this provision shall not apply to beverages served by members of one's family or to the use of wine in any religious ceremony or rite in any established church or religion.

b. It shall be unlawful for any person to, knowingly or unknowingly, purchase on behalf of, furnish to, give away to, or otherwise dispose of to any person under the age of 21 years any controlled beverages; however, this provision shall not apply to the serving of such to members of one's family or to the use of wine in any religious ceremony or rite in any established church or religion.

c. It shall be unlawful for any person engaged in the business of manufacturing, distributing or selling, at wholesale or retail, any controlled beverages to sell, offer for sale, or give away, under any conditions, any such controlled beverages to any person under the age of 21 years. The burden of determining the age of any person shall be upon the seller.

d. It shall be unlawful for any wholesaler, retailer, or transporter of controlled beverages to allow any employee or other person under the age of 21 years of age to have anything whatsoever to do with the sale, transporting or handling of controlled beverages. However, with the written consent of a parent or guardian, persons 18 years of age and older may be employed by licensed liquor and beer wholesalers and by licensed native wineries to

handle controlled beverages at the place of business of the licensed wholesaler or wineries.

(2) A warning notice regarding the sale to, possession or purchase by, or furnishing to minors of controlled beverages shall be posted in a conspicuous place in public view in each place of business where controlled beverages are sold, served or dispensed, including all drive up windows. The warning notices shall be of the size, have the content, and be posted in the manner as prescribed by the Arkansas Alcoholic Beverage Control Division.

(b) Except where otherwise expressly authorized under the laws of the State of Arkansas, no establishment selling controlled beverages, including beer and small farm wine, may sell or otherwise distribute controlled beverages through drive-up windows. Any premises licensed for controlled beverage sales that maintains or operates a drive-up window for sales of food or other merchandise must post a notice not less than three inches by five inches, clearly affixed to the drive up window and clearly visible to patrons thereof, stating "NO ALCOHOLIC BEVERAGES SOLD THROUGH THIS DRIVE UP WINDOW." The same notice must also be posted on the interior of the permitted outlet so as to be clearly visible to employees selling items, through the drive up window.

(c) No permittee for the sale or dispensing of alcoholic beverages for on-premises consumption including private club licenses shall suffer or permit any person to appear on the licensed premises in such manner or attire as to expose to view any portion of the pubic area, anus, vulva, or genitals or any simulation thereof, nor suffer or permit any female to appear on the premises in such manner or attire as to expose to view any portion of her breast below the top of the areola or any simulation thereof.

(d) That no person shall bring into or consume or allow to be brought into or allow to be consumed intoxicants or alcoholic beverages of any kind, in any commercial establishment, or business, which suffers or permits any person to appear on the premises in such manner or attire as to expose to view any portion of the pubic area, anus, vulva, or genitals or any simulation thereof, or suffers or permits any female to appear on the premises in such manner or attire as to expose to view any portion of her breast below the top of the areola or any simulation thereof.

(e) It shall be unlawful for any permittee to willfully permit any disturbance or unlawful or disorderly act or conduct to be committed by any person or group of persons upon any premises permitted for the sale of controlled beverages.

(f) It shall be unlawful for any permittee, in any manner to encourage or participate in any disturbance or unlawful or disorderly act or conduct upon any premise permitted for the sale of controlled beverages. However, such person engaged in the sale of controlled beverages may use such lawful means as may be proper to protect his person or property from damage or injury.

(g) Permittees, or their managers on duty, shall promptly report any disturbance on the premises

(h) It shall be unlawful for any permittee to not post and keep at all times visible to the public, in a conspicuous place on the premises, a sign to be furnished by the city , which sign shall be in the following form: "WARNING – THE CITY OF SILOAM SPRINGS POLICE DEPARTMENT MUST BE NOTIFIED OF ALL DISTURBANCES IN THIS ESTABLISHMENT".

(i) If any permittee shall conduct his place of business in a manner as to constitute a nuisance, the city administrator, subject to appeal to the board of directors, shall revoke the license of such person to sell controlled beverages in the city.

(j) Any person violating any provision of this ordinance shall be subject to the general penalties as set out in section 1-7 of the Code of Siloam Springs.

Section 4: Subsections 6-7(1) through 6-7(9), Article I, Chapter 6 of the Siloam Springs Municipal Code are hereby renumbered as Subsections 6-7(a) through 6-7(i).

Section 5: Section 6-11, Article I, Chapter 6 of the Siloam Springs Municipal Code is hereby deleted in its entirety.

Section 6: Sections 6-11 through 6-15, Article I, Chapter 6 of the Siloam Springs Municipal Code are hereby reserved.

Section 7: Subsection 6-17(c), Article II, Chapter 6 of the Siloam Springs Municipal Code is hereby amended to read as follows:

(c) General. Any person, except as provided in subsections (a) and (b) above, who sells, serves, barters, exchanges, or gives away controlled beverages, except wine, for consumption on- or off-premise without having a valid city permit as provided in this chapter shall, upon conviction, be deemed guilty of a misdemeanor and shall be fined not more than $500.00. Each day of such operation without a valid city permit shall constitute a separate and distinct offense. Provided, however, that these provisions shall not be construed to require a license of any lawful occupant in their private residence to serve alcohol, without charge, to family or guests.

Section 8: Section 6-19, Article II, Chapter 6 of the Siloam Springs Municipal Code is hereby amended to read as follows:

Sec. 6-19. – Suspension or Revocation.

(a) The city administrator may, upon his own complaint or that of any law enforcement officer or agency having jurisdiction over the permitted premises, suspend, cancel or revoke any permit granted under this chapter if the permit granted to such permittee by the state is suspended, canceled or revoked respectively for any reason, or if the permittee is convicted of any violation of applicable state law, or is guilty of any of the other acts or omissions listed as causes under A.C.A. § 3-9-235(b), as grounds for revoking a state permit.

(b) The city administrator may, for any other lawful reason, suspend for a period not to exceed six months or revoke the permit of any permittee violating this chapter after due notice to the permittee and an opportunity for the permittee to be heard.

(c) The proceedings shall be in accordance with rules and regulations established by the city administrator and not inconsistent with law. However, the city administrator shall not be bound by the legal rules of evidence in conducting hearings and in making his or her decisions and may take into consideration any testimony, papers, or documents which he or she may deem relevant to the issue.

(d) When any permit is revoked, no new permit shall be issued to the same person, partnership or corporation within one year of such revocation.

Section 9: Sections 6-20 and 6-21, Article II, Chapter 6 of the Siloam Spring Municipal Code are hereby enacted to read as follows:

6-20. - Statement of causes of suspension or revocation of city controlled beverage permit.

(a) There shall be printed and furnished by the City to each permittee a statement of the causes for which controlled beverage permits may be suspended or revoked.

(b) The statement shall be prepared by the city administrator or their designee and delivered to the permittee as soon as may be practicable thereafter.

(c) Any amendments therein shall also be sent by the city administrator or their designee to all permittees as soon as may be practicable after the amendment.

(d) Failure to send the statement or changes therein, or failure to receive them, or any misstatement or error contained in the statement or amendments shall, however, not be an excuse or justification for any violation or remit or decrease any penalty or forfeiture therefor.

(e) Within three (3) days after a permit shall have been suspended or revoked, notice thereof shall be given to the permittee by mailing the notice addressed to him or her at the premises permitted.

(f) Notice shall also be mailed to the owner of the premises permitted.

(g) The holder of the permit shall thereupon surrender the permit to the city administrator or his/her designee.

(h) The mailing of the permit by the permittee to the city administrator or his/her designee by registered mail or insured parcel post shall be deemed sufficient compliance with this provision.

(i) The city administrator, immediately upon notice of suspension or revocation, shall serve a written notice thereof upon to the police chief and the city clerk.

    (1) This notice shall identify the permit number of the suspended permit, and state the name and place of residence of the holder, the location of the permitted premises, and the date when the permit was suspended or revoked. In the case of a suspension, the notice shall include the dates of the suspension.

    (2) In case the permit is not immediately surrendered, the city administrator shall issue a written demand for the surrender of the permit and deliver the demand to the police chief. The police chief or their designee shall immediately take possession of the permit and return the permit to the city administrator or his/her designee.

6-21. Acts Resulting in Revocation or Suspension of City Controlled Beverage License:

(a) The prohibited acts identified in section 6-6 of this chapter and reasons for suspension or revocation of a permit identified in section 6-19 notwithstanding, the following acts on the part of any permittee or their employees are violations which may result in the suspension of the permittee's city controlled beverage permit for a period up to 30 days:

    (1) Sale of controlled beverages when the permit is not posted;

    (2) Failure to maintain health, safety, and sanitary standards;

    (3) Consuming, or under the influence of, a controlled beverage while on duty;

(4) Failure to surrender a permit when the business has been voluntarily inoperative for over thirty (30) days;
(5) Use of an unlabeled dispensing faucet;
(6) Allowing prostitutes to frequent the premises;
(7) Allowing immoral conduct on the premises;
(8) Negligently selling to users of narcotics;
(9) Delivery of controlled beverages by a retailer away from his or her permitted premises;
(10) Sale of controlled beverages in a container or of a size other than approved by the Arkansas Beverage Control Division for such use;
(11) Misrepresentation of a brand, or keeping beverages in an unauthorized container, or refilling, diluting, or failing to destroy empty bottles;
(12) Failure to maintain membership books or properly maintain guest books by a private club;
(13) Allowing an unauthorized guest in a private club;
(14) Dispensing to nonmembers or non-guests by a private club;
(15) Unauthorized purchasing by a private club from other than a retailer;
(16) Failure to maintain financial records;

(b) The prohibited acts identified in section 6-6 of this chapter and reasons for suspension or revocation of a permit identified in section 6-19 notwithstanding, the following acts on the part of any permittee or their employees are violations which may results in the suspension of the permittee's city controlled beverage permit for a period up to 90 days:
(1) Defacing, destroying, or altering a permit;
(2) Manufacturing, selling, offering, dispensing, or giving away, possessing, or transporting controlled beverages upon which tax is not paid;
(3) Failure to maintain proper records by a manufacturer;
(4) Selling to any person the permittee knows or has reasonable cause to believe is acquiring the controlled beverages for the purpose of illegal sale or other prohibited disposition (bootlegging);
(5) Accepting food stamps in payment for controlled beverages;
(6) Sale of controlled beverages by vending machine.

(c) The prohibited acts identified in section 6-6 of this chapter and reasons for suspension or revocation of a permit identified in section 6-19 notwithstanding, the following acts on the part of any permittee or their employees are violations which may results in the suspension of the permittee's city controlled beverage permit for a period up to 120 days:
(1) Failure to furnish access to premises by any law enforcement officer or any authorized Alcoholic Beverage Control Division personnel or failure to cooperate or take reasonable action to assist any such law enforcement officers or authorized division personnel who are on the permitted premises in the performance of their duties;
(2) Failure to allow inspection of books or records;
(3) Posting permit on unauthorized premises;
(4) Manufacture or possession of controlled beverage with excess alcoholic content;
(5) The permittee possessed or knew or reasonably should have known that any agent or employee or patron of the establishment possessed, used, sold or produced on the permitted premises any illegal drug or narcotic or controlled substance or that

any agent or employee while acting on the permittee's behalf knowingly allowed the possession, use, sale or production on the permitted premises of any illegal drug or narcotic or controlled substance;

(6) Selling or allowing the consumption of alcoholic beverages on the permitted premises when the permit is suspended or on inactive status;

(7) Selling to minors;

(8) Unauthorized employment of a minor;

(9) Disorderly conduct or a breach of the peace by a patron or employee on the permitted premises. Disorderly conduct includes without limitation a fight, brawl, or disturbance that results in bodily injury to a person on the permitted premises;

(10) Selling to an intoxicated person;

(11) Unauthorized manufacturing, selling, offering, dispensing, or giving away of controlled beverages;

(12) Conducting or permitting gambling on premises, not including bingo and raffles allowed in A.C.A. § 23-114-101 Charitable Bingo and Raffles Enabling Act, or a lottery allowed in A.C.A. § 23-115-101 Arkansas Scholarship Lottery Act;

(13) Violation of legal closing hours;

(14) Possession of a weapon on the permitted premises by a person without a possessory or proprietary interest in the permitted premises, unless otherwise authorized by law.

Section 10: Section 6-31(j), Article III, Chapter 6 of the Siloam Springs Municipal Code is hereby amended to read as follows:

(j) *Special event alcohol permit.* Authorizes any person, 21 years of age or older and not otherwise prohibited by the laws of the State of Arkansas or the United States, to purchase a permit authorizing the dispensing of controlled beverages for consumption on private premises that are not otherwise licensed for such distribution by the City of Siloam Springs. Said permit shall be subject to the following conditions:

a. Application for said permit must be made no less than 15 days in advance.

b. Said permit shall be good for the hours of 10:00 a.m. to 12:00 midnight during one 24-hour period designated by the applicant.

c. Said permit shall not authorize the dispensing of any controlled beverages on city property, or any other location prohibited by law, including within applicable distances from church or school buildings.

d. No person or entity may obtain more than six special event alcohol permits during any given calendar year.

e. The city reserves the right to deny any request for a special event alcohol permit if, in the opinion of the city administrator, fire chief, chief of police or any public health official, such permit would be detrimental to public health, safety or welfare.

(1) Permit fee. The special event alcohol permit fee shall be $25.00, payable at the time of application.

(2) Hours of operation. It shall be unlawful for the holder of any special event alcohol permit, or their agent or employee, to serve or permit the consumption of any controlled beverages on the permitted premises outside of the hours set forth in the

permit, or during any 24-hour interval designated an emergency period by the mayor, board of directors, or any person acting in the mayor's or the board of director's capacity.

Section 11: Section 6-31(k), Article III, Chapter 6 of the Siloam Springs Municipal Code is hereby amended to read as follows, subsections 6-31(k)a through 6-31(k)d, and 6-31(k)(1) and 6-31(k)(2) remain unchanged:

(k) *Microbrewery permit.* Authorizes an establishment, with appropriate state licenses, to operate a microbrewery which shall manufacture one or more varieties of beer or malt beverage in an aggregate quantity not to exceed 5,000 barrels per year and to store any such beer or malt beverage and any other beer or malt beverage which the microbrewery-restaurant licensee may purchase from wholesalers licensed by this state on the microbrewery-restaurant licensed premises. The establishment holding said permit may also:

Section 12: Repealer and severability.
Prior Ordinances in conflict with the provisions enacted herein are repealed to the extent of the conflict as of the effective date of this Ordinance. If any provision of a section of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable.

ORDAINED AND ENACTED this _____ day of _____, 2016.

APPROVED:

(SEAL)
ATTEST:

_____
John Mark Turner, Mayor

_____
Renea Ellis, City Clerk

Siloam Springs
It's a natural

STAFF REPORT

TO: Mayor and Board of Directors
FROM: Phillip Patterson, City Administrator
DATE: December 30, 2015
RE: Resolution 01-16 / Procedures and Organizational Matters of the Board of Directors

Recommendation: Approval of Resolution 01-16 adopting rules related to procedures and organizational matters of the Board of Directors as required by Arkansas Code Annotated §14-43-501.

Background: In 2015, the General Assembly of the Arkansas Legislature approved Act 235, which amended the state statutes and required all governing bodies of cities and towns to have an organizational meeting in January of each year. Previously, the requirement for an annual organizational meeting only applied to the mayor-council form of government.

Per the state statute, the governing body:

- Shall judge the election returns and the qualifications of its own members;
- Shall determine the rules of its proceedings and keep a journal of its proceedings;
- May compel the attendance of absent members in such a manner and under such penalties as it prescribes;
- May consider the passage of rules on the following subjects, including without limitation:
    - The agenda for meetings;
    - The filing of resolutions and ordinances; and
    - Citizen commentary.

The attached resolution stipulates that the Board shall annually meet in January, preferably the first meeting in January, to judge the election returns and qualifications of its members, and determine the rules of its proceedings. To this end, Exhibit A to the resolution establishes the rules for the Board's proceedings. Exhibit A includes rules for such things as: meetings; agendas; public comment; duties and privileges of directors; duties of the mayor and vice-mayor; general parliamentary procedures; city administrator relationship; general code of ethics; appointment of directors; and orientation for new directors.

Fiscal Impact: Staff is not aware of any fiscal impact associated with the dedication of this easement

Attachments:

Resolution 01-16

RESOLUTION NO. 01-16

A RESOLUTION PROVIDING FOR AN ORGANIZATIONAL MEETING OF THE BOARD AND ADOPTING RULES RELATED TO PROCEDURAL AND ORGANIZATIONAL MATTERS.

WHEREAS, State law requires an organizational meeting by the governing body of the City during the month of January to conduct certain activities; and

WHEREAS, adoption of written procedures is conducive to the orderly and efficient conduct of business by the Board of Directors; and

WHEREAS, adoption of this resolution shall serve to better inform citizens and the press of the regularly scheduled meetings for the upcoming year; and

WHEREAS, it is desirable to clearly define the relationship between the City Administrator and Board of Directors; and

WHEREAS, the Board of Directors has determined it would be appropriate to set forth a Code of Conduct to govern its actions.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS FOR THE CITY OF SILOAM SPRINGS, ARKANSAS:

Sec. 1. Organizational Meeting of the Board. Pursuant to A.C.A. §14-43-501, the Board of Directors shall annually, in January, assemble to organize the governing body and judge the election returns and the qualifications of its own members. It is the Board's desire that said activities shall occur during the first regularly scheduled meeting in January.

Sec. 2. Rules of Order and Procedure. Pursuant to A.C.A. §14-43-501, at the meeting described above, the governing body shall determine the rules of its proceedings. To that end, the Board hereby adopts the attached Exhibit "A" and such prior procedural enactments and established customs as not inconsistent therewith.

PASSED AND APPROVED, this _____ day of _____ 2016.

Approved:

_____
John Mark Turner, Mayor

ATTEST:

_____
Renea Ellis, City Clerk
{Seal}

EXHIBIT "A"
RESOLUTION 01-16

RULES OF ORDER AND PROCEDURES OF THE SILOAM SPRINGS BOARD OF DIRECTORS

A. BOARD OF DIRECTORS MEETINGS

1. Regular Meetings

The Board of Directors shall meet in regular session on the first and third Tuesday of each month at 6:30 p.m. When a holiday or general election occurs on any such Tuesday, the regular meeting shall be held on the following day at the same hour unless otherwise provided for by motion. The regular meeting date and time may be rescheduled by the Board of Directors in special circumstances, but when so done the change must be made far enough in advance to allow normal public notification.

2. Location

The place of Board of Directors meetings shall be in the Boardroom in the City Administration Building unless another place has been previously set by the Board of Directors.

3. Special Meetings

Special meetings may be called by a majority of the Directors or by the Mayor. Notification of a special meeting, including specific items to be considered, shall be at least two hours prior to the meeting. Such notification shall be by personal service to each member or by telephone, specifying time and place of meeting.

4. Executive Session

An executive session may be requested by any member of the Board of Directors or the Mayor. A majority vote by the Board of Directors is required to convene in executive session. Executive sessions will be permitted only for the purpose of considering the employment, appointment, promotion, demotion, disciplining, or resignation of any public officer or employee.

5. Public Notification

The City will do its best to go further than legally required in order to inform citizens of the items to be considered by the Board of Directors. The City of Siloam Springs will include press notification; placing the agenda on the bulletin board in the entry way of the City Administration Building; posting the agenda and accompanying packet documents on the City's website; send special notice to citizens who have shown a direct interest in matters to be considered; and making agenda copies available at Board of Directors meetings.

6. Presentation of Agenda Items

a. Board of Directors' meetings shall generally have the following agenda format:

1. Call to Order
2. Roll Call
3. Prayer
4. Pledge of Allegiance
5. Approval of Minutes
6. Public Input
7. Regularly Scheduled Items
   - Presentations
   - Appointments
   - Contracts and Approvals
   - Ordinances
   - Resolutions
8. Staff Reports
9. Directors Reports
10. Adjournment

b. Agenda Additions. Staff can recommend a new item be added to the agenda if it requires immediate Board of Directors consideration and if the normal agenda setting process is not practical. The Board of Directors may only place such new item suggested by staff on the Board of Directors meeting's agenda by suspending the rules by two-thirds vote.

c. Old Business and New Business.

(1) Presentations by Staff and Applicants. Agenda items shall be introduced by the Mayor. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by a Director later to answer questions. Staff and applicants may use electronic visual aids in a Board of Directors meeting as part of their presentation, provided such aids from an applicant are made available to staff by 3:00 p.m. on the day of the Board meeting.

(2) Public Comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the Board of Directors. If a member of the public wishes for the City Clerk to distribute materials to the Board of Directors before its meeting, such materials should be supplied to the City Clerk's Office no later than 3:00 p.m. on the day of the Board meeting. Each speaker must be recognized by the Mayor and shall first state his or her name and address, followed by a concise statement of the person's position on the matter under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the Board of Directors or to the Planning Commission when those Planning Commission minutes have been provided to the Directors. All remarks shall be addressed to the Mayor or the Board of Directors as a whole and not to any particular member of the Board of Directors. No person other than

the Directors and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to a Director or city staff member except through the Mayor. Each speaker will be limited to three (3) minutes (timed by the designated official.)

d. **Courtesy and Respect**. All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking, shall leave the podium, and may be removed from the meeting.

7. **Cell Phones and Pagers**

Cell phones should be turned off or put on silent mode and not used within the Boardroom during Board of Directors meetings. Pagers should be turned off or put on silent mode within the Boardroom during Board of Directors meetings.

B. DUTIES AND PRIVILEGES OF DIRECTORS AT BOARD MEETINGS

1. **Seating**

Members shall occupy the respective seats in the Boardroom assigned by Ward number. The Mayor (or Assistant Mayor in the Mayor's absence) shall be seated near the center of the Directors' table.

2. **Conduct**

During Board of Directors meetings, City Directors shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings. Neither shall they refuse to obey the orders of the Mayor or the rules of the Board of Directors.

Every member of the Board of Directors desiring to speak shall address the Mayor and, upon recognition, shall confine herself or himself to the question under debate and shall avoid all personalities and indecorous language. A Board of Directors member once recognized shall not be interrupted while speaking unless called to order by the Mayor, unless a point of order is raised by another member or unless the member chooses to yield to questions from another member.

If a member is called to order while he or she is speaking, the member shall cease speaking immediately until the question of order is determined. If ruled to be not in order, the member shall remain silent or shall alter his or her remark so as to comply with the rules of the Board of Directors.

All members of the Board of Directors shall accord the utmost courtesy to each other, to city employees, and to members of the public appearing before the Board of Directors, and shall refrain at all times from rude or derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities. Board of Directors members shall confine their questions as to the particular matters before the Board of Directors and in debate shall confine their remarks to the issues before the Board of Directors.

3. **Financial Interest**
No member of the Board of Directors with a direct or indirect financial interest in any items before the Board of Directors shall participate in the discussion of, or voting on such matter.

4. **Voting**
Every member present when a question is put to a vote shall vote either "yes" or "no", except that a member may abstain from voting if he or she has not participated in the preceding discussion of the question and if that member has previously stated the reason for the abstention. Except for a question necessary to clarify the meaning of the motion, resolution or ordinance being voted upon, no questions or comments by members of the Board of Directors including the Mayor shall be made during the voting on the pending motion, resolution or ordinance. The Directors will vote at Board of Directors meetings in the order they are called upon by the City Clerk.

5. **Quorum**
A majority of the Board of Directors shall be necessary to constitute a quorum to do business. The concurring vote of a majority of those attending a meeting shall be sufficient to pass procedural motions, except a Motion to Suspend the Rules which requires five (5) affirmative votes. Ordinances and Resolutions require four affirmative votes to pass.

6. **Roll Call**
Upon every vote, the affirmative and negative votes shall be called and shall be recorded on every motion, resolution and ordinance.

C. MAYOR & VICE MAYOR

1. **Mayor**
   a. **General Power to Preside and Vote**
   The Mayor is the presiding officer and ex-officio president of the Board of Directors. The Mayor does not have the right to vote. An Emergency Clause requires five affirmative votes by Directors to pass. A contract or approval requires four (4) affirmative votes by Directors to pass. An ordinance requires four (4) affirmative votes by Directors to pass. A resolution requires four (4) affirmative votes by Directors to pass. Suspending the rules requires a two-thirds majority (5 affirmative votes).

   b. **Mayor's Veto Power**
   The Mayor has the power to veto any ordinance, resolution or order, or part thereof, adopted by the Board of Directors within five (5) days (Sundays excluded) of the Board of Directors vote. Before the next Board of Directors meeting, the Mayor shall file in the City Clerk's office a written statement of reasons for the veto. At the first Board of Directors meeting following the veto, the Board of Directors can override the veto by two-thirds majority (5 affirmative votes).

2. **Vice Mayor**
The Board of Directors shall at the time of organizing, in public session, elect one of its members as Vice Mayor. Any Director may nominate himself or herself or any other member of the Board of Directors for Vice Mayor, and no second of a nomination is required. Each Director shall vote by naming his or her choice by voice vote if there is more than one nominee for a position. A majority vote of the Board of Directors shall be required for election. In the absence of the Mayor, the Vice Mayor shall preside at the Board of Directors meeting.

3. **Privileges of the Vice Mayor**
The Vice Mayor, acting as the Mayor, may move, second and debate from the chair and shall not be deprived of the rights and privileges of being a member of the Board of Directors by reason of her or his acting as the Vice Mayor in the absence of the Mayor. The Vice Mayor shall be able to sign all documents requiring the signature of the Mayor that are approved by the Board of Directors including, but not limited to: Ordinances, Resolutions, and Contracts.

D. PROCEDURES AND PARLIAMENTARY RULES

1. **Agenda**
The Board of Directors' agenda order shall be coordinated by the Mayor and City Administrator. At the regular meeting of the Board of Directors, the Mayor may rearrange the order of the Agenda with a majority vote of the Board of Directors. An item may be added to the Agenda at the Board of Directors meeting only by a Motion to Suspend the Rules.

2. **Precedence of Motions**
The Board of Directors shall follow the precedence and classification of motions as given in the most recent edition of the Arkansas Municipal League's 'Procedural Rules for Arkansas Municipal Officials.' In the event a matter is not covered by the 'Procedural Rules for Arkansas Municipal Officials,' the most recent edition of *Robert's Rules of Order* shall apply. On questions of appeal, a majority of those present is required to overturn a ruling by the Mayor.

3. **Motions to be Stated by the Chair/Withdrawal**
When a motion is made and seconded, it shall be stated by the Mayor before debate. After being stated by the Mayor, a motion may not be withdrawn by the mover without the consent of the member seconding it.

4. **Reconsideration**
After the decision of any question, any member of the prevailing side may request a reconsideration of any action at the same or the next succeeding meeting; provided, however, that a resolution authorizing or relating to any contract may be reconsidered at any time before final execution thereof. A motion to reconsider requires a simple majority for passage. After a motion for reconsideration has once been acted on, no other motion for reconsideration thereof shall be made without unanimous consent.

5. **Readings**
All ordinances shall be read aloud at three different meetings unless the Board of Directors votes to suspend the rules.

The following guidelines for reading ordinances are recommended:

- Unless there is clearly no opposition or concern about the ordinance, it should be read and open for public discussion during at least two Board of Directors meetings.

6. **Items Tabled Indefinitely**
Any item tabled indefinitely may be taken from the table by majority vote of the Board of Directors during the calendar year in which it was tabled indefinitely. All items tabled indefinitely and remaining on the table at the end of the calendar year shall be deemed denied and rejected for appellate and all other purposes on December 31st and shall not be considered by the Board of Directors in the future unless brought forward as a new item.

E. INTERNAL BOARDS, COMMITTEES, COMMISSIONS AND APPOINTMENTS

1. **Board of Directors Representation on Other Governmental Groups**
When it is necessary to appoint a Director to an external board, commission or committee, selection of that Director shall be made by a majority vote of the Board of Directors. That selection shall be made by nomination and vote in a public session. Any Director may nominate himself or herself or (any other member of the Board of Directors), and no second is required. Each Director shall vote by naming his or her choice by voice vote if there is more than one nominee for a position. A majority vote of the Board of Directors shall be required for election.

F. CITY ADMINISTRATOR RELATIONSHIP

1. **Definition of Authority**
In exercising its legislative responsibilities, the Board of Directors may approve policy which represents broad statements of its intentions, approve plans and programs, and manage the financial aspects of the city through its budgetary powers. Implementation of such policies and approvals shall be the responsibility of the City Administrator.

2. **Definition of Responsibilities**
The City Administrator has the principal responsibility for directing the operations of the city government, and for advising and assisting the Board of Directors in its deliberations. In connection with this latter responsibility, the Board of Directors expects and requests the City Administrator to furnish the Mayor and Board of Directors with whatever data, information and material it may need to properly carry out its functions in an informed manner. The Board of Directors also expects the City Administrator to abide by the Code of Ethics of the International City Management Association.

3. **Board of Directors/City Administrator Cooperation**
Efficient management of the city can exist only through mutual understanding and complete cooperation between the Board of Directors, Mayor and the City Administrator.

The City Administrator's performance cannot be of the best unless the City Administrator is given the latitude to exercise independent judgment in executing policies of the Board of Directors. The Board of Directors acknowledges that obligation and gives the City Administrator the latitude of judgment and discretion, and expects faithful performance in carrying out the policies of the Board of Directors.

While open communication between the Board of Directors and City personnel is encouraged, it shall be understood that administrative authority for the management of the City rests with the City Administrator. Members of the Board of Directors should refrain, as individuals, from giving specific direction or instruction to City personnel pertaining to the discharge of assigned duties.

The City Administrator is empowered to hire capable personnel within the approved wage and salary policy, to plan and establish schedules and to train, supervise and terminate employees.

G. CODE OF ETHICS

1. General

Members of the Board of Directors and the Mayor occupy positions of public trust. All business transactions of such officials dealing in any manner with public funds, either directly or indirectly, must be subject to the scrutiny of public opinion both as to the legality and to the propriety of such transactions.

2. Conflict of Interest

Members of the Board of Directors and the Mayor shall refrain from making use of special knowledge or information before it is made available to the general public; shall refrain from making or influencing decisions involving business associates, customers, clients, competitors and immediate family members and shall comply with all lawful actions, directives and orders of duly constituted municipal officers as such may be issued in the normal and lawful discharge of the duties of these municipal officers. Nothing herein, however, shall serve to deny the Members of the Board of Directors and the Mayor of the legal rights and privileges available to all Siloam Springs citizens.

3. Responsibility to All Citizens

Members of the Board of Directors and the Mayor shall conduct themselves so as to bring credit upon the city as a whole and so as to set an example of good ethical conduct for all citizens of the community. The Members of the Board of Directors and the Mayor shall bear in mind at all times their responsibility to the entire electorate, shall refrain from actions benefiting special interest groups at the expense of the city as a whole, and shall do everything in their power to ensure equal and impartial law enforcement throughout the city without respect to race, creed, color, or the economic or social position of individual citizens.

H. Appointment of New Director

In the event of an unscheduled vacancy, the Board of Directors, at the first regular meeting after the occurrence of the vacancy, by majority vote, shall appoint a replacement or call for a special

election to fill the remainder of the unexpired term. If the Board chooses to appoint a replacement, they may meet in executive session to consider the appointment. The Board of Directors will then reconvene in an open public session. Any Director may nominate a candidate to fill the vacancy, and no second of a nomination is required. Each Director shall vote by naming his or her choice by voice vote if there is more than one nominee. A majority vote of the Board of Directors shall be required for appointment as the new Director.

I. Orientation of New Directors

1. **Orientation Meeting Scheduled.** The City Administrator, City Attorney, City Clerk and appropriate city staff shall meet with and conduct one or more orientation sessions with new Directors.

2. **Content of Orientation.** The City Administrator and other members of the orientation group shall, at a minimum, explain the following:

   a. Rights and duties of Directors;
   b. Organizational structure of city government;
   c. Role of Committees;
   d. How to initiate Resolutions and Ordinances;
   e. The purpose and procedure for the Board of Directors Agenda;
   f. Reasons to approve or disapprove land use and development issues;
   g. Board of Directors Rules of Order and Procedure;
   h. Freedom of Information Act requirements.

STAFF REPORT

TO:	Phillip Patterson, City Administrator
FROM:	Ben Rhoads, AICP, Senior Planner BLR
Cc:	Don Clark, Community Services Director
DATE:	December 17, 2015
RE:	Resolution 02-16 / Significant Development/ John Brown University/ 1200 block of W. Valley Drive

Recommendation: Approval of Resolution 02-16 authorizing a significant development permit for the 1200 block of W. Valley Drive.

Background:

APPLICATION REVIEW DATES
Planning Commission review: December 8, 2015
Board of Directors review: January 5, 2016

APPLICANT AND AGENT
Applicant/Owner: John Brown University.
Agent: Civil Engineering, Inc. – Ron Homeyer, PE

SUBJECT PROPERTY ADDRESS
1200 block of W Valley Drive

INTERNET MAP INFORMATION
Planning staff has created a map made with Google My Maps.
Attribution: Map data ©2015 Google Imagery ©2015, Arkansas GIS, DigitalGlobe, Landsat, State of Arkansas, USDA Farm Service Agency Washington County.

Please click on the following link to access. This link will only operate if reading this report digitally.

https://www.google.com/maps/d/edit?mid=zHgGzzL4Wl4o.kK-zFe19ZM1U&usp=sharing

PROJECT INTENT
The applicant requests to construct a 39,400 sq. ft. 128 parking lot.

EXISTING LAND USES AND ZONING

EXISTING LAND USE		*EXISTING ZONING*	
Vacant Woodlands		G-1 District (Institutional)	
SURROUNDING LAND USE		*SURROUNDING ZONING*	
North:	Vacant Woodland/ Recreation	North:	A-1 District (Agricultural)/ R-2 District (Residential, medium)
South:	Institutional Facilities	South:	R-2 District (Residential, medium)/ G-1 District (Institutional)
East:	Parking/ Open Fields	East:	R-2 District (Residential, medium)
West:	Vacant Woodlands	West:	R-2 District (Residential, medium)/ A-1 District (Agricultural)/ G-1 District (Institutional)

ZONING USE UNIT CONSISTENCY

The subject proposal is consistent with large institutional uses associated with Use Unit 14, which is permitted in G-1 District.

LOT STANDARDS CONSISTENCY

The minimum G-1 zones standards are compared with the subject property's tracts below.

MINIMUM (G-1) ZONING REQUIREMENTS*	SUBJECT PROPERTY PROPOSAL
Lot Area: 5,000 sq. ft.	275 acres
Lot Width: 50 ft.	2,295 ft. (approx.)
Maximum Lot Coverage: 80 %	30.4% (approx.)
Maximum Floor to Area Ratio: .60 (60%)	Not applicable for requested project

*New zoning standards approved by the Board of Directors in Ord. 15-24 became effective on December 3, 2015 and therefore are used for this development review.

PARKING STANDARDS CONSISTENCY

According to Municipal Code Sec. 102-75(3)(b), parking is calculated by the number of employees and students associated with the entire University, rather than the square footage of a facility. The metric is 1 space for every full time employee, 0.5 spaces for every part time employee, 1 space for every student dwelling off-campus, 0.5 spaces for every student dwelling on-campus.

USER TYPE	**REQUIRED PARKING**	**EXISTING PARKING**	**NET PROPOSED PARKING**	**PARKING SURPLUS/ DEFICIT**
Employees (full time)– 340	340	340	32	+32
Employees (part time) – 126	63	63	32	+32
Residents Students– 900	450	215	33	-202
Off-campus Students – 543	543	897	31	+387
Total – 1,909	**1,396**	**1,456**	**128**	**+252**

STAFF DISCUSSION

The applicant is requesting the construction of a 39,400 sq. ft. 128 space parking lot. There are no buildings proposed with this request. The reason this request requires Planning Commission and Board of Directors' review is because it exceeds the 20,000 sq. ft. maximum allowable paved surface area permitted for administrative review. Any project over 20,000 sq. ft. requires Board of Directors' approval, through a resolution, as it is defined as a "significant project."

The proposal meets all requirements for parking lot development. It will contain interior islands with trees and will be lit at night. The lot will primarily be used by the future citizen patrons of the Walton Life Complex, which is due for a major upgrade later this year. The future upgrade to the complex includes re-orienting the main public entrance to the north, which would allow for future patrons (from the community, not the student body) to park at the proposed lot. There are existing crosswalks that connect the existing tennis court parking lot to the facility. In addition, sidewalks are proposed to allow easy and safe pedestrian access to the new facility. The parking lot may also allow for citizens to park and use the trail loop. ADA accessible spaces exist at the Walton Life Complex, south of the proposed lot. As the proposed parking is intended for the Walton Life Complex, it is assumed that these existing ADA spaces will suffice for the facility's needs. Finally, as seen in the chart on page 2, the new parking lot generates a surplus of 252 parking spaces for the institution. This surplus parking will allow for future growth in the faculty and student enrollment for the institution. The proposal meets all City standards and all technical comments have been sufficiently addressed by the applicant.

LEGAL NOTICE

Staff received no information that:

- the proposal interferes with the reasonable peace or enjoyment of the neighboring properties;
- the property values may be substantially damaged;
- the proposal may impact the present or future uses of neighboring properties;
- the proposal is not adequately supported by infrastructure.

- Site posted: November 01, 2015.
- Newspaper legal notification: November 15, 2015 (Herald-Leader).
- Letter legal notification: November, 13-15, 2015.
- Staff received no phone calls or correspondence.

COMPREHENSIVE PLAN CONSISTENCY

The 2030 Land Use Map describes this area as public facilities. The proposed use is consistent with the 2030 Land Use Map.

PLANNING COMMISSION

The Planning Commission reviewed the Significant Development Permit application at the December 8, 2015 regular meeting. There were no comments from the public. After discussion by the Planning Commission, the Commission recommended to approve the significant development permit by a 7-0 vote, with no abstentions.

Fiscal Impact:

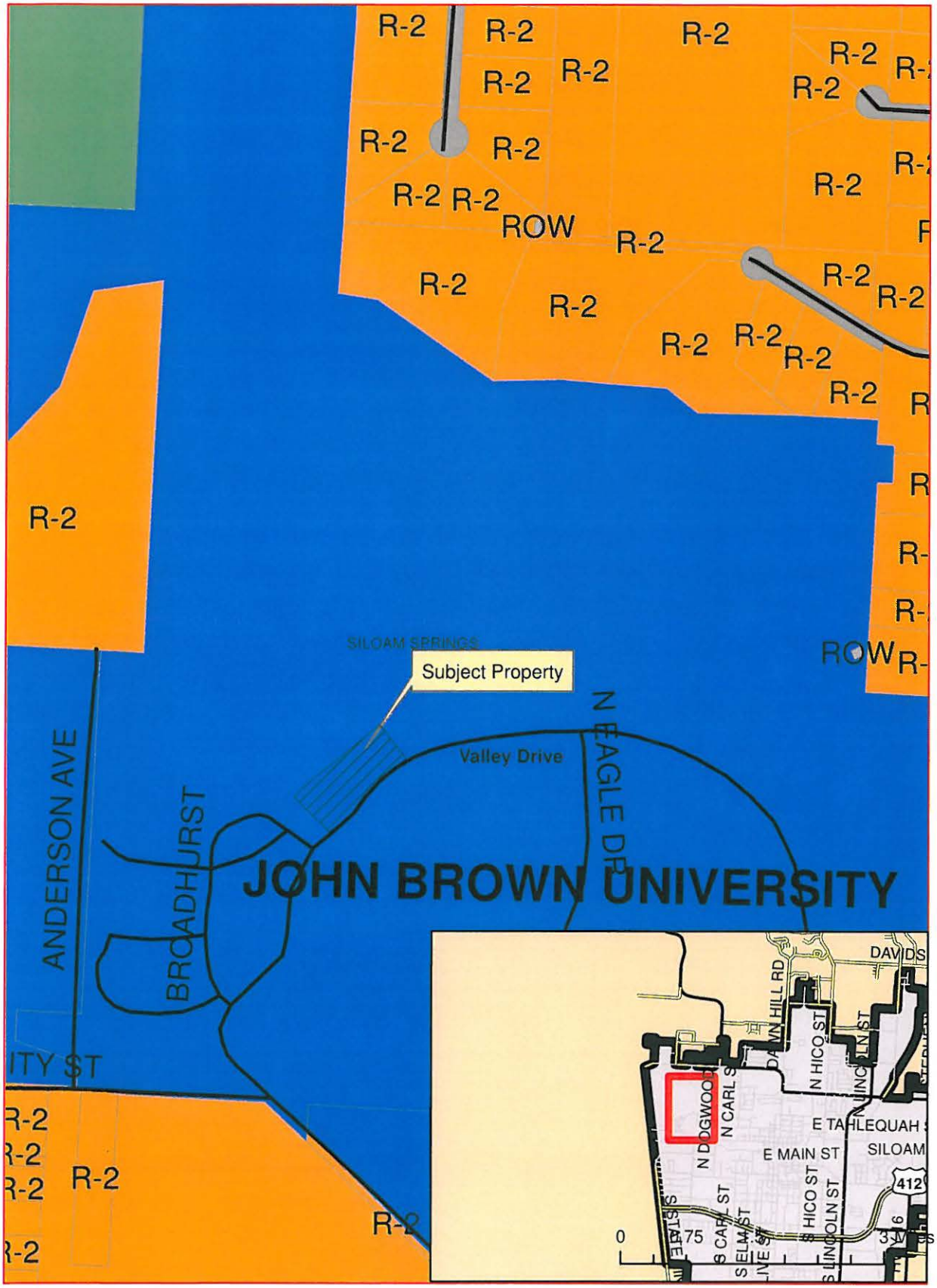
No fiscal impact is anticipated.

Attachments:

General Area Map
Resolution 02-16

GENERAL AREA MAP

Significant Development Permit SD 15-12



0 0.0425 0.085 0.17 Miles

RESOLUTION NO. 02-16

A RESOLUTION AUTHORIZING A SIGNIFICANT DEVELOPMENT PERMIT FOR PROPERTY LOCATED AT THE 1200 BLOCK OF WEST VALLEY DRIVE

Whereas, a public hearing on the proposed significant development permit was held on the 8th day of December 2015, before the City of Siloam Springs Planning Commission, after proper notice required by law; and

Whereas, no objections were registered at said hearing, and a motion approving issuance of said permit was passed by the Planning Commission; and

Whereas, it appears that the significant development permit is in the public interest; **Now Therefore:**

Be It Resolved by the Siloam Springs Board of Directors as follows:

A significant development permit for property located at 349 West Valley Drive, as set forth on Exhibit "A" attached hereto, is hereby granted.

Done and Resolved this _____ day of January 2016.

APPROVED:

ATTEST:

_____
John Mark Turner, Mayor

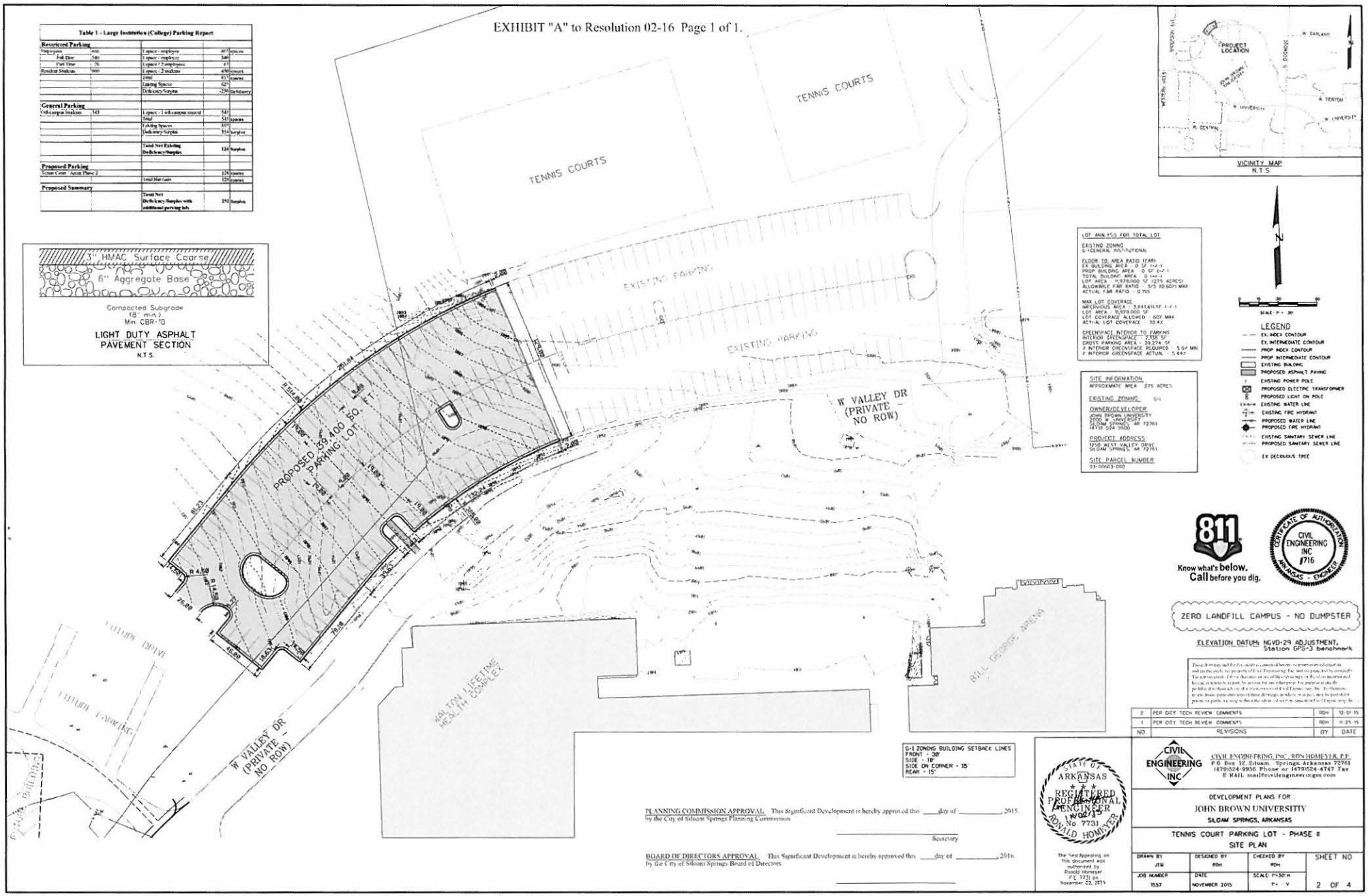
_____
Renea Ellis, City Clerk

(SEAL)

EXHIBIT "A" to Resolution 02-16 Page 1 of 1.

Table 1 - Large Institution (College) Parking Report

Restricted Parking				
Employees	440	1 space / employee	440	spaces
Full Time	340	1 space / employee	340	
Part Time	76	1 space / 2 employees	63	
Resident Students	900	1 space / 2 students	450	spaces
		Total	853	spaces
		Existing Spaces	623	
		Deficiency/Surplus	-230	Deficiency
General Parking				
Off-campus Students	543	1 space / 1 off-campus student	543	
		Total	543	spaces
		Existing Spaces	197	
		Deficiency/Surplus	354	Surplus
		Total Net Existing Deficiency/Surplus	124	Surplus
Proposed Parking				
Texas Court - Artificial Phase 2			126	spaces
		Total Net Gain	126	spaces
Proposed Summary				
		Total Net Deficiency/Surplus with additional parking lots	292	Surplus



LOT ANALYSIS FOR TOTAL LOT

EXISTING ZONING
G-I GENERAL INSTITUTIONAL

FLOOR TO AREA RATIO (FAR)
EX. BUILDING AREA - 0 SF (+/-)
PROP. BUILDING AREA - 0 SF (+/-)
TOTAL BUILDING AREA - 0 (+/-)
LOT AREA - 11,979,000 SF (275 ACRES)
ALLOWABLE FAR RATIO - 3/3 TO 50% MAX
ACTUAL FAR RATIO - 0.0%

MAX. LOT COVERAGE
IMPERVIOUS AREA - 3,641,411 SF (+/-)
LOT AREA - 11,979,000 SF
LOT COVERAGE ALLOWED - 60% MAX
ACTUAL LOT COVERAGE - 30.4%

GREENSPACE WITHIN TO PARKING
INTERIOR GREENSPACE - 2,338 SF
GROSS PARKING AREA - 39,274 SF
% INTERIOR GREENSPACE REQUIRED - 5% MIN
% INTERIOR GREENSPACE ACTUAL - 5.94%

SITE INFORMATION
APPROXIMATE AREA - 275 ACRES

EXISTING ZONING - G-I

OWNER/DEVELOPER
JOHN BROWN UNIVERSITY
2000 W. UNIVERSITY
SILOAM SPRINGS, AR 72761
(479) 524-7500

PROJECT ADDRESS
1250 WEST VALLEY DRIVE
SILOAM SPRINGS, AR 72761

SITE PARCEL NUMBER
03-00643-000

PLANNING COMMISSION APPROVAL. This Significant Development is hereby approved this ____ day of _____, 2015, by the City of Siloam Springs Planning Commission.

_____
Secretary

BOARD OF DIRECTORS APPROVAL. This Significant Development is hereby approved this ____ day of _____, 2016, by the City of Siloam Springs Board of Directors.

_____

NO	REVISIONS	BY	DATE
2	PER CITY TECH REVIEW COMMENTS	RDH	12-01-15
1	PER CITY TECH REVIEW COMMENTS	RDH	11-25-15

CIVIL ENGINEERING INC
CIVIL ENGINEERING, INC. - RON HOMEYER, P.E.
P.O. Box 12, Siloam Springs, Arkansas 72761
(479)524-9936 Phone or (479)524-4747 Fax
E-MAIL: mail@civilengineeringinc.com

DEVELOPMENT PLANS FOR
JOHN BROWN UNIVERSITY
SILOAM SPRINGS, ARKANSAS

TENNIS COURT PARKING LOT - PHASE II
SITE PLAN

DRAWN BY	DESIGNED BY	CHECKED BY	SHEET NO
JTW	RDH	RDH	2 OF 4
JOB NUMBER	DATE	SCALE: 1"=30' H	
1557	NOVEMBER 2015	1" = 30' V	

CITY OF SILOAM SPRINGS
BOARD OF DIRECTORS
2015-2016 GOALS

Adopted: July 21, 2015
Updated: December 31, 2015

Economic Development / Downtown Redevelopment

Goal Statement

A. Develop strategies for recruiting and encouraging new economic activity that increases tax revenue and the number of jobs in the community, and for retaining existing businesses.

Objectives

A.1 Consult with retail/commercial site selector specialists for marketing City to industry.
Analysis: Meet with retail and commercial development consultants to review programs and packages offered. Determine best program/package for City needs.
Timeline: 4th quarter 2015
Measurement: Propose contract to Board of Directors
Progress: Staff published RFQ in late September. Three responses were received. Staff reviewed the qualifications and ranked Retail Attractors, Inc. as the most qualified firm. The 2016 budget included $57,378 for Economic Development/Marketing. Staff discussed contract with Board on December 15, 2015 and entered into a 2016 contract for $48,000.
Assigned to: Phillip Patterson, City Administrator

A.2 Encourage new businesses to locate in Siloam Springs and encourage the expansion of existing businesses.
Analysis: Solicit businesses and industries to locate in Siloam Springs. Staff will assist, organize and propose potential incentives to new and existing businesses that increase tax revenues and increase the number of jobs. Bi-weekly meetings will be held with key staff, including the Chamber of Commerce and Main Street Siloam Springs, to monitor and coordinate these activities.
Timeline: Ongoing
Measurement: Increased tax revenues and jobs
Progress: Approximately 37 new businesses opened in 2015, including Panda Express, the Creekside Tap Room, Potter's House Thrift Store, Utility Tri-State, Savvy Salon, and A-Z Overhead Door. These new businesses totaled over 100 new jobs. A number of existing businesses expanded their operations (Founding Fathers Ammo) and some built new buildings (Lighting Bolt Signs & Advertising, and Stoneridge Recording. New businesses proposed for 2016 include Rib Crib, Burger King, Holiday Inn Express, Bank of the Ozarks, and Factory Furniture Outlet. Businesses proposed for expansion include Simmons Food, Siloam Springs Regional Hospital (medical offices) and JBU (nursing building and WLHC).
Assigned to: Phillip Patterson, City Administrator

B. Support the Downtown Master Plan.

Objectives

B.1 Research permanent funding source and opportunities for public/private grants for improvements.

Analysis: Staff will investigate options for a permanent funding, which may include the creation of an Urban Renewal Authority, and/or a Redevelopment District. In addition, staff will research opportunities for public/private grants and partnerships.

Timeline: 2nd quarter 2016 for funding options. Opportunities for public/private grants and partnerships is ongoing.

Measurement: Workshop with Board regarding funding options.

Progress:

Assigned to: Phillip Patterson, City Administrator; Don Clark, Community Services Director; Christina Petriches, Finance Director

Planning/Zoning/Building/Code Enforcement

Goal Statement

C. Implement ongoing and new program initiatives.

Objectives

C.1 Develop sidewalk and trail connectivity master plan.

Analysis: Staff will compile information related to existing sidewalks/trails, identify needed connectivity, develop prioritization matrix for ranking needed connections, and develop plan for implementation of connectivity needs.

Timeline: 1st quarter 2016.

Measurement: Plan submitted to Board for approval.

Progress:

Assigned to: Don Clark, Community Services Director

C.2 Create one-stop shop for planning/engineering/permits/code enforcement information.

Analysis: Staff will review opportunities for a one-stop shop, including City's organizational chart and locational needs, and will develop implementation plan.

Timeline: 4th quarter 2015 for plan; 2nd quarter 2016 for implementation.

Measurement: Plan submitted to Board for approval.

Progress: City departments/divisions were reorganized for 2016 so that the referenced divisions were all in the same department. The 2016 budget includes monies to remodel the old PD building to accommodate the one-stop shop.

Assigned to: Phillip Patterson, City Administrator; Don Clark, Community Services Director

Finance

Goal Statement

D. Develop long-term fiscal plan and capital improvements strategies.

Objectives

D.1 Renew 3/8¢ utility capital improvements sales tax.

Analysis: Tax is due to expire in June 2016. Consider other options for use of tax (i.e., general capital improvements rather than restriction to only utility capital improvements, general fund with no limitations, parks & recreation, etc.).

Timeline: 3rd quarter 2015.

Measurement: Present proposal to Board to have tax placed on ballot at regular election in November, 2015 or at a special election in early 2016.

Progress: Board workshops were held August 2nd, August 18th and November 3nd to discuss extending the existing tax. Ordinances 15-28 and 15-29 were presented to the Board in November/December 2015 extending the tax, splitting the proceeds 50/50 between utility capital improvements and quality of life improvements, and calling for special election on the issue in March 1, 2016.

Assigned to: Phillip Patterson, City Administrator, Christina Petriches, Finance Director

D.2 Develop a fiscal plan for both the general fund and the enterprise funds that is sustainable.

Analysis: Review revenues from all sources, specifically utility and tax revenues from residential, commercial and industrial properties. Review operation and maintenance expenditures, depreciation costs, and capital improvement needs. Develop plan for implementing a sustainable budget that establishes fiscal policies and reserve levels.

Timeline: 3rd quarter 2016.

Measurement: Submit plan to Board for review and approval.

Progress:

Assigned to: Phillip Patterson, City Administrator; Christina Petriches, Finance Director

Parks and Recreation

Goal Statement

E. Maintain and service existing recreational needs, and respond to future recreational needs.

Objectives

E.1 Review and compare existing parks and recreational levels of services.

Analysis: Staff will review and compare the City's levels of service associated with neighborhood and regional parks, and other recreational amenities, with comparable cities and national averages. Staff will also review current levels of maintenance and develop a plan for maintaining levels of maintenance, or increasing such levels where appropriate.

Timeline: 2nd quarter 2016

Measurement: Staff will report findings and recommendations to Board in a workshop.

Progress:

Assigned to: Don Clark, Community Services Director

E.2 Develop plan for maintaining and policing the Kayak Park.

A*nalysis:* Staff will review and document maintenance needs for the Kayak Park, and develop policies for policing the park.

Timeline: 4th quarter 2015.

Measurement: For maintenance, staff will include any necessary increases as part of the 2016 budget. For policing, staff will present plan and any necessary code amendments to the Board.

Progress: Maintenance - staff has developed and implemented a daily maintenance schedule. We are currently working with the structural engineers that designed the park to determine long term maintenance needs and develop a plan for best management practices. We will bring the completed long term maintenance plan before the Board of Directors by March 2016. Policing - staff is reviewing the current city code related to rules and regulations for parks, which will need to be amended to include the kayak park. Staff will present proposed code amendments to the Board no later than March, 2016

Assigned to: Don Clark, Community Services Director; Chief Wilmeth, Police Chief

E.3 Advance plan for development of park amenities on land around new library, which may include, but are not limited to, an amphitheater, a splash pool, relocation of Simon Sager cabin, new landscaping and walking paths, specifically a pedestrian friendly path/sidewalk along Mt Olive to downtown.

A*nalysis:* Staff will develop list of various amenities and associated cost. Amenities will be proposed in order of priority and will include a timeline for installation/construction. A financial plan will also be included.

Timeline: 1st quarter 2016.

Measurement: Plan to be submitted to Board for review and approval.

Progress:

Assigned to: Don Clark, Community Services Director; Christina Petriches, Finance Director

E.4 Complete master plan for City Lake Park.

A*nalysis:* Phase I of the City Lake Park master plan, which included getting the site cleared and leveled, has been completed. Currently, the project is in Phase II, which includes soft surface mountain bike trails, restoring earthen fingers (boat launch area), installing decorative boulders at end of earthen fingers, pouring concrete boat launch area, installing south picnic areas and fencing around boat launch area. The City Lake Master Plan has been handled at the staff level up to this point.

Timeline: 4th quarter 2015.

Measurement: Plan to be submitted to Board.

Progress: The Phase II (2016) plan for City Lake Park was discussed with the Board at a workshop on November 17, 2015. The formal plan for Phase II will be presented to the Board for approval in February, 2016.

Assigned to: Don Clark, Community Services Director

Infrastructure

Goal Statement

F. Improve infrastructure management and processes for prioritizing repairs and replacement of infrastructure components.

Objectives

F.1 Research options for development of computerized infrastructure management system.
Analysis: Staff will research various GIS centric management systems and options for implementation.
Timeline: 3rd quarter 2016
Measurement: Proposal implementation to be included in 2017 budget
Progress:
Assigned to: Don Clark, Community Services Director

F.2 Create 5-year capital improvements plan (CIP) for general fund and enterprise funds.
Analysis: A critical part of the annual budget process is the review of a proposed capital improvements and related maintenance plan. Depending on the priority of each project, appropriate funding must be determined before inclusion in the budget, as well as the impact on other departments and ongoing maintenance.
Timeline: 3rd quarter 2016
Measurement: Present CIP as part of the 2017 budget
Progress:
Assigned to: Phillip Patterson, City Administrator; Christina Petriches, Finance Director

PARKING LOT GOALS

(These goals are in ranked order and are to be addressed as time allows.)

1. Develop strategies for annexing both developed (with and without city services) and undeveloped areas outside the city.
   Assigned to: Phillip Patterson, City Administrator
   Progress:

2. Research cost benefit of converting wastewater plant sludge from Class B (agricultural use only) to Class A (parks and residential use) and making it available to both agricultural and residential use.
   Assigned to: Steve Gorszczyk, Water/Wastewater Director
   Progress:

3. Before proposing to replace Fire Station No. 2, conduct study on needs, including GIS evaluation of location, updated floodplain, core development, fire load, and historical value. If relocated, what do we do with old station?
   Assigned to: Chief Neely, Fire Chief; Don Clark, Community Services Director
   Progress:

4. Develop plan for use of old police station, and all existing city facilities.
   Assigned to: Phillip Patterson, City Administrator
   Progress: The 2016 budget includes monies for the remodeling of the old PD building to accommodate the moving of the Community Services Department into the building and establishing a one-stop permit shop to house planning, engineering, building and code enforcement divisions.

5. Review, revise and adopt the Riparian Corridor ordinance if enforcement is economically feasible.
   Assigned to: Don Clark, Community Services Director; Ben Rhoades, Senior Planner
   Progress:

6. Assess codes regarding the number of vehicles parked in driveways/lawns.
   Assigned to: Chief Neely, Fire Chief; James Harris, Code Enforcement
   Progress:

7. Increase recycling options and work progressively towards automated trash services. Earmark generated revenues for equipment upgrades and green space maintenance.
   Assigned to: Don Clark, Community Services Director; Don Tennison, Sanitations Superintendent
   Progress:

8. Investigate options for increasing length of runway to encourage surrounding businesses to land, refuel, and house planes that require the additional runway length.
   Assigned to: Chief Neely, Fire Chief; Sean Baker, Airport Manager
   Progress: Options were explored with counsel from Garver Engineering and it was determined unfeasible, and federally disqualifying, to extend the runway at this time because

airport is not currently losing 500 or more annual take offs and landings from larger aircraft who would otherwise use but cannot currently utilize the facility.

9. Use technology more effectively by developing a mobile city app that is integrated with the city website. Analyze departments' usage of online applications, payments and permits.
   Assigned to: Don Clark, Community Services Director; Holland Hayden, Communications
   Progress:

10. Analyze usage of permeable asphalt for city parking lots and low maintenance native vegetation in green spaces.
    Assigned to: Don Clark, Community Services Director; Justin Bland, City Engineer; Ben Rhoades, Senior Planner
    Progress: