

JUL 15 2011

DeANNA SCHMALZ
COUNTY AND PROBATE CLERK

GENERAL ORDINANCE NO. 2011- 10

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF FRANKLIN, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED "AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A FLOOD DAMAGE PREVENTION PROGRAM FOR FRANKLIN COUNTY AND FOR OTHER PURPOSES."

SECTION 1. STATUTORY AUTHORITY

The Legislature of the State of Arkansas has by virtue of Ark. Code. Ann. §14-268-101, *et. seq.*, delegated to local governmental units the authority to adopt regulations to minimize flood losses. Therefore, the Quorum Court of Franklin County, Arkansas, does hereby ordain as follows:

SECTION 2. FINDINGS OF FACT

- A. The Federal Emergency Management Agency (FEMA) has identified Special Flood Hazard Areas of Franklin County in the current scientific and engineering report entitled "The Flood Insurance Study (FIS) for Franklin County and incorporated areas," dated August 2, 2011, with an effective Flood Insurance Rate Map (FIRM) dated August 2, 2011.
- B. These Special Flood Hazard Areas are subject to periodic flooding events that result in loss of life and property, pose health and safety hazards, disrupt commerce and governmental services, and cause extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- C. These periodic flooding events are exacerbated by the cumulative effect of floodplain developments which cause an increase in flood heights and velocities, and by the placement of inadequately elevated, inadequately floodproofed or otherwise unprotected structures or uses vulnerable to floods into Special Flood Hazard Areas. Such structures or uses are inherently hazardous to other lands because of their adverse impact on flooding events.

SECTION 3. STATEMENT OF PURPOSE

The purpose of this Ordinance is to promote the public health, safety and general welfare, to prevent adverse impacts from any floodplain development activities, and to minimize public and private losses due to flooding events in identified Special Flood Hazard Areas. This Ordinance advances the stated purpose through provisions designed to:

- A. Protect human life and health;
- B. Protect natural floodplains against unwise development;
- C. Eliminate adverse impacts of necessary floodplain development;
- D. Minimize expenditure of public monies on flood control projects;
- E. Minimize the need for rescue and relief efforts associated with flooding generally undertaken at the expense of the general public;
- F. Minimize prolonged business interruptions due to flooding events;
- G. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in Special Flood Hazard Areas;
- H. Minimize future flood blight areas to help maintain a stable tax base; and
- I. Provide for notice to potential buyers when property is in a Special Flood Hazard Area.

SECTION 4. LANDS TO WHICH THIS ORDINANCE APPLIES

The Ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of Franklin County.

SECTION 5. METHODS OF REDUCING FLOOD LOSSES

This Ordinance uses the following methods to accomplish the stated purpose:

- A. This Ordinance restricts or prohibits structures or uses in Special Flood Hazard Areas that adversely impact health, safety or property during flooding events;
- B. This Ordinance requires protection against flood damage for structures or uses vulnerable to floods at the time of initial construction, or after substantial improvement of the structure, or after substantial damage has occurred;
- C. This Ordinance controls the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation and transport of flood waters;
- D. This Ordinance controls floodplain development (structural development, placement of manufactured structures, clearing, grading, mining, drilling, dredging, placement

of fill, excavating, watercourse alteration, drainage improvements, roadway or bridge construction, individual water or sewer installations and other activities) which may increase flood damage by increasing flood elevations, flood water velocities, or flood discharge patterns;

- E. This Ordinance regulates the construction of flood barriers which unnaturally divert floodwaters or which may adversely impact other lands.

SECTION 6. FLOOD DAMAGE PREVENTION CODE ADOPTED BY REFERENCE.

There is hereby adopted by reference a “Flood Damage Prevention Code for Franklin County, Arkansas”, dated July 14, 2011. The code shall include:

ARTICLE 1 - DEFINITIONS

ARTICLE 2 - ADMINISTRATION

ARTICLE 3 - PROVISIONS FOR FLOOD HAZARD REDUCTION

A copy of the referenced code shall be filed in the office of the County Clerk and shall be available for inspection and copying by any person during normal office hours.

SECTION 7. ABROGATION AND GREATER RESTRICTIONS

This Ordinance does not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Whenever there is a conflict or overlap between this Ordinance and another Ordinance, easement, covenant, or deed restriction, the instrument with the more stringent restrictions applies.

SECTION 8. INTERPRETATION

In the interpretation and application of this Ordinance, all provisions must:

- A. Be considered as minimum requirements;
- B. Be liberally construed in favor of the governing body; and
- C. Be deemed to neither limit nor repeal any other powers granted under State statutes.

SECTION 9. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes. Documented scientific and engineering data form the basis for these new requirements. On rare occasions, flooding events greater than those considered for this Ordinance will occur. In addition, flood heights may increase over time due to man-made or natural causes. This Ordinance does not imply that land outside Special Flood Hazard Areas will be free from

flooding, nor that strict adherence to this Ordinance protects uses permitted within Special Flood Hazard Areas from all flood damages. This Ordinance specifically does not create liability on the part of Franklin County, nor any official or employee of the County, for any flood damages that result while strictly following this Ordinance, or from any lawful administrative decision made under the provisions of this Ordinance.

SECTION 10. COMPLIANCE

Constructing, locating, substantially altering or changing the use of any structure or land after the effective date of this Ordinance requires full compliance with the provisions of this Ordinance and all other applicable regulations.

SECTION 11. PENALTY FOR NON-COMPLIANCE

- A. Flood hazards are reduced by compliance with the provisions of this code. Accordingly, enforcement of this Ordinance discourages non-compliance and is a recognized mechanism for flood hazard reduction. The Floodplain Administrator must enforce the provisions of this Ordinance and is authorized to:
 - 1. Issue cease and desist orders or non-compliant floodplain development projects;
 - 2. Issue citations for non-compliance;
 - 3. Request that FEMA file a 1316 Action (Denial of Flood Insurance) against non-compliant properties; and
 - 4. Take any other lawful action necessary to prevent or remedy any instance of non-compliance with the provisions of this Ordinance.
- B. It is a misdemeanor to violate or fail to comply with any provision of this Ordinance.
- C. Any person found, in a court of competent jurisdiction, guilty of violating this Ordinance is subject to fines of not more than \$500 per day for each violation; in addition, the defendant is subject to payment of all associated court costs and costs involved in the case.

SECTION 12. SEVERABILITY

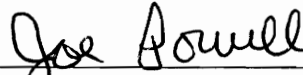
If any court of competent jurisdiction finds that any section, clause, sentence, or phrase of this Ordinance is invalid or unconstitutional, that finding in no way affects the validity of the remaining portions of this Ordinance.

SECTION 13. EMERGENCY CLAUSE

It is hereby found and declared by the Quorum Court of Franklin County that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this Ordinance become effective immediately.

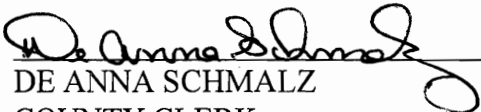
Therefore, an emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

This Ordinance passed in regular session of the Quorum Court this 14th day of July, 2011.



JOE POWELL, COUNTY JUDGE

ATTEST:



DE ANNA SCHMALZ
COUNTY CLERK
(SEAL)

Yeas: 8

Nays: 0

CERTIFICATION

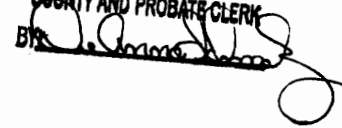
I, the undersigned, De Anna Schmalz, Franklin County Clerk, do hereby certify that the above is a true and correct copy of an Ordinance duly adopted by the Franklin County Quorum Court at a regular meeting duly convened the 14 day of July, 2011 and is recorded in Ordinance Book 5 at Pages 215-219



DE ANNA SCHMALZ
FRANKLIN COUNTY CLERK

FILED 7-15-11
RECORDED 7-15-11
ORDINANCE BOOK
BOOK 5 PAGE(S) 215-219
BY Rita Wiggan

NOV 17 2011

DeANNA SCHMALZ
COUNTY AND PROBATE CLERK
BY: 

RESOLUTION

FRANKLIN COUNTY QUORUM COURT
FRANKLIN COUNTY, ARKANSAS

RESOLUTION #2011-10

Be it resolved by the Franklin County Quorum Court, State of Arkansas, a Resolution entitled: Application for GIF County Fair Grant through the Department of Rural Services in order for the North Franklin County Fair Association to pave the parking lot.

A Resolution authorizing the Franklin County Judge to apply for a grant on behalf of the North Franklin County Fair Association.

WHEREAS, the Franklin County Quorum Court Deems that the North Franklin County Fair Association meets eligibility requirements necessary to apply for a grant under the GIF County Fair Grant; and

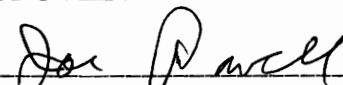
WHEREAS, the North Franklin County Fair Association has presented plans to pave the parking lot of the Franklin County Fairgrounds in Ozark, Arkansas; and

WHEREAS, the Franklin County Quorum Court recognizes the need for the project, concurs with its importance, and supports the North Franklin County Fair Association in their efforts to proceed with the same; and

THEREFORE, BE IT RESOLVED, by the Franklin County Quorum Court, that the Franklin County Judge is hereby authorized to submit an application of formal request to the Arkansas Rural Development Commission for purposes of securing State Grant funds in the amount of \$15,000.00 to aid in and assist the North Franklin County Fair Association in executing the proposed project described herein and the Franklin County Judge or Treasurer is further authorized to administer the grant funds for the same project.

THIS RESOLUTION WAS ADOPTED NOVEMBER 17, 2011 AT THE FRANKLIN COUNTY QUORUM COURT MEETING HELD IN OZARK, ARKANSAS.

APPROVED:


County Judge Joe Powell

ATTESTED:


DeAnna Schmalz, County Clerk

11/17/11
Date

Office Use Only

Control # _____

☐ Complete / Eligible
☐ Incomplete / Ineligible
☐ No Open Grants

GIF County Fair Grant Application

County Franklin Population of County 17,000State Senator Ruth Whitaker Senate District Number 3
Leslee M. Post 83State Representative Jon Eubanks House District Number 84
Gary Stubblefield 67County judge's name Joe PowellLocation of County Fair Grounds (town or city name) OzarkAmount for which you are applying \$ \$15,000Amount to be provided by applicant \$ \$29,475Total project cost \$ \$44,475

What is the project for which you are applying? (Briefly describe)

Paving the parking lot of the North Franklin County Fairgrounds.

Why is the project needed? Please include discussion of any emergencies or urgent needs.

To minimize the dust and pollution during heavy traffic time and to allow senior citizens easier access to the building at the fair and also during elections (City of Ozark use the fair building for voting for the City of Ozark).

What funding and other resources will be used to maintain and operate the project in the future?

Money from rent of the facilities.

Will the building be used for any other activities throughout the year? Please explain.

Yes, We rent the facilities for group functions, family reunions, etc throughout the year.

If a building project, is the building ADA accessible?

Yes ☒ No ☐

If No, please explain the association's plans for making it ADA accessible.

List other equipment, facilities, and other resources currently being used that are relevant to your application and what condition they are in.

All facilities are in good condition. We will pave the lot in stages. This will be the first stage with the help of this grant along with local contributions and monies from the fair board.

COST ESTIMATE BREAKDOWN

Please itemize the cost estimate for the project below as much as possible. You may add extra sheets if necessary. **Backup documentation for each line, including in-kind materials and labor, is required** (professional estimates, catalog pages, letters of intent to donate, etc.)

<u>Item</u>	<u>Cost</u>
Paving of parking lot (this will start paving)	\$ 44,475
Gravel, Asphalt and mobilization	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
TOTAL PROJECT COST	\$ 44,475

List the name, address, phone and fax numbers of one contact person who is knowledgeable about the project and the county judge.

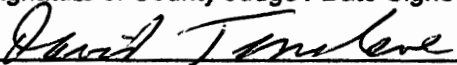
NOTE: The individual listed in column one will receive all correspondence regarding application status in addition to the county judge. Individuals in column two will only be contacted if DRS staff are unable to contact the individual in column one.

	Primary Contact	County Judge
Contact Name	(1) David Tencleve _____	(2) Joe Powell _____
Title	(1) Fair Manager _____	(2) County Judge _____
Mailing Address	(1) 2631 Highway 309 _____	(2) 211 W. Commercial _____
City, Zip Code	(1) Ozark, AR 72949 _____	(2) Ozark, AR 72949 _____
Day Phone		(2) 479/667-4726 _____
Evening Phone	(1) 479/667-4384 _____	(2) _____
Fax	(1) _____	(2) _____
Email Address	(1) dtencleve54@yahoo.com _____	(2) _____

With my signature below, I do hereby certify that I have read, understand, and support the above application for grant funds through the Arkansas Rural Community Grant Program. I further certify that I have read, understand, and agree to abide by the rules and regulations governing the grant programs.



Signature of County Judge / Date Signed

 11/17/11

Signature of Contact Person / Date Signed

Please carefully review the application and be sure that you have completely answered every question. This document must be postmarked with all backup documentation required no later than 4:30 p.m. on the application deadline. The Department of Rural Services must receive an original copy along with 1 additional copy. FAXES WILL NOT BE ACCEPTED. Please mail applications to:

01
GIF County Fair Grant
c/o Department of Rural Services
101 East Capitol, Suite 202
Little Rock, AR 72201



1103 South 28th Street
Van Buren, AR 72956
Phone (479) 474-9955
Fax (479) 474-2390

Arkansas License No. 0012410212

PROPOSAL

TO

North Franklin County Fair Board
ATTN: David Tencleve

dtencleve54@yahoo.com

DATE

11/02/11

JOB NAME/LOCATION

Parking Lot Repairs and Restoration

We hereby submit price quotations for scope of work as outlined above:

Class 7 Rock, 100 Tons @ \$20.00 ea	\$	2,000.00
Asphalt, 11.85 SY and 3,500 SY	\$	41,475.00
Mobilization & Demobilization	\$	1,000.00

TOTAL BID	\$	44,475.00
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Payment to be made as follows:

Upon completion

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra cost will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements are contingent upon strikes, accidents or delays beyond our control. Owner is to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workers' Compensation Insurance.

CRAWFORD CONSTRUCTION COMPANY

NOTE: This proposal may be withdrawn by us
if not accepted within thirty (30) days.

By: Jack H. Wells
JACK WELLS

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work specified. Payment will be made as outlined above.

NORTH FRANKLIN COUNTY FAIR BOARD

By: _____



STATE OF ARKANSAS

House of Representatives

REPRESENTATIVE

Leslee Milam Post

P. O. Box 1212

Ozark, Arkansas 72949-1212

479-518-0331 Cell

leslee.post@arkansashouse.org

DISTRICT 83

Counties:

Part Crawford

Part Franklin

COMMITTEES:

Public Transportation

Vice Chairperson,

Motor Vehicle and Highways

Subcommittee

City, County and Local Affairs

Finance Subcommittee

October 24, 2011

Mr. Butch Calhoun, Executive Director

Department of Rural Services

101 E. Capitol, Suite 202

Little Rock, AR 72201

Dear Mr. Calhoun:

Please accept this letter as my support for the North Franklin Fair Association's application for a GIF3 Grant from your agency, the Department of Rural Services. If funded, the monies will be used to pave the parking lot at the fairgrounds in Ozark. This will keep the dust and maintenance at a minimum and it will be easier for our (senior) citizens to access the building when they vote.

Again, the North Franklin Fair Association's grant request has my full support. If I can offer any further assistance, please do not hesitate to contact me.

Sincerely,

Leslee Milam Post
State Representative

LMP/jnm

FILED 11/17/11
RECORDED 11/17/11
Resolution ORDINANCE BOOK
BOOK 1 PAGE(S) 270-276
BY Deanne Schmeck