

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8323



City Council Final Agenda

Tuesday, July 1, 2025

5:30 PM

City Hall Room 219

City Council Members

Council Member Robert B. Stafford Ward 1

Council Member Dr. D'Andre Jones Ward 1

Council Member Sarah Moore Ward 2

Council Member Mike Wiederkehr Ward 2

Council Member Scott Berna Ward 3

Council Member Sarah Bunch Ward 3

Council Member Teresa Turk Ward 4

Council Member Min. Monique Jones Ward 4

Mayor Molly Rawn

City Attorney Kit Williams

City Clerk Treasurer Kara Paxton

MEETING INFORMATION:

1. **WEBINAR ID: 828 9934 5538**
[PUBLIC REGISTRATION LINK: HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER/WN_AXODVZNHT_6XGQUJHHZPG](https://us06web.zoom.us/join/82899345538)
AGENDAITEMCOMMENT@FAYETTEVILLE-AR.GOV

CALL TO ORDER**ROLL CALL****PLEDGE OF ALLEGIANCE****MAYOR' S ANNOUNCEMENTS, PROCLAMATIONS AND RECOGNITIONS****CITY COUNCIL MEETING PRESENTATIONS, REPORTS AND DISCUSSION ITEMS**

1. **NOMINATING COMMITTEE REPORT - COMMITTEE CHAIR**
2. **SALES TAX & MONTHLY FINANCIAL REPORT - CHIEF FINANCIAL OFFICER**

PROPOSED AGENDA ADDITIONS**A. CONSENT****A.1. PURCHASE OF SMART WATER METERS:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$300,000.00 FOR THE PURCHASE OF SMART WATER METERS FOR THE UTILITIES DEPARTMENT (2025-766)

A.2. ON-CALL DRAINAGE DESIGN SERVICES:

A RESOLUTION TO AWARD RFQ #25-01, SELECTION 12, AND AUTHORIZE PROFESSIONAL ENGINEERING SERVICES AGREEMENTS WITH BURNS & MCDONNELL ENGINEERING CO, INC., HAWKINS-WEIR ENGINEERS, INC., AND OLSSON ASSOCIATES, INC. FOR ON-CALL DRAINAGE DESIGN SERVICES AS NEEDED THROUGH JUNE 30, 2026 (2025-881)

A.3. U.S. GEOLOGICAL SURVEY:

A RESOLUTION TO APPROVE A JOINT FUNDING AGREEMENT WITH THE U.S. GEOLOGICAL SURVEY FOR STREAM GAUGE OPERATION AND MAINTENANCE AND WATER QUALITY SAMPLING AND MONITORING AT VARIOUS LOCATIONS IN THE CITY OF FAYETTEVILLE IN 2025 WITH THE AMOUNT PAID BY THE CITY NOT TO EXCEED \$60,700.00 (2025-882)

A.4. BEAVER WATERSHED ALLIANCE:

A RESOLUTION TO REPEAL RESOLUTION 138-23, TO ACCEPT \$160,000.00 IN GRANT FUNDING AND APPROVE A COST SHARE AGREEMENT WITH THE BEAVER WATERSHED ALLIANCE FOR THE INSTALLATION OF LOW IMPACT DEVELOPMENT FEATURES IN THE TOWN BRANCH WATERSHED ASSOCIATED WITH THE ELMHURST AND MCCLINTON DRAINAGE IMPROVEMENT PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT – 2019 DRAINAGE BOND PROJECT (2025-888)

A.5. COMMUNITY ACCESS TELEVISION:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$9,000.00 RECOGNIZING REVENUE RECEIVED FROM COMMUNITY ACCESS TELEVISION (2025-919)

A.6. COLLEGE AVE OVERLAY AND STREET MARKING:

A RESOLUTION TO APPROVE THE REPAVING OF COLLEGE AVENUE FROM DICKSON STREET TO NORTH STREET, TO INCREASE THE STREET MARKING BUDGET BY THE AMOUNT OF \$951,000.00, AND TO APPROVE A BUDGET ADJUSTMENT (2025-924)

A.7. HUTCHINSON SALT COMPANY:

A RESOLUTION TO AWARD BID # 25-39 AND AUTHORIZE THE PURCHASE OF BULK CRUSHED ROCK SALT FROM HUTCHINSON SALT COMPANY FOR \$40.50 PER TON FOR MATERIALS PICKED UP AND \$86.29 PER TON FOR MATERIALS DELIVERED AS NEEDED, TO AUTHORIZE THE USE OF OTHER BIDDERS BASED ON PRICE AND AVAILABILITY AS NEEDED, AND TO APPROVE A BUDGET ADJUSTMENT (2025-925)

A.8. OXIDATION TECHNOLOGIES, LLC:

A RESOLUTION TO WAIVE COMPETITIVE BIDDING AND APPROVE THE PURCHASE OF TWO OZONE DESTRUCTION UNITS FROM OXIDATION TECHNOLOGIES, LLC IN THE AMOUNT OF \$44,240.00 PLUS ANY APPLICABLE SALES AND FREIGHT CHARGES FOR USE AT THE NOLAND WATER RESOURCE RECOVERY FACILITY (2025-946)

A.9. HAWKINS-WEIR ENGINEERS, INC.:

A RESOLUTION TO APPROVE AMENDMENT NO. 3 TO THE ENGINEERING SERVICES CONTRACT WITH HAWKINS-WEIR ENGINEERS, INC. IN THE AMOUNT OF \$46,620.00 FOR ADDITIONAL DESIGN AND CONSTRUCTION SERVICES ASSOCIATED WITH RECYCLING AND TRASH FACILITY IMPROVEMENTS (2025-989)

A.10. FIRE DEPARTMENT GRANT APPLICATION:

A RESOLUTION TO AUTHORIZE AN APPLICATION FOR A STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT IN THE AMOUNT OF \$450,000.00 TO HIRE THREE FULL-TIME FIREFIGHTERS (2025-985)

B. UNFINISHED BUSINESS**B.1. VACATION-2025-0013: (3661 W. WEDINGTON DR.):**

AN ORDINANCE TO APPROVE VAC-25-13 FOR PROPERTY LOCATED AT 3661 WEST WEDINGTON DRIVE IN WARD 4 TO VACATE 0.95 ACRES OF TREE PRESERVATION (2025-366)

FOR ITEM HISTORY FROM MAY 6, 2025 THROUGH MAY 20, 2025 PLEASE CONTACT THE OFFICE OF THE CITY CLERK TREASURER.

AT THE JUNE 17, 2025 CITY COUNCIL MEETING THIS ORDINANCE WAS LEFT ON THE FIRST READING AND TABLED TO THE JULY 1, 2025 CITY COUNCIL MEETING.

C. NEW BUSINESS**C.1. REZONING (1416 W MOUNT COMFORT RD/AHBC SOLUTIONS LLC, 404):**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2025-18 FOR APPROXIMATELY 0.40 ACRES LOCATED AT 1416 WEST MOUNT COMFORT ROAD IN WARD 2 FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE TO RI-U, RESIDENTIAL INTERMEDIATE URBAN (2025-900)

C.2. REZONING (1314 S. ELLIS AVE/SIEMEK, 561):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2025-14 FOR APPROXIMATELY 0.40 ACRES LOCATED AT 1314 SOUTH ELLIS AVENUE IN WARD 1 FROM RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE TO UN, URBAN NEIGHBORHOOD (2025-899)

C.3. REZONING (209 S. WILLOW AVE./SIEMEK & BATES, 524):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2025-19 FOR APPROXIMATELY 0.51 ACRES LOCATED AT 209 SOUTH WILLOW AVENUE IN WARD 1 FROM RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE TO UN, URBAN NEIGHBORHOOD (2025-922)

C.4. REZONING (553 E. MCCLINTON ST./BATES & SIEMEK, 563):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2025-20 FOR APPROXIMATELY 0.20 ACRES LOCATED AT 553 EAST MCCLINTON STREET IN WARD 1 FROM NC, NEIGHBORHOOD CONSERVATION TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN (2025-926)

C.5. VACATION (241 W. SPRING ST/GHSH 241 LLC, 484):

AN ORDINANCE TO APPROVE VAC-25-14 FOR PROPERTY LOCATED AT 241 WEST SPRING STREET IN WARD 2 TO VACATE 0.01 ACRES OF RIGHT-OF-WAY (2025-923)

D. CITY COUNCIL TOUR**D.1. AGENDA ITEM C.2: REZONING (1314 S. ELLIS AVE/SIEMEK, 561):**

DATE: JUNE 30, 2025

TIME: 4:00 PM

PARKING ON-STREET ALONG ELLIS AVENUE ADJACENT TO THE PROPERTY

E. ANNOUNCEMENTS**F. ADJOURNMENT****NOTICE TO MEMBERS OF THE AUDIENCE**

All interested persons may appear and address the City Council on Unfinished Business, New Business, and Public Hearings at City Council meetings. If you wish to address the City Council on an agenda item, please wait for the Mayor or Chair to request public comment. When the Mayor or Chair recognizes you, please start your public comment by giving your name and address. Comments are to be addressed to the Mayor or Chair. The Mayor or Chair will direct your comments to the appropriate elected officials, staff, or others for response. Keep your

comments respectful, brief, to the point, and relevant to the agenda item being considered. Each speaker from the public will be allowed one turn to speak for discussion of an agenda item.

Below is a portion of the Rules of Order and Procedure of the Fayetteville City Council pertaining to City Council meetings:

Agenda Additions: A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.

Consent Agenda: Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If a Council Member wishes to comment upon or discuss a Consent Agenda item that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

Unfinished Business and New Business:

Overview Period: Agenda items at a City Council meeting shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, appellant from a final decision of the Planning Commission or City Staff, etc.) may present its proposal only during this presentation period but may be recalled by a Council Member later to answer questions. City staff, Council Members and applicants may use electronic visual aids in the City Council meeting as part of the presentation of the agenda item. City staff's presentation and an Applicant's presentation whether presented by one or more than one presenter shall each be limited to a maximum of ten (10) minutes unless the City Council by unanimous consent or majority vote allows additional time.

Public Comments: Public comment at a City Council meeting shall be allowed on all items of unfinished and new business and subjects of public hearings. Amendments may receive public comments only if approved by the City Council by unanimous consent or majority vote. Speakers present in the City Council Chambers shall be recognized before speakers participating by electronic means. Speakers shall be limited to a maximum of three (3) minutes to discuss the agenda item or amendment being considered by the City Council. The City Council may allow a speaker additional time by unanimous consent or majority vote. As part of a person's public comments allowed above, the speaker may use electronic visual aids during their three (3) minutes presentation period concerning the agenda item being considered by the City Council.

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 comments that are harassing or amount to a personal attack against any identifiable individual including abusive comments and derogatory remarks about integrity or offer any other comments that are also not limited to the discussion of the specific agenda item being considered by the City Council. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

Cell Phones and Pagers: Cell phones must be turned off or put in silent mode and not used within the City Council Chambers during City Council meetings. Pagers must be turned off or put in silent mode within the City Council Chambers during City Council meetings. These restrictions also apply during Agenda Sessions.

Smoking Prohibited: There will be no smoking allowed in the City Council Chambers during City Council meetings.

Virtual City Council Meetings Authorized: After proper notice has been provided to the public, City Council Members are authorized to assemble, gather, meet, and conduct open public meetings (including speaking, voting and passing ordinances and resolutions) through appropriate electronic means which ensure the public's right to attend by being able to listen to the proceedings and discussions. These open public meetings include City Council meetings and agenda sessions as well as City Council Member Committee meetings.

Interpreters or Telecommunications Devices for the Deaf (TDD), for hearing impaired are available for all City Council meetings, a 72-hour advance notice is required. For further information or to request an interpreter, please call 479-575-8330.

A copy of the complete City Council agenda is available on our website at www.fayetteville-ar.gov or in the Office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas (479) 575-8323.



NOMINATING COMMITTEE REPORT

July 1, 2025

Meeting Date and Time: June 25, 2025 at 5:00 p.m.

Members in Attendance: Mr. Robert B. Stafford, Chair (Council Member Ward 1, Position 1)
Ms. Sarah Moore (Council Member Ward 2, Position 1)
Min. Monique Jones (Council Member Ward 4, Position 2).

Absent Members: Ms. Sarah Bunch (Council Member Ward 3, Position 2)

The Nominating Committee recommends the following candidates for appointment.

Animal Services

No applications received for a Licensed Veterinarian term ending June 30, 2028.
Kayla Mayes. Reappointment to a Business Representative term ending June 30, 2028.
Jennifer Cole. Reappointment to a Resident at Large term ending June 30, 2028.

Environmental Action Committee

Darlington Imhanzuaria. Resident at Large term ending December 31, 2028.

Historic District Commission

Christine Myres. Reappointment recommended by Mayor Rawn to a Member at Large term ending June 30, 2028.
Karen Rorex. Recommended by Mayor Rawn to a Resident at Large term ending June 30, 2028.

Parks, Natural Resources and Cultural Affairs Advisory Board

Dell Hall. Public at Large term ending December 31, 2026.

Walton Arts Center Council

Justin Tennent. Reappointment to a Citizen at Large term ending June 30, 2028.
Claire Kolberg. Reappointment to a Citizen at Large term ending June 30, 2028.

Urban Forestry Advisory Board Discipline Change

Joseph Fox from Resident at Large to a Tree Service Representative term ending December 31, 2026 due to his background as a former forester. No change in term.



MEETING OF JULY 1, 2025

TO: Mayor Rawn and City Council
THRU: Keith Macedo, Chief of Staff
FROM: Tim Nyander, Utilities Director
SUBJECT: **Water Meter Purchases (Budget Adjustment)**

RECOMMENDATION:

Staff recommends approval of a budget adjustment in the amount of \$300,000.00 to move funds to the Water Meters account for the purchase of smart water meters for the Utilities Department.

BACKGROUND:

The City utilizes capital funding to purchase water meters each year. The allotment of \$1,000,000 replaces approximately 3,900 of the more than 50,000 water meters we have in the City's distribution system. The purchase of additional water meters will be beneficial to the overall water meter replacement strategy.

DISCUSSION:

A budget adjustment in the amount of \$300,000.00 is requested to allow for the purchase of additional smart water meters in 2025. Funds are available in the Water Tank Improvements account within the Water & Sewer fund.

BUDGET/STAFF IMPACT:

Funds will be moved from the Water Tank Improvements account to the Water Meters account to fund the additional meter purchases in 2025.

ATTACHMENTS: 3. Staff Review Form, 4. Budget Adjustment



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-766

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$300,000.00 FOR THE PURCHASE OF SMART WATER METERS FOR THE UTILITIES DEPARTMENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of \$300,000.00, a copy of which is attached to this Resolution, to move funds from the Water Tank Improvements account to the Water Meters account for the purchase of smart water meters for the Utilities Department.

City of Fayetteville Staff Review Form

2025-766

Item ID

6/17/2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Tim Nyander

5/27/2025

WATER SEWER (720)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of a budget adjustment in the amount of \$300,000.00 to move funds to the Water Meters account for the purchase of smart water meters for the Utilities Department.

Budget Impact:

5400.720.1840-5811.00

Water and Sewer

Account Number

Fund

02065.1

Water Meters

Project Number

Project Title

Budgeted Item? Yes

Total Amended Budget

\$ 1,843,302.00

Expenses (Actual+Encum)

\$ 1,526,219.43

Available Budget

\$ 317,082.57

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? Yes

Budget Adjustment

\$ 300,000.00

Remaining Budget

\$ 617,082.57

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

Budget Year	Division	Adjustment Number
2025	WATER SEWER (720)	
	Requestor: Shea Fankhouser	

	COUNCIL DATE:	7/1/2025
	ITEM ID#:	2025-766
	Holly Black	
	6/2/2025 3:49 PM	
	Budget Division	Date
	TYPE:	D - (City Council)
	JOURNAL #:	
GLDATE:		
CHKD/POSTED:	/	
RESOLUTION/ORDINANCE		

1 of 1



MEETING OF JULY 1, 2025

TO: Mayor Rawn and City Council

THRU: Keith Macedo, Chief of Staff
Chris Brown, Public Works Director

FROM: Alan Pugh, Staff Engineer

SUBJECT: **Approval of a resolution to award RFQ 25-01, Selection #12 to Burns & McDonnell Engineering Co, Inc., Hawkins-Weir Engineers, Inc., and Olsson Associates, Inc. as providers based on qualifications and availability for on-call drainage design services as needed through June 30, 2026.**

RECOMMENDATION:

Staff recommends approval of a resolution to award RFQ 25-01, Selection #12 to Burns & McDonnell Engineering Co, Inc., Hawkins-Weir Engineers, Inc. and Olsson Associates, Inc. as providers based on qualifications and availability for on-call drainage design services as needed through June 30, 2026.

BACKGROUND:

The Engineering Division has an internal design team that provides designs for transportation, drainage, sidewalk, and trail projects as well as designs for other divisions within the City. Due to the current workload as well as recent flooding events, additional capacity is needed for the analysis of flooding issues and design of projects to alleviate this flooding as a part of the design team.

DISCUSSION:

An engineering selection committee selected Burns & McDonnell Engineering Co, Inc., Hawkins-Weir Engineers, Inc. and Olsson Associates, Inc. to be used for on-call drainage design services for various city projects until June 30, 2026.

BUDGET/STAFF IMPACT:

Funds for the design contracts will come from existing bond funds, capital improvement project funds and stormwater utility funds.

ATTACHMENTS: 3. Staff Review Form



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-881

A RESOLUTION TO AWARD RFQ #25-01, SELECTION 12, AND AUTHORIZE PROFESSIONAL ENGINEERING SERVICES AGREEMENTS WITH BURNS & MCDONNELL ENGINEERING CO, INC., HAWKINS-WEIR ENGINEERS, INC., AND OLSSON ASSOCIATES, INC. FOR ON-CALL DRAINAGE DESIGN SERVICES AS NEEDED THROUGH JUNE 30, 2026

WHEREAS, the Engineering Division has an internal design team that provides designs for transportation, drainage, sidewalk, and trail projects as well as design for other divisions within the City; and

WHEREAS, due to the current workload as well as recent flooding events, additional capacity is needed for the analysis of flooding issues and design of projects to alleviate this flooding as part of the design team and separate agreements will be prepared for projects as they arise.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards RFQ #25-01, Selection 12, and authorizes Mayor Rawn to sign professional engineering services agreements with Burns & McDonnell Engineering Co, Inc., Hawkins-Weir Engineers, Inc, and Olsson Associates, Inc. as providers based on qualifications and availability for on-call drainage design services as needed through June 30, 2026, within the approved budget.

City of Fayetteville Staff Review Form

2025-881

Item ID

7/1/2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Chris Brown

6/5/2025

ENGINEERING (621)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a resolution to award RFQ 25-01, Selection #12 to Burns & McDonnell Engineering Co, Inc., Hawkins-Weir Engineers, Inc. and Olsson Associates, Inc. as providers based on qualifications and availability for on-call drainage design services as needed through June 30, 2026.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Total Amended Budget

\$ -

Expenses (Actual+Encum)

\$ -

Available Budget

\$ -

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



MEETING OF JULY 1, 2025

TO: Mayor Rawn and City Council

THRU: Keith Macedo, Chief of Staff
Chris Brown, Public Works Director

FROM: Alan Pugh, Staff Engineer

SUBJECT: **Approval of the 2025 USGS joint funding agreement in the amount of \$60,700 (City's share) for stream gauge operation and maintenance for various locations within the City of Fayetteville**

RECOMMENDATION:

Staff recommends approval of the 2025 USGS joint funding agreement in the amount of \$60,700 (City's share) for stream gauge operation and maintenance for various locations within the City of Fayetteville

BACKGROUND:

In 2015 the City of Fayetteville modified its contract with USGS to begin monitoring both flow and major pollutants at two location on major outfalls from the City, Town Branch and Mud Creek. This data is being gathered continuously and through sampling at various times in order to more closely model the pollutant concentrations in these streams. This combined with the flow data will give accurate information on the total amount of the various constituents being measured leaving the City at these points. The information produced by the gauges can be viewed on the USGS website by following:

Town Branch: <http://waterdata.usgs.gov/usa/nwis/uv?07048493>

Mud Creek: http://waterdata.usgs.gov/ar/nwis/uv?site_no=071948095

DISCUSSION:

The proposed program would remain the same as the 2024 program. The proposed program would again include a continuous monitor stream gauge at two locations within the City of Fayetteville. The locations would continue to track continuous information regarding flow, turbidity, temperature and conductance. The sampling, performed under separate contract with the Arkansas Water Resource Center, at these locations would provide a mechanism in which these constituents could be related to other pollutants such as total suspended solids (TSS) essentially providing relatively accurate continuous pollutant loading information.

The first station is located on Town Branch near Morningside currently and would monitor a largely developed area that discharges into the West Fork White River. The West Fork White River currently has Total Maximum Daily Load (TMDL) defined by ADEQ for turbidity. Monitoring just upstream of the West Fork allows the City to determine Fayetteville's contribution to this TMDL. Results indicate that the stream may meet the TMDL for base flow conditions, however, it is much higher during storm events.

The second station is located on Mud Creek near Greg Avenue and monitors a largely developed area that discharges into the Illinois River via Clear Creek. Clear Creek is currently on the impaired list for pathogens,

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

however, has been found to meet water quality standards over the last few years. This gauge is in place to meet the sampling requirements in the Municipal Separate Storm Sewer (MS4) permit for discharge into an impaired waterway.

BUDGET/STAFF IMPACT:

The total cost for the program described above would be \$65,700 with the USGS contributing \$5,000 in Cooperative Funding for a total cost to the City of Fayetteville of \$60,700 which would be split evenly between Engineering and Water/Sewer. In addition to the Cooperative Funds, the USGS provided and installed the equipment in 2015 at no cost to the City.

ATTACHMENTS: 3. Staff Review Form, 4. 2025 USGS Joint Funding Agreement



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-882

A RESOLUTION TO APPROVE A JOINT FUNDING AGREEMENT WITH THE U.S. GEOLOGICAL SURVEY FOR STREAM GAUGE OPERATION AND MAINTENANCE AND WATER QUALITY SAMPLING AND MONITORING AT VARIOUS LOCATIONS IN THE CITY OF FAYETTEVILLE IN 2025 WITH THE AMOUNT PAID BY THE CITY NOT TO EXCEED \$60,700.00

WHEREAS, since 1998, the City of Fayetteville has participated in a joint funding agreement with the U.S. Geological Survey for the operation and maintenance of urban stream gauging stations to record data concerning rainfall and runoff; and

WHEREAS, in 2015, the City modified its agreement with the USGS to begin monitoring major pollutants at Town Branch and Mud Creek and the City will continue this monitoring to provide more accurate information regarding the pollutants leaving the City at these points; and

WHEREAS, the USGS, which purchased and installed the monitoring equipment at no cost to the City, provides these services at a cost much lower than the City could receive from any other provider; and

WHEREAS, pursuant to A.C.A. §14-58-104 the City may renew or extend the term of an existing contract without soliciting bids.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a joint funding agreement, a copy of which is attached to this Resolution and made a part hereof, between the City of Fayetteville and the U.S. Geological Survey for stream gauge operation and maintenance and water quality sampling and monitoring at various locations in the City of Fayetteville in 2025 with the amount paid by the City of Fayetteville not to exceed \$60,700.00

City of Fayetteville Staff Review Form

2025-882

Item ID

7/1/2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Chris Brown

6/3/2025

ENGINEERING (621)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of the 2025 USGS joint funding agreement in the amount of \$60,700 (City's share) for stream gauge operation and maintenance for various locations within the City of Fayetteville

Budget Impact:

4470.621.8810-5314.00 and 5400.730.5800-5314.00

Account Number

02097.1and 13018.1

Project Number

4470-Sales Tax Capital Improvement 5400-Water and Sewer

Fund

Stormwater Quality Management and Wastewater Treatment/Water Quality

Project Title

Budgeted Item? Yes

Total Amended Budget

\$ 878,008.00

Expenses (Actual+Encum)

\$ 256,508.96

Available Budget

\$ 621,499.04

Does item have a direct cost? Yes

Item Cost

\$ 60,700.00

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ 560,799.04

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



United States Department of the Interior

U.S. GEOLOGICAL SURVEY
Lower Mississippi-Gulf Water Science Center
640 Grassmere Park, Suite 100
Nashville, TN 37211

February 26, 2025

Alan Pugh
Staff Engineer
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Dear Alan Pugh:

Enclosed is our standard joint-funding agreement between the U.S. Geological Survey Lower Mississippi-Gulf Water Science Center and City of Fayetteville for the operation and maintenance of two stream gages and two continuous water-quality meters, one on Mud Creek and one on Town Branch, during the period January 1, 2025 through December 31, 2025 in the amount of \$60,700 from your agency. U.S. Geological Survey contributions for this agreement are \$5,000 for a combined total of \$65,700.

Federal law requires that we have a signed agreement before we start or continue work. Please return the signed agreement as soon as possible. If, for any reason, the agreement cannot be signed and returned, please contact Drew Westerman at (501) 516-6399 or email dawester@usgs.gov to make alternative arrangements.

This is a fixed cost agreement to be billed quarterly via Down Payment Request (automated Form DI-1040). Please allow 30-days from the end of the billing period for issuance of the bill. If you experience any problems with your invoice(s), please contact Desvin Jones at phone number (225) 298-5481 or gs-w-lmg_budget_finance_team@usgs.gov.

The results of all work performed under this agreement will be available for publication by the U.S. Geological Survey. We look forward to continuing this and future cooperative efforts in these mutually beneficial water resources studies.

Sincerely,

Todd Baumann,
Acting Center Director, LMG Water Science Center

Enclosure
25MLJFAARDA150

**U.S. Department of the Interior
U.S. Geological Survey
Joint Funding Agreement
FOR
Water Resource Investigations**

**Customer #: 6000000775
Agreement #: 25MLJFAARDA150
Project #: ML00925
TIN #: 71-6018462**

Fixed Cost Agreement YES[X] NO[]

THIS AGREEMENT is entered into as of January 1, 2025, by the U.S. GEOLOGICAL SURVEY, Lower Mississippi-Gulf Water Science Center, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the City of Fayetteville party of the second part.

1. The parties hereto agree that subject to the availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation for the operation and maintenance of two stream gages and two continuous water-quality meters, one on Mud Creek and one on Town Branch, herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50, and 43 USC 50b.

2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) include In-Kind-Services in the amount of \$0.00

- (a) \$5,000 by the party of the first part during the period
January 1, 2025 to December 31, 2025
- (b) \$60,700 by the party of the second part during the period
January 1, 2025 to December 31, 2025
- (c) Contributions are provided by the party of the first part through other USGS regional or national programs, in the amount of: \$0

Description of the USGS regional/national program:

- (d) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties.
- (e) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.

3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.

4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.

5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.

6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.

7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.

8. The maps, records or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program, and if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at cost, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records or reports published by either party shall contain a statement of the cooperative relations between the parties. The Parties acknowledge that scientific information and data developed as a result of the Scope of Work (SOW) are subject to applicable USGS review, approval, and release requirements, which are available on the USGS Fundamental Science Practices website (<https://www.usgs.gov/office-of-science-quality-and-integrity/fundamental-science-practices>).

Form 9-1366
(May 2018)

U.S. Department of the Interior
U.S. Geological Survey
Joint Funding Agreement
FOR
Water Resource Investigations

Customer #: 6000000775
Agreement #:
25MLJFAARDA150_draft
Project #: ML00925
TIN #: 71-6018462

9. Billing for this agreement will be rendered quarterly. Invoices not paid within 60 days from the billing date will bear Interest, Penalties, and Administrative cost at the annual rate pursuant the Debt Collection Act of 1982, (codified at 31 U.S.C. § 3717) established by the U.S. Treasury.

USGS Technical Point of Contact

Name: Drew Westerman
Assistant Director - Data Chief, AR/TN
Address: 401 Hardin Road
Little Rock, AR 72211
Telephone: (501) 516-6399
Fax: (501) 228-3601
Email: dawester@usgs.gov

Customer Technical Point of Contact

Name: Alan Pugh
Staff Engineer
Address: 113 West Mountain Street
Fayetteville, AR 72701
Telephone: (479) 575-8208
Fax: (n/a)
Email: apugh@fayetteville-ar.gov

USGS Billing Point of Contact

Name: Desvin Jones
Lead Budget Analyst
Address: 3535 South Sherwood Forest Blvd. Suite
120
Baton Rouge, LA 70816
Telephone: (225) 298-5481
Fax: (225) 298-5490
Email: gs-w-lmg_budget_finance_team@usgs.gov.

Customer Billing Point of Contact

Name: Lioneld Jordan
Mayor
Address: 113 West Mountain Street
Fayetteville, Arkansas 72701
Telephone: (479) 575-8330
Fax: (n/a)
Email: mayor@fayetteville-ar.gov

U.S. Geological Survey
United States
Department of Interior

City of Fayetteville

Signature

By TODD BAUMANN Digitally signed by
TODD BAUMANN
Date: 2025.03.07
11:33:48 -06'00' Date: 03/07/2025
Name: Todd Baumann
Title: Acting CenterDirector, LMG Water Science Center

Signatures

By _____ Date: _____

Name:

Title:

By _____ Date: _____

Name:

Title:

By _____ Date: _____

Name:

Title:



MEETING OF JULY 1, 2025

TO: Mayor Rawn and City Council

THRU: Keith Macedo, Chief of Staff
Chris Brown, Public Works Director

FROM: Alan Pugh, Staff Engineer

SUBJECT: **Repeal and replacement of a Cost Share Agreement with the Beaver Watershed Alliance (BWA) in the amount of \$190,000 for the installation of Low Impact Development (LID) features within the Town Branch Watershed and associated with Elmhurst and McClinton Drainage Improvement Project, accept \$160,000 in grant funds and approval of a budget adjustment.**

RECOMMENDATION:

Staff recommends repeal and replacement of a Cost Share Agreement with the Beaver Watershed Alliance in the amount of \$190,000 for the installation of Low Impact Development (LID) features within the Town Branch Watershed and associated with Elmhurst and McClinton Drainage Improvement Project, acceptance of \$160,000 in grant funds and approval a budget adjustment.

BACKGROUND:

The City has partnered with the Beaver Watershed Alliance (BWA) for many years with regard to education and grant opportunities in the Beaver Lake Watershed. BWA recently applied for \$523,120 in grant funding from Arkansas Department of Agriculture – Natural Resources Division (ANRD) for the project “Smart Growth for Source Water Protection in the Beaver Lake Watershed”, (Project) in which they proposed to use the grant funding for conservation best practices to improve water quality in the Beaver Lake watershed and to provide related education to the public. The City provided a letter of support for the grant funds to help enhance the water quality features associated with a scheduled bond project.

DISCUSSION:

Originally, the city approved resolution 138-23 agreeing to participate in the grant by providing matching funding associated with the Elmhurst and McClinton Phase I drainage project which was approved by City Council in Resolution 138-23. At that time, the agreement allowed for the installation of LID on adjacent properties which would be performed by BWA and a contractor that they would employ. However, due to difficulty locating a contractor to perform that work within the allowed budget, BWA has agreed to provide the funds to the City of Fayetteville to assist in the cost of LID portions of the existing project.

As such, \$160,000 in grant funding is proposed to be provided to the City of Fayetteville to install LID and detention associated with the Elmhurst and McClinton Phase I project. This revenue would need to be recognized and accepted by the City Council prior to being made part of the project budget.

BUDGET/STAFF IMPACT:

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

This project is funded from the 2019 Drainage Bond Project and City Council would recognize the \$160,000 in revenue from the grant.

ATTACHMENTS: 3. Staff Review Form, 4. Budget Adjustment, 5. 2022-2025 Cost Share Agreement MOA, 6. Final 22-500 Signed



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-888

A RESOLUTION TO REPEAL RESOLUTION 138-23, TO ACCEPT \$160,000.00 IN GRANT FUNDING AND APPROVE A COST SHARE AGREEMENT WITH THE BEAVER WATERSHED ALLIANCE FOR THE INSTALLATION OF LOW IMPACT DEVELOPMENT FEATURES IN THE TOWN BRANCH WATERSHED ASSOCIATED WITH THE ELMHURST AND MCCLINTON DRAINAGE IMPROVEMENT PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT – 2019 DRAINAGE BOND PROJECT

WHEREAS, Beaver Watershed Alliance has received \$523,120.00 in grant funding from the Arkansas Natural Resources Division to implement conservation best practices to improve water quality in the Beaver Lake watershed and to provide related education to the public; and

WHEREAS, on June 6, 2023, the City Council approved Resolution 138-23, which authorized a cost-share agreement with the Beaver Watershed Alliance to provide \$160,000.00 in grant funds for the installation of low-impact development features on property adjacent to the Elmhurst and McClinton Drainage Improvement Project; and

WHEREAS, due to difficulty locating a contractor to perform that work within the allowed budget, Beaver Watershed Alliance has agreed to provide the grant funds to the City of Fayetteville to assist in the cost of low-impact development within portions of the existing City project, so a new cost-share agreement is needed.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals Resolution 138-23.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby accepts \$160,000.00 in Arkansas Natural Resources Division grant funding as a sub-grantee of Beaver Watershed Alliance.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Rawn to sign a new cost-share agreement with the Beaver Watershed Alliance, a copy of which is attached to the Resolution, for the installation of low impact development features associated with the Elmhurst and McClinton Drainage Improvement Project with matching funds provided by the City in the amount of \$190,000.00.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

City of Fayetteville Staff Review Form

2025-888

Item ID

7/1/2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Chris Brown

6/5/2025

ENGINEERING (621)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Repeal and replace a Cost Share Agreement with the Beaver Watershed Alliance in the amount of \$190,000 for the installation of Low Impact Development (LID) features within the Town Branch Watershed and associated with Elmhurst and McClinton Drainage Improvement Project, accept \$160,000 in grant funds and approve a budget adjustment.

Budget Impact:

4601.860.7420-5817.00

4601-Bond Program Grant Matching

Account Number

Fund

46040.7420.1000

Drainage Project (2019 Bonds) -
Elmhurst/McClinton

Project Number

Project Title

Budgeted Item? Yes

Total Amended Budget

\$ 690,047.00

Expenses (Actual+Encum)

\$ 629,406.36

Available Budget

\$ 60,640.64

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? Yes

Budget Adjustment

\$ 160,000.00

Remaining Budget

\$ 220,640.64

V20221130

Purchase Order Number:

Previous Ordinance or Resolution # 138-23

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

Budget Year	Division	Adjustment Number
2025	ENGINEERING (621)	
	Requestor: Chris Brown	

Repeal and replace a Cost Share Agreement with the Beaver Watershed Alliance in the amount of \$190,000 for the installation of Low Impact Development (LID) features within the Town Branch Watershed and associated with Elmhurst and McClinton Drainage Improvement Project, accept \$160,000 in grant funds and approve a budget adjustment.

[illegible]

COST SHARE AGREEMENT
FOR IMPLEMENTING LOW IMPACT DEVELOPMENT FOR
ENHANCED WATER QUALITY IN THE BEAVER LAKE WATERSHED
Between the City of Fayetteville, Arkansas and Beaver Watershed Alliance

WHEREAS, the Beaver Watershed Alliance (Alliance), an Arkansas domestic nonprofit corporation, was established to proactively protect, enhance, and sustain the water quality of Beaver Lake and integrity of its watershed; and

WHEREAS, the City of Fayetteville (City) is a municipality located in Washington County, AR and located within the Beaver Lake watershed; and

WHEREAS, the Alliance applied for \$523,120 in grant funding from Arkansas Department of Agriculture – Natural Resources Division (ANRD) for the project “Smart Growth for Source Water Protection in the Beaver Lake Watershed”, (Project) in which they proposed to use the grant funding for conservation best practices to improve water quality in the Beaver Lake watershed and to provide related education to the public; and

WHEREAS, on May 12, 2022, ANRD provided notice of its decision to award \$523,120 in grant funding to the Alliance for their grant proposal; and

WHEREAS, the Alliance has agreed to receive the entire \$523,120 in grant funding and allocate a portion of funds, up to \$160,000 to the City of Fayetteville to install LID features on City property associated with the Elmhurst and McClinton Phase I drainage project, install educational signage, and host educational and outreach events to the public to meet the “Technical Assistance” obligations outlined in the grant proposal; and

WHEREAS, it is the desire of the parties to cooperate for the purpose of the Project by using the \$160,000 in grant funding for conservation best practices to improve water quality in the City of Fayetteville and to provide related education to the public, as detailed in the grant proposal (the “Project”).

WHEREAS, Low Impact Development (LID), and best management is a priority in the Beaver Lake Watershed according to the Beaver Lake Watershed Protection Strategy (BLWPS); and

WHEREAS, the BLWPS recommends low impact development as a core BMP and the City recognizes the benefits for water quality; and

WHEREAS, the City of Fayetteville is voluntarily including the use of LID features which are necessary components to maintain and improve water quality in the Beaver Lake Watershed; and

NOW, THEREFORE, THIS CONTRACT is made by and between the City of Fayetteville, Arkansas (“City”) and Beaver Watershed Alliance (“Alliance”), or the parties, in exchange for the mutual obligations and covenants contained herein, agree as follows:

I. Scope of Agreement

A. City of Fayetteville Agrees to:

1. Work together with the Alliance as described in their grant proposal to meet all objectives and obligations in the proposal.
2. Be responsible for ensuring that all required local, state and federal permits, easements, and rights of way are obtained, and that all proper licensing and approval requirements are met for the work-in-kind associated with this Agreement.
3. Be responsible for the liabilities (if any), asset management, operation, and maintenance of the Project on City property, and for any ongoing maintenance of installed habitat improvements on City property.
4. Dedicate matching funds of at least \$190,000 in cash contributions per letter of support provided by the City of Fayetteville on January 26, 2022 for design and or construction costs.
5. Provide and document additional in-kind contributions for the Project. In-kind contributions may include, but are not limited to, review time, construction assistance, equipment rental or usage, labor, staff time for educational outreach, and ongoing maintenance between September 1, 2022 through September 15, 2025.
6. Be responsible for the installation and maintenance of educational and interpretive signage, to be jointly designed by Alliance and City, to educate the public about Low Impact Development features and benefits. BWA will submit approved designs to sign printer, pay for the costs of the sign printing, and deliver to City of Fayetteville. Signage shall be installed by City of Fayetteville on or before the project completion date.
7. Maintain the Project for a minimum of five (5) years from the date the Project is open to the public. City may include a reasonable estimate of ongoing maintenance costs as part of its required contribution for the Project.
8. Coordinate with Alliance for educational events such as tours, on-site demonstrations and/or education and outreach events (up to three throughout project timeline).
9. The Project scope is set forth in the Preliminary Plans developed by McClelland Consulting Engineers and dated April 2022 attached hereto. City shall not be responsible for any improvements on private property.

B. Beaver Watershed Alliance Agrees to:

1. Work together with the City of Fayetteville as described in their grant proposal to meet all objectives and obligations in the proposal.
2. Develop MOA for adjacent property to clarify maintenance and responsibilities for the Project. Alliance agrees that City shall not be responsible for costs associated with improvements on private property adjacent to the Project.

3. Provide \$160,000 towards the costs of construction for the LID features for the Project, including street, culvert, channel construction, ponds, wetland ponds, LID or other stormwater improvement infrastructure.
4. Provide at least \$15,000 in in-kind contributions towards the Project, as defined for the grant, which may include staff time, events, and public workshops.
5. Provide additional funding of up to \$1,000 for educational and interpretive signage in which designs will be pre-approved by City.
6. Administer the 319 ANRD grant including any required grant reporting.
7. Provide at least quarterly updates to City of Fayetteville on project milestones, meetings and outcomes, public education events and outreach, and media relations.
8. As between the parties, accept sole responsibility for all manner of claims, causes of action or liability arising out of any accident, injury or damage to the Alliance, its equipment or property, its employees or agents, and to any third party's person or property resulting from the Alliance conducting any activity related to this Agreement.
9. To the extent permitted by Arkansas law, hold harmless, defend, and indemnify City of Fayetteville, and employees from or against for any and all claims, judgments, causes of action, liability, damages, and expenses of whatsoever nature incident to, or resulting from, the Alliance's activities or performance under this Agreement. Furthermore, notwithstanding the foregoing, the Alliance agrees that: (a) it will cooperate with City in the defense of any action or claim brought against City seeking the foregoing damages or relief; (b) it will in good faith cooperate with City should any third party present any claims of the foregoing nature against City; (c) it will not take any action to frustrate or delay the prompt hearing on claims of the foregoing nature. This Agreement shall be deemed and construed as binding solely between the parties and shall not be deemed or construed as conferring any benefit or indemnification on behalf of any third party. The obligations of this paragraph shall survive the expiration or termination of this Agreement.

II. Term

This Agreement shall become effective as soon as signed by all parties and shall remain in force until December 31, 2025, unless terminated earlier in accordance with its terms herein.

III. Termination

This Agreement may be terminated by mutual consent of the parties. Notice of and termination request must be given to the parties. An agreement to terminate must be in writing, signed by the parties. Any such termination of the Agreement is without prejudice to any obligations or liabilities of any party already accrued prior to such termination.

IV. Amendment

Amendments to this Agreement may be proposed by any party upon written notice to the other party, and such amendments shall become effective as soon as signed by all parties hereto.

V. Notices

Any notices required hereunder shall be addressed as follows:

To the Alliance:

Becky Roark, Executive Director
Beaver Watershed Alliance
162 Doolin Dr.
Elkins, AR 72727

To City of Fayetteville:

Mayor Molly Rawn
City of Fayetteville
113 W Mountain Street
Fayetteville, AR 72701

CC: City of Fayetteville Engineering
125 W Mountain Street
Fayetteville, AR 72701

VI. Miscellaneous

A. The parties agree that they are not entering into a legal partnership, joint venture or other such arrangement, nor is the purpose of the parties to enter into a commercial undertaking for monetary gain. Nothing in this Agreement shall be construed to place a financial commitment or obligation upon any of the parties beyond what is specifically stated herein.

B. By the signing of this Agreement, the parties assure and certify that they will comply with Title VI of the Civil Rights Act of 1964 (P-L88-352) and that in accordance with that Act, no person in the United States shall, on grounds of race, color, or national origin be excluded from participating in, be denied the benefits of, or be otherwise subject to discrimination in this project.

C. The officials executing this Agreement hereby represent and warrant that they have full and complete authority to act on behalf of their respective party and that the terms and provisions hereof constitute valid and enforceable obligations of each.

D. This Agreement shall be interpreted and construed in accordance with the laws of the State of Arkansas. With respect to any legal claim, the appropriate venue shall be in the Washington County Circuit Court.

E. No transfer or assignment of this Agreement, or any part thereof or interest therein, shall be made unless all of the parties first approve such transfer or assignment in writing.

F. This Agreement constitutes the entire agreement between the parties. There are no understandings, agreements, or representations, oral or written, not specified within this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused their signatures to be set by their authorized representative effective the date set forth below.

BEAVER WATERSHED ALLIANCE

**CITY OF FAYETTEVILLE,
ARKANSAS**

Becky Roark
Becky Roark, Executive Director

Molly Rawn, Mayor

Date: 6/9/25

Date: _____

ATTEST:

Kara Paxton, City Clerk-Treasurer

Date: _____

SUB-GRANT AGREEMENT SGA 22-500

Between

***Arkansas Department of Agriculture
Natural Resources Division
and the
Beaver Watershed Alliance***

Project: Smart Growth for Source Water Protection in the Beaver Lake Watershed

**PROJECT 22-500
SAMS # 070002573**

INTRODUCTION – NONPOINT SOURCES MANAGEMENT PROGRAM OVERVIEW

The Arkansas Department of Agriculture's Natural Resources Division (ADA-NDR), has been designated and authorized to administer the Nonpoint Source (NPS) Management Program. The ADA-NDR'S NPS Program (Program) goals, objectives and milestones reflected in the Arkansas NPS Program Statewide Management Plan (Plan) are to maintain or enhance water quality through the control, reduction or abatement of non-regulated nonpoint source pollution.

The Program is funded by a United States Environmental Protection Agency (EPA) assistance agreement (AA). The Program utilizes the EPA funding for several purposes to assist in meeting the goals and objectives established in the Plan including:

- administration (Program staffing, travel, equipment, supplies, etc.)
- prioritization of 8-digit HUC watersheds
- developing EPA nine element watershed management plans on an 8-digit HUC level
- funding projects that address nonpoint source pollution through activities such as; implementation, demonstrations, monitoring, education, outreach, planning, assessment and financial assistance
- providing reports to EPA related to project accomplishments semi-annually, annually and a final report at the end of the project
- providing annual reports summarizing the progress toward goals, objectives and milestones

SECTION 1. PURPOSE

The purpose of this Sub-Grant Agreement is to establish the responsibilities of the ADA-NDR and the Beaver Watershed Alliance (BWA) necessary to complete a cooperative nonpoint source pollution prevention project.

Three LID implementation projects installed with educational signage, three tours conducted with at least 60 attendees and evidenced by attendance lists, six forums conducted for builders/developers, cities and residents with at least 120 stakeholders participating, one LID regional conference with at least 100 stakeholders participating, educational resources developed and distributed to all urbanized communities within the Beaver Lake watershed.

SECTION 2. GENERAL

The ADA-NDR is the recipient of a grant from the US Environmental Protection Agency (EPA) to be used for implementation of the project. A requirement of the grant is that state and local funds also be secured. The following is a summation of funding requirements.

SUMMARY OF FUNDS

<u>Source</u>	<u>Amount</u>
Funds provided to the Beaver Watershed Alliance	
EPA Grant # C9-996103-29	\$523,120
ANRC (2RG-04) TOTAL	\$0
TOTAL	\$523,120
Funds provided by the Beaver Watershed Alliance (Cash or In-Kind)	
(In-Kind)	\$460,936
(Cash)	\$0
TOTAL Match	\$460,936
TOTAL Project Cost	\$984,056

SECTION 3. BEAVER WATERSHED ALLIANCE RESPONSIBILITIES

1. Provide personnel, supplies, and other resources necessary for completion of the project as outlined in the attached "Scope of Work."
2. Abide by all conditions of US EPA Assistance Agreement. The Administrative Conditions of the grant are attached and incorporated by reference.
3. Complete all milestones, tasks, and outputs as outlined in the project workplan in a timely manner.
4. **Provide Quarterly Reports to the Program no later than 10 days after the end of September, December, March, and June; including Progress Reports, supporting documentation, MBE/WBE/DBE expenditures, and other matters required by Program. Quarterly reports received later than the 15th day of September, December, March, and June will be considered delinquent.**
5. Participate in an annual project evaluation and provide a report to the Program on significant accomplishments and other information as required or requested by the Program resulting from this project. An annual evaluation report will be submitted to the Program by October 1st of each year.
6. Maintain financial records acceptable to the ADA-NDR and the Program. Provide the Program with an annual audit of funds that are provided.
7. Request payment for services provided in accordance with the attached "Scope of Work." Requests will be made no more than quarterly and will be accompanied by a project progress report. **Reports are due to the Program within 10 days of the end of September, December, March, and June; including Progress Reports, supporting documentation, MBE/WBE/DBE expenditures and other matters required**

by the Program. Reports and invoices received after the 15th day of September, December, March, and June will be considered delinquent and will not be paid until the following quarter or may result in forfeiture of payment.

8. Provide funds to the project as scheduled in the "Summary of Funds" and in the project work-plan.

SECTION 4. ADA-NDR RESPONSIBILITIES

1. Administer the grant in accordance with US EPA Regulations.
2. Make semi-annual reports to Region 6 of the US EPA on progress of the project.
3. Include activities of the project in its annual or other reports on nonpoint source management to US EPA.
4. Provide payment in a timely and efficient manner for work performed in accordance with the attached payment schedule.
5. Provide personnel, supplies and resources for completion of the project as outlined in the attached project workplan and "Scope of Work".
6. Abide by conditions of the US EPA Assistance Agreement.
7. Make periodic inspections of the work to determine if it meets the requirements of the EPA grant.
8. The project will be assessed at the end of the first year by the NPS Program Staff. The NPS Staff will determine if the project is on schedule and all milestones, tasks, and outputs as outlined in the project workplan have been accomplished in a timely manner. Funding for the following year(s) of this project will be contingent upon satisfactory completion of tasks by the completion date(s) as outlined in the "Schedule of Tasks and Outputs."

SECTION 5. IT IS FURTHER AGREED

1. By signing and the execution of this agreement the receiving entity verifies their staff, employees, authorized representatives and its signatory are not suspended, under suspension, debarment or otherwise excluded or ineligible from participation in federal assistance programs or activities as established in 2 CFR § 180 subparts G – I.
2. Employees of all parties will cooperate fully with each other in such a manner as to maintain and enhance the image of all parties and any other agencies assisting the project.
3. Any advertisements or information released regarding the project must reference ADA-NDR, the Nonpoint Source Management Program, and EPA's contributions.
4. The ADA-NDR may terminate this agreement with a 30-day written notice at any time if it is determined by the ADA-NDR Executive Director that the work is not within the terms and conditions of this agreement including the project workplan and other grant requirements or the EPA determines that the work is not within the grant requirements.
5. Any and all equipment and supplies purchased by US EPA Assistance Agreement or ADA-NDR funds will be surrendered to the ADA-NDR if the terms of this agreement are not met.

6. The project duration will be 3 years, beginning October 01, 2022 and ending on or before September 30, 2025
7. Final Report and invoice are due no later than October 31, 2025.
8. The Sub-Grant Agreement will expire November 30, 2025.

Acceptance of this agreement is evidenced by signature below.

Beaver Watershed Alliance

By:  Date: 8/31/22
Becky Roark, Executive Director

ARKANSAS DEPARTMENT OF AGRICULTURE NATURAL RESOURCES DIVISION

By:  Date: 9/8/2022
Chris Colclasure, Executive Director

**Scope of Work
Project 22-500
FY22 CWA Section 319(h)**

Smart Growth for Source Water Protection in the Beaver Lake Watershed

Task 1: Financial Review

Objectives: Conduct an audit review and submit findings of the grant program

Subtask 1.1 Provide a financial review in year 3

Deliverables:

1. One project financial review.

Task 2: Site Selection

Objectives: Obtain participation of municipalities and or counties to install Low Impact Development demonstration projects in the Beaver Lake Watershed to improve water quality

Subtask 2.1 Compile a list of potential demonstration sites within the Beaver Lake watershed

Subtask 2.2 Develop criteria for demonstration LID sites

Subtask 2.3 Selection of potential demonstration sites in the Beaver Lake watershed based upon site criteria

Deliverables:

1. List of potential demonstration LID project sites in the Beaver Lake watershed
2. List of criteria for selection
3. List of selected sites for implementation
4. MOA with City for each site selected

Task 3: Implementation

Objectives: Design and implement at least 3 LID demonstrations in key public locations throughout the Beaver Reservoir to improve water quality.

Subtask 3.1 Design 3 LID projects in the Beaver Lake watershed

Subtask 3.2 Install and oversee all aspects of 3 LID projects in the Beaver Lake watershed

Subtask 3.3 Develop completion documentation for LID implementation

Deliverables:

1. ANRD approved LID designs for three project sites
2. Documentation of installation timelines and costs
3. Photographs of before, during and after installation and promotion of project milestones
4. Documentation outlining Outreach Coordinator/LID Specialist tasks completed, and LID project designed and installed
5. Submit report on the peak flow reductions and/or water volume retained on site by LID features
6. Educational signage designs and photographs of installation

Task 4: Technology Transfer

Objective: Host 3 tours of LID project sites, six public forums for stakeholders and one regional LID conference.

Subtask 4.1 Develop materials for LID tours, and Smart Growth for Source Water Protection programming

Subtask 4.2 Conduct 3 tours of LID project sites, evidenced by sign in sheets

Subtask 4.3 Conduct six public forums, evidenced by sign in sheets

Subtask 4.4 Conduct one regional LID conference, evidenced by sign in sheets

Deliverables:

1. Sign in sheets from tours, forums, workshops, and LID conference
2. Copies of educational materials, flyers, and fact sheets
3. Copies of workshop agendas, flyers, ads, marketing, and promotional materials
4. Copies of presentations and surveys
5. Copies of forum results, compiled into report format
6. Links to website online resources
7. Photo documentation of tours and LID conference

Task 5: Reporting

Objective: Provide ANRD information regarding the progress of this project on a quarterly and annual basis and provide a Final Report detailing the project.

Subtask 5.1 Quarterly Reports that include implementation milestones and installation documentation

Subtask 5.2 Annual Report

Subtask 5.3 Final Report

Deliverables:

1. Quarterly Reports with documentation
2. Annual Reports submitted by October 15 each year of the project
3. Final Report at the conclusion of the project activities

Overall Schedule of Tasks and Outputs:

(Note: You may use the month after project initiation for start and completion dates)

Task	Subtask Number	Description	Start Date	Completion Date
1	1.1	Financial Review	Nov 1, 2022	Sept 30, 2025
2	2.1	Compile a list of potential demonstration sites	Nov 1, 2022	Dec 31, 2022
	2.2	Develop criteria for demonstration LID sites	Nov 1, 2022	Dec 31, 2022
	2.3	Select potential demonstration sites based upon criteria	Nov 1, 2022	Dec 31, 2022
3	3.1	Design 3 LID projects in the Beaver Lake watershed	Jan 1, 2023	Dec 31, 2023
	3.2	Install and oversee all aspects of 3 LID projects in the Beaver Lake watershed	July 1, 2023	Sept 30, 2025
	3.3	Develop completion documentation for LID implementation	July 1, 2023	Sept 30, 2025
4	4.1	Develop materials for LID tours, and Smart Growth for Source Water Protection programming.	Nov 1, 2022	Sept 30, 2023
	4.2	Conduct 3 tours of LID project sites, evidenced by sign in sheets	Jan 1, 2023	June 30, 2025
	4.3	Conduct six public forums, evidenced by sign in sheets	Jan 1, 2023	June 30, 2025
	4.4	Conduct one regional LID conference, evidenced by sign in sheets	Jan 1, 2023	June 30, 2025
5	5.1	Quarterly Reports (12)	Jan 1, 2023	Sept 30, 2025
	5.2	Annual Reports (3)	Oct 1, 2023	Sept 30, 2025
	5.3	Final Report (1)	July 1, 2025	Sept 30, 2025

Coordination, Roles and Responsibilities:

The Beaver Watershed Alliance (Alliance) will be responsible for coordinating all activities associated with this project. The Alliance ensures that project milestones will be met according to the workplan schedule.

The Beaver Watershed Alliance is an IRS-recognized 501(c) 3 nonprofit watershed partnership formed in 2011 to provide leadership for watershed protection, to implement best management practices for water conservation, nutrient and sediment reduction, and educational programming. The Board of Directors is a diverse group of stakeholders that includes twenty representatives from agriculture, business, conservation, construction/developer interests, technical (research & education), government, recreation, and water suppliers.

Public Participation:

- Three public tours will be conducted at LID demonstration sites
- Six public forums will be conducted throughout the project timeline
- One regional LID conference will be conducted within the project timeframe
- Outreach materials will be distributed at public facilities as well as promoted via mass media

Measures of Success and Performance:

Reduced runoff volumes at the site scale measured by engineering plan design specifications at three LID project sites. Three tours at LID project sites with 60 attendees. Developers and municipal/county engagement in Smart Growth for Source Water Protection as well as voluntary implementation of practices. Public engagement in six forums with feedback from 120 diverse stakeholder participants. Regional LID conference co-lead by regional watershed groups and partners, with 100 stakeholders in attendance. Utilization of regional applicable resources provided by the Alliance as part of the Smart Growth for Source Water Protection programming. Increased interactions and requests for Smart Growth and Source Water Protection resources and projects, project waiting lists for funding and technical assistance provided to non-project sites and organizations will also indicate success of this project.

Reference to Project in the NPS Management Program:

The proposed project would help to meet key elements that include: Section Seven, Urban Runoff, p 70 – 71, NPS Management Program 2018-2023. Section twelve, Beaver Reservoir, p 120 objectives 12.8, 12.9 and p 121 objective 12.18, NPS Management Program 2018-2023. Project to be conducted in the Beaver Lake Watershed HUC 11010001. This project will use the guidance provided in the Beaver Lake Watershed Protection Strategy (Tetra Tech 2012), the first 9 element Watershed Management Plan accepted by the US EPA in Arkansas.

Project Lead:

Becky Roark, Executive Director
Beaver Watershed Alliance
162 Doolin Dr. | P.O. Box 762
Elkins, AR 72727
479-750-8007
becky@beaverwatershedalliance.org
fice: (479) 750-8007

Of

Schedule of Payments
Project 22-500 FY 2022 CWA Section 319(h)
Smart Growth for Source Water Protection in the Beaver Lake Watershed

Beaver Watershed Alliance
162 Doolin Dr. | PO Box 762
Elkins, AR 72727
479-750-8007

Subtask	Description	Number of Units	Unit Cost	Total Cost
2	Compile list, develop criteria and select demonstration sites	1	\$5,000	\$5,000
3.1b	Instillation and materials for LID projects	3	\$118,998	\$356,994
4.1	Develop materials for LID tours, and Smart Growth for Source Water Protection programming.	3	\$12,554	\$37,662
4.2	Conduct 3 tours of LID project sites	3	\$1,500	\$4,500
4.3	Conduct six public forums	6	\$3,000	\$18,000
4.4	Conduct one regional LID conference	1	\$50,964	\$50,964
5.1	Quarterly Reports	12	\$750	\$9,000
5.2a	Annual Report	2	\$500	\$1,000
5.3b	Final Report	1	\$40,000	\$40,000
TOTAL				\$523,120

Schedule of Match
Project 22-500 FY 2022 CWA Section 319(h)
Smart Growth for Source Water Protection in the Beaver Lake Watershed

Beaver Watershed Alliance
162 Doolin Dr. | PO Box 762
Elkins, AR 72727
479-750-8007

Subtask	Description	Number of Units	Unit Value	Total Match Value
1.1	Financial Review	1	\$3,000	\$3,000
2.1	Compile a list of potential demonstration sites	1	\$4,200	\$4,200
2.2	Develop criteria for demonstration LID sites	1	\$4,600	\$4,600
2.3	Selection of potential demonstration sites	1	\$4,400	\$4,400
3.1b	Design LID projects	3	\$10,000	\$30,000
3.2b	Install and oversee all aspects of LID projects	3	\$90,000	\$270,000
3.3	Develop completion documentation for LID implementation	1	\$9,205	\$9,205
4.1	Develop materials for LID tours	1	\$30,524	\$30,524
4.2	Conduct 3 tours of LID project sites	3	\$15,000	\$45,000
4.3	Conduct six public forums	6	\$5,000	\$30,000
5.2b	Annual Report	2	\$2,500	\$5,000
5.3a	Draft Final Report	1	\$25,000	\$25,000
TOTAL				\$460,936

Quarterly Fund Request
Project 22-500 FY 2022 CWA Section 319(h)
Smart Growth for Source Water Protection in the Beaver Lake Watershed

Beaver Watershed Alliance
162 Doolin Dr. | PO Box 762
Elkins, AR 72727
479-750-8007

Quarter: _____
(From) Date (To) Date

Date Submitted to ANRC: _____

				Cost this Quarter		Total Costs to Date	
Item	Description	Budgeted Units	Unit Cost	Units this Quarter	Quarter Cost = (Unit Cost x Units this Quarter)	Total Units to Date	Total Cost = (Unit Cost x Total Units to Date)
2	Compile list, develop criteria and select demonstration sites	1	\$5,000				
3.1b	Instillation and materials for LID projects	3	\$118,998				
4.1	Develop materials for LID tours, and Smart Growth for Source Water Protection programming.	3	\$12,554				
4.2	Conduct 3 tours of LID project sites	3	\$1,500				
4.3	Conduct six public forums	6	\$3,000				
4.4	Conduct one regional LID conference	1	\$50,964				
5.1	Quarterly Reports	12	\$750				
5.2a	Annual Report	2	\$500				
5.3b	Final Report	1	\$40,000				
Amount Billed this Quarter					\$		
Total Cost to date						\$	
Less Previous Payments						\$	
Total Amount Due this Quarter						\$	
Budget: \$523,120		Total Cost: \$0		Remaining Balance: \$523,120			

Prepared/submitted by: _____ Date: _____

Quarterly Match Report
Project 22-500 FY 2022 CWA Section 319(h)
Smart Growth for Source Water Protection in the Beaver Lake Watershed

Beaver Watershed Alliance
162 Doolin Dr. | PO Box 762
Elkins, AR 72727
479-750-8007

Quarter: _____
(From) Date (To) Date

Date Submitted to ANRC: _____

				Cost this Quarter		Total Costs to Date	
Item	Description	Budgeted Units	Unit Cost	Units this Quarter	Quarter Cost = (Unit Cost x Units this Quarter)	Total Units to Date	Total Cost = (Unit Cost x Total Units to Date)
1.1	Financial Review	1	\$3,000	1.1			
2.1	Compile a list of potential demonstration sites	1	\$4,200	2.1			
2.2	Develop criteria for demonstration LID sites	1	\$4,600	2.2			
2.3	Selection of potential demonstration sites	1	\$4,400	2.3			
3.1b	Design LID projects	3	\$10,000	3.1b			
3.2b	Install and oversee all aspects of LID projects	3	\$90,000	3.2b			
3.3	Develop completion documentation for LID implementation	1	\$9,205	3.3			
4.1	Develop materials for LID tours	1	\$30,524	4.1			
4.2	Conduct 3 tours of LID project sites	3	\$15,000	4.2			
4.3	Conduct six public forums	6	\$5,000	4.3			
5.2b	Annual Report	2	\$2,500	5.2b			
5.3a	Draft Final Report	1	\$25,000	5.3a			
Amount of Match Generated this Quarter					\$		
Total Match to date						\$	
Less Previously Reported Match						\$	
Total Match Generated this Quarter						\$	
Total Match Committed \$		Total Match Generated: \$			Remaining Match Balance: \$		

Prepared/submitted by: _____ Date: _____



MEETING OF JULY 1, 2025

TO: Mayor Rawn and City Council
THRU: Brad Fulmer, Interim IT Director
FROM: Doug Bankston, Director Of Media Services
SUBJECT: **Recognizing Revenue from the Community Access Television FPTV Fund**

RECOMMENDATION:

Staff recommends recognizing the revenue to apply towards future FPTV public access promotion and the approval of a budget adjustment.

BACKGROUND:

Fees collected by the FPTV public access operation are deposited in the Community Access Television FPTV Trust for future use in promoting the FPTV public access services and channel. Fees are generated from contract productions and yearly dues for non-residents of Fayetteville.

DISCUSSION:

Approximately every couple of years, the City of Fayetteville receives funds from the Community Access Television FPTV Trust to use for promotion of the FPTV public access channel and services over an extended period of time.

BUDGET/STAFF IMPACT:

Increases the public access television fees project by \$9,000. No staff impact.

ATTACHMENTS: 3. Staff Review Form, 4. Budget Adjustment



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-919

**A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$9,000.00
RECOGNIZING REVENUE RECEIVED FROM COMMUNITY ACCESS TELEVISION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE,
ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution, in the amount of \$9,000.00 recognizing revenue received from Community Access Television.

City of Fayetteville Staff Review Form

2025-919

Item ID

7/1/2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Doug Bankston

6/10/2025

MEDIA SERVICES (060)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Recognize revenue from the Community Access Television FTV Trust to use for future public access promotion and approval of a Budget Adjustment.

Budget Impact:

1010.060.0600-4449.00

General

Account Number

Fund

51022.1101

Public Access Television Fees

Project Number

Project Title

Budgeted Item? Yes

Total Amended Budget

\$ 2,015.00

Expenses (Actual+Encum)

Available Budget

\$ 2,015.00

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? Yes

Budget Adjustment

\$ 9,000.00

Remaining Budget

\$ 11,015.00

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

Budget Year	Division	Adjustment Number
2025	MEDIA SERVICES (060)	
	Requestor: Doug Bankston	

Receive revenue from the Community Access Television FPTV Trust.

	COUNCIL DATE:	7/1/2025
	ITEM ID#:	2025-919
		<i>April Melton</i>
		<i>6/11/2025 2:20 PM</i>
	Budget Division	Date
	TYPE:	D - (City Council)
	JOURNAL #:	
	GLDATE:	
	CHKD/POSTED:	/
RESOLUTION/ORDINANCE		

[illegible]



MEETING OF JULY 1, 2025

TO: Mayor Rawn and City Council

THRU: Chris Brown, Public Works Director

FROM: Terry Gulley, Asst Public Works Director - Ops

SUBJECT: **Approval of paving for College Avenue from Dickson Street to North Street and to increase the Street Marking budget for the year due to increase cost, based on the approved bulk bid prices for 2025 and the approval of a budget adjustment for the use of street fund balance.**

RECOMMENDATION:

Staff recommends approval of paving for College Avenue from Dickson Street to North Street and to increase the Street Marking budget for the year due to increase cost, based on the approved bulk bid prices for 2025 and the approval of a budget adjustment from the use of street fund balance.

BACKGROUND:

In 2019, the city assumed control of Highway 71. Since then, the asphalt has degraded to the point where spot repairs aren't enough to provide a safe and comfortable driving surface. After spending more and more time repairing this section of road, the Transportation Division has concluded that repaving will produce a far better road in the upcoming years. This roadway improvement would also align with the College Ave improvements currently underway from North St to Sycamore, resulting in a highly attractive and functional entry to the entertainment district.

The cost of street marking materials has drastically increased over the years. Although small increases to the budget have been requested and approved, it has not kept up with the cost. To maintain the quality of street marking and striping the citizens expect, an increase is needed.

DISCUSSION:

As part of the suggested upgrades, the Transportation Division will supply a milled surface that is ready for a fresh layer of asphalt to be laid by Tomlinson Asphalt. After that, fresh thermoplastic striping and street markings will be put in place to improve this road segment's safety. For many years yet to come, these upgrades will give our major street a safer and more attractive segment. In many places, the switch from paint to thermoplastic reflective material is part of the rising expense of roadway marking supplies. This improves drivers' visibility and safety.

BUDGET/STAFF IMPACT:

This necessary project was not previously planned. A budget adjustment is attached to use funds from the Street Fund Balance.

ATTACHMENTS: 3. Staff Review Form, 4. Budget Adjustment, 5. College Asphalt & Striping Cost Estimate, 6.

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

Bid 25-01, Bid Tab - Pavement Marking Installation, 7. Bid 25-04, Bid Tab - Asphalt Paving

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-924

A RESOLUTION TO APPROVE THE REPAVING OF COLLEGE AVENUE FROM DICKSON STREET TO NORTH STREET, TO INCREASE THE STREET MARKING BUDGET BY THE AMOUNT OF \$951,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, in 2019, the City assumed control of Highway 71 and, since that time, the asphalt has degraded to the point that spot repairs are not enough to provide a safe and comfortable driving surface; and

WHEREAS, the Transportation Division has concluded that repaving will produce a better road in the upcoming years and the roadway improvement will also align with the College Avenue improvements currently underway from North Street to Sycamore, resulting in a highly attractive and functional entry to the entertainment district; and

WHEREAS, the cost of street marking materials has drastically increased over the years and, to maintain the quality of street marking and striping, an increase in the street marking budget is needed.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the repaving of College Avenue from Dickson Street to North Street, and further approves an increase in the street marking budget by the amount of \$951,000.00.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

City of Fayetteville Staff Review Form

2025-924

Item ID

7/1/2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Terry Gulley

6/11/2025

TRANSPORTATION SERVICES (410)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of paving for College Avenue from Dickson Street to North Street and to increase the Street Marking budget for the year due to increase cost, based on the approved bulk bid prices for 2025 and the approval of a budget adjustment for the use of street fund balance.

Budget Impact:

2100.410.5500-5417.00

Transportation

Account Number

Fund

02052.1

Pavement Improvements

Project Number

Project Title

Budgeted Item? No

Total Amended Budget
Expenses (Actual+Encum)

Available Budget

\$ -

Does item have a direct cost? Yes

Item Cost

\$ -

Is a Budget Adjustment attached? Yes

Budget Adjustment

\$ 951,000.00

Remaining Budget

\$ 951,000.00

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

Budget Year	Division	Adjustment Number
2025	TRANSPORTATION SERVICES (410)	
	Requestor: Sara Combs	

Staff recommends approval of paving for College Avenue from Dickson Street to North Street and to increase the Street Marking budget for the year due to increase cost, based on the approved bulk bid prices for 2025 and the approval of a budget adjustment for the use of street fund balance.

	COUNCIL DATE:	7/1/2025
	ITEM ID#:	2025-924
	April Melton	
	6/11/2025 5:10 PM	
	Budget Division	Date
	D - (City Council)	
	TYPE:	
	JOURNAL #:	
	GLDATE:	
	CHKD/POSTED:	/
RESOLUTION/ORDINANCE		

[illegible]



City of Fayetteville
COLLEGE AVE. OVERLAY NORTH ST. TO DICKSON ST

Engineer's Cost Estimate

April 24, 2025

BID SCHEDULE									
ITEM	SPEC.	DESCRIPTION	QTY.	UNIT	BULK BID COST			EXTENDED COST	
1	403	Asphalt Paving Overlay - Superpave 9.5mm Surface with Tack	3766	TON	x	\$	168.00	=	\$ 632,694.72
2	507	4" THERMOPLASTIC MARKING WHITE	123	LF	x	\$	3.00	=	\$ 370.28
2	507	6" THERMOPLASTIC MARKING WHITE	2375	LF	x	\$	3.50	=	\$ 8,312.50
3	507	6" THERMOPLASTIC MARKING YELLOW	8150	LF	x	\$	3.50	=	\$ 28,525.00
4	507	8" THERMOPLASTIC MARKING YELLOW	100	LF	x	\$	4.00	=	\$ 400.00
5	507	12" THERMOPLASTIC MARKING WHITE	250	LF	x	\$	8.00	=	\$ 2,000.00
6	507	24" THERMOPLASTIC MARKING WHITE	834	LF	x	\$	16.00	=	\$ 13,344.00
7	507	MMA (HAWK CROSSING)	366	SF	x	\$	10.00	=	\$ 3,660.00
8	507	ARROWS	12	EA	x	\$	350.00	=	\$ 4,200.00
SUBTOTAL									\$ 728,181.82
TOTAL ESTIMATE + 10% CONTINGENCY									\$ 801,000.00



CITY OF
FAYETTEVILLE
ARKANSAS

BID TABULATION

Bid 25-01, Construction - Pavement Marking Installation

DEADLINE: Tuesday, October 22, 2024 at 2:00 PM

				Awarded by Line Item			
				Time Striping, Inc		Arkansas Sign & Barricade	
				\$451,475.00		\$883,830.00	
Line #	Description	QTY	UOM	Unit	Extended	Unit	Extended
1	Reflectorized Paint Curb – RED, WHITE, YELLOW, or GREEN –(6" vertical face x 6" horizontal top)	1000	LF	\$3.00	\$3,000.00	\$4.50	\$4,500.00
2	Reflectorized Paint Marking – WHITE – 4"	60000	LF	\$0.45	\$27,000.00	\$0.48	\$28,800.00
3	Reflectorized Paint Marking – YELLOW – 4"	200000	LF	\$0.45	\$90,000.00	\$0.48	\$96,000.00
4	Reflectorized Paint Marking – WHITE – 6"	4500	LF	\$0.55	\$2,475.00	\$0.50	\$2,250.00
5	Reflectorized Paint Marking – YELLOW – 6"	10000	LF	\$0.55	\$5,500.00	\$0.50	\$5,000.00
6	Reflectorized Paint Marking – WHITE – 8"	500	LF	\$0.65	\$325.00	\$0.53	\$265.00
7	Reflectorized Paint Marking – YELLOW – 8"	500	LF	\$0.65	\$325.00	\$0.53	\$265.00
8	Reflectorized Paint Marking – WHITE – 12"	2000	LF	\$5.00	\$10,000.00	\$3.75	\$7,500.00
9	Reflectorized Paint Marking Arrows – WHITE	150	EA	\$100.00	\$15,000.00	\$100.00	\$15,000.00
10	Reflectorized Paint Marking – (Words Only: Lane, etc.)	26	EA	\$125.00	\$3,250.00	\$125.00	\$3,250.00
11	Reflectorized Paint Marking - (Symbols only: Bike, ADA, etc.)	20	EA	\$125.00	\$2,500.00	\$125.00	\$2,500.00
12	Reflectorized Paint Marking - YELLOW/WHITE (4" walk-behind trail striping)	30000	LF	\$0.55	\$16,500.00	\$0.60	\$18,000.00
13	Reflectorized Paint Marking - YELLOW/WHITE (4" walk-behind parking lot striping)	10000	LF	\$0.75	\$7,500.00	\$0.60	\$6,000.00
14	Methyl Methacrylate (MMA) - Standard Color	1000	SF	\$10.00	\$10,000.00	\$50.00	\$50,000.00
15	Thermoplastic Marking Installation (City will provide material)	25	EA	\$50.00	\$1,250.00	\$60.00	\$1,500.00
16	Thermoplastic Marking - WHITE - 4"	1000	LF	\$3.00	\$3,000.00	\$2.00	\$2,000.00
17	Thermoplastic Marking - YELLOW - 4"	2500	LF	\$3.00	\$7,500.00	\$2.00	\$5,000.00
18	Thermoplastic Marking - WHITE - 6"	1000	LF	\$3.50	\$3,500.00	\$3.00	\$3,000.00
19	Thermoplastic Marking - YELLOW - 6"	2500	LF	\$3.50	\$8,750.00	\$3.00	\$7,500.00
20	Thermoplastic Marking - WHITE - 8"	200	LF	\$4.00	\$800.00	\$3.75	\$750.00
21	Thermoplastic Marking - YELLOW - 8"	200	LF	\$4.00	\$800.00	\$3.75	\$750.00
22	Thermoplastic Marking - WHITE - 12"	500	LF	\$8.00	\$4,000.00	\$6.00	\$3,000.00
23	Thermoplastic Marking - WHITE - 24"	250	LF	\$16.00	\$4,000.00	\$12.00	\$3,000.00
24	Thermoplastic Marking - GREEN - 24"	250	LF	\$32.00	\$8,000.00	\$30.00	\$7,500.00
25	Thermoplastic Marking - WORDS (Only, Lane, Stop, etc.)	10	EA	\$400.00	\$4,000.00	\$400.00	\$4,000.00
26	Thermoplastic Marking - ARROWS	10	EA	\$350.00	\$3,500.00	\$375.00	\$3,750.00
27	Thermoplastic Marking - SYMBOLS (Bike, ADA, Shared Lane, etc.)	10	EA	\$400.00	\$4,000.00	\$400.00	\$4,000.00
28	Pavement Marking Removal - Media Blasting	2500	SF	\$6.00	\$15,000.00	\$5.00	\$12,500.00
29	Pavement Marking Removal - Grinding	2500	SF	\$3.00	\$7,500.00	\$4.50	\$11,250.00
30	Methyl Methacrylate – YELLOW (4" walk-behind trail center line w/ glass beads)	10000	LF	\$3.25	\$32,500.00	\$25.00	\$250,000.00
31	Methyl Methacrylate – WHITE (w/ glass beads)	10000	SF	\$10.00	\$100,000.00	\$25.00	\$250,000.00
32	Installation of Bolt Down Fastener for Modular Street Materials	1000	EA	\$50.00	\$50,000.00	\$75.00	\$75,000.00

* NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City Officials.

 10/30/24
Kenny Fitch, Purchasing Agent

 10/30/24
Amanda Beilfuss, Sr Purchasing Agent



CITY OF
FAYETTEVILLE
ARKANSAS

BID TABULATION

Bid 25-04, Construction - Asphalt Paving

DEADLINE: Tuesday, October 22, 2024 at 2:00 PM

				Primary		Secondary			
				Tomlinson Asphalt		Emery Sapp & Sons		APAC-Central	
				Total	\$840,000.00	\$921,250.00		\$1,205,000.00	
Line #	Description	QTY	UOM	Unit	Extended	Unit	Extended	Unit	Extended
1	Asphalt Paving Overlay - Superpave 9.5mm Surface with Tack	5000	Ton	\$168.00	\$840,000.00	\$184.25	\$921,250.00	\$241.00	\$1,205,000.00

* NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City Officials.

 10/30/24
Kenny Fitch, Purchasing Agent

 10/30/24
Amanda Beilfuss, Sr Purchasing Agent



MEETING OF JULY 1, 2025

TO: Mayor Rawn and City Council
THRU: Chris Brown, Public Works Director
FROM: Terry Gulley, Asst Public Works Director - Ops
SUBJECT: **Awarding Bid 25-39 for the purchase of bulk crushed and approve a budgeted adjustment**

RECOMMENDATION:

A resolution awarding Bid 25-39 to and authorizing the purchase of bulk crushed rock salt from the primary supplier, Hutchinson Salt Company, for a unit price of \$40.50 per ton if picked up or \$86.29 per ton if delivered, and to authorize the use of other bidders based on price and availability as needed, and to approve a budget adjustment.

BACKGROUND:

Rock salt is utilized in both the preparation and treatment of City roadways during periods of severe weather. To ensure an adequate supply, the Transportation Department strategically purchases rock salt during the most cost-effective times of the year to build and maintain a stockpile. However, an unusually high frequency of storms earlier this year significantly depleted both the allocated budget and existing inventory.

DISCUSSION:

Sealed bids in accordance with State statutes, City ordinances, and purchasing procedures were publicly read and the results are attached to this memo.

BUDGET/STAFF IMPACT:

A budget adjustment is being submitted to utilize fund balance. Bulk crushed rock salt will be purchased on an "as needed" basis.

ATTACHMENTS: 3. Staff Review Form, 4. Budget Adjustment, 5. 25-39 Crushed Rock Salt



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-925

A RESOLUTION TO AWARD BID # 25-39 AND AUTHORIZE THE PURCHASE OF BULK CRUSHED ROCK SALT FROM HUTCHINSON SALT COMPANY FOR \$40.50 PER TON FOR MATERIALS PICKED UP AND \$86.29 PER TON FOR MATERIALS DELIVERED AS NEEDED, TO AUTHORIZE THE USE OF OTHER BIDDERS BASED ON PRICE AND AVAILABILITY AS NEEDED, AND TO APPROVE A BUDGET ADJUSTMENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards Bid # 25-39 and authorizes the purchase of bulk crushed rock salt from Hutchinson Salt Company for \$40.50 per ton for materials picked up and \$86.29 per ton for materials delivered as needed, and further approves the use of other bidders based on price and availability as needed.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

City of Fayetteville Staff Review Form

2025-925

Item ID

7/1/2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Terry Gulley

6/11/2025

TRANSPORTATION SERVICES (410)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution awarding Bid 25-39 to and authorizing the purchase of bulk crushed rock salt from the primary supplier, Hutchinson Salt Company, for a unit price of \$40.50 per ton if picked up or \$86.29 per ton if delivered, and to authorize the use of other bidders based on price and availability as needed, and to approve a budget adjustment.

Budget Impact:

2100.410.4120-5204.00

Transportation

Account Number

Fund

N/A

N/A

Project Number

Project Title

Budgeted Item? Yes

Total Amended Budget

\$ 70,000.00

Expenses (Actual+Encum)

\$ 60,808.45

Available Budget

\$ 9,191.55

Does item have a direct cost? Yes

Item Cost

\$ -

Is a Budget Adjustment attached? Yes

Budget Adjustment

\$ 175,000.00

Remaining Budget

\$ 184,191.55

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments: The "item cost" box has been left blank because these items will vary depending upon fluctuating needs based on citizen requests received, weather events, and other variable factors.

Budget Year	Division	Adjustment Number
2025	TRANSPORTATION SERVICES (410)	
	Requestor: Sara Combs	

Utilizing fund balance to purchase bulk rock salt as needed for winter storms.

COUNCIL DATE:	7/1/2025
ITEM ID#:	2025-925
April Melton	
6/11/2025 2:51 PM	
Budget Division	Date
D - (City Council)	
TYPE:	
JOURNAL #:	
GLDATE:	7/1/2025
CHKD/POSTED:	/
RESOLUTION/ORDINANCE	

[illegible]



BID TABULATION
Bid 25-39, Bulk Crushed Rock Salt
 DEADLINE: Tuesday, June 10, 2025 at 2:00 PM

Line #	Description	Total		Hutchinson Salt Company		Central Salt		Oakley Fertilizer	
		QTY	UOM	Unit	Extended	Unit	Extended	Unit	Extended
1	FOR DELIVERY - Medium crushed clean rock salt for snow and ice removal:Maximum size 3/8 inch with no more than 5% greater than 3/8 inch in the mix, meeting AHTD specifications.	700	TON	\$86.29	\$60,403.00	\$88.47	\$61,929.00	\$115.00	\$80,500.00
2	FOR PICKUP - Medium crushed clean rock salt for snow and ice removal:Maximum size 3/8 inch with no more than 5% greater than 3/8 inch in the mix, meeting AHTD specifications.	100	TON	\$40.50	\$4,050.00	\$53.00	\$5,300.00	\$95.00	\$9,500.00

* NOTICE: Bid award is contingent upon supplier meeting minimum specifications and formal authorization by City Officials.

Travel Young 6/10/25

 Travel Young, Procurement Agent

Kenny Fitch 6/10/25

 Kenny Fitch, Sr Procurement Agent



CITY OF
FAYETTEVILLE
ARKANSAS

Bid 25-39

Hutchinson Salt Company

Bingham

Supplier Response

Event Information

Number: Bid 25-39
Title: Bulk Crushed Rock Salt
Type: Invitation to Bid
Issue Date: 5/18/2025
Deadline: 6/10/2025 02:00 PM (CT)
Notes: The City of Fayetteville is accepting sealed bids from properly licensed professionals to bid on the purchase of bulk crushed rock salt for snow and ice removal. Any questions concerning the bidding process should be addressed to Trevel Young, City of Fayetteville Procurement Agent, at tyoung@fayetteville-ar.gov or by calling (479)575-8289.

Contact Information

Contact: Trevel Young Procurement Agent
Address: Purchasing
Room 306
City Hall
113 West Mountain Street - Room 306
Fayetteville, AR 72701
Email: tyoung@fayetteville-ar.gov

Hutchinson Salt Company Information

Contact: Jenn Bratkowski
Address: 3120 Sabre Drive
Suite 120
Southlake, TX 76092
Phone: (817) 415-2016 x4
Email: jenn.bratkowski@hutchsalt.com

By submitting your response, you certify that you are authorized to represent and bind your company.

Jennifer Bratkowski
Signature

jenn.bratkowski@hutchsalt.com
Email

Submitted at 6/4/2025 02:33:38 PM (CT)

Requested Attachments

Bid 25-39, Bulk Crushed Rock Salt

Hutchinson Salt - Bid Docs.pdf

Please submit the bid form under the "Attachments" tab, signed and completed.

Bid Attributes

1 Physical Address of the Salt Pickup Location

Please provide the physical address of where the bulk salt will be located for City pickup.

3300 Carey Blvd, Hutchinson, KS 67501

2 Salt Producer:

Please provide the name of the bulk salt producer.

Hutchinson Salt Co., LLC

3 Addendum Acknowledgement

By selecting "I agree", you acknowledge that you have read and understand any addendums that have been issued for this bid.

☒ I agree

4 Check Yes or No

Pursuant Arkansas Code Annotated §25-1-503, the bidder agrees and certifies that they do not currently boycott Israel and will not boycott Israel during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-503. If at any time during contract the bidder decides to boycott Israel, the bidder must notify the contracted public entity in writing.

☒ Yes

☐ No

5 Check Yes or No

Pursuant Arkansas Code Annotated §25-1-1002, the Contractor agrees and certifies that they do not currently boycott Energy, Fossil Fuel, Firearms, and Ammunition Industries during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-1002. If at any time during the contract the contractor decides to boycott Energy, Fossil Fuel, Firearms, and/or Ammunition Industries, the contractor must notify the contracted public entity in writing.

☒ Yes

☐ No

Bid Lines**1 FOR DELIVERY - Medium crushed clean rock salt for snow and ice removal:**

Maximum size 3/8 inch with no more than 5% greater than 3/8 inch in the mix, meeting AHTD specifications.

Quantity: 700 UOM: Tons Price: \$86.29 Total: \$60,403.00

Item Notes: Delivered to the City of Fayetteville, 1525 S. Happy Hollow Rd., Fayetteville, AR 72701 - Through July 31, 2026.

2 FOR PICKUP - Medium crushed clean rock salt for snow and ice removal:

Maximum size 3/8 inch with no more than 5% greater than 3/8 inch in the mix, meeting AHTD specifications.

Quantity: 100 UOM: Tons Price: \$40.50 Total: \$4,050.00

Item Notes: Picked up by the City of Fayetteville - Through July 31, 2026.

Response Total: \$64,453.00

City of Fayetteville
Bid 25-39, Bulk Crushed Rock Salt
Required Bid Form – Bid Signature & Online Submittal Requirements

EXECUTION OF BID:

All bidders shall submit this section, executed and completed in full by an authorized agent of the bidder. Bidders shall also complete submission through the City's [online bidding portal \(www.fayetteville-ar.gov/bids\)](http://www.fayetteville-ar.gov/bids) and complete and submit all required information, which may include:

- Bid Attributes
- Bid Line Items – Bidders shall bid on all line items and not submit partial bids
- Response Attachments
 - Required Bid Form (this form, completed in its entirety)

Actual specification of any deficient item shall be noted on the bid sheet or separate attachment. If specifications of item bid differ from provided literature, deviation shall be documented and certified by the manufacturer as a regular production option.

PRICE: Bidders shall submit pricing on the City's online bidding portal (www.fayetteville-ar.gov/bids) in the format presented online.

Refer to the City's electronic bidding platform to submit bid pricing electronically.

Contact the City Purchasing Division to obtain documents necessary to submit a physical sealed bid; however, all bidders are strongly encouraged to submit on the City's online bidding portal.

Upon signing this Bid, the bidder certifies that:

1. Bidder has read and agrees to the requirements set forth in this proposal, including specifications, terms, standard conditions, and any pertinent information regarding the articles being bid on.
2. Unless otherwise noted and explained, the unit bid and listed meets or exceeds all these requirements as specified by The City of Fayetteville.
3. Pursuant Arkansas Code Annotated §25-1-503, the Contractor agrees and certifies that they do not currently boycott Israel and will not boycott Israel during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-503. If at any time during contract the contractor decides to boycott Israel, the contractor must notify the contracted public entity in writing.

4. The Bidder can and will comply with all specifications and requirements for delivery, documentation and support as specified herein.
5. I, as an officer of this organization, or per the attached letter of authorization, am duly authorized to certify the information provided herein is accurate and true.
6. Bidder shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment in addition to all federal, state, and local laws.
7. Bidder shall disclose any possible conflict of interest with the City of Fayetteville, including, but not limited to, any relationship with any City of Fayetteville employee. Response shall disclose if a known relationship exists between any principal or employee of your firm and any City of Fayetteville employee or elected City of Fayetteville official. If no relationship exists, this should also be stated in your response. Failure to disclose such a relationship may result in cancellation of a purchase and/or contract as a result of your response.

 1.) NO KNOWN RELATIONSHIP EXISTS

2.) RELATIONSHIP EXISTS (Please explain): _____

8. Bidder will perform the Work in compliance with all applicable trench safety standards set forth in Occupational Safety and Health Administration (OSHA) Part 1926 – Subpart P – Excavations.
9. As A bidder on this project, you are required to provide debarment/suspension certification indicating that you are in compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.
 - a. Federal Executive Order (E.O.) 12549 “Debarment and Suspension” requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.
 - b. Your signature below certifies that neither you nor your principal is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

Unsigned bids will be rejected. Items marked * are mandatory for consideration.

*NAME OF FIRM: Hutchinson Salt Co., LLC

Purchase Order/Payments shall be issued to this name

*D/B/A or Corporation Name _____

*BUSINESS ADDRESS: 3120 Sabre Drive Suite 120

*CITY: Southlake

*STATE: Texas

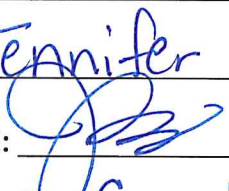
*ZIP: 76092

*PHONE: 817-415-2016

FAX: _____

*E-MAIL: bids@HutchSalt.com

*BY: (PRINTED NAME) Jennifer Bratkowski

*AUTHORIZED SIGNATURE: 

*TITLE: Logistics Coordinator

UNIQUE ENTITY NUMBER: _____

CAGE NUMBER: _____

*TAX ID NUMBER: 48-1085719

Acknowledge Addendums:

Addendum No. _____ Dated: _____ Acknowledged by: _____

Addendum No. _____ Dated: _____ Acknowledged by: _____

Addendum No. _____ Dated: _____ Acknowledged by: _____

Addendum No. _____ Dated: _____ Acknowledged by: _____



MEETING OF JULY 1, 2025

TO: Mayor Rawn and City Council
THRU: Keith Macedo, Chief of Staff
FROM: Tim Nyander, Utilities Director
SUBJECT: **Oxidation Technologies, LLC - Ozone Destruct System for Noland WRRF and to Request a Bid Waiver**

RECOMMENDATION:

Staff recommends approving a bid waiver for the purchase of two 350 CFM Ozone Destruction Units from Oxidation Technologies, LLC in the amount of \$44,240.00 plus applicable taxes and freight charges for use at the Noland Water Resource Recovery Facility.

BACKGROUND:

The use of an ozone destruct unit is an essential safety measure when dealing with high concentrations of ozone. Ozone destruction is accomplished by passing ozone over a catalytic material to convert ozone gas (O₃) back into oxygen (O₂). The catalytic media reacts with the ozone, breaking it down into oxygen without producing any harmful byproducts. The City of Fayetteville utilizes ozone to eliminate potentially harmful bacteria and organic compounds from the millions of gallons of treated water produced by the Paul R. Noland Wastewater Treatment facility every day. This unique treatment process ensures an unmatched level of protection for the White River Watershed.

DISCUSSION:

The original units have operated every hour of every day for nearly 15 years in a highly corrosive environment at the Paul R. Noland Wastewater Treatment Facility. Since their installation, it has been determined that the original units are undersized to meet the current ozone destruction requirements. The existing units are capable of safely treating 45 cubic feet per minute (CFM) of airflow each for a total of 90 CFM. Current operating conditions at Noland require 655 CFM of airflow to be treated at peak demand to ensure a safe atmosphere within the facility. Due to the very limited number of companies providing ozone equipment, and the even smaller number of companies that can produce units in this size requirement, only two companies were found to produce ozone destruction units capable of meeting the 655 CFM peak demand. Oxidation Technologies was one of two companies that responded to a request for a quote, the other company only offers a complete ozone disinfection system that was incompatible with the Noland facility's power requirements. Oxidation Technologies visited our site and provided their proposal for custom equipment to match our piping and system configuration.

Time is of the essence in procuring the larger destruct units, because facility employees are at risk for ozone over-exposure and the City of Fayetteville is at risk for NPDES permit violations and environmental impacts. Staff recommends a bid waiver resolution to approve the purchase of the ozone destruct units from Oxidation Technologies, LLC in the amount of \$44,240.00 plus applicable freight charges and taxes. Procuring the ozone destruct units quickly will ensure staff safety in the ozone disinfection system area.

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

This item was presented to the Water, Sewer & Solid Waste Committee on May 13, 2025, and received a unanimous vote to forward it to the full City Council for consideration for approval.

BUDGET/STAFF IMPACT:

Funds are available for this project in the Plant Pumps & Equipment capital account in the Water & Sewer Fund.

ATTACHMENTS: 3. Staff Review Form, 4. Ozone Exhibit, 5. Oxidation Technologies Quote



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-946

A RESOLUTION TO WAIVE COMPETITIVE BIDDING AND APPROVE THE PURCHASE OF TWO OZONE DESTRUCTION UNITS FROM OXIDATION TECHNOLOGIES, LLC IN THE AMOUNT OF \$44,240.00 PLUS ANY APPLICABLE SALES AND FREIGHT CHARGES FOR USE AT THE NOLAND WATER RESOURCE RECOVERY FACILITY

WHEREAS, the use of an ozone destruct unit is an essential safety measure when dealing with high concentrations of ozone to eliminate potentially harmful bacteria and organic compounds from the millions of gallons of treated water produced by the Paul R. Noland Wastewater Treatment facility every day; and

WHEREAS, the original units have operated every hour of every day for nearly 15 years in a highly corrosive environment and are undersized to meet the current ozone destruction requirements; and

WHEREAS, due to the very limited number of companies providing ozone equipment, and the even smaller number of companies that can produce units in this size requirement, only two companies were found to produce ozone destruction units capable of meeting peak demand; and

WHEREAS, Oxidation Technologies was the only company that responded to a request for a quote and the other company only offers a complete ozone disinfection system that is incompatible with the Noland facility's power requirements; and

WHEREAS, time is of the essence in procuring the larger destruct units because facility employees are at risk for ozone over-exposure and the City is at risk of permit violations and environmental impacts.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and authorizes the purchase of two Ozone Destruction Units from Oxidation Technologies, LLC in the amount of \$44,240.00 plus any applicable sales and freight charges for use at the Noland Water Resource Recovery Facility.

City of Fayetteville Staff Review Form

2025-946

Item ID

7/1/2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Tim Nyander

6/11/2025

WASTEWATER TREATMENT (730)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approving the purchase of two 350 CFM Ozone Destruction Units from Oxidation Technologies, LLC in the amount of \$44,240.00 plus applicable taxes and freight charges for use at the Noland Water Resource Recovery Facility.

Budget Impact:

5400.730.5800-5801.00

Water and Sewer

Account Number

Fund

02069.1

Plant Pumps and Equipment - WWTP

Project Number

Project Title

Budgeted Item? Yes

Total Amended Budget

\$ 1,521,754.00

Expenses (Actual+Encum)

\$ 69,785.42

Available Budget

\$ 1,451,968.58

Does item have a direct cost? Yes

Item Cost

\$ 49,650.90

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ 1,402,317.68

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

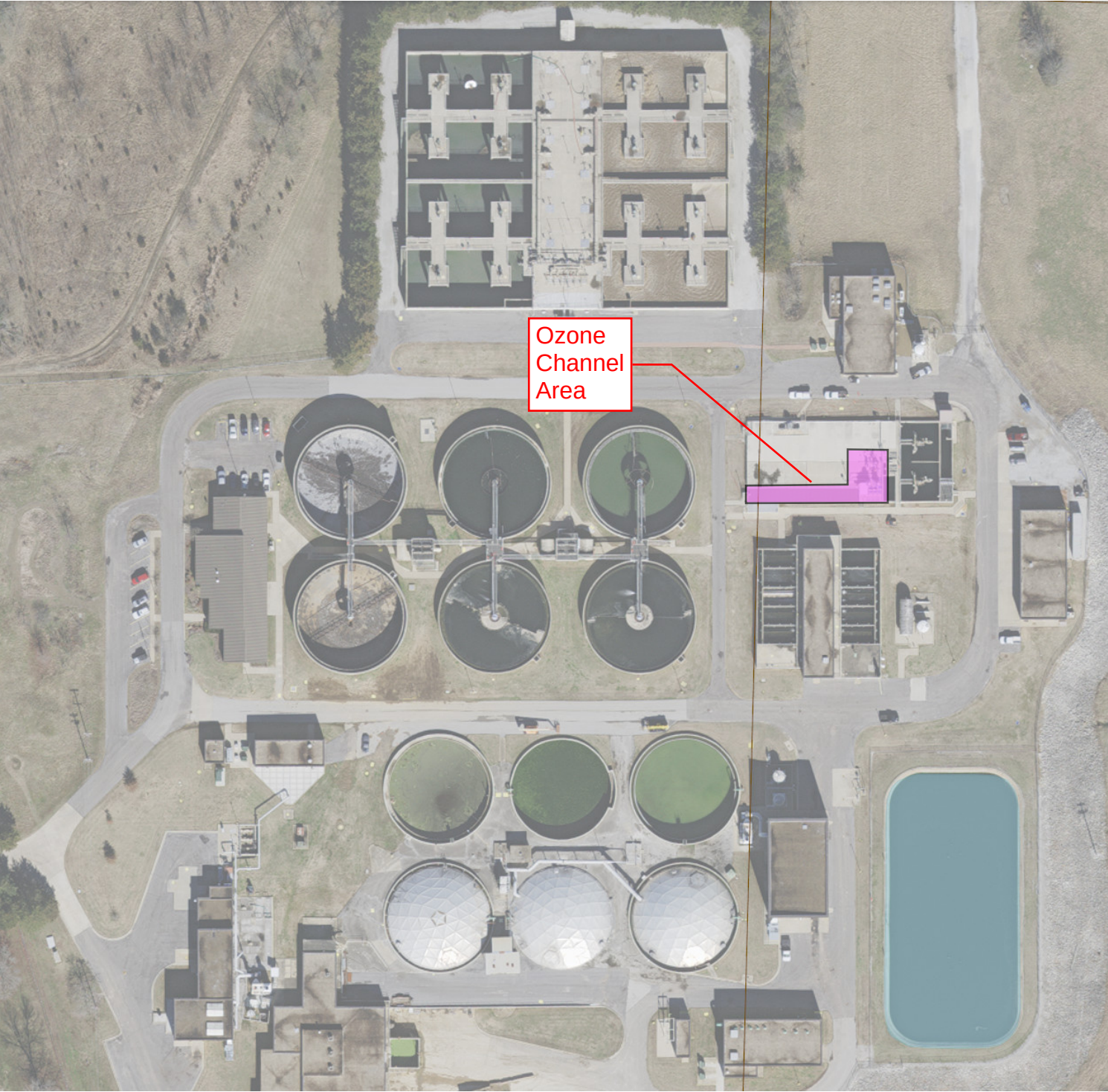
Change Order Number:

Approval Date:

Original Contract Number:

Comments: Freight is estimated at \$1,000.00 and taxes are estimated at \$4,410.90 for a total cost of \$49,650.90.

Aerial Imagery of Noland WRRF





214 W Hwy 18, PO Box 29
Inwood, IA 51240
(515) 635-5854

Estimate

Date	Estimate #
6/11/2025	19049

Name / Address
Inframark Michael R Muenich 1400 N Fox Hunter Rd Fayetteville, AR 72701

Ship To
Inframark Michael R Muenich 1400 N Fox Hunter Rd Fayetteville, AR 72701

Terms	Rep
Prepayment	JML

Item	Description	Qty	Cost	Total
CDU-400	Ozone Destruct System - 350 CFM Safetly revert ozone gas to oxygen at flow-rates up to 350 CFM with wet/humid gas intake Uses Carulite-200 Destruct media for ozone destruction 99.96% ozone destruction efficiency 6.2 Horsepower Regenerative Blower - HRC-1020 used for airflow through destruct system 20" diameter stainless steel shell to hold 235 lbs of Carulite-200 destruct media Heater incorporated to keep catalyst warm and prevent condensation 480 VAC, 3-phase electrical power required Control box included on frame - Motor starter for blower - heater controls - local ON/OFF switch - remote control option included 3" Female NPT inlet/outlet connections	2	22,120.00	44,240.00
Total				\$44,240.00

****PRICING IS VALID FOR 30 DAYS****
To process this estimate into an order, please e-mail sales@oxidationtech.com for a link to pay with credit card. To be set up with Net 30 terms e-mail martha@oxidationtech.com with 3 credit references & W9 for approval. Feel free to call us at 515-635-5854 with any questions regarding placing an order!

Customer Signature



MEETING OF JULY 1, 2025

TO: Mayor Rawn and City Council
THRU: Keith Macedo, Chief of Staff
FROM: Peter Nierengarten, Environmental Director
SUBJECT: **Contract amendment #3 in the amount of \$46,620 with Hawkins-Weir Engineers Inc. for additional design and construction services associated with the Fayetteville Recycling and Trash Collections Division – materials recovery facility and compost pad repairs**

RECOMMENDATION:

Staff recommends approval of contract amendment #3 in the amount of \$46,620 with Hawkins-Weir Engineers Inc. for additional design and construction services associated with the Fayetteville Recycling and Trash Collections Division – materials recovery facility and compost pad repairs.

BACKGROUND:

The City of Fayetteville operates a solid waste transfer station and recycling processing facility located at 1560 S. Happy Hollow Rd. The facilities are used to receive and process solid waste and recyclables that are collected from residents and businesses in Fayetteville. Solid waste is deposited from residential, commercial and roll-off trucks to the transfer station floor where it is pushed and packed into open top transport trucks for hauling to the Waste Management Landfill in Tontitown, AR

Normal wear and tear on the RTC facilities along with growth in the amount of material received over the past several years has necessitated several improvements. In November 2021, the City Council approved a contract with Hawkins-Weir Engineers Inc. for design and bidding services for Recycling & Trash Facility Improvements. Amendment No. 1 provided for costs associated with construction management services of the Recycling & Trash Collections (RTC) transfer station floor replacement. Amendment No. 2 provided for additional design and construction services associated with the Fayetteville Recycling and Trash Collections Division solid - solid waste transfer station metal push wall replacement project.

DISCUSSION:

Hawkins-Weir has completed the design, bidding and construction management for the first phase of Recycling & Trash Facility improvements to the transfer station floor. Construction of the second phase of work on the solid waste transfer station metal push wall replacement project is currently in process.

This contract amendment is for additional design and construction management services associated with the materials recovery facility and compost pad repairs. Specifically, the work includes:

- Design and construction management of structural modifications to the bailer sump
- Design and construction management of structural modifications to the south wall in the materials

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

recovery facility (MRF)

- Construction management of improvements to the compost facility concrete pad

BUDGET/STAFF IMPACT:

Under Amendment No. 3, the maximum not-to-exceed amount authorized for these services is \$46,620. Funding for this work will come from the Recycling and Trash Collections Capital Improvement Fund.

ATTACHMENTS: 3. Staff Review Form, 4. Amendment No. 3

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-989

A RESOLUTION TO APPROVE AMENDMENT NO. 3 TO THE ENGINEERING SERVICES CONTRACT WITH HAWKINS-WEIR ENGINEERS, INC. IN THE AMOUNT OF \$46,620.00 FOR ADDITIONAL DESIGN AND CONSTRUCTION SERVICES ASSOCIATED WITH RECYCLING AND TRASH FACILITY IMPROVEMENTS

WHEREAS, on November 16, 2021, the City Council passed Resolution No. 282-21 approving a Professional Engineering Services Agreement with Hawkins-Weir Engineers, Inc. for design and bidding services for recycling and trash facility improvements; and

WHEREAS, Amendment No. 1 to the contract with Hawkins-Weir Engineers, Inc. provided for costs associated with construction management services of the Recycling & Trash Collections (RTC) transfer station floor replacement; and

WHEREAS, Amendment No. 2 to the contract with Hawkins-Weir Engineers, Inc. provided for additional design and construction services associated with the Fayetteville Recycling and Trash Collections Division solid waste transfer station metal push wall replacement project; and

WHEREAS, Amendment No. 3 will provide for additional design and construction management services associated with the materials recovery facility and compost pad repairs.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Rawn to sign Amendment No. 3 to the engineering services contract with Hawkins-Weir Engineers, Inc. in the amount of \$46,620.00 for additional design and construction services associated with recycling and trash facility improvements.

City of Fayetteville Staff Review Form

2025-989

Item ID

7/1/2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Peter Nierengarten

6/12/2025

RECYCLING/TRASH COLLECTION (750)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of contract amendment #3 in the amount of \$46,620 with Hawkins-Weir Engineers Inc. for additional design and construction services associated with the Fayetteville Recycling and Trash Collections Division – materials recovery facility and compost pad repairs.

Budget Impact:

5500.750.5080-5860.02

Improvements Solid Waste

Account Number

Fund

18016.2101

RTC Master Plan Expansion

Project Number

Project Title

Budgeted Item? Yes

Total Amended Budget

\$ 1,325,050.00

Expenses (Actual+Encum)

\$ 762,224.81

Available Budget

\$ 562,825.19

Does item have a direct cost? Yes

Item Cost

\$ 46,620.00

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ 516,205.19

V20221130

Purchase Order Number:

Previous Ordinance or Resolution # 282-21; 220-22; 78-25

Change Order Number:

3

Approval Date:

Original Contract Number:

Comments:

AMENDMENT NO. 3
TO THE
AGREEMENT For PROFESSIONAL ENGINEERING SERVICES
BETWEEN
CITY OF FAYETTEVILLE, ARKANSAS
AND
HAWKINS-WEIR ENGINEERS, INC.

In accordance with the AGREEMENT For PROFESSIONAL ENGINEERING SERVICES for the **Fayetteville Transfer Station Improvements (HW Project No. 2021061)**, dated November 16, 2021, between the City of Fayetteville, Arkansas (hereinafter called **Owner**) and Hawkins-Weir Engineers, Inc. (hereinafter called **Engineer**), Owner hereby authorizes Engineer to proceed with engineering services as modified by this Amendment No. 3.

SECTION 1 – SCOPE OF SERVICES

1.1 Amendment No. 3 is for additional design services associated with the Fayetteville Transfer Station Improvements – Material Recovery Facility (MERF) and Compost Facility (Task H) and construction phase services (Task I) for the Fayetteville Transfer Station Improvements – Material Recovery Facility (MERF) and Compost Facility associated with Owner’s Project No. 25-31. Tasks H and I services are detailed in the Engineer’s attached Scope of Services dated June 11, 2025.

SECTION 2 – TIME OF SERVICE

2.1 The scope of services as defined above is based on completing the Task H and Task I services within a 60-calendar day construction Contract Time Extension in 2025 for the Owner’s Project No. 25-31. Engineer will proceed with providing the services set forth herein immediately upon execution of this Authorization by all parties.

SECTION 3 – COMPENSATION

3.1 Owner shall compensate Engineer for providing the services set forth herein in accordance with the terms of the Agreement. Total payment for Scope of Services described herein shall not exceed Forty-Six Thousand Six Hundred Twenty and 00/100 Dollars (\$46,620.00) without written approval of Owner. These additional services adjust the Agreement's not to exceed fee to \$287,680.00 but does not affect the not to exceed reimbursable expenses already established at \$54,080.00.

Attachments: Scope of Services dated June 11, 2025
Fee Proposal Summary dated June 11, 2025
2025 Standard Hourly Billing Rate Structure

AUTHORIZATION BY:

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
Honorable Molly Rawn, Mayor

Date: _____

ACCEPTED BY:

HAWKINS-WEIR ENGINEERS, INC.

By: Brett D. Peters
Brett D. Peters, P.E.
President and CEO

Date: 06/11/2025



Appendix A
Scope of Services – Amendment No. 3
Fayetteville Transfer Station Improvements
City of Fayetteville, Arkansas
HW Project No. 2021061
June 11, 2025



Hawkins-Weir Engineers, Inc. (HW) proposes to provide the following engineering design services for the Fayetteville Transfer Station Improvements project:

H. Additional Design Services – Material Recovery Facility (MERF) and Compost Facility

1. Meet with the Owner and subsequently with the Contractor regarding additional design and construction scope of services
2. Structural Modifications to the Baler Sump
3. Structural Modifications to the South PEMB Wall in the MERF
4. Administer Proposed Improvements to the Compost Facility (Design by Others)

I. Construction Phase Services – Material Recovery Facility (MERF) and Compost Facility

1. Prepare a Change Order document and solicit a proposal from the Contractor for the Owner's Project No. 25-31
2. Provide periodic observation during construction
3. Prepare, review , and coordinate the dissemination of construction documentation including material submittals, testing results, and field change orders as directed by the Owner
4. Review the Contractor's constructed quantities and prepare monthly pay requests for the Owner's approval
5. Conduct a final inspection with the Contractor and Owner, and prepare a punch list of deficient construction items for the Contract to address
6. Prepare record drawings of the completed project and provide one (1) reproducible hard copy and one (1) electronic copy for the Owner's archives



Appendix B
Amendment No. 3 Fee Proposal Summary
Fayetteville Transfer Station Improvements
City of Fayetteville, Arkansas
June 11, 2025



Fayetteville Transfer Station Improvements

H. Additional Design Services - Material Recovery Facility (MERF) and Compost Facility	Engr VII	Engr VI	Engr IV	Inspector II	CAD III	Doc Proc	Total Hours
Task							
1. Meet with the Owner and subsequently with the Contractor regarding additional design and construction scope of services	8					4	12
2. Structural Modifications to the Baler Sump	16				24	4	44
3. Structural Modifications to the South PEMB Wall in the MERF	8				16	4	28
4. Administer Proposed Improvements to the Compost Facility (Design by Others)	8	8				4	20
TOTAL HOURS =	40	8	0	0	40	16	104
SUBTOTAL COST =							\$19,000

Fayetteville Transfer Station Improvements

I. Construction Phase Services - Material Recovery Facility (MERF) and Compost Facility	Engr VII	Engr VI	Engr IV	Inspector II	CAD III	Doc Proc	Total Hours
Task							
1. Prepare a Change Order document and solicit a proposal from the Contractor for the Owner's Project No. 25-31	4					4	8
2. Provide periodic observation during construction	8						168
3. Prepare, review, and coordinate the dissemination of construction documentation including material submittals, testing results, and field change orders as directed by the Owner	4				4	4	12
4. Review the Contractor's constructed quantities and prepare monthly pay requests for the Owner's approval		8				4	12
5. Conduct a final inspection with the Contractor and Owner, and prepare a punch list of deficient construction items for the Contractor to address	2	4		4		4	14
6. Prepare record drawings of the completed project and provide one (1) reproducible hard copy and one (1) electronic copy for the Owner's archives	2	4		4	4		14
TOTAL HOURS =	20	16	0	168	8	16	228
SUBTOTAL COST =							\$27,620

(1) Based on a 60-calendar day Contract Time Extension. Periodic construction observation is based on 4-hours per day (Monday through Friday) during the construction of the Material Recovery Facility (MERF) and Compost Facility Improvements

ENGINEERING SERVICES SUMMARY

Fayetteville Transfer Station Improvements

H. Additional Design Services - Material Recovery Facility (MERF) and Compost Facility	\$19,000
I. Construction Phase Services - Material Recovery Facility (MERF) and Compost Facility	\$27,620
Total Engineering Fee - Not to Exceed =	\$46,620

Appendix C



Hawkins-Weir Engineers, Inc. Hourly Rate Schedule: 2025

Description	Billing Rate/Hour
Engineer VII	\$275
Engineer VI	\$250
Engineer V	\$225
Engineer IV	\$200
Engineer III	\$175
Engineer II	\$150
Engineer I	\$125
Environmental Specialist II	\$130
Environmental Specialist I	\$110
Designer II	\$135
Designer I	\$100
Civil Eng Assistant II	\$90
Civil Eng. Assistant I	\$80
CAD/BIM Modeler II	\$135
CAD/BIM Modeler I	\$100
CAD/GIS Technician III	\$120
CAD/GIS Technician II	\$95
CAD/GIS Technician I	\$75
Construction Manager II	\$140
Construction Manager I	\$125
Construction Observer IV	\$135
Construction Observer III	\$115
Construction Observer II	\$95
Construction Observer I	\$85
Surveyor	\$175
GPS Survey	\$200
Survey Technician	\$50
Business Manager	\$100
Graphic Designer	\$100
Document Processor	\$75
Reimbursable Expenses	
Mileage	\$0.77/mile
Printing	@ Cost
Travel	@ Cost
Expert Witness	Rate x 2.0
Other Direct Costs	@ Cost

Notes:

1. Hourly rates may be equitably adjusted
2. Adjustment to rate schedule will not change contract lump sum or NTE amounts
3. If a conflict exists, hourly rates & reimbursable expenses will be invoiced per terms of Agreement.



MEETING OF JULY 1, 2025

TO: Mayor Rawn and City Council
THRU: Brad Hardin, Fire Chief
FROM: Granville Wynn, Financial Analyst - Fire
SUBJECT: **Staff request approval to apply for the FY 2024 Staffing for Adequate Fire and Emergency Response (SAFER) Grant program.**

RECOMMENDATION:

Fire Department Administration recommends approval to apply for the FY 2024 Staffing for Adequate Fire and Emergency Response (SAFER) Grant program which, if awarded, will be used to hire 3 full-time firefighters to help facilitate 24-hour coverage for our frontline Ladder 6 Fire Apparatus in the estimated amount of \$450,000.

BACKGROUND:

The Department of Homeland Security (DHS) Federal Emergency Management Agency's (FEMA) Grant Programs Directorate implements and administers the Staffing for Adequate Fire and Emergency Response (SAFER) Grants. The Staffing for Adequate Fire and Emergency Response Grants (SAFER) was created to provide funding directly to fire departments and volunteer firefighter interest organizations to help them increase or maintain the number of trained, "front line" firefighters available in their communities. The goal of SAFER is to enhance the local fire departments' abilities to comply with staffing, response and operational standards established by the NFPA (NFPA 1710).

DISCUSSION:

The Fire Department would like to utilize this opportunity to submit an application for the SAFER grant program to request funding for three (3) additional firefighter positions. Per the FY2024 Notice of Funding Opportunity Document, "if awarded, recipients are required to contribute 25 percent of the actual costs incurred in each of the first and second years of the grant; and 65 percent of the actual costs incurred in the third year of the grant. In the first and second years of the grant, the amount of federal funding may not exceed 75 percent of the usual annual cost of a first year firefighter in that department at the time the grant application was submitted; and in the third year of the grant the amount of federal funding may not exceed 35 percent of the usual annual cost of a first year firefighter in that department. The "usual annual cost" includes a firefighter's base salary (excluding non-FLSA overtime) and standard benefits package (including the average annual cost of health, dental, and vision insurance; FICA; life insurance; retirement and/or pension contributions; etc.) offered by the fire department to first-year firefighters." The SAFER Grant has a three-year period of performance.

BUDGET/STAFF IMPACT:

If awarded and accepted, the FY 2024 SAFER Grant Program will increase our full-time equivalent (FTE) staff by three (3) firefighter positions, and a budget adjustment will appropriate funding for the grant award. The City will incur the initial new hire expenses of training, bunker gear, uniforms, physical examinations, and non-scheduled overtime hours. This will be in addition to the 25% of actual costs incurred for the first year. The

“usual annual cost” includes a firefighter’s base salary (excluding non-FLSA overtime) and standard benefits package (including the average annual cost of health, dental, and vision insurance; FICA; life insurance; retirement and/or pension contributions; etc.). During the second year of the SAFER grant performance period the City would pay 25% of actual costs incurred and the cost of non-scheduled overtime. In the third year of the SAFER grant performance period, the City would incur 65% of the actual costs incurred and the cost of non-scheduled overtime. The Budget Estimate Summary reflects estimated grant funds reimbursing the city approximately \$450,000 with the City’s net estimated expenses over the grant period projected to be approximately \$307,000.

ATTACHMENTS: 3. Staff Review Form, 4. Cost Estimate Summary, 5. FY2024 SAFER Notice of Funding Opportunity

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-985

A RESOLUTION TO AUTHORIZE AN APPLICATION FOR A STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT IN THE AMOUNT OF \$450,000.00 TO HIRE THREE FULL-TIME FIREFIGHTERS

WHEREAS, the Federal Emergency Management Agency's (FEMA) Grant Programs Directorate implements and administers the Staffing for Adequate Fire and Emergency Response (SAFER) grant program; and

WHEREAS, SAFER grants were created to provide funding directly to fire departments and volunteer firefighter interest organizations to help them increase or maintain the number of trained "front line" firefighters available in their communities; and

WHEREAS, the goal of SAFER is to enhance a local fire department's ability to comply with staffing, response and operational standards established by the NFPA; and

WHEREAS, the Fire Department would like to utilize this opportunity to submit an application for a SAFER grant to fund three additional firefighter positions.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Rawn to submit an application for the FY 2024 Staffing for Adequate Fire and Emergency Response (SAFER) grant in the amount of \$450,000.00 to hire three full-time firefighters.

City of Fayetteville Staff Review Form

2025-985

Item ID

7/1/2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Brad Hardin

6/11/2025

FIRE (300)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Fire Department Administration recommends approval to apply for the FY 2024 Staffing for Adequate Fire and Emergency Response (SAFER) Grant program which, if awarded, will be used to hire 3 full-time firefighters to help facilitate 24-hour coverage for our frontline Ladder 6 Fire Apparatus in the estimated amount of \$450,000.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Total Amended Budget

\$ -

Expenses (Actual+Encum)

\$ -

Available Budget

\$ -

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

FY2024 SAFER Hiring Grant

Budget Summary

2026-2028

	2026	2027	2028
	Year 1	Year 2	Year 3
	Step A	Step B	Step C
Base Annual Pay	\$50,740.56	\$52,846.56	\$54,952.56
Holiday Pay	\$1,879.28	\$1,957.28	\$2,035.28
Premium Holiday Pay	\$2,023.84	\$2,107.84	\$2,191.84
Total Base Pay	\$54,643.68	\$56,911.68	\$59,179.68

Fringe Benefits per Firefighter

Medicare	\$826.00	\$860.00	\$894.00
Health Insurance	\$10,248.00	\$10,248.00	\$10,248.00
LTD Insurance	\$174.00	\$181.00	\$189.00
ADD Insurance	\$6.00	\$6.00	\$6.00
Life Insurance	\$181.00	\$190.00	\$197.00
Retirement	\$15,085.00	\$15,711.00	\$16,337.00
	\$26,520.00	\$27,196.00	\$27,871.00

Total Salary and Fringe per Firefighter \$81,163.68 \$84,107.68 \$87,050.68

Total--3 New Firefighters \$243,491.04 \$252,323.04 \$261,152.04

Cost Share--3 New Firefighters

Grant Program (75%, 75%, 35%) of first year FF Pay at time of application	\$182,618.28	\$182,618.28	\$85,221.86
City's General Fund	\$60,872.76	\$69,704.76	\$175,930.18
Total Source of Funds	\$243,491.04	\$252,323.04	\$261,152.04

Estimated 3 years of City Funds \$306,507.70

Estimated 3 years of Grant Funds \$450,458.42

Uniform & Equipment per Firefighter--Covered by City	Year 1	Year 2	Year 3
Physical Exams & EAP Services	\$1,000	\$1,000	\$1,000
Office 365	\$284	\$284	\$284
Bunker Gear Items and Boots	\$3,600		
Uniforms, Duty Boots, and Shoes	\$1,300	\$500	\$500
	\$6,184.00	\$1,784.00	\$1,784.00
Non-Scheduled Overtime--Estimated at 100 hours of O.T. Per Firefighter (300 Hrs. of OT)	\$8,131.50	\$8,469.00	\$8,806.50

The Department of Homeland Security (DHS)

Notice of Funding Opportunity (NOFO)

Fiscal Year 2024 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program

Fraud, waste, abuse, mismanagement, and other criminal or noncriminal misconduct related to this program may be reported to the Office of Inspector General (OIG) Hotline. The toll-free numbers to call are 1 (800) 323-8603 and TTY 1 (844) 889-4357.

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1. Basic Information

A. Agency Name	Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), Resilience/Grant Programs Directorate (GPD)
B. NOFO Title	Staffing for Adequate Fire and Emergency Response (SAFER) Grant
C. Announcement Type	Initial
D. Funding Opportunity Number	DHS-24-GPD-083-00-99
E. Assistance Listing Number	97.083
F. Expected Total Funding	\$324,000,000
G. Anticipated Number of Awards	300 awards
H. Expected Award Range	N/A
I. Projected Application Start Date	05/23/2025 9:00 a.m. Eastern Time (ET)
J. Projected Application End Date	07/03/2025 5:00 p.m. ET
K. Anticipated Funding Selection Date	No later than 08/18/2025
L. Anticipated Award Date	Beginning on approximately Aug 18, 2025, and continuing thereafter until all FY 2024 SAFER Program grant awards are issued (but no later than September 30, 2025).
M. Projected Period of Performance Start Date	N/A ¹
N. Projected Period of Performance End Date	N/A

¹ FEMA funds SAFER Program awards on a rolling basis; as such, the date the FEMA Assistant Administrator for the Grant Programs Directorate signs the obligating document dictates the unique Period of Performance start and end dates for each award.

O. Executive Summary	The Fiscal Year (FY) 2024 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program (hereafter referred to as the SAFER Program) is one of three grant programs that constitute the Department of Homeland Security (DHS), Federal Emergency Management Agency's (FEMA) focus on enhancing the safety of the public and firefighters with respect to fire and fire-related hazards. The SAFER Program provides funding directly to fire departments and volunteer firefighter interest organizations to assist in increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards, and to fulfill traditional missions of fire departments. Since 2005, the SAFER Program has awarded approximately \$5.8 billion in grant funding to provide critically needed resources to hire new, additional firefighters (or to change the status of part-time or paid-on-call firefighters to full-time firefighters), as well as recruitment and retention of volunteer firefighters. Information about success stories for this program can be found at Assistance to Firefighters Grants Program FEMA.gov.
P. Agency Contact	a. <i>SAFER Program Office Contact</i> The SAFER Program Help Desk provides technical assistance to applicants for the online completion and submission of applications into FEMA Grants Outcomes (FEMA GO), answers questions concerning applicant eligibility, recipient responsibilities, and helps in the programmatic administration of awards. The SAFER Program Help Desk can be contacted at (866) 274-0960 or by email at FireGrants@fema.dhs.gov. Normal hours of operation are Monday through Friday, 8:00 a.m. – 4:30 p.m. ET. Guidance documents such as application tutorials, Self-Evaluation Guides, and Frequently Asked Questions (FAQs) are also provided to further explain the current SAFER Program, assist with the online grant application, and highlight lessons learned and changes for FY 2024. For more details, please visit the SAFER Program website. b. <i>FEMA Grants News</i> This channel provides general information on all FEMA grant programs and maintains a comprehensive database containing key personnel contact information at the federal, state, and local levels. FEMA Grants News Team is reachable at fema-grants-news@fema.dhs.gov or (800) 368-6498, Monday through Friday, 9:00 a.m. – 5:00 p.m. ET. c. <i>Grant Programs Directorate (GPD) Award Administration Division</i>

	GPD's Award Administration Division (AAD) provides support regarding financial matters and budgetary technical assistance. AAD can be contacted at ASK-GMD@fema.dhs.gov. d. FEMA Regional Offices Assistance to Firefighters Grants Regional Contacts also may provide fiscal support, including pre- and post-award administration and technical assistance. Assistance to Firefighters Grants Regional Office contacts are available at Assistance to Firefighters Grants Regional Contacts FEMA.gov. e. Civil Rights The FEMA Office of Civil Rights is responsible for ensuring compliance with and enforcement of federal civil rights obligations in connection with programs and services conducted by FEMA. They are reachable at FEMA-CivilRightsOffice@fema.dhs.gov. f. Environmental Planning and Historic Preservation The FEMA Office of Environmental Planning and Historic Preservation (OEHP) provides guidance and information about the EHP review process to FEMA programs and recipients and subrecipients. Send any inquiries regarding compliance for FEMA grant projects under this NOFO to FEMA-OEHP-NOFOQuestions@fema.dhs.gov. g. Payment and Reporting System Payments are requested through FEMA GO. The Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment is used for recipients. For any questions about the system, contact the Customer Service Center at (866) 927-5646 or ask-GMD@fema.dhs.gov. h. FEMA GO For technical assistance with the FEMA GO system, please contact the FEMA GO Helpdesk at femago@fema.dhs.gov or (877) 585-3242, Monday through Friday, 9:00 a.m. – 6:00 p.m. ET.
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2. Eligibility

A. Eligible Entities/Entity Types	Only the following entities or entity types are eligible to apply. a. Applicants • Fire departments; and • National, regional, state, local, tribal, and nonprofit interest organizations representing the interests of volunteer
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	firefighters are eligible to receive a SAFER Program award under the R&R Activity. See <u>Section A of Appendix B – Programmatic Information and Priorities</u> for additional information on ineligible applications and organizations. b. Subapplicants Subapplicants and subawards are not allowed.
B. Project Type Eligibility	Applicants and recipients should actively coordinate and collaborate with their local and state authorities to help ensure and prioritize the commitment of future non-federal investments in order to sustain staffing capabilities once an award’s period of performance ends. a. Allowable Project Types 1. Hiring Activity The Hiring Activity offers grants to support applications to hire new, additional firefighters (or to change the status of part-time or paid-on-call firefighters to full-time firefighters). National, regional, state, local, Tribal Nation, and nonprofit interest organizations representing the interests of volunteer firefighters are not eligible to receive a SAFER Program award under the Hiring Activity. 2. R&R Activity The R&R Activity offers grants to support applications to assist fire departments with the recruitment and retention of volunteer firefighters who are involved with or trained in the operations of firefighting and emergency response. Career fire departments are not eligible to apply for funding under the R&R Activity. Each activity has its own application and eligibility requirements, as further outlined in <u>Appendix B – Programmatic Information and Priorities</u> of this NOFO. b. Unallowable Project Types • Under the R&R Activity, applications that request a Staffing Needs Assessment or Risk Assessment project are precluded from applying for additional R&R- related activities. • FEMA will not fund any projects, activities, or line items that are covered under a department's normal operating budget. Federal funding may not be used to supplant (i.e., replace) an existing activity or program.

	• Applicants may not use award funds for matching funds for any other federal grants or cooperative agreements, for lobbying, or for intervention in federal regulatory or adjudicatory proceedings. • Applicants may not use federal funds to sue the Federal Government or any other government entity.
C. Requirements for Personnel, Partners, and Other Parties	An application submitted by an otherwise eligible non-federal entity (i.e., the applicant) may be deemed ineligible when the person that submitted the application is not: 1) a current employee, personnel, official, staff, or leadership of the non-federal entity; and 2) duly authorized to apply for an award on behalf of the non-federal entity at the time of application. Further, the Authorized Organization Representative (AOR) must be a duly authorized current employee, personnel, official, staff, or leadership of the recipient and provide an email address unique to the recipient at the time of application and upon any change in assignment during the period of performance. Consultants or contractors of the recipient are not permitted to be the AOR of the recipient. Information on ineligible applications and organizations is in <u>Appendix B</u> of this NOFO.
D. Maximum Number of Applications	The maximum number of applications that can be submitted is one application per activity.
E. Additional Restrictions	a. <i>Period of Performance Restrictions</i> 1. Hiring Activity The period of performance for applications funded under the Hiring Activity will be 36 months. A default 180-day recruitment period begins when FEMA approves an application for an award under this activity. The 36-month period of performance automatically starts after the 180-day recruitment period, regardless of whether the recipient has successfully hired the requested firefighters. The period of performance cannot start later than 180 days after the award date. If a recipient can hire all SAFER Program-funded firefighters during the 180-day recruitment period, the period of performance may begin at that time. In these instances, recipients must submit an amendment requesting that the period of performance start before the end of the 180-day recruitment period if they wish to begin the period early.

	2. R&R Activity The period of performance for applications funded under the R&R Activity will be 12, 24, 36, or 48 months. A default 90-day recruitment period begins when FEMA approves the application for award. This period allows each recipient time to gather resources, initiate processes, and finalize contracts needed to implement SAFER Program activities before the start of the period of performance to maximize the funding's availability. However, the recipient can only expend funds within the period of performance. The period of performance automatically starts after the 90-day recruitment period ends, regardless of whether the recipient has begun implementing its grant award. The period of performance cannot start later than 90 days after the award date. If a recipient can begin its recruitment or retention activities during the 90-day recruitment period, the period of performance may begin at that time. In these instances, recipients must submit an amendment requesting that the period of performance start before the end of the 90-day recruitment period if they wish to begin the period early. Extensions to the period of performance are allowed for R&R Activity grants only. For additional information on period of performance extensions, please refer to Section 10.A. b. <i>National Incident Management System (NIMS) Implementation</i> SAFER Program applicants are not required to comply with NIMS to apply for SAFER Program funding or to receive a SAFER Program award. Any applicant who receives an FY 2024 SAFER Program award must achieve the level of <u>NIMS compliance</u> required by the Authority Having Jurisdiction (AHJ) over the applicant's emergency service operations (e.g., a local government), prior to the end of the grant's period of performance.
F. References for Eligibility Factors within the NOFO	Please see the following references provided below: 1. <u>Subsection 7.A. Threshold Criteria</u> 2. <u>Subsection 7.B. Application Criteria</u> 3. <u>Subsection 7.C. Financial Integrity Criteria</u> 4. <u>Subsection 7.D. Supplemental Financial Integrity Criteria and Review</u> 5. <u>Appendix B – Programmatic Information and Priorities</u>

G. Cost Sharing Requirement	For Hiring Activity grants, recipients are required to contribute non-federal funds as a cost share. For R&R Activity grants, there is no cost share requirement.
H. Cost Share Description, Type and Restrictions	For Hiring Activity grants, recipients are required to contribute 25 percent of the actual costs incurred in each of the first and second years of the grant; and 65 percent of the actual costs incurred in the third year of the grant. In the first and second years of the grant, the amount of federal funding may not exceed 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and in the third year of the grant the amount of federal funding may not exceed 35 percent of the usual annual cost of a first-year firefighter in that department. The “usual annual cost” includes a firefighter’s base salary (excluding non-FLSA overtime) and standard benefits package (including the average annual cost of health, dental, and vision insurance; FICA; life insurance; retirement and/or pension contributions; etc.) offered by the fire department to first-year firefighters. FEMA does not require recipients to demonstrate availability of cost share funds at the time of application. However, before FEMA issues an award it may contact potential awardees to determine whether the recipient possesses the necessary non-federal funding. For R&R Activity grants, there is no cost share requirement.
I. Cost Sharing Calculation Example	Assuming that the usual annual cost of a first-year firefighter in a department at the time of the grant application is \$120,000 per year and the department actually incurred \$100,000 per year in each year of the grant, the following cost share requirements and position cost limits would apply: 1. Cost Share Requirement: The grant recipient is required to contribute \$25,000 in Year 1; \$25,000 in Year 2; and \$65,000 in Year 3. 2. Position Cost Limit: The amount of federal funding cannot exceed \$90,000 in Year 1; \$90,000 in Year 2; and \$42,000 in Year 3.
J. Required information for verifying Cost Share	a. <i>Minimum Budget Requirement</i>

	In accordance with <u>15 U.S.C. § 2229a(c)(2)</u> , in order to be eligible for SAFER Program funding, applicants are required to certify that their annual budget for fire-related programs and emergency response has not been reduced below 80 percent of the applicant’s average funding level in the three years prior to the application date.
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3. Program Description

A. Background, Program Purpose, and Program History

The Fiscal Year (FY) 2024 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program (hereafter referred to as the SAFER Program) is one of three grant programs that constitute the Department of Homeland Security (DHS), Federal Emergency Management Agency’s (FEMA) focus on enhancing the safety of the public and firefighters with respect to fire and fire-related hazards. The SAFER Program provides funding directly to fire departments and volunteer firefighter interest organizations to assist in increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate fire protection from fire and fire-related hazards, and to fulfill traditional missions of fire departments. Since 2005, the SAFER Program has awarded approximately \$5.8 billion in grant funding to provide critically needed resources to hire new, additional firefighters (or to change the status of part-time or paid-on-call firefighters to full-time firefighters), as well as recruitment and retention of volunteer firefighters. Information about success stories for this program can be found at [Assistance to Firefighters Grants Program | FEMA.gov](https://www.fema.gov/assistance-to-firefighters-grants-program).

The SAFER Program is part of a comprehensive set of measures authorized by Congress and implemented by DHS. In awarding grants, the FEMA Administrator is required to consider:

- The findings and recommendations of the Technical Evaluation Panel;
- The degree to which an award will reduce deaths, injuries, and property damage by reducing the risks associated with fire-related and other hazards;
- The extent of an applicant’s need for a SAFER Program grant and the need to protect the United States as a whole; and
- The number of calls requesting or requiring a firefighting or emergency medical response received by an applicant.

B. Goals, Objectives, and Priorities

Goal: To enhance local fire departments’ abilities to comply with staffing, response and operational standards established by the National Fire Protection Association (NFPA 1710 or NFPA 1720²).

² NFPA 1710 and 1720 are lapsing in 2026 and will be consolidated under the proposed NFPA 1750. FEMA is working with the NFPA Standards Council to evaluate deployment of fire suppression operations. No decisions have been made and FEMA will issue additional guidance when more information becomes available. While the goal of the grant is to increase compliance with NFPA 1710 or 1720, 24-hour staffing is not a requirement of the SAFER Program.

Objectives: The objectives of the SAFER Program are to are to provide funding to communities so they may:

- Increase the number of firefighters to meet industry minimum standards;
- Increase the number of trained personnel assembled at the incident scene;
- Attain 24-hour staffing to improve deployment capabilities; and
- Fulfill traditional missions of fire departments (respond to emergencies and provide adequate fire protection from fire and fire-related hazards).

Priorities: Information on program priorities and objectives for the FY 2024 SAFER Program can be found in Appendix B – Programmatic Information and Priorities of this NOFO.

C. Program Rationale

The SAFER Program represents part of a comprehensive set of measures authorized by Congress and implemented by DHS. Among the six DHS Missions noted in the Department of Homeland Security's Strategic Plan, the SAFER Program supports Mission Five: Build a Resilient Nation and Respond to Incidents. By increasing the number of trained firefighters, the SAFER Program improves deployment capabilities to respond to emergencies and provide adequate protection from fire and fire-related hazards. The SAFER Program also aims to support objectives outlined under Mission Five in the Strategic Plan including:

- Objective 5.1: Coordinate Federal Response to Incidents
- Objective 5.2: Strengthen National Resilience
- Objective 5.4: Enhance Training and Readiness of First Responders

Through these objectives, FEMA creates a vision for the field of emergency management and sets an ambitious, yet achievable, path forward to unify and further professionalize emergency management across the country. We invite all our stakeholders and partners to join us in building a more prepared and resilient nation.

D. Federal Assistance Type Grant

E. Performance Measures and Targets

The grant recipient is required to collect data to allow FEMA to measure performance of the awarded grant in support of the SAFER Program metrics, which are tied to the programmatic objectives and priorities. To measure performance, FEMA may request information throughout the period of performance. In its final performance report submitted at closeout, the recipient must submit sufficient information to demonstrate it has met the performance goal as stated in its award. FEMA will measure the recipient's performance of the grant by comparing the number of items, supplies, projects, and activities needed and requested in its application with the number of items, supplies, projects, and activities acquired and delivered by the end of the period of performance using the following programmatic metrics:

- Percentage of “majority career” SAFER Program recipients who reported and provided evidence that the grant funding increased compliance with structural fire responses that complied with NFPA 1710 structural response standards;
- Percentage of “majority volunteer” SAFER Program recipients who reported and provided evidence that the grant funding increased compliance with structural fire responses that complied with NFPA 1720 structural response standards; and
- Percentage of SAFER Program recipients who reported and provided evidence that the grant funding increased compliance with NFPA 1710 or 1720 assembly and deployment standards.

The target for these measures is the number of firefighters hired and the structural fire responses that complied with NFPA 1710 structural response standards. The measure will be assessed by how the addition of new firefighters has resulted in a percentage increase in compliance with the relevant section of the NFPA standards.

F. Program-Specific Unallowable Costs

Construction costs are not allowable under the SAFER Program. Construction includes major alterations to a building that changes the profile or footprint of the structure.

Modifications to facilities described in Appendix B – Programmatic Information and Priorities are not considered construction costs for purposes of general award cost categorization and may be eligible. However, modifications to facilities activities might be considered “construction” for purposes of procurement or environmental protection and historic preservation purposes.

G. General Funding Requirements

Costs charged to federal awards (including federal and non-federal cost share funds) must comply with applicable statutes, rules and regulations, policies, this NOFO, and the terms and conditions of the federal award. This includes, among other requirements, that costs must be incurred, and products and services must be delivered within the budget period. 2 C.F.R. § 200.403(h).

Recipients may not use federal funds or any cost share funds for the following activities:

1. Matching or cost sharing requirements for other federal grants and cooperative agreements (see 2 C.F.R. § 200.306).
2. Lobbying or other prohibited activities under 18 U.S.C. § 1913 or 2 C.F.R. § 200.450.
3. Prosecuting claims against the federal government or any other government entity (see 2 C.F.R. § 200.435).

H. Indirect Costs (Facilities and Administrative Costs)

Indirect costs are allowed for recipients and subrecipients.

Indirect costs (IDC) are costs incurred for a common or joint purpose benefitting more than one cost objective and not readily assignable to specific cost objectives without disproportionate effort. Indirect costs are allowable only under R&R Activity for this program as described in 2 C.F.R. Part 200, including 2 C.F.R. § 200.414. Applicants with a current negotiated IDC rate agreement who desire to charge indirect costs to a federal award must provide a copy of their

IDC rate agreement with their applications. Not all applicants are required to have a current negotiated IDC rate agreement. Applicants that are not required to have a negotiated IDC rate agreement, but are required to develop an IDC rate proposal, must provide a copy of their proposal with their applications. Applicants without a current negotiated IDC rate agreement (including a provisional rate) and wish to charge the de minimis rate must reach out via email to FireGrants@fema.dhs.gov for further instructions. Applicants who wish to use a cost allocation plan in lieu of an IDC rate proposal must also reach out via email to FireGrants@fema.dhs.gov for further instructions. As it relates to the IDC for subrecipients, a recipient must follow the requirements of 2 C.F.R. §§ 200.332 and 200.414 in approving the IDC rate for subawards.

I. Management and Administration (M&A) Costs

M&A costs are allowed under the R&R Activity only. M&A costs are not eligible under the Hiring Activity.

No more than 3% of the federal share of SAFER Program funds awarded may be expended by the recipient for M&A for purposes associated with the SAFER Program award. M&A activities are those directly related to the management and administration of the SAFER award funds, such as financial management and monitoring. M&A expenses should be based only on actual expenses or known contractual costs; requests that are simple percentages of the award or estimates, without supporting justification or adequate documentation will not be allowed or considered for reimbursement. Salaries and fringe benefits for personnel directly supporting the grant are not required to be included in the M&A budget line item.

M&A are not overhead costs but are necessary direct costs incurred in direct support of the federal award or as a consequence of it, such as travel, meeting-related expenses, and salaries of full/part-time staff in direct support of the program. As such, M&A costs can be itemized in financial reports.

J. Pre-Award Costs

The following pre-award costs are allowable:

1. Fees for grant writers.

Generally, grant funds cannot be used to pay for products and services contracted for or obligated prior to the effective date of the award.

See Appendix C – Award Administration Information for further information regarding grant writer fees and Section 10.B. Other Information for general procurement under grants requirements.

K. Beneficiary Eligibility

To be an eligible beneficiary, there are no program requirements. This NOFO and any subsequent federal awards create no rights or causes of action for any beneficiary.

L. Participant Eligibility

To be an eligible participant, there are no program requirements. This NOFO and any subsequent federal awards create no rights or causes of action for any participant.

M. Authorizing Authority

Section 34 of the *Federal Fire Prevention and Control Act of 1974*, Pub. L. No. 93-498, as amended (15 U.S.C. § 2229a).

N. Appropriation Authority

Department of Homeland Security Appropriations Act, 2024, Pub. L. No. 118-47, Title III, Protection, Preparedness, Response, and Recovery, Federal Emergency Management Agency, Financial Assistance (2024 DHS Appropriations Act).

O. Budget Period

There will be only a single budget period with the same start and end dates as the period of performance.

P. Prohibition on Covered Equipment or Services

Recipients, subrecipients, and their contractors or subcontractors must comply with the prohibitions set forth in Section 889 of the *John S. McCain National Defense Authorization Act for Fiscal Year 2019*, which restricts the purchase of covered telecommunications and surveillance equipment and services. Please see 2 C.F.R. §§ 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200, and FEMA Policy #405-143-1 - Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services for more information.

4. Application Contents and Format

A. Pre-Application, Letter of Intent, and Whitepapers

Pre-applications, letters of intent, and whitepapers are not required to be eligible to apply.

B. Application Content and Format

Applications are processed through the FEMA GO system. To access the system, go to <https://go.fema.gov/>. Additional application and program guidance documents are available at the SAFER Program website. Applicants will be prompted to submit the standard application information and any program-specific information required as described in Sections 4.C. Application Components and 4.D. Program-Specific Required Documents and Information of this NOFO. The Standard Forms (SF) may be accessed in the Forms tab at Forms | Grants.gov. Applicants should review these forms before applying to ensure they have all the information required.

After submitting the final application, FEMA GO will provide either an error message or a successfully received transmission in the form of an email sent to the AOR that submitted the application. Applicants using slow internet connections, such as dial-up connections, should be aware that transmission can take some time before FEMA GO receives your application.

For additional application submission requirements, including program-specific requirements, please refer to the Section 4.C. Application Components of this NOFO.

C. Application Components

The following forms or information are required to be submitted via FEMA GO. The Standard Forms (SF) are also available at [Forms | Grants.gov](#).

- SF-424, Application for Federal Assistance
- Grants.gov Lobbying Form, Certification Regarding Lobbying
- SF-424A, Budget Information (Non-Construction)
- SF-424B, Standard Assurances (Non-Construction)
- SF-LLL, Disclosure of Lobbying Activities

D. Program-Specific Required Documents and Information

For program-specific updates and information, please see the [Appendix A – FY 2024 SAFER Program Updates](#), [Appendix B – Programmatic Information and Priorities](#), and [Appendix C – Award Administration Information](#).

E. Post-Application Requirements for Successful Applicants

Applicants likely to be funded may receive a request for additional information by email prior to award. Applicants must respond to the request to move forward with the grant review process.

5. Submission Requirements and Deadlines

A. Address to Request Application Package

Applications are processed through the FEMA GO system. To access the system, go to [FEMA GO](#).

Steps Required to Apply for An Award Under This Program and Submit an Application:

To apply for an award under this program, all applicants must:

- a. Apply for, update, or verify their Unique Entity Identifier (UEI) number and Employer Identification Number (EIN) from the Internal Revenue Service;
- b. In the application, provide an UEI number;
- c. Have an account with [login.gov](#);
- d. Register for, update, or verify their SAM account and ensure the account is active before submitting the application;
- e. Register in FEMA GO, add the organization to the system, and establish the Authorized Organizational Representative (AOR). The organization's electronic business point of contact (eBiz POC) from the SAM registration may need to be involved in this step. For step-by-step instructions, see the [FEMA GO Startup Guide](#);
- f. Submit the complete application in FEMA GO; and
- g. Always maintain an active SAM registration with current information when the applicant has an active federal award or an application under consideration by a federal awarding agency. As part of this, applicants must also provide information on an applicant's immediate and highest-level owner and subsidiaries, as well as on all predecessors that have been awarded federal contracts or federal financial assistance within the last three years, if applicable.

Per 2 C.F.R. § 25.110, if an applicant is experiencing exigent circumstances that prevents it from obtaining an UEI number and completing SAM registration prior to receiving a federal award, the applicant must notify FEMA as soon as possible. Contact fema-grants-news@fema.dhs.gov and provide the details of the exigent circumstances.

How to Register to Apply:

General Instructions:

Registering and applying for an award under this program is a multi-step process and requires time to complete. Below are instructions for registering to apply for FEMA funds. Read the instructions carefully and prepare the requested information before beginning the registration process. Gathering the required information before starting the process will alleviate last-minute searches for required information.

The registration process can take up to four weeks to complete. To ensure an application meets the deadline, applicants are advised to start the required steps well in advance of their submission.

Organizations must have a Unique Entity Identifier (UEI) number, Employer Identification Number (EIN), and an active System for Award Management (SAM) registration.

Obtain a UEI Number:

All entities applying for funding, including renewal funding, must have a UEI number. Applicants must enter the UEI number in the applicable data entry field on the SF-424 form. For more detailed instructions for obtaining a UEI number, refer to [SAM.gov](https://sam.gov).

Obtain Employer Identification Number:

In addition to having a UEI number, all entities applying for funding must provide an Employer Identification Number (EIN). The EIN can be obtained from the IRS by visiting <https://www.irs.gov/businesses/small-businesses-self-employed/apply-for-an-employer-identification-number-ein-online>.

Create a login.gov account:

Applicants must have a login.gov account to register with SAM or update their SAM registration. Applicants can create a login.gov account at: https://secure.login.gov/sign_up/enter_email?request_id=34f19fa8-14a2-438c-8323-a62b99571fd.

Applicants only must create a login.gov account once. For existing SAM users, use the same email address for both login.gov and SAM.gov so that the two accounts can be linked.

For more information on the login.gov requirements for SAM registration, refer to <https://www.sam.gov/SAM/pages/public/loginFAQ.jsf>.

Register with SAM:

In addition to having a UEI number, all organizations must register with SAM. Failure to register with SAM will prevent your organization from applying through FEMA GO. SAM registration must be renewed annually and must remain active throughout the entire grant life cycle.³

For more detailed instructions for registering with SAM, refer to: [Register with SAM](#).

Register in FEMA GO, Add the Organization to the System, and Establish the AOR:

Applicants must register in FEMA GO and add their organization to the system. The organization's electronic business point of contact (eBiz POC) from the SAM registration may need to be involved in this step. For step-by-step instructions, see [FEMA GO Startup Guide](#).

Note: FEMA GO will support only the most recent major release of the following browsers: Google Chrome; Mozilla Firefox; Apple Safari; and Microsoft Edge.

Applicants using tablet type devices or other browsers may encounter issues with using FEMA GO.

Submitting the Final Application:

Applicants will be prompted to submit the standard application information and any program-specific information required. Standard Forms (SF) may be accessed at [Forms | Grants.gov](#). Applicants should review these forms before applying to ensure they are providing all required information.

After submitting the final application, FEMA GO will provide either an error message, or an email to the submitting AOR confirming the transmission was successfully received.

B. Application Deadline

07/03/2025 5:00 p.m. Eastern Time

C. Pre-Application Requirements Deadline

Not applicable.

D. Post-Application Requirements Deadline

Not applicable.

E. Effects of Missing the Deadline

All applications must be completed in FEMA GO by the application deadline. FEMA GO automatically records proof of timely submission and generates an electronic date/time stamp when FEMA GO successfully receives an application. The submitting AOR will receive via email the official date and time stamp and a FEMA GO tracking number to serve as proof of timely submission prior to the application deadline.

³ Per [2 C.F.R. § 25.200](#), , applicants must also provide the applicant's immediate and highest-level owner, subsidiaries, and predecessors that have been awarded federal contracts or federal financial assistance within the past three years, if applicable.

Applicants experiencing system-related issues have until 3:00 p.m. ET on the date applications are due to notify FEMA. No new system-related issues will be addressed after this deadline. Applications not received by the application submission deadline will not be accepted.

6. Intergovernmental Review

A. Requirement Description and State Single Point of Contact

An intergovernmental review is not required.

7. Application Review Information

A. Threshold Criteria

FEMA conducts reviews of a random sampling of applications to compare them for duplication including the narrative statements and statistical data. Therefore, all elements of the narrative statements must be specific and unique to the applying entity, and all statistical data must be accurate. Applications with narrative statements that have substantial duplication of statements, sentences, or paragraphs to other submitted applications, or inaccurate data that may mislead reviewers may be disqualified. Discovery of falsification, fabrication, or plagiarism of other grant proposals will disqualify the application(s).

Note: FEMA evaluates each application on its merit, veracity, and accuracy to ascertain how the narrative statement(s) outlined within the application depicts the applicant's and their community's uniqueness, their particular risks, and how selecting them over a similarly situated applicant advances the objectives of the SAFER program to assist local fire departments with staffing and deployment capabilities to respond to emergencies and assure that communities have adequate protection from fire and fire-related hazards. At any time during application review process, including the technical review stage, FEMA may request additional documentation from applicants, including but not limited to:

- Copies of official or certified documents demonstrating the claimed financial need;
- Copies of the applicant's needs assessment report, survey, or any documented other efforts undertaken to identify the applicant's unique project objectives;
- Copies of the risk analysis conducted to ascertain how said project will address the applicant's unique needs in alignment with their mission and SAFER Program grant purpose;
- Additional information or evidence detailing the applicant's particular risks; and
- Any other information deemed necessary to adequately weigh the applicant's assistance request for funding under this discretionary-competitive grant program. No applicant is guaranteed funding.

B. Application Criteria

Funding priorities and programmatic criteria for evaluating SAFER Program applications are established by FEMA based on the recommendations from the Criteria Development Panel (CDP). Each year, FEMA convenes a panel of fire service professionals to develop funding priorities for the SAFER Program. The panel makes recommendations about funding priorities as well as developing criteria for awarding grants.

The **nine major fire service organizations** represented on the panel are:

- International Association of Fire Chiefs

- International Association of Fire Fighters
- National Volunteer Fire Council
- National Fire Protection Association
- National Association of State Fire Marshals
- International Association of Arson Investigators
- International Society of Fire Service Instructors
- North American Fire Training Directors
- Congressional Fire Service Institute

The CDP is charged with making recommendations to FEMA regarding the creation or modification of previously established funding priorities as well as developing criteria for awarding grants. The content of this NOFO reflects implementation of the CDP's recommendations with respect to the priorities, direction, and criteria for awards.

FEMA will rank all complete and submitted applications based on how well they align with the program priorities for the activity. Answers to the application's activity specific questions provide information used to determine each application's ranking relative to the stated program priorities.

The Narrative Statements of the application must provide specific details about the activity for which applicants seek funding, including budget details. The weighted evaluation criteria used by the peer reviewers in the determination of the grant award, as described below, make up the elements of the narrative statement score.

C. Financial Integrity Criteria

Before making an award, FEMA is required to review OMB-designated databases for applicants' eligibility and financial integrity information. This is required by the *Payment Integrity Information Act of 2019* (Pub. L. No. 116-117, § 2 (2020)), 41 U.S.C. § 2313, and the "Do Not Pay Initiative" (31 U.S.C. 3354). For more details, please see 2 C.F.R. § 200.206.

Thus, the Financial Integrity Criteria may include the following risk-based considerations of the applicant:

1. Financial stability.
2. Quality of management systems and ability to meet management standards.
3. History of performance in managing federal award.
4. Reports and findings from audits.
5. Ability to effectively implement statutory, regulatory, or other requirements.

D. Supplemental Financial Integrity Criteria and Review

Before making an award expected to exceed the simplified acquisition threshold (currently a total federal share of \$250,000) over the period of performance:

1. FEMA is required by 41 U.S.C. § 2313 to review or consider certain information found in SAM.gov. For details, please see 2 C.F.R. § 200.206(a)(2).
2. An applicant may review and comment on any information in the responsibility/qualification records available in SAM.gov.

3. Before making decisions in the risk review required by 2 C.F.R. § 200.206, FEMA will consider any comments by the applicant.

E. Reviewers and Reviewer Selection

A panel of peer reviewers is comprised of fire service representatives recommended by the Criteria Development Panel. Peer reviewers are subject matter experts recommended by the nine major fire service organizations. In their role as Special Government Employees, peer reviewers must certify and observe Federal Conflict of Interests rules.

F. Merit Review Process

SAFER Program applications are reviewed through a multi-phase process. All applications are electronically pre-scored and ranked based on how well they align with the funding priorities outlined in this NOFO.

Applications with the highest pre-score rankings per activity are then scored competitively by no less than three members of a Peer Review Panel.

Applications will also be evaluated through a series of internal FEMA review processes for completeness, adherence to programmatic guidelines, technical feasibility, costs/quantities, and anticipated effectiveness of the proposed project(s). Below is the process by which applications will be reviewed:

1. Pre-Scoring Process

The application undergoes an electronic pre-scoring process based on established program priorities listed in Appendix B – Programmatic Information and Priorities and answers to activity-specific questions within the online application. Application Narratives are not reviewed during the pre-score process. “Request Details” and “Budget” information should comply with program guidance and statutory funding limitations. The pre-score is 50% of the total application score under the Hiring Activity, and 30% of the total application score under the R&R Activity.

2. Peer Review Panel Process

Applications with the highest rankings from the pre-scoring process will undergo a Peer Review Panel process. A panel of peer reviewers is comprised of fire service representatives recommended by the CDP. Peer reviewers will assess the merits of each application based on the narrative statement on the requested activity. The evaluation elements listed in the “Narrative Evaluation Criteria” below will be used to calculate the narrative’s score for each activity requested. Panelists will independently score each requested activity within the application, discuss the merits and shortcomings of the application with their peers, and document the findings. A consensus is not required. The panel score is 50% of the total application score under the Hiring Activity, and 70% of the total application score under the R&R Activity.

Peer Review Panelists will evaluate and score each activity based on the following narrative elements within each activity.

a. Hiring Activity

The panel score is 50% of the total application score.

1. Project Description (30%):

- Why does the department need the positions requested in this application?
- How will the positions requested in this application be used within the department (e.g., fourth firefighter on engine, open a new station, eliminate browned out stations, reduce overtime)?
- What unique and specific services will the requested positions provide to the fire department and community?
- How will funds awarded through this grant enhance the department's ability to protect critical infrastructure within the primary response area?

2. Impact on Daily Operations (30%):

- How are the community and the current firefighters employed by the department at risk without the positions requested in this application?
- How will that risk be unequivocally reduced if awarded?

3. Financial Need (30%):

- Provide an income versus expenses breakdown of the department's current annual budget.
- Describe the department's precise budget shortfalls and inability to address financial needs without federal assistance.
- Describe what other actions the department has taken to obtain funding elsewhere (e.g., state assistance programs, other grant programs).
- Discuss how the critical functions of the department are uniquely affected without this funding.

4. Cost Benefit (10%):

- Describe the unique and specific benefits (e.g., quantifying the anticipated savings and efficiencies) the department and community will realize if awarded the positions requested in this application.

b. R&R Activity (Fire Departments)

The panel score is 70% of the total application score.

1. Project Description (30%):

- Describe the unique problems and issues the department is experiencing in recruiting new volunteer firefighters.

- Describe the problems and issues the department is experiencing in retaining current members.
- Describe the precise implementation plan, including the goals, objectives, methods, specific steps, and timelines to directly address the identified problems or issues.
- Describe the current marketing plan already in place, or the marketing program to be put in place with or without grant funds.
- Describe how the program will be uniquely evaluated for its impact on identified recruitment and retention problems and issues. Describe how the overall effectiveness of the grant will be measured.
- Describe the unique and specific services the new volunteer firefighters, retention of current volunteer firefighters, or both, will provide for the fire department(s) and community.
- If the grant request will have a regional impact, discuss how the regional partners will benefit and which activities they will benefit from.
- If the grant request includes executive or management positions, define the purpose of all requested positions and personnel expenditures.

2. Impact on Daily Operations (30%):

- Describe with particularity and discreteness how the community and current volunteer firefighters in the department are at risk without the items or activities requested in this application.
- Describe how that risk will be unequivocally reduced if awarded funding.
- Explain the definitive impact the recruitment of new volunteer firefighters, the retention of current volunteer firefighters, or both, will have on the department's NFPA compliance.

3. Financial Need (30%):

- Provide an income versus expenses breakdown of the department's current annual budget.
- Describe the department's precise budget shortfalls and its inability to address financial needs without federal assistance.
- Describe what other actions the department has taken to obtain funding elsewhere (e.g., state assistance programs, other grant programs), and how similar projects have been funded in the past.
- Discuss how the critical functions of the department are uniquely affected without this funding.

4. Cost Benefit (10%):

- Describe the unique and specific benefits (e.g., quantifying the anticipated savings and efficiencies) the department and community will realize if awarded the items or activities requested in this application.

c. *R&R Activity (National, state, local, or federally recognized tribal volunteer firefighters interest organizations)*

The panel score is 70% of the total application score.

1. Project Description (30%):

- Describe the problems and issues the fire departments that the organization will be reaching with this grant are experiencing in recruiting new volunteer firefighters.
- Describe the problems and issues the same departments are experiencing in retaining current members.
- Describe the organization's implementation plan, including the goals, objectives, methods, specific steps, and timelines to directly address the problems or issues identified.
- Describe the current marketing plan already in place, or the marketing program to be put in place with or without grant funds.
- Describe how the program will be evaluated for its impact on the identified recruitment and retention problems and issues of the fire departments participating in this grant. Describe how the overall effectiveness of the grant will be measured.
- Describe the specific services the new volunteer firefighters, retention of current volunteer firefighters, or both, will provide for the fire departments participating in this application and their respective communities.
- Describe the organization's procurement practices and the timelines outlining the chronological steps to complete the activities requested.

2. Impact on Daily Operations (30%):

- Describe how the fire departments participating in this application and their current volunteer firefighters and communities are at risk without the items or activities requested in this application.
- Explain how that risk will be reduced if awarded funding.
- Describe the impact that the recruitment of new volunteer firefighters, the retention of current volunteer firefighters, or both, will have on the NFPA compliance of the fire departments participating in this application.

3. Financial Need (30%):

- Provide an income versus expenses breakdown of the organization's current annual budget.
- Describe the organization's particular budget shortfalls and the inability to address the financial needs without federal assistance.
- Describe the other actions the organization has taken to obtain funding elsewhere (e.g., state assistance programs, other grant programs), and how similar projects have been funded in the past.
- Discuss how the critical functions of the organization are affected without this funding.

4. Cost Benefit (10%):

- Describe the specific benefits (e.g., quantifying the anticipated savings and efficiencies) the fire departments participating in this application and their communities will realize if awarded the items or activities requested in this application.

The Narrative Statement blocks do not allow for formatting. Do not type the Narrative Statements using only capital letters. Additionally, do not include tables, special characters, or fonts (e.g., quotation marks, bullets), or graphs. Space for the Narrative Statement is limited. While each element must have a minimum of 200 characters, the maximum number of characters varies based on the questions being asked.

G. Final Selection

a. *Technical Evaluation Process (TEP)*

The highest-ranking applications from both activities will be considered within the fundable range. Applications that are in the fundable range will undergo both a Technical Review by a subject-matter expert as well as a FEMA Program Office review before being recommended for award. The FEMA Program Office will assess the request with respect to costs, quantities, feasibility, eligibility, and recipient responsibility prior to recommending any application for award.

During the TEP information in [Appendix B - Programmatic Information and Priorities](#) is used to make final corrections to any request not meeting program eligibility requirements. This is not a scored phase of the application process. Requests may be recommended for partial funding or disqualification based on findings made during this assessment.

8. Award Notices

A. Notice of Award

The Authorized Organization Representative should carefully read the federal award package before accepting the federal award. The federal award package includes instructions on administering the federal award as well as terms and conditions for the award.

By applying, applicants agree to comply with the prerequisites stated in this NOFO and the material terms and conditions of the federal award, should they receive an award.

FEMA will provide the federal award package to the applicant electronically via FEMA GO. Award packages include an Award Letter, Summary Award Memo, Agreement Articles, and Obligating Document. An award package notification email is sent via the grant application system to the submitting AOR.

Recipients must accept their awards no later than 30 days from the award date. Recipients shall notify FEMA of their intent to accept the award and proceed with work via the FEMA GO system.

Funds will remain on hold until the recipient accepts the award via FEMA GO and all other conditions of the award have been satisfied, or until the award is otherwise rescinded. Failure to accept a grant award within the specified timeframe may result in a loss of funds.

During the review process for a SAFER Program award, FEMA may have modified the application request(s). These modifications will be identified in the award package provided upon the offer of an award. If the awarded activities, scope of work, or requested dollar amount(s) do not match the application as submitted, the recipient shall only be responsible for completing the activities funded by FEMA. The recipient is under no obligation to start, modify, or complete any activities requested but not funded by the award. The award package will identify any differences under the approved scope of work section.

B. Pass-Through Requirements

Standard pass-through requirements in 2 C.F.R. Part 200 apply.

C. Note Regarding Pre-Award Costs

Even if pre-award costs are allowed, beginning performance is at the applicant or sub-applicant's own risk.

D. Obligation of Funds

Grant funds are obligated upon the offer of grant award in the FEMA GO system. Recipients must accept their awards no later than 30 days from the award date. Acceptance of the award is confirmation of the obligation. The recipient shall notify FEMA of its intent to accept and proceed with work under the award through the FEMA GO system.

Funds will remain on hold until the recipient accepts the award through the FEMA GO system and all other conditions of the award have been satisfied or until the award is otherwise rescinded. Failure to accept a grant award within the specified timeframe may result in a loss of funds. Recipients may request additional time to accept the award if needed.

E. Notification to Unsuccessful Applicants

FEMA GO will provide all applicants who do not receive a FY 2024 SAFER Program award with a turndown notification after September 30, 2025.

9. Post-Award Requirements and Administration

A. Administrative and National Policy Requirements

In addition to the requirements of this section, FEMA may place specific terms and conditions on an individual award in accordance with 2 C.F.R. Part 200.

B. DHS Standard Terms and Conditions

A recipient of a federal award under this funding opportunity is required to comply with DHS Standard Terms and Conditions in effect at the time the award is issued. The DHS Standard Terms and Conditions are available [online](#). For continuation awards, the terms and conditions for the initial federal award will apply unless otherwise specified in the terms and conditions of the continuation award. The specific version of the DHS Standard Terms and Conditions applicable to the federal award will be in the federal award package. NOTE: Although not a requirement in

the DHS Standard Terms and Conditions, as a best practice entities receiving funds through this program should ensure that cybersecurity is integrated into the design, development, operation, and maintenance of investments that impact information technology (IT) and/ or operational technology (OT) systems.

a. Ensuring the Protection of Civil Rights

As the Nation works towards achieving the National Preparedness Goal, it is important to continue to protect the civil rights of individuals. Recipients and subrecipients must carry out their programs and activities, including those related to the building, sustaining and delivering of core capabilities, in a manner that respects and ensures the protection of civil rights for protected populations.

The DHS Standard Terms and Conditions include a fuller list of the civil rights provisions that apply to recipients. They can be found in the DHS Standard Terms and Conditions. Additional information on civil rights provisions is available at <https://www.fema.gov/about/offices/equal-rights/civil-rights>.

C. Financial Reporting Requirements

1. Recipients must report obligations and expenditures through a federal financial report. The Federal Financial Report (FFR) form, also known as Standard Form 425 (SF-425), is available online at: SF-425 OMB #4040-0014.
2. Recipients must submit the FFR semi-annually throughout the period of performance (POP) as detailed below:
 - No later than July 30 (for the period Jan. 1 – June 30)
 - No later than January 30 (for the period July 1 – Dec. 31)
3. The final FFR is due within 120 calendar days after the end of the POP.
4. FEMA may withhold future federal awards and cash payments if the recipient does not submit timely financial reports, or the financial reports submitted demonstrate lack of progress or provide insufficient detail.

D. Programmatic Performance Reporting Requirements

1. A Performance Report must be submitted semi-annually throughout the POP.
2. A Performance Report must include:
 - A brief narrative of overall project(s) status;
 - A summary of project expenditures; and
 - A description of any potential issues that may affect project completion.
3. The Progress Report must be submitted through FEMA GO.
4. Performance Report Due Dates
 - No later than July 30 (for the period Jan. 1 – June 30)
 - No later than January 30 (for the period July 1 – Dec. 31)

E. Closeout Reporting Requirements

Within 120 days after the end of the period of performance, or after an amendment has been issued to close out a federal award, recipients must submit the following:

1. The final request for payment, if applicable.
2. The final FFR.

3. The final progress report detailing all accomplishments. The recipient must include with the final progress report an inventory of all construction projects.
4. A qualitative narrative summary of the impact of those accomplishments throughout the period of performance.
5. Other documents required by this NOFO, terms and conditions of the federal award, or other DHS Component guidance.

After FEMA approves these reports, it will issue a closeout notice. The notice will indicate the period of performance as closed, list any remaining funds to be de-obligated, and address the record maintenance requirement. Unless a longer period applies, such as due to an audit or litigation, for equipment or real property used beyond the period of performance, or due to other circumstances outlined in 2 C.F.R. § 200.334, this maintenance requirement is three years from the date of the final FFR.

Also, pass-through entities are responsible for closing out those subawards as described in 2 C.F.R. § 200.344; subrecipients are still required to submit closeout materials within 90 calendar days of the subaward period of performance end date. When a subrecipient completes all closeout requirements, pass-through entities must promptly complete all closeout actions in time for the recipient to submit all necessary documentation and information to FEMA during the closeout of their prime award. The recipient is responsible for returning any balances of unobligated or unliquidated funds that have been drawn down that are not authorized to be retained per 2 C.F.R. § 200.344(e).

Administrative Closeout

Administrative closeout is a mechanism for FEMA to unilaterally execute closeout of an award. FEMA will use available award information in lieu of final recipient reports, per 2 C.F.R. § 200.344(h)-(i). It is an activity of last resort, and if FEMA administratively closes an award, this may negatively impact a recipient's ability to obtain future funding.

F. Disclosing Information per 2 C.F.R. § 180.335

Before entering into a federal award, the applicant must notify FEMA if it knows that the applicant or any of the principals (as defined at 2 C.F.R. § 180.995) for the federal award:

1. Are presently excluded or disqualified;
2. Have been convicted within the preceding three years of any of the offenses listed in § 180.800(a) or had a civil judgment rendered against you for one of those offenses within that time period;
3. Are presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with the commission of any of the offenses listed in § 180.800(a); or
4. Have had one or more public transactions (federal, state, or local) terminated within the preceding three years for cause or default.

This requirement is fully described in 2 C.F.R. § 180.335.

Additionally, 2 C.F.R. § 180.350 requires recipients to provide immediate notice to FEMA at any time after entering a federal award if:

1. The recipient learns that either it failed to earlier disclose information as required by 2 C.F.R. § 180.335;
2. Due to changed circumstances, the applicant or any of the principals for the federal award now meet the criteria at 2 C.F.R. § 180.335 listed above.

G. Reporting of Matters Related to Recipient Integrity and Performance

Appendix XII to 2 C.F.R. Part 200 states the terms and conditions for recipient integrity and performance matters used for this funding opportunity.

If the total value of all active federal grants, cooperative agreements, and procurement contracts for a recipient exceeds \$10,000,000 at any time during the period of performance:

1. The recipient must maintain the currency of information reported in SAM.gov about civil, criminal, or administrative proceedings described in paragraph 2 of Appendix XII;
2. The required reporting frequency is described in paragraph 4 of Appendix XII.

H. Single Audit Report

A recipient expending \$1,000,000 or more in federal awards (as defined by 2 C.F.R. § 200.1) during its fiscal year must undergo an audit. This may be either a single audit complying with 2 C.F.R. § 200.514 or a program-specific audit complying with 2 C.F.R. §§ 200.501 and 200.507. Audits must follow 2 C.F.R. Part 200, Subpart F, 2 C.F.R. § 200.501, and the U.S. Government Accountability Office (GAO) Generally Accepted Government Auditing Standards.

I. Monitoring and Oversight

Per 2 C.F.R. § 200.337, DHS and its authorized representatives have the right of access to any records of the recipient or subrecipient pertinent to a federal award to perform audits, site visits, and any other official use. The right also includes timely and reasonable access to the recipient's or subrecipient's personnel for the purpose of interview and discussion related to such documents or the federal award in general.

Pursuant to this right and per 2 C.F.R. § 200.329, DHS may conduct desk reviews and make site visits to review and evaluate project accomplishments and management control systems as well as provide any required technical assistance. Recipients and subrecipients must respond in a timely and accurate manner to DHS requests for information relating to a federal award.

FEMA staff will periodically monitor recipients to ensure that administrative processes, policies and procedures, budgets, and other related award criteria are meeting federal Government-wide and FEMA regulations. Aside from reviewing quarterly financial and programmatic reports, FEMA may also conduct enhanced monitoring through either a desk-based review, an onsite monitoring visit, or both. Enhanced monitoring will involve the review and analysis of the financial compliance and administrative processes, policies, activities, and other attributes of each federal assistance award, and it will identify areas where the recipient may need technical assistance, corrective actions, or other support.

Financial and programmatic monitoring are complementary processes within FEMA's overarching monitoring strategy that function together to ensure effective grants management, accountability, and transparency; validate progress against grant and program goals; and safeguard federal funds against fraud, waste, and abuse. Financial monitoring primarily focuses

on statutory and regulatory compliance with administrative grant requirements, while programmatic monitoring seeks to validate and assist in grant progress, targeting issues that may be hindering achievement of project goals and ensuring compliance with the purpose of the grant and grant program. Both monitoring processes are similar in that they feature initial reviews of all open awards, and additional, in-depth monitoring of grants requiring additional attention.

In terms of overall award management, recipient and subrecipient responsibilities include, but are not limited to: accounting of receipts and expenditures, cash management, maintaining adequate financial records, reporting and refunding expenditures disallowed by audits, monitoring if acting as a pass-through entity, or other assessments and reviews, and ensuring overall compliance with the terms and conditions of the award or subaward, as applicable, including the terms of 2 C.F.R. Part 200.

J. Program Evaluation

Federal agencies are required to structure NOFOs that incorporate program evaluation activities from the outset of their program design and implementation to meaningfully document and measure their progress towards meeting agency priority goal(s) and program outcomes. OMB Memorandum M-21-27, Evidence-Based Policymaking: Learning Agendas and Annual Evaluation Plans, implementing Title I of the *Foundations for Evidence-Based Policymaking Act of 2018*, Pub. L. No. 115-435 (2019) (Evidence Act), urges federal awarding agencies to use program evaluation as a critical tool to learn, improve delivery, and elevate program service and delivery across the program lifecycle. Evaluation means “an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency.” Evidence Act, § 101 (codified at 5 U.S.C. § 311).

As such, recipients and subrecipients are required to participate in a Program Office (PO) or a DHS Component-led evaluation, if selected. This may be carried out by a third-party on behalf of the PO or the DHS Component. Such an evaluation may involve information collections including but not limited to, records of the recipients; surveys, interviews, or discussions with individuals who benefit from the federal award, program operating personnel, and award recipients; and site visits or other observation of recipient activities, as specified in a DHS Component or PO-approved evaluation plan. More details about evaluation requirements may be provided in the federal award, if available at that time, or following the award as evaluation requirements are finalized. Evaluation costs incurred during the period of performance are allowable costs (either as direct or indirect) in accordance with 2 C.F.R. § 200.413. Recipients and subrecipients are also encouraged, but not required, to participate in any additional evaluations after the period of performance ends, although any costs incurred to participate in such evaluations are not allowable and may not be charged to the federal award.

K. Additional Performance Reporting Requirements Not Applicable.

10. Other Information

A. Period of Performance Extension

Extensions to the period of performance are allowed for R&R Activity grants only.

Recipients should consult with their FEMA point of contact for requirements related to a performance period extension.

Extension requests will be granted only due to compelling legal, policy, or operational challenges. Extension requests will only be considered for the following reasons:

1. Contractual commitments by the recipient or subrecipient with vendors that prevent completion of the project, including delivery of equipment or services, within the existing period of performance;
2. The project must undergo a complex environmental review that cannot be completed within the existing period of performance;
3. Projects are long-term by design, and therefore acceleration would compromise core programmatic goals; or
4. Where other special or extenuating circumstances exist.

Recipients should submit all proposed extension requests to FEMA for review and approval at least 60 days prior to the end of the period of performance to allow sufficient processing time. Extensions are typically granted for no more than a six-month period.

All extension requests must address the following:

1. The grant program, fiscal year, and award number;
2. The reason for delay – including details of the legal, policy, or operational challenges that prevent final outlay of awarded funds by the deadline;
3. Status of the activity or activities;
4. Approved period of performance termination date and requested extension;
5. Amount of funds drawn down to date;
6. Remaining available funds, both federal and non-federal, if applicable;
7. A budget outlining how remaining federal and non-federal funds will be expended;
8. A plan for completion, including milestones and timeframes for achieving each milestone and the individual responsible for completing the plan;
9. Certification that the activity or activities will be completed within the extended period of performance without any modification to the original statement of work, as described in the original statement of work and as approved by FEMA.

B. Other Information

a. *Environmental Planning and Historic Preservation (EHP) Compliance*

FEMA is required to consider effects of its actions on the environment and historic properties to ensure that activities, grants, and programs funded by FEMA, comply with federal EHP laws, Executive Orders, regulations, and policies.

Recipients and subrecipients proposing projects with the potential to impact the environment or cultural resources, such as the modification or renovation of existing buildings, structures, and facilities, new construction, or replacement of buildings, structures, and facilities, must participate in the FEMA EHP review process. This includes conducting early engagement to help identify EHP resources, such as threatened or endangered species, or historic properties; submitting a detailed project description with supporting documentation to determine whether the proposed project has the potential to impact EHP resources; and, identifying mitigation measures or alternative courses of action that may lessen impacts to those resources.

FEMA is sometimes required to consult with other regulatory agencies and the public to complete the review process. Federal law requires EHP review to be completed before federal funds are released to carry out proposed projects. FEMA may not be able to fund projects that are not in compliance with applicable EHP laws, Executive Orders, regulations, and policies. FEMA may recommend mitigation measures or alternative courses of action to lessen impacts to EHP resources and bring the project into EHP compliance.

EHP guidance is found at Environmental Planning and Historic Preservation. The site contains links to documents identifying agency EHP responsibilities and program requirements, such as implementation of the *National Environmental Policy Act* and other EHP laws, regulations, and Executive Orders. DHS and FEMA EHP policy is also found in the EHP Directive & Instruction.

All FEMA actions, including grants, must comply with National Flood Insurance Program (NFIP) criteria or any more restrictive federal, state, or local floodplain management standards or building code (44 C.F.R. § 9.11(d)(6)). For actions located within or that may affect a floodplain or wetland, the following alternatives must be considered: a) no action; b) alternative locations; and c) alternative actions, including alternative actions that use natural features or nature-based solutions. Where possible, natural features and nature-based solutions shall be used. If not practicable as an alternative on their own, natural features and nature-based solutions may be incorporated into actions as minimization measures.

The GPD EHP screening form is located at https://www.fema.gov/sites/default/files/documents/fema_ehp-screening_form_ff-207-fy-21-100_5-26-2021.pdf. SAFER Program applications that involve the installation of supplies/equipment not specifically excluded from a FEMA EHP review, per the GPD Programmatic Environmental Assessment, such as ground-disturbing activities, or modification/renovation of existing buildings or structures, will require an EHP review. Some equipment will require an EHP review as well. Such activities include, but are not limited to:

- Building renovations such as removal of a wall or installation of electrical or waterlines;
- Training/exercises in natural settings such as rope or swift water;
- Installing LED signs; and
- Any scope of work that involves ground disturbances.

The following activities would not require the submission of the FEMA EHP Screening Form:

- Planning and development of policies or processes;
- Management, administrative, or personnel actions;
- Classroom-based training;
- Acquisition of mobile and portable equipment (not involving installation) on or in a building that does not require a storage area to be constructed; and
- Purchase of Personal Protective Equipment (PPE).

b. *Procurement Integrity*

When purchasing under a FEMA award, recipients and subrecipients must comply with the federal procurement standards in 2 C.F.R. §§ 200.317 – 200.327. To assist with determining whether an action is a procurement or instead a subaward, please consult 2 C.F.R. § 200.331.

For detailed guidance on the federal procurement standards, recipients and subrecipients should refer to various materials issued by FEMA's Procurement Disaster Assistance Team (PDAT). These resources, including an upcoming trainings schedule can be found on the PDAT Website: <https://www.fema.gov/grants/procurement>.

Under 2 C.F.R. § 200.317, when procuring property and services under a federal award, states (including territories) and Indian tribes, must follow the same policies and procedures they use for procurements from their non-federal funds; additionally, states and Indian tribes must now follow 2 C.F.R. § 200.321 regarding socioeconomic steps, 200.322 regarding domestic preferences for Procurements and 2 C.F.R. § 200.327 regarding required contract provisions. States, but not Indian tribes, must also follow 200.323 regarding procurement of recovered materials.

Local government and nonprofit recipients or subrecipients must have and use their own documented procurement procedures that reflect applicable state, local, Tribal Nation, and territorial (SLTT) laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in 2 C.F.R. Part 200.

1. Important Changes to Procurement Standards in 2 C.F.R. Part 200

On April 22, 2024, OMB updated various parts of Title 2 of the Code of Federal Regulations, among them the procurement standards. These revisions apply to all FEMA awards with a federal award date or disaster declaration date on or after October 1, 2024, unless specified otherwise. The changes include updates to the federal procurement standards, which govern how FEMA award recipients and subrecipients must purchase under a FEMA award.

More information on OMB's revisions to the federal procurement standards can be found in Purchasing Under a FEMA Award: 2024 OMB Revisions Fact Sheet.

2. Competition and Conflicts of Interest

2 C.F.R. § 200.319(b), applicable to local government and nonprofit recipients or subrecipients, requires that contractors that develop or draft specifications, requirements statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. FEMA considers these actions to be an organizational conflict of interest and interprets this restriction as applying to contractors that help a recipient or subrecipient develop its grant application, project plans, or project budget. This prohibition also applies to the use of former employees to manage the grant or carry out a contract when those former employees worked on such activities while they were employees of the recipient or subrecipient.

Under this prohibition, unless the recipient or subrecipient solicits for and awards a contract covering both development and execution of specifications (or similar elements as described above), and this contract was procured in compliance with 2 C.F.R. §§ 200.317 – 200.327, federal funds cannot be used to pay a contractor to carry out the work if that contractor also worked on the development of those specifications. This rule applies to all contracts funded with federal grant funds, including pre-award costs, such as grant writer fees, as well as post- award costs, such as grant management fees.

In addition to organizational conflicts of interest, situations considered to be restrictive of competition include, but are not limited to:

- Placing unreasonable requirements on firms for them to qualify to do business;
- Requiring unnecessary experience and excessive bonding;
- Noncompetitive pricing practices between firms or between affiliated companies;
- Noncompetitive contracts to consultants that are on retainer contracts;
- Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
- Any arbitrary action in the procurement process.

Under 2 C.F.R. § 200.318(c)(1), local government and nonprofit recipients or subrecipients are required to maintain written standards of conduct covering conflicts of interest and governing the actions of their employees engaged in the selection, award, and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such conflicts of interest would arise when the employee, officer or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the recipient or subrecipient may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, the recipient or subrecipient may set standards for situations in which the financial interest is not substantial, or the gift is an unsolicited item of nominal value. The recipient’s or subrecipient’s standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents.

Under 2 C.F.R. 200.318(c)(2), if the local government and nonprofit recipient or subrecipient has a parent, affiliate, or subsidiary organization that is not a SLTT government, the recipient or subrecipient must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflict of interest means that because of a relationship with a parent company, affiliate, or subsidiary organization, the recipient or subrecipient is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization. The recipient or subrecipient must disclose in writing any potential conflicts of interest to FEMA or the pass-through entity in accordance with applicable FEMA policy.

3. Supply Schedules and Purchasing Programs

Generally, a recipient or subrecipient may seek to procure goods or services from a federal supply schedule, state supply schedule, or group purchasing agreement.

Information about GSA programs for states, Indian tribes, and local governments, and their instrumentalities, can be found at [Help for state, local, and tribal governments to make MAS buys | GSA](https://www.gsa.gov/buying-selling/purchasing-programs/gsa-schedules/schedule-buyers/state-and-local-governments) and <https://www.gsa.gov/buying-selling/purchasing-programs/gsa-schedules/schedule-buyers/state-and-local-governments>.

If a non-federal entity other than a state seeks to use a state supply schedule, cooperative purchasing program, or other similar type of arrangement, FEMA recommends the recipient discuss the procurement plans with its FEMA Preparedness Officer or Fire Program Specialist.

4. Procurement Documentation

Per 2 C.F.R. § 200.318(i), local government and nonprofit recipients or subrecipients are required to maintain and retain records sufficient to detail the history of procurement covering at least the rationale for the procurement method, selection of contract type, contractor selection or rejection, and the basis for the contract price. States and Indian tribes are reminded that in order for any cost to be allowable, it must be adequately documented per 2 C.F.R. § 200.403(g).

Examples of the types of documents that would cover this information include but are not limited to:

- Solicitation documentation, such as requests for quotes, invitations for bids, or requests for proposals;
- Responses to solicitations, such as quotes, bids, or proposals;
- Pre-solicitation independent cost estimates and post-solicitation cost/price analyses on file for review by federal personnel, if applicable;
- Contract documents and amendments, including required contract provisions; and
- Other documents required by federal regulations applicable at the time a grant is awarded to a recipient.
- Additional information on required procurement records can be found on pages 24-26 of the PDAT Field Manual.

c. *Financial Assistance Programs for Infrastructure*

1. Build America, Buy America Act

Recipients and subrecipients must comply with FEMA's implementation requirements of the *Build America, Buy America Act (BABAA)*, which was enacted as part of the *Infrastructure Investment and Jobs Act* §§ 70901-70927, Pub. L. No. 117-58 (2021); and Executive Order 14005, Ensuring the Future is Made in All of America by All of America's Workers. See also 2 C.F.R. Part 184, Buy America Preferences for Infrastructure Projects.

None of the funds provided under this program may be used for a project for infrastructure unless the iron and steel, manufactured products, and construction materials used in that infrastructure are produced in the United States.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

To see whether a particular FEMA federal financial assistance program is considered an infrastructure program and thus required to implement FEMA’s Build America, Buy America requirements, please see Programs and Definitions: *Build America, Buy America Act* | FEMA.gov.

2. Waivers

When necessary, recipients (and subrecipients through their pass-through entity) may apply for, and FEMA may grant, a waiver from these requirements.

A waiver of the domestic content procurement preference may be granted by the agency awarding official if FEMA determines that:

- Applying the domestic content procurement preference would be inconsistent with the public interest, or
- The types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality, or
- The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25%.

The process for requesting a waiver from the Buy America preference requirements can be found on FEMA’s website at: “Buy America” Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov.

3. Definitions

For definitions of the key terms of the Build America, Buy America Act, please visit Programs and Definitions: *Build America, Buy America Act* | FEMA.gov.

d. *Mandatory Disclosures*

The non-federal entity or applicant for a federal award must disclose, in a timely manner, in writing to the federal awarding agency or pass-through entity all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. (2 C.F.R. § 200.113)

e. *Termination Provisions*

FEMA may terminate a federal award in whole or in part for one of the following reasons. FEMA and the recipient must still comply with closeout requirements at 2 C.F.R. §§ 200.344-200.345 even if an award is terminated in whole or in part. To the extent that subawards are permitted under this NOFO, pass-through entities should refer to 2 C.F.R. § 200.340 for additional information on termination regarding subawards. Either party will provide written notice of intent to terminate to the other party no less than 30 days prior to the effective date of the termination.

1. Noncompliance

If a recipient fails to comply with the terms and conditions of a federal award, FEMA may terminate the award in whole or in part. Any action to terminate based on noncompliance will follow the requirements of 2 C.F.R. §§ 200.341-200.342.

2. With the Consent of the Recipient

FEMA may also terminate an award in whole or in part with the consent of the recipient, in which case the parties must agree upon the termination conditions, including the effective date, and in the case of partial termination, the portion to be terminated.

3. Notification by the Recipient

The recipient may terminate the award, in whole or in part, by sending written notification to FEMA setting forth the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated. In the case of partial termination, FEMA may determine that a partially terminated award will not accomplish the purpose of the federal award, so FEMA may terminate the award in its entirety. If that occurs, FEMA will follow the requirements of 2 C.F.R. §§ 200.341-200.342 in deciding to fully terminate the award.

4. Change in Program Goals or Agency Priorities

Pursuant to the terms and conditions of the award and to the extent authorized by law, FEMA may terminate the award if it no longer effectuates the program goals or agency priorities.

f. Disability Integration

Pursuant to Section 504 of the Rehabilitation Act of 1973, recipients of FEMA financial assistance must ensure that their programs and activities do not discriminate against qualified individuals with disabilities.

g. Record Retention

1. Record Retention Period

Financial records, supporting documents, statistical records, and all other non-federal entity records pertinent to a federal award generally must be maintained for at least three years from the date the final FFR is submitted. *See 2 C.F.R. § 200.334*. Further, if the recipient does not submit a final FFR and the award is administratively closed, FEMA uses the date of administrative closeout as the start of the general record retention period.

The record retention period **may be longer than three years or have a different start date** in certain cases.

2. Types of Records to Retain

FEMA requires that recipients and subrecipients maintain the following documentation for federally funded purchases:

- Specifications
- Solicitations
- Competitive quotes or proposals

- Basis for selection decisions
- Purchase orders
- Contracts
- Invoices
- Canceled checks

h. Actions to Address Noncompliance

Non-federal entities receiving financial assistance funding from FEMA are required to comply with requirements in the terms and conditions of their awards or subawards, including the terms set forth in applicable federal statutes, regulations, NOFOs, and policies. Throughout the award lifecycle or even after an award has been closed, FEMA or the pass-through entity may discover potential or actual noncompliance on the part of a recipient or subrecipient.

In the case of any potential or actual noncompliance, FEMA may place special conditions on an award per 2 C.F.R. §§ 200.208 and 200.339. FEMA may place a hold on funds until the matter is corrected, or additional information is provided per 2 C.F.R. § 200.339, or it may do both. Similar remedies for noncompliance with certain federal civil rights laws are authorized pursuant to 44 C.F.R. Parts 7 and 19 or other applicable regulations.

If the noncompliance is not able to be corrected by imposing additional conditions or the recipient or subrecipient refuses to correct the matter, FEMA may take other remedies allowed under 2 C.F.R. § 200.339.

i. Audits

FEMA grant recipients are subject to audit oversight from multiple entities including the DHS OIG, the GAO, the pass-through entity, or independent auditing firms for single audits, and may cover activities and costs incurred under the award. Auditing agencies such as the DHS OIG, the GAO, and the pass-through entity (if applicable), and FEMA in its oversight capacity, must have access to records pertaining to the FEMA award.

j. Hazard-Resistant Building Codes

Hazard-resistant building codes are a foundational element of a more resilient nation, safeguarding communities, and lives against natural disasters, with an estimated \$11:1 return on investment. The adoption, enforcement and application of modern building codes mitigates community vulnerabilities, reduces disaster recovery costs, and strengthens nationwide capability. FEMA is working to promote and support building codes in all areas of its work. In the interest of building a stronger, more resilient nation, FEMA encourages all grant recipients and subrecipients to meet current published editions of relevant consensus-based building codes, specifications, and standards, and to exceed them where feasible.

11. Appendix A – FY 2024 SAFER Program Updates

Appendix A contains a brief list of changes between FY 2023 and FY 2024 to the SAFER Program. The FY 2024 SAFER Program NOFO contains some changes to definitions, descriptions, and priority categories. Changes include:

- Under Eligibility – Allowable Project Types
 - The Hiring Activity offers grants to support applications to hire new, additional

firefighters

- Under Eligibility – Unallowable Project Types
 - FEMA will not fund any projects, activities, or line items that are covered under a department’s normal operating budget
- Under Eligibility – Cost Sharing Requirement
 - Hiring Activity grant recipients are required to contribute non-federal funds as a cost share
- Under Eligibility – Cost Share Description, Type and Restrictions
 - In the first and second years of the grant, the amount of federal funding may not exceed 75 percent of the usual annual cost of a first-year firefighter and in the third year of the grant, the amount of federal funding may not exceed 35 percent of the usual annual cost of a first-year firefighter
- Under Eligibility – Required information for verifying Cost Share
 - Applicants are required to certify that their annual budget for fire-related programs and emergency response has not been reduced below 80 percent of the applicant’s average funding level in the three years prior to the application date
- Under Register in FEMA GO:
 - FEMA GO will no longer support Internet Explorer.
- Under Additional Information
 - Inclusion of Hazard-Resistant Building Codes.
- Under R&R Activity – Eligible Costs
 - New Member Costs – eligible physical exam costs for new members include: initial medical exams; annual physicals; job-related immunizations; behavioral health; and Cancer Screening Programs to meet NFPA 1582.
 - Wellness and Fitness for Existing Members – eligible subcategories of physical exams for existing members
 - Employee Assistance Program (EAP) to provide behavioral health training for coping with fire service duties.
- Under Other Information
 - Extensions to the period of performance are allowed for R&R Activity grants only
-

12. Appendix B – Programmatic Information and Priorities

Appendix B contains details on SAFER Program information and priorities. Reviewing this information may help applicants make their application(s) more competitive.

A. Ineligible Applications and Organizations

Volunteer and combination fire departments may apply for funding under both the Hiring Activity and the R&R Activity; however, departments must complete separate applications for each activity. Applicants are limited to one application per activity, per application period. If an applicant submits two applications for the same activity during a single application period, FEMA will disqualify both applications.

If two or more of the following entities have different funding streams, personnel rosters, and EINs but share the same facilities, FEMA considers them as being separate organizations for the purposes of FY 2024 SAFER Program eligibility:

- Fire departments; and
- National, state, local, federally recognized Tribal Nation, and nonprofit interest organizations.

However, if two or more organizations share facilities and each applies for the same activity (e.g., Hiring of Firefighters), FEMA reserves the right to review and compare all those program area applications to determine eligibility and review for potential overlap to avoid duplication of benefits.

Additionally, federal employees are prohibited from serving in any capacity (paid or unpaid) on the development of any application submitted under this program.

Examples of ineligible applications and organizations include:

- For-profit organizations, federal agencies, and individuals;
- Fire departments that are a Federal Government entity, or contracted by the federal government, and are solely responsible under a formally recognized agreement for suppression of fires on federal installations or land;
- Fire departments that are not independent entities but are part of, controlled by, or under the day-to-day operational command and control of a larger department, agency or AHJ;
 - However, if a fire department is the same legal entity as a municipality or other governmental organization, and otherwise meets the eligibility criteria, that municipality or other governmental organization may apply on behalf of that fire department if the application clearly states that the fire department is considered part of the same legal entity.
- State or local agencies, or subsets of any governmental entities, or any authorities that do not meet the requirements as defined by 15 U.S.C. § 2229a(a)(1)(A) and (a)(2);
- Ambulance services, emergency medical service organizations, rescue squads, auxiliaries, dive teams, and urban search and rescue teams; and,
- Non-federal airport or port authority fire departments whose sole responsibility is the suppression of fires on the airport grounds or port facilities unless the airport/port fire department has a formally recognized arrangement with the local jurisdiction to provide fire suppression on a first-due basis outside the confines of the airport or port facilities.
- Eligible applicants may submit only one application for each eligible activity (Hiring Activity and R&R Activity); all submissions of duplicate applications may be disqualified.
- If an applicant submits two or more applications for the same activity, both applications may be disqualified.
 - This is different from when where an entity is applying on behalf of other organizations that are agencies or instrumentalities of the applicant (e.g., multiple fire departments under the same county, city, borough, parish, or other municipality). In that situation, the applicant may request similar or the same costs if the application clearly states which costs (including quantities) are for which agency/instrumentality. This is permissible even if that entity submits multiple applications across regional versus direct applications.

B. Supporting Definitions for this NOFO

Attrition is a gradual reduction in work force without laying off personnel, e.g., when workers resign or retire and are not replaced.

Authority Having Jurisdiction (AHJ) is that person or office charged with enforcing the NFPA codes (Per NFPA101-2015 Edition: Life Safety Code).

Automatic Aid is a plan developed between two or more fire departments for immediate joint response on first alarms (Per NFPA 1710 – 2020 edition and NFPA 1720 – 2020).

Benefits, as defined in 2 C.F.R. § 200.431, means the regular compensation paid to employees during periods of authorized absences from the job, e.g., vacation leave, sick leave, military leave. Benefits may include employer contributions or expenses for social security, employee insurance, workmen’s compensation, and pension plan costs, and the like, whether treated as indirect costs or as direct costs, and are also eligible and shall be distributed to awards and other activities in a manner consistent with the pattern of benefits accruing to the individuals or group of employees whose salaries and wages are chargeable.

Career Fire Department, as defined in 15 U.S.C. § 2229, means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters.

Combination Fire Department, as defined in 15 U.S.C. § 2229, means a fire department that has paid firefighting personnel and volunteer firefighting personnel. FEMA considers a fire department with firefighting personnel paid a stipend, regardless of the amount, on a per event basis, or paid on-call, to be a combination fire department. This includes non-fire emergency medical service personnel of the department.

Emergency Medical Services Organization is a public or private organization that provides direct emergency medical services, including medical transport.

Fire Department is an agency or organization that has a formally recognized arrangement with a state, territory, local government, or Tribal Nation authority (city, county, parish, fire district, township, town, village, or other governing body) to provide fire suppression on a first-due basis to a fixed geographical area. Fire departments may be comprised of members who are volunteer, career, or a combination of volunteer and career.

Firefighter is an individual having the legal authority and responsibility to engage in fire suppression; employed by a fire department of a municipality, county, fire district, or state, engaged in the prevention, control, and extinguishing of fires; and responding to emergency situations in which life, property, or the environment is at risk. This individual must be trained in fire suppression, but may also be trained in emergency medical care, hazardous materials awareness, rescue techniques, and any other related duties provided by the fire department.

Initial Full Alarm Assignment is the personnel, equipment, and resources ordinarily dispatched upon notification of a structural fire.

Majority Career departments are considered majority career if more than 50% of the active firefighting membership is salaried staff.

Majority Volunteer departments are considered majority volunteer if more than 50% of the active firefighting membership is NOT compensated for service other than a nominal stipend and insurance.

Mutual Aid is a written intergovernmental agreement between agencies or jurisdictions stating that they will assist one another on request by furnishing personnel, equipment, or expertise in a specified manner (NFPA 1710 Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments, 2020 edition; and NFPA 1720 Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments, 2020 Edition).

National, State, Local, or Federally Recognized Tribal Organizations that Represent the Interests of Volunteer Firefighters are organizations that support or represent the interests of firefighters in front of legislative bodies at the local, state, tribal, or federal level. Such organizations include, but are not limited to, state or local firefighter or fire chiefs' associations, and volunteer firefighter relief organizations and associations. FEMA shall make the final determination as to whether an applicant is an appropriate volunteer firefighter interest group.

New Recruit is a volunteer that joins the department with the intent to serve as a firefighter, after the recipient is notified of the grant award (the date of the award notification email in the FEMA GO mail center).

Nominal Stipend is a stipend that does not exceed 20% of what the fire department would otherwise pay to hire a full-time firefighter to perform the services for which the stipend is provided. Whether a stipend falls above or below the 20% threshold may be determined in one of two ways. Departments that maintain paid full-time firefighters on their payrolls may compare the stipend to the salary they pay a full-time firefighter who performs similar services to determine whether the stipend is more or less than 20% of that salary.

Departments that do not maintain full time firefighters on their payrolls may make the determination based on a comparison to the salary paid to a full-time firefighter in a neighboring jurisdiction, elsewhere in the state or ultimately the nation, and may also utilize data from the U.S. Department of Labor's Bureau of Labor Statistics. A nominal stipend may also include reimbursements to volunteer firefighters for approximate out-of-pocket expenses they incur.

If a stipend paid exceeds 20% of the prevailing wage calculated as described above, then the firefighter receiving compensation would not qualify as a volunteer and is considered an employee who may be covered by the *Fair Labor Standards Act (FLSA)* minimum wage and overtime provisions.

Operational Budget is the funding supporting fire-related programs or emergency response activities (e.g., salaries, maintenance, equipment, apparatus).

Operational Position is a position with a primary assignment (more than 50% of time) on a fire suppression vehicle, regardless of collateral duties, in support of the department's NFPA 1710 or NFPA 1720 compliance.

Paid-on-Call is defined as firefighters who are paid a stipend for each event to which they respond. Paid-on-call firefighters may be considered paid firefighters or volunteer firefighters, depending on whether the stipend they receive is a nominal stipend. For the purposes of this SAFER Program, a department whose membership is composed of all volunteer firefighters, including any paid-on-call firefighters who receive only a nominal stipend, will be considered a volunteer fire department. Also, for the purposes of this SAFER Program, a department whose membership is composed of any paid-on-call firefighters who receive more than a nominal stipend will be considered a combination fire department. Also refer to the definition of a nominal stipend.

Part-Time Firefighter is a firefighter who works less than 40 hours per week. When more than one part-time firefighter shares a position that results in work in excess of 40 hours per week, FEMA considers that shared assignment to be a Full-Time Equivalent position that must be accounted for in the staffing information provided in the application.

Primary First Due is a geographic area surrounding a fire station in which a company from that station is projected to be first to arrive on the scene of an incident.

Salary is a fixed payment made by an employer to an employee to compensate for a regular work schedule. Typically, the payment is made on a monthly, biweekly, or weekly basis but often expressed as an annual sum. The salary structure should be documented in writing by the employer. Note: Only costs for overtime that an employer routinely pays as a part of a firefighter's regularly scheduled and contracted shift hours to comply with FLSA are eligible salary costs under the Hiring Activity.

State is defined as any of the 50 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Staffing and Deployment is the minimum staffing requirements to ensure a sufficient number of members are available to operate safely and effectively as defined in NFPA 1710 and 1720.

Supplanting is to replace or take place of funds that would otherwise be available from state or local sources, or the Bureau of Indian Affairs.

Tuition Assistance is only eligible for reimbursement of undergraduate and graduate studies, vocational/technical training, certification, and job training programs for the member of the department and not a spouse nor a dependent.

Volunteer Fire Department, as defined in 15 U.S.C. § 2229, means a fire department that has an all-volunteer force of firefighting personnel.

C. Application Tips

The following information may be useful when preparing a competitive application:

- NFPA – “FREE ACCESS”: as part of its commitment to enhancing public safety and supporting the emergency responder, the NFPA makes its codes and standards available online for free. Please visit <http://www.nfpa.org/freeaccess>.
- For the most competitive applications, select those local need(s) that most closely align with one or more SAFER Program funding priorities.
- Applications differ based on the applicant type. For example, the Hiring Activity application will be different from the fire department application for the R&R Activity; the R&R application will be different for a fire department than an interest organization. Be sure to select the appropriate applicant type when applying.
- When filling out the online application, applicants are required to provide basic demographic information regarding their organization and the community served and must provide detailed information regarding the items or activities for which they are seeking funding.
- If awarded, the application request(s) may be modified during the award review process; if the awarded activities, Scope of Work, or amount(s) do not match the application as submitted, the grant recipient shall only be responsible for completing the activities funded. The grant recipient is under no obligation to start, modify, or complete any activities requested, but not funded by this award. Please review the Award Package.

D. Funding Limitation

Specific funding parameters are either required by law or are the outcome of recommendations from the CDP. Each requirement is identified below, followed by the source of the requirement noted in parentheses:

- A total of 10% of the funding appropriated for FY 2024 SAFER Program awards is set aside for the recruitment and retention of volunteer firefighters (15 U.S.C. § 2229a(a)(2)).
 - No more than 33% of the total amount allocated for the recruitment and retention of volunteers can be awarded to national, state, local, territorial, or federally recognized tribal organizations that represent the interests of volunteer firefighters (CDP).
- A total of 10% of funding appropriated for FY 2024 SAFER Program awards is set aside for grants awarded to all volunteer or majority volunteer departments for hiring of firefighters (15 U.S.C. § 2229a(a)(1)(H)).
 - A majority volunteer fire department is one that more than half its personnel do not receive financial compensation for their services, other than life, health, and worker’s compensation insurance, or a nominal stipend payment, including certain paid-on-call personnel. Although applications are normally awarded based on total score (high to low), to meet this 10% statutory set aside, the SAFER Program Office may be required to fund an application that meets the criteria for the set aside instead of a higher-scoring application that does not meet the set aside criteria (15 U.S.C. § 2229a(a)(1)(H)).
 - If FEMA awards less than 10% of the funds available for the hiring of firefighters to volunteer and majority volunteer fire departments, it must transfer the remaining

funds to provide grants for the recruitment and retention of volunteer firefighters (15 U.S.C. § 2229a(a)(1)(H)).

E. Funding Priorities

a. *Meeting the National Standards*

FEMA prioritizes bringing non-compliant (NFPA 1710 or 1720) departments into compliance in the most cost-effective manner.

FEMA will ask applicants general questions about the NFPA standard they are attempting to meet as well as their current ability to meet that standard (without the use of overtime).

FEMA will also ask applicants to indicate what their ability will be to meet that same standard if awarded grant funds. Having additional firefighters on staff should improve a local fire department's ability to comply with the staffing, response, and operational standards that enhance community and firefighter safety.

Applications resulting in the largest percentage increases in compliance with the relevant section of NFPA 1710 (for career departments) or 1720 (for volunteer departments) receive higher pre-scores than applications resulting in smaller percentage increases in compliance.

Note: SAFER Program grants focus only on the Deployment, or Staffing and Deployment sections of these two standards, respectively.

- NFPA 1710 Assembly Requirements – Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Department (Section 5.2.4.1 – Single-Family Dwelling Initial Full Alarm Assignment Capability, Section 5.2.3.1 – Engine Companies, 3.3.53 Rapid Intervention Crew). This standard applies primarily to career fire departments and combination departments if the combination department chooses it.
- NFPA 1720 Assembly Requirements – Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments (Section 4.3 – Staffing and Deployment, Section 4.6 Initial Firefighting Operations). This standard applies primarily to all-volunteer fire departments, but it may also apply to combination departments if the combination department does not choose to comply with the NFPA 1710 standard.

F. Hiring Activity Overview

Grants awarded under the Hiring Activity enable volunteer, combination, and career fire departments to improve or restore staffing levels to attain a more effective level of response and a safer incident scene. FEMA awards Hiring Activity grants directly to volunteer, combination, and career fire departments to help fire departments increase their cadre of frontline firefighters by providing financial assistance to hire new, additional firefighters (**New Hire**).

All the following are considerations in pre-scoring and peer review determinations: High (H), Medium (M), Low (L)

a. Compliance with NFPA Standards

The tables below identify the priority levels for current and new compliance with the NFPA 1710/1720 standards discussed in Appendix B Section E. Funding Priorities of this NOFO.

Current (Pre-Award) 1710/1720 Compliance Priorities	
H Never or 0%	M Half of the time or 40-59%
H Rarely or 1-19%	L Very often or 60-79%
M Sometimes or 20-39%	L Most of the time or 80-100%

New (Post-Award) 1710/1720 Compliance Priorities	
H Always or 91-100%	M Half of the time or 40-59%
H Most of the time or 80-90%	L Sometimes or 20-39%
M Very often or 60-79%	L Rarely or 0-19%

b. Call Volume and Population Served

Department call volume and population served are both factors in the initial application evaluation. Departments responding to a higher number of incidents and departments that protect a larger jurisdiction will receive higher consideration than those departments responding to fewer incidents and protecting smaller jurisdictions.

c. Firefighter Health Measures

The health and well-being of firefighters is of paramount importance. Therefore, applicants who indicate newly hired firefighters will undergo an entry-level physical and receive immunizations and who indicate they will provide annual medical exams receive higher consideration than applicants who do not specify that these benefits will be provided. To qualify for this higher consideration, the physicals must be consistent with those required under NFPA 1580 Chapter 13, Occupational Medical: Evaluations (NFPA 1582).

Applicants should note that FEMA is working with the NFPA Technical Committee on Fire Service Occupational Safety and Health to evaluate whether the NFPA 1582 standard complies with applicable federal civil rights laws. No decisions have been made and FEMA will issue additional guidance when more information becomes available.

Entry-Level Medical Exams	
H NFPA 1582-compliant physicals	M Non-NFPA 1582-compliant physicals

Annual Medical Exams	
H NFPA 1582-compliant physicals	M Non-NFPA 1582-compliant physicals

d. Training Requirements

Applicants will receive higher pre-scores if the personnel funded under the grant will meet the minimum EMS training and certification requirements prescribed by the AHJ.

G. R&R Activity – Fire Departments Overview

Grants awarded under this R&R Activity are to fire departments to assist with the recruitment and retention of volunteer firefighters who are involved with or trained in the operations of firefighting and emergency response. The grants are intended to create a net increase in the number of trained, certified, and competent firefighters capable of safely responding to emergencies within the recipient's response area.

All the following are considerations in pre-scoring and peer review determinations. Program priorities are listed as: **High (H), Medium (M), Low (L)**

a. Compliance with NFPA Standards

The highest priority is to assist departments experiencing a high rate of turnover and that have staffing levels significantly below the ideal staffing level required to comply with NFPA standard 1710 or 1720 as discussed in Appendix B – Programmatic Information and Priorities, Funding Priorities of this NOFO.

b. Volunteer Membership

Departments or organizations with the highest percentage of volunteers should benefit the most from the recruitment and retention of volunteer firefighters. Therefore, applicants whose membership is comprised of mostly volunteer members, or have a significant number of volunteer firefighters, receive higher consideration.

Percentage of Volunteer Firefighters	
H 91-100%	M 41-50%
H 81-91%	M 31-40%
H 71-80%	L 21-30%
H 61-70%	L 11-20%
M 51-60%	L 1-10%

c. Call Volume

Department call volume is a factor in the initial evaluation. Departments responding to a higher number of incidents receive higher consideration.

d. Firefighter Health Measures

Applicants who indicate the newly recruited firefighters will undergo an entry-level physical and receive immunizations, and who indicate they will provide annual medical exams receive higher consideration. To qualify for this higher consideration, the physicals must be consistent with those required under NFPA 1580, Chapter 13, Occupational Medical: Evaluations (NFPA 1582). Applicants who provide worker's compensation/Accidental Death & Dismemberment (AD&D) benefits to their members receive higher consideration than applicants who do not specify these benefits will be provided.

Entry-Level Medical Exams	
H NFPA 1582-compliant physicals	M Non-NFPA 1582-compliant physicals
Annual Medical Exams	
H NFPA 1582-compliant physicals	M Non-NFPA 1582-compliant physicals

e. Firefighter Training and Certification Requirements

Firefighter	
H Both Firefighter (FF) II/Emergency Medical Technician (EMT)	M FF I
H FF II	L First Responder
M Both FF I/EMT	

f. R&R Coordinator/Program Manager/Grant Administrator

R&R Coordinator
H Applicants who currently have a coordinator, program manager, or grant administrator in place
M Applicants who request grant funding for a coordinator, program manager, or grant administrator's position
L Applicants who do not have, or are not requesting, a coordinator, program manager, or grant administrator

g. Regional Requests

Applications that will have a direct regional or local benefit beyond the immediate boundaries of the applicant's first-due area will receive higher consideration.

A regional request is an opportunity for an eligible R&R Activity organization to act as a host and apply for funding on behalf of itself and any number of other participating R&R Activity eligible organizations. Regional activities should achieve cost effectiveness, support regional efficiency and resilience, and have a direct regional or local benefit to more than one local jurisdiction (county, parish, town, township, city, or village). Direct regional or local benefit means that other eligible organizations will receive a portion of the grant-awarded funds, will receive items purchased with the grant funds, or share an item purchased with grant funds.

The community identification characteristic, the organizational status of the applicant, and the permanent resident population should be entered for the host entity, regardless of the composition of the participating partners.

Regional populations served are the aggregate of the geographically fixed areas of the host and participating partner organizations.

Neither the regional host nor any participating partner is prevented from also applying on behalf of their own organization for any SAFER Program Activity. However, it cannot be for the same item.

In completing the application, the host applicant must include a list of all participating organizations, including a point of contact and phone number for each organization that will directly benefit from the regional project if they receive the grant. The organizations that will

benefit from the R&R Activity may also apply for funding under the SAFER Program if the organizations do not apply for a project or activity that could conflict with or duplicate the host applicant's project. Applicants must also certify that they will ensure the organizations participating in this application have not received grants for similar items/activities.

To apply for a regional project, the host organization must agree, if awarded, to be responsible for all aspects of the grant. This includes, but is not limited to, cost share, accountability for the assets, and all reporting requirements in the regional application.

All participants of a regional application must be compliant with SAFER Program requirements, including being current with past grants, closeouts, and other reporting requirements. Upon notification by the SAFER Program Office, the host agency shall not distribute grant-funded assets or provide grant-funded contractual services to non-compliant partner organizations. The host and the delinquent partners will be notified by the SAFER Program Office of their specific deficiency.

Regional host applicants and participating partner agencies must execute a Memorandum of Understanding (MOU), or equivalent document signed by the host and all participating organizations participating in the award. The MOU must specify the individual and mutual responsibilities of the host and participating partners, the host's and participants' level of involvement in the project(s), the participating partners' EINs, and the proposed distribution of all grant-funded assets or contracted services. Any entity named in the application as benefiting from the award must be an eligible SAFER Program organization and must be a party to the MOU or equivalent document. **Copies of the MOU or equivalent document should be submitted as an attachment in the application.**

H. R&R Activity – National, State, Local, Territorial, or Federally Recognized Tribal Nation Volunteer Firefighter Interest Organizations (Interest Organizations) Overview

Grants awarded under this R&R Activity are to applicants who identify as an Interest Organization. These grants are intended to create an aggregate increase in the number of trained, certified, and competent firefighters capable of safely responding to emergencies on behalf of the fire departments being represented. For this reason, projects that are comprehensive in nature and based on a clear needs assessment, implementation plan, evaluation plan, and have, or will establish, fire service partnerships will receive higher consideration.

In completing the application, the applicant must include data that approximates the characteristics of the entire region and all fire departments affected by the grant. If awarded, recipients may be required to provide documentation of each fire department's consent to participate in the application. Applicants must also certify that they will ensure the fire departments participating in this application have not received grants for similar items/activities. The following identifies the elements that the applications will be evaluated on during the pre-scoring process. Automated (pre-score) evaluation scores represent 30% of the total application score.

All the following are considerations in pre-scoring and peer review determinations. Program priorities are listed as: **High (H), Medium (M), Low (L)**

a. Compliance with NFPA Standards

The highest priority is to assist departments experiencing a high rate of turnover that have staffing levels significantly below the ideal staffing level required to comply with NFPA standards 1710 or 1720 as discussed in Appendix B – Programmatic Information and Priorities, Funding Priorities of this NOFO. Interest Organizations that currently have the lowest recruitment and retention rates among the entire region and all fire departments benefitting from the grant funds receive higher consideration for funding.

b. R&R Coordinator/Program Manager/Grant Administrator

R&R Coordinator	
H Applicants who currently have a coordinator, program manager, or grant administrator in place	
M Applicants who request grant funding for a coordinator, program manager, or grant administrator's position	
L Applicants who do not have, nor are not requesting, a coordinator, program manager, or grant administrator	

c. Needs Assessment

Needs Assessment	
H Applicants with projects based on a needs assessment	L Applicants with projects that are not based on a needs assessment

d. Fire Service Partnerships

Fire Service Partnerships	
H Applicants who have, or will establish, fire service partnerships as part of this project	L Applicants who will not have, nor establish, fire service partnerships as part of this project

I. Eligible and Ineligible Costs and Requirements

Regardless of the eligibility of any costs requested or the results of the review of the application conducted in accordance with Section 7 Application Review Information of this NOFO, FEMA reserves the right to approve the activities requested in an application in whole or in part.

Hiring Activity – Eligible Costs and Requirements
Eligible Costs: Salary and associated benefits (actual payroll expenses) for the positions funded under the SAFER Program grant are eligible. Costs are reimbursable if they are included as part of the standard package, available to all operational firefighter positions, contractually obligated, and reimbursed via payroll. Refer also to the definitions in <u>Appendix B – Programmatic Information and Priorities, Supporting Definitions for this NOFO</u> or this NOFO.

Hiring Activity – Eligible Costs and Requirements

- Compensation for a firefighter's normal, contracted work schedule is reimbursable, but overtime costs are not eligible for reimbursement by the SAFER Program grant award (including overtime for holdovers, extra shifts, to attend training, etc.). Only costs for overtime that the fire department routinely pays as a part of the base salary or a firefighter's regularly scheduled and contracted shift hours, to comply with FLSA, are eligible. For more information on FLSA, please visit the [U.S. Department of Labor](#).
- Salaries and benefits of firefighters hired with SAFER Program funding while they are engaged in initial recruit training are eligible.

Eligibility Requirements:

- Only firefighters hired (**New Hire category**) after the SAFER Program grant offer of award are eligible for grant funding.
- Only full-time positions are eligible for funding. A full-time position is one position that is funded for at least 2,080 hours per year, e.g., 40 hours per week, 52 weeks per year.
- SAFER Program grant funds will only pay for operational positions, whose primary assignment (more than half the time) is on a fire suppression vehicle, regardless of collateral duties.
- Volunteer and mostly volunteer fire departments may also hire individuals to fill officer-level positions (e.g., chief, fire inspector, training officer, safety officer) in addition to their primary operational assignment.
- Funds received under the SAFER Program must not be used to replace funds that would be available from state or local sources, or from the Bureau of Indian Affairs, but shall be used to increase the amount of funding that would, in the absence of Federal funds received, be made available from state or local sources, or funds supplied by the Bureau of Indian Affairs.

Hiring Activity - Ineligible Costs

- The salaries and benefits of full-time firefighters who are employees at the time of grant award are ineligible to be funded under this grant.
- Job-sharing positions (e.g., utilizing more than one person to fill a full-time SAFER Program-funded position) are ineligible.
- The SAFER Program may not be used to fund promotions (e.g., to pay a current member a higher salary by placing him/her in a new SAFER Program-funded position).
- Pre-application costs, such as grant writer fees, administrative costs (e.g., physicals/medical exams, background checks, etc.), and indirect costs associated with hiring firefighters are ineligible.
- Costs to train and equip firefighters (e.g., PPE/Turnout Gear) are ineligible (this does not include the salaries and benefits of firefighters hired under the SAFER Program while they are engaged in training).
- Costs for additional benefits such as uniform allowances, education stipends, meal allowance, etc., that are not contractually obligated, included as part of the standard benefits package for all employees, and reimbursed via payroll are ineligible.

- Costs of annual physicals/medical exams are ineligible.
- Overtime costs (including overtime for holdovers, extra shifts, to attend training, etc.) are ineligible (except as noted in “eligible costs” above).
- M&A costs.
- Indirect costs.

R&R Activity – Eligibility Requirements

- Applicants must correlate the activities for which funding is requested and the identified recruitment or retention problems or issues to be addressed. FEMA will not fund a budget line item if an applicant does not provide sufficient information detailing how it will enhance recruitment and retention. Allowable costs may be limited to reasonable amounts, as determined by FEMA.
- Applicants who propose to focus on retention of volunteers will receive equal consideration as applicants focusing on recruitment of volunteers. A focus on retention may include providing incentives for volunteer firefighter members to continue service in a fire department.
- SAFER Program grant funds may only be used for volunteer firefighters who are involved with, or trained in, the operations of firefighting and emergency response.
- FEMA recommends that departments consult their AHJ or the department’s legal counsel to understand the full legal and financial implications involved with implementing or sustaining programs that offer benefits or financial awards to firefighters (e.g., stipends, Length of Service Award Program [LOSAP]/Retirement Program).
- All grant-related purchases and activities must be incurred, received, and completed within the period of performance. The period of coverage or service delivery on all contracts and agreements may not begin prior to or extend beyond the period of performance of the grant. FEMA may permit prorated costs to be charged to the grant for training courses that begin during the period of performance but end after the period of performance ends.
- All funded activities under the R&R Activity must be governed by formally adopted Standard Operating Procedures (SOPs). Minimally, these SOPs should specify who qualifies for each of the incentives, specific requirements for earning the incentives, and the disposition of the awarded incentives if an individual fails to fulfill the stipulations. FEMA may ask for copies of SOPs before or after being awarded.
- Funds received under the SAFER Program must not be used to replace funds that would be available from state or local sources, or from the Bureau of Indian Affairs, but shall be used to increase the amount of funding that would, in the absence of Federal funds received, be made available from state or local sources, or funds supplied by the Bureau of Indian Affairs.

R&R Activity – Eligible Costs: High Priority

- Costs to support a staffing needs assessment identifying the operational staff and support that are required to carry out fire department responsibilities safely and effectively (e.g., supplies for data collection, contractors, or personnel to collect and analyze data, software programs, etc.).
 - **Note:** If a staffing needs assessment is requested and the application is selected for funding, the staffing needs assessment will be the only activity that will be funded.
- Costs to support a R&R Coordinator, a Program Manager, and/or a Grant Administrator (including reasonable salary, fringe benefits, contract support, supplies, travel, etc.).
 - **Note:** Computers for these positions are low priority items.
- Marketing Program to recruit new volunteer firefighters, such as:
 - Media advertising (e.g., television, radio, social media);
 - Print advertising (e.g., newspapers, billboards, signs, banners, brochures, flyers); and,
 - LED/electronic sign. **Note:** this is a high priority item only when included as part of a comprehensive marketing program. Only one LED/electronic sign is allowed per applicant and 75% of usage must be dedicated to R&R activities. Allowable costs may be limited to reasonable amounts as determined by FEMA. Additional restrictions apply (for details see Section 10.B.a. Environmental Planning and Historic Preservation (EHP) Compliance of this NOFO).
 - **Note:** If requesting funds to recruit new members, a marketing plan must be in place, or the application must show a marketing plan will be implemented either with grant funds (requested as a line item) or that the applicant will implement a marketing plan using existing department resources.
- New Member Costs may include:
 - Entry-level physical exam for each new recruit;
 - Annual physicals for newly recruited members⁴; and
 - Station duty uniforms.
- Wellness and Fitness for Existing Members. Wellness and Fitness costs of an annual exam may include:
 - Physical exams;
 - Job-related immunization;
 - Periodic Physical Exam/Health Screening;
 - Behavioral health; and
 - Cancer Screening Program to meet NFPA 1582.
 - All grant-funded physicals (except those for explorers/cadets) must meet NFPA 1582 standards (Chapter 9, Occupational Medical Evaluation).
- Employee Assistance Program (EAP) to provide behavioral health training for coping with fire service duties.
- New recruit basic training that is not covered under a department's normal operating budget, and as required by the AHJ to meet minimum firefighter certification (e.g., cardiopulmonary resuscitation (CPR), First Responder, EMT, FF1, FF2).

⁴ The cost of physicals should be based on local physician or health center prices. Detailed information on implementing NFPA 1582 physicals can be found at <https://www.fstaresearch.org>.

R&R Activity – Eligible Costs: High Priority

- Reimbursement to members for lost wages, mileage and transportation costs, lodging costs, and per diem while attending required basic training is also eligible.
- **Note:** costs for mileage/transportation, lodging, and per diem must comply with the department's written travel policies and procedures. If policies are not established, costs will only be reimbursed at the federal government rate.
- Leadership or career development training when used as a retention incentive that is not covered under a department's normal operating budget.
 - Reimbursement to members for lost wages, mileage and transportation costs, lodging costs and per diem while attending leadership/career development training or conferences are also eligible.
 - **Note:** costs for mileage/transportation, lodging and meals must comply with the department's written travel policies and procedures. If policies are not established, costs will only be reimbursed at the federal government rate.
 - Courses must provide Continuing Education Units (CEU) or certificates of completion to be eligible.
- Instructor/train-the-trainer training that is not covered under a department's normal operating budget.
 - Reimbursement to members for lost wages, mileage and transportation costs, lodging costs, and per diem while attending instructor/train-the-trainer training are also eligible.
 - **Note:** Costs for mileage/transportation, lodging, and per diem must comply with the department's written travel policies and procedures. If policies are not established, costs will only be reimbursed at the federal government rate.
- Tuition assistance for higher education (including books, lab fees and student fees).
 - Coursework or certifications in this category should be more advanced than what departments typically fund for required minimum-staffing requirements and specific to an accredited university or trade school program.
 - Courses are not limited to firefighter training or education.
 - Only tuition payments for classes offered and taken during the period of performance are allowable.
 - Computers for individual students are not eligible for funding.
 - Payments for student loans are not eligible for funding.
 - Recipients must provide internal policies that explain how funding is administered.
 - Allowable costs may be limited to reasonable amounts, as determined by FEMA.
- PPE/Turnout Gear.
 - PPE may only be funded for new firefighters that join the department after the date of grant award, that successfully pass an NFPA 1582-compliant physical, and that are certified as "fit for duty." PPE purchased with SAFER Program funding must be utilized by adequately trained staff.
 - Funds are available to acquire Occupational Safety and Health Administration-required and NFPA-compliant PPE for firefighting personnel. In addition, PPE must meet any national or state standards and increase firefighter safety. Failure to meet these requirements may result in ineligibility for PPE funding. Copies of NFPA standards may be reviewed at <http://www.nfpa.org/freeaccess>.
 - Only actual costs for PPE are allowed.

R&R Activity – Eligible Costs: High Priority

- Allowable costs may be limited to reasonable amounts, as determined by FEMA.
- To receive payment, recipients must provide the following documentation to support the purchase of PPE:
 - Invoices/proof of payment (e.g., canceled checks, bank statements, electronic funds transfers) for PPE.
 - Proof that the firefighter(s) have passed an NFPA 1582-compliant physical and are certified as “fit for duty.”
- Eligible PPE Expenditures:
 - Only one set of PPE for structural and wildland firefighting per each new recruit.
 - The SAFER Program considers a complete set of structural PPE to be comprised of one self-contained breathing apparatus (SCBA) mask/face piece, one pair of pants, one coat, one helmet, two hoods, one pair of boots, two pairs of gloves, one pair of suspenders, and one pair of goggles. In those jurisdictions where additional PPE, like Personal Safety/Rescue Bailout Systems are statutorily required, the SAFER Program will consider all statutorily required items to be part of a complete PPE set.
 - The SAFER Program considers a complete set of wildland PPE to be comprised of one pair of pants, one coat, one jumpsuit, one helmet, one pair of boots, one pair of gloves, one pair of suspenders, one pair of goggles, one fire shelter, one web gear, one backpack, and one canteen/hydration system.
- Traditional therapies and preventative care facilitated by a licensed mental health or physical healthcare provider.
- LOSAP or Retirement Program:
 - New LOSAP or Retirement Programs (meaning the department has never had a LOSAP or Retirement Program).
 - Increasing existing LOSAP or Retirement Program coverage to include newly recruited members (FEMA will only fund the increase portion of the program).

Note: FEMA will not fund LOSAP or Retirement Programs that were previously funded by a SAFER Program grant.

R&R Activity – Eligible Costs: Medium Priority

- Nominal stipends, as defined under Appendix B – Programmatic Information and Priorities, Supporting Definitions for this NOFO in this NOFO for volunteer firefighters who are involved with, or trained in, the operations of firefighting and emergency response (e.g., Pay-per-Call, Points Based System, etc.). Stipends may only be provided for participation in operational (firefighting) activities, such as duty shifts, operational training, or responding to incidents.
 - Food vouchers may be used for nominal stipends if the Narrative supports their use as an effective recruitment and retention tool for the department. However, food vouchers must be issued through formally adopted SOPs.
 - Award recipients must maintain records of all food vouchers including firefighter name, amount, date received, and signature of the receiving firefighter.
 - Gift cards may not be used for nominal stipends. For information on gift cards, see Low Priority – Awards/Incentives below.
 - Only actual costs for stipends are allowed.

R&R Activity – Eligible Costs: Medium Priority

- Allowable costs may be limited to reasonable amounts as determined by FEMA.
- Costs to support explorer/cadet, and mentoring programs, such as:
 - Only one set of station duty uniforms (the SAFER Program considers one set of station duty uniform as one pair of pants, one shirt, one hat, and one pair of boots) for each newly recruited cadet/explorer per the department's documented uniform policy.
 - Training (Non-Immediate Danger to Life and Health [IDLH]).
 - One set of structural or wildland PPE as defined above for each new cadet/explorer that joins the department after the date of grant award, with the following two exceptions: 1) SCBA mask/face pieces are not eligible because PPE for explorers/cadets may not be used in an IDLH atmosphere, and 2) physicals for explorers/cadets are not required to meet NFPA 1582.
 - One introductory physical exam per each newly recruited explorer/cadet.
- Insurance packages (e.g., AD&D, workers compensation, disability, health, dental, life).
- Exercise equipment is limited to no more than \$10,000 total per grant award.
- Wellness programs (e.g., group fitness led by health instructors that come to the department).

R&R Activity – Eligible Costs: Low Priority

- New Member Costs. Only one set of station duty uniforms (the SAFER Program considers one set of station duty uniforms as one pair of pants, one shirt, one hat, and one pair of boots) for new firefighters that join the department after the date of grant award, per the department's documented uniform policy.
 - **Note:** Class A or B uniforms (e.g., Dress Uniforms) and badges are not allowable costs under the SAFER Program.
- American National Standards Institute-approved retro-reflective highway apparel.
- PPE gear bags.
- Costs for advanced training not currently covered under the department's operating budget (e.g., extrication training, specialized equipment training, swift water rescue, etc.). Advanced training requests are only eligible for members who have already met the minimum firefighter certifications required by the AHJ and must closely correlate to the applicant's recruitment and retention goals.
 - Reimbursement to members for lost wages, mileage and transportation costs, lodging costs, and per diem while attending advanced training are also eligible.
 - **Note:** Costs for mileage and transportation costs, lodging costs, and per diem must comply with the department's written travel policies and procedures. If policies are not established, costs will only be reimbursed at the federal government rate.
- Two computers (including monitor, keyboard, mouse) and printer for grant-appointed R&R Coordinator, Program Manager, and/or Grant Administrator.
- Awards or Incentive program for participation in operational (firefighting) activities, such as operational training or responding to incidents (e.g., length of service plaques, gift cards for top responders, non-uniform clothing).

R&R Activity – Eligible Costs: Low Priority

- Non-uniform clothing (limited to a shirt, a jacket, or a pullover) as part of an award program only.
 - **Note:** Class A or B uniforms (e.g., Dress Uniforms) and badges are not allowable costs under the SAFER Program.
- Gift Cards: a logbook for the purchase and issuance of gift cards is required. The logbook should include name of recipient, date, amount of card, reason for issuance, and signature of recipient. Gift cards should be issued to operational firefighters who have completed the minimum firefighter training required by the AHJ.
- LED/electronic sign when it is not included as part of a comprehensive marketing program.
- Fire service association membership fees.
- Projector or screen to support classroom training.
- Payments for housing or rent for volunteers at or near the fire station.
- Other costs associated with new recruits (background checks, aptitude tests, etc.).
- Station modifications/remodeling/renovation of existing facilities.
 - Remodeling/renovations to an existing facility are allowable (e.g., converting space into bunkroom) and must correlate to the identified recruitment or retention problems or issues being addressed with the grant. The renovations must be minor interior alterations not to exceed \$10,000 total per grant award.
 - Remodeling/renovations may not change the footprint or profile of the building.
 - Any request for modifications to facilities may require EHP review (for details see Section 10.B.a. Environmental Planning and Historic Preservation (EHP) Compliance of this NOFO). Recipients are encouraged to have completed as many steps as possible for a successful EHP Review in support of their proposal for funding, including coordination with their State Historic Preservation Office to identify potential historic preservation issues and to discuss the potential for project effects, and compliance with all state and EHP laws and requirements. Preservation Office to identify potential historic preservation issues and to discuss the potential for project effects, and compliance with all state and EHP laws and requirements.
 - Written approval must be provided by FEMA before using any SAFER Program funds for remodeling or renovation. If awarded funds for remodeling or renovation, recipients may be required to submit evidence of approved zoning ordinances, architectural plans, any other locally required planning permits, and a notice of interest.

R&R Activity – Eligible Costs: Non-Prioritized Costs

- M&A costs up to 3% of the total awarded amount in accordance with 2 C.F.R. Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. M&A costs must be identifiable and directly related to the implementation and management of the SAFER Program grant. Salaries and fringe benefits for personnel directly supporting the grant are not required to be included in the M&A budget line item.

R&R Activity – Eligible Costs: Non-Prioritized Costs

- Indirect costs for national, state, local, or federally recognized Tribal Nation volunteer firefighter interest organizations that are expended pursuant to Section 3.H. Indirect Costs (Facilities and Administrative Costs).
- Up to \$1,500 in grant writer fees for application preparation, but not grant administration. The fee must have been paid between 90 days before the publication date of this NOFO and up to 30 days of the end of the application period and prior to any contact with SAFER Program Office staff or an Offer of Award. For details see Appendix C – Award Administration Information, Grant Writer/Preparation Fees.
- Audit costs proportional to the total SAFER Program award. Recipients of multiple federal funding sources can only charge a pro rata share of the audit cost(s) to the SAFER Program award, and they must be incurred during the period of performance.

R&R Activity – Ineligible Costs

This list is not exhaustive:

- Salary and benefits for firefighters.
- Retroactive payments or recognition for operational services rendered prior to the grant award.
- Costs incurred (including the delivery of goods or services) outside of the period of performance except for grant writer fees; see Appendix C – Award Administration Information, Grant Writer/Preparation Fees.
- Fire suppression equipment.
- Vehicles.
- Fire simulators, fire evolution, or fire training props (e.g., burn trailers, forcible entry, rescue/smoke maze, flashover simulators).
- Supplies, expendables, or “onetime” use items such as foam, fuel/propane, breaching materials (e.g., wood or sheetrock).
- Sirens, warning lights for fire department or private vehicles, or other outdoor warning devices.
- Communication equipment and monthly expenses including cell phones, pagers, portable radios, or Computer- Aided Dispatch systems.
- Video cameras/recording equipment.
- Photographs/photographer unless part of a marketing contract for recruitment of new members.
- Intruder alerting systems and deployment notification systems.
- Retroactive payments or recognition for non-operational activities (including payments, gift cards, recruitment bonuses, or stipends for recruiting firefighters).
- Payments for travel to or participation in leisure or social activities such as theater tickets, entertainment tickets, and trips (e.g., professional sporting events).
- Costs associated with award banquets, such as food, photographers, refreshments, entertainment, or rental facilities. Reimbursement for actual awards (e.g., plaques and trophies) is eligible.

R&R Activity – Ineligible Costs

- Costs for food or refreshments that are not part of a conference or training hosted by the grant recipient (food vouchers can be requested as a nominal stipend but must be provided only under formally adopted SOPs).
- Costs for training currently covered under the department's operating budget (e.g., tuition or instructor fees for department-mandated, basic-level training).
- Tuition assistance for family members of the volunteer.
- Services at a member's personal residence (e.g., internet access, plowing of driveways).
- Furniture (except for newly converted bunkrooms), televisions, fixtures, appliances (e.g., refrigerators), and entertainment equipment.
- "Giveaways" for recruitment events, such as stickers, pencils, pens, t-shirts, cups, mugs, or balloons.
- Fees for courses and training that are available free of charge on the internet or at state/local training facilities (e.g., NIMS 100, 700, 800).
- Costs for fuel. Costs for travel to training or other eligible activities are reimbursed through mileage rates.
- Gym Memberships.
- Payments for student loans.
- Mileage reimbursement for responding to incidents or periodic operational training at the fire house (mileage reimbursement is allowed for other types of training as explained under eligible costs).
- Station internet access/user fees and equipment to install internet (such as routers).
- Continued funding of an existing (or previously funded through the SAFER Program) LOSAP or Retirement Program.
- Computers in common areas or individual computers for training/education.
- Copiers/printers.
- Incentives for career firefighters within the recipient's fire department.
- Ineligible explorer/cadet/mentoring program expenditures:
 - SCBAs, including masks/face pieces.
 - Anything involving the IDLH atmosphere.
 - Any activities precluded by the AHJ.
- Ineligible PPE expenditures:
 - Three-quarter length rubber boots.
 - SCBAs (not including SCBA masks/face pieces).
 - PASS Devices.
 - Spare cylinders.
 - Bomb disposal suits.
 - PPE for hazardous materials and other specialized incidents.
 - More than one set of structural or wildland PPE per newly recruited member (within the period of performance).
- PPE for existing members, R&R Coordinator, Program Manager, and/or Grant Administrator.

13. Appendix C – Award Administration Information

Appendix C contains detailed information on SAFER Program Award Administration. Reviewing this information may help recipients in the programmatic and financial administration of their award(s).

A. Help FEMA Prevent Fraud, Waste, and Abuse

If applicants or recipients have information about instances of fraud, waste, abuse, or mismanagement involving FEMA programs or operations, they should contact the DHS OIG Hotline at (800) 323-8603, by fax at (202) 254-4297, or email HOTLINE@oig.dhs.gov.

B. Grant Writer/Preparation Fees

Fees for grant writers may be included as a pre-award expenditure. For grant writer fees to be eligible as a pre-award expenditure, the services must be competitively sourced, specifically identified, and listed within the “Grant Request Details” section of the application and must satisfy the requirements under 2 C.F.R. § 200.458. FEMA will only consider reimbursements for application preparation, not administration, up to \$1,500 per annum. The allowability of grant writer fees as a pre-award expenditure must be paid between the 90 days before the publication date of this NOFO and up to 30 calendar days after the application period closes. For the grant writer fees held either on retainer or subscription basis to be an eligible pre-award cost, the claimed retainer or subscription must have been competitively secured, and the costs are limited to the start of the appropriation period for the underlying award and meet the requirements under 2 C.F.R. § 200.458. Fees payable on a contingency basis are not an eligible expense.

Pursuant to 2 C.F.R. Part 180, recipients may not use federal grant funds to reimburse any entity, including a grant writer or preparer, if that entity is presently suspended or debarred by the federal government from receiving funding under federally-funded grants or contracts. Recipients must verify that the contractor is not suspended or debarred from participating in specified federal procurement or non-procurement transactions pursuant to 2 C.F.R. § 180.300.

Prior to submission of the application, please review all work produced by grant writers or other third parties for accuracy. By submitting the application, applicants are certifying all information contained therein is true and an accurate reflection of the organization, and that regardless of the applicant’s intent, the submission of information that is false or misleading may result in actions by FEMA. These actions include but are not limited to the submitted application not being considered for award, temporary withholding of funding under the existing award pending investigation, or referral to the DHS OIG.

The following documentation shall be provided to FEMA upon request:

1. A copy of the grant writer’s contract for services;
2. A copy of the invoice or purchase order;
3. A copy of the canceled check (front and back); and
4. Evidence that the services were competitively procured.

Failure to provide the requested documentation may result in the grant writer fee being deemed ineligible and the grant reduced accordingly.

Note: FEMA requires that all applicants identify the following as “Application Participants” in the “Contact Information” section of the application: Any individual or organization that assisted with the development, preparation, or review of the application to include drafting or writing the narrative and budget; whether that person, entity, or agent is compensated or not; and whether the assistance took place before submitting the application.

C. Maintenance and Sustainment

The use of FEMA preparedness grant funds for the costs of repairs or replacement, as well as maintenance contracts, warranties, and user fees may be allowable.

The intent of eligible Maintenance and Sustainment activities is to provide direct support to the critical capabilities developed using FEMA and other DHS grants and support activities. Routine upkeep and the supplies, expendables, or one-time use items that support routine upkeep (e.g., gasoline, tire replacement, routine oil changes, monthly inspections or grounds and facility maintenance) are the responsibility of the recipient and may not be funded with SAFER Program funding.

Generally, when purchasing a maintenance agreement, service contract, or extended warranty for systems or equipment, the period of coverage provided under such a plan may not extend beyond the period of performance of the grant with which the agreement, warranty or contract is purchased.

The duration of an extended warranty purchased incidental to the original purchase of the equipment may exceed the period of performance if the coverage purchased is consistent with that which is typically provided for, or available through, these types of agreements, warranties, or contracts. When purchasing a stand-alone warranty or extending an existing maintenance contract on an already-owned piece of equipment or system, coverage purchased may not exceed the period of performance of the award used to purchase the maintenance agreement or warranty. As with warranties and maintenance agreements, this policy extends to licenses and user fees as well.

Even if purchased incidental to the original purchase of the equipment, the duration of an extended maintenance agreement or warranty must also be reasonable for the type of equipment or system being purchased. For example, if a vendor offers a 10-year extended warranty incidental to the purchase of a piece of equipment, but the useful life of that equipment being purchased is five years, the purchase of a 10-year extended warranty would not be a reasonable cost and may not be charged to the grant.

D. Taxes, Fees, Levies, and Assessments

Taxes, fees, levies, or assessments that the recipient is legally required to pay and are directly related to any eligible SAFER Program acquisition activity may be charged to a SAFER Program award pursuant to 2 C.F.R. § 200.470. These charges shall be identified and enumerated in the SAFER Program application narrative, as well as the “Grant Request Details” section of the acquisition activity.

Any avoidable and unreasonable costs that result from the action or inaction of a recipient (or recipient's agent) or that prevent that recipient from enjoying any lawful exemption, waiver, or reduction of any tax, fee, levy, or assessment directly related to any eligible SAFER Program acquisition activity are not chargeable to any SAFER Program award.

Example: Governmental entities and Public Safety Agencies are exempt from some Federal Communications Commission (FCC) fees*, but only if the eligible organization submits an exemption or waiver request to the FCC.

**Government entities are not required to pay FCC regulatory fees. Nonprofit entities (exempt under Section 501 of the Internal Revenue Code) may also be exempt. The FCC requires that any entity claiming exempt status submit, or have on file with the FCC, a valid Internal Revenue Service Determination Letter documenting its nonprofit status, or certification from a governmental authority attesting to its exempt status. For more information, please visit <http://www.fcc.gov>.*

E. Excess Funds

After completing the initial project(s) proposed in the recipient's application, some recipients may have unexpended funds remaining in their budget. These excess funds may result from any combination of under-budget acquisition activities or competitive procurement processes.

These excess funds may be utilized to address an organization's local needs or to mitigate identified capability gaps. FEMA expects excess funds to be obligated concurrent with an award's period of performance to address a known or critical need. An amendment request must be submitted to document the expenditure of excess funds. As a reminder, all costs must be incurred, and all goods and services must be delivered or completed within the period of performance to be allowable.

F. Payments and Amendments

FEMA uses the Direct Deposit/Electronic Funds Transfer method of payment to recipients.

SAFER Program payment/drawdown requests are generated using FEMA GO. SAFER Program payment/drawdown requests from state or local government entities will be governed by applicable federal regulations in effect at the time a grant is awarded to the recipient and may be either advances or reimbursements. Recipients should not expend funds until all special conditions listed on the grant award document have been met, including completion of EHP review, and the request for payment in FEMA GO has been approved. Recipients should draw down funds based upon immediate disbursement requirements; however, FEMA strongly encourages recipients to draw down funds as close to disbursement or expenditure as possible to avoid accruing interest.

Non-federal entities should keep detailed records of all transactions involving the grant. FEMA may at any time, request copies of any relevant documentation and records, including purchasing documentation along with copies of cancelled checks for verification. See, e.g., 2 C.F.R. §§ 200.318(i), 200.334, 200.337.

a. *Advances*

Recipients shall be paid in advance, provided they maintain or demonstrate the willingness and ability to maintain procedures to minimize the time elapsing between the transfer of funds and disbursement by the recipient (not to exceed 30 days), and the financial management systems that meet the standards for fund control and accountability as established in 2 C.F.R. Part 200. The recipient shall include all applicable source documentation such as invoice(s), purchase orders, contracts, etc., to support the costs associated with the advance SAFER Program payment/drawdown requests. EHP review requirements must be met prior to advanced payments.

Although advance drawdown requests are permissible, recipients remain subject to applicable federal laws in effect at the time a grant is awarded to the recipient.

Governing interest requirements include the Uniform Administrative Requirements Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200 and the *Cash Management Improvement Act (CMIA)* and its implementing regulations at 31 C.F.R. Part 205. Interest under CMIA will accrue from the time federal funds are credited to a recipient's account until the time the recipient pays out the funds for program purposes. For the rate to use in calculating interest, please visit Treasury Current Value rate at https://www.fiscal.treasury.gov/fsreports/rpt/cvfr/cvfr_home.htm.

b. *Reimbursement*

Payment by reimbursement is the preferred method when the requirements to be paid in advance, pursuant to 2 C.F.R. § 200.305, cannot be met. In accordance with U.S. Department of Treasury regulations at 31 C.F.R. Part 205, if applicable, the recipient shall maintain procedures to minimize the time elapsing between the transfer of funds and the disbursement of said funds. As a prerequisite of SAFER Program approval for reimbursement requests, recipients shall submit all applicable source documentation, such as payroll records, timecards, contracts, invoices, purchase orders, proof of payment (e.g., canceled checks, bank statements, electronic funds transfers) to support the costs associated with each payment/drawdown request.

c. *Rebates*

Recipients shall disburse program income, rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments, in accordance with 2 C.F.R. § 200.305. The reduction of federal financial participation via rebates/refunds may generate excess funds for the recipient if the recipient previously obligated their Cost Share match based upon the original award figures. If the recipient previously obligated their original Cost Share prior to the rebate, then the recipient may have minimum excess funds equal to the difference between the original Cost Share less the rebate-adjusted Cost Share.

d. *Payment Requests During Closeout*

A recipient may only submit reimbursement payment requests up to 120 calendar days after the expiration of the period of performance, during an award's closeout reconciliation per 2 C.F.R. § 200.344. Reimbursement payments are the only eligible type of requests to be submitted after a grant's period of performance has expired. The expenditure must have been obligated and received during the period of performance of the award. The recipient's request should contain

clear and specific information certifying that the liquidation of federal funds is reimbursement for an obligation properly incurred during the active period of performance. FEMA may request documentation supporting the reimbursement for review at any time.

e. Amendments

FEMA may approve SAFER Program award amendments on a case-by-case basis for the following reasons:

- Extension of the period of performance to complete the scope of work under the R&R Activity;
- Changes to the activity, mission, retroactive approval (pre-award), closeout issues, and some excess funds requests;
- Budget changes (adding funds to award/non-closeout deobligation of funds); and
- Change of key personnel.

FEMA will only consider amendments submitted via FEMA GO. These requests must contain specific and compelling justifications for the requested change. Amendments or changes to the scope of work may require additional EHP review. FEMA strongly encourages recipients to expend grant funds in a timely manner to be consistent with SAFER Program goals and objectives.

Note: A recipient may deobligate or return unused funds (i.e., those remaining funds previously drawn down via payment request or remaining award funding that was never requested) to FEMA prior to the end of an award's period of performance. To exercise this option, a recipient must submit an amendment via FEMA GO and state in the amendment that the unliquidated funds (e.g., the funds to be returned) are not necessary for the fulfillment or success of the grant's obligations or mission. The recipient must also indicate in the amendment that it understands that the returned funds will be deobligated and unavailable for any future award expenses. Deobligation of funds will decrease the federal portion of the grant and the amount of the recipient's cost share obligation. FEMA will confirm deobligation amendments with all points of contact; after confirmation of the recipient's intent to deobligate, FEMA will hold the approved deobligation request for 14 calendar days as a period for recipient reconsideration before FEMA processes the deobligation request.

G. Disposition of Grant-Funded Equipment

A recipient must use, manage, and dispose of SAFER Program-funded equipment in accordance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. § 200.313. Except for state governments, when original or replacement equipment acquired under a SAFER Program award is no longer needed for the original project, program, or other activities currently or previously supported by a federal awarding agency, the recipient must request disposition instructions from FEMA. FEMA strongly recommends contacting the SAFER Help Desk before disposing of SAFER Program-funded equipment.

H. Post-Award Recipient Responsibilities

Once awarded, recipients under the Hiring Activity must submit a pre-SAFER Program roster listing paid operational/firefighting personnel, in support of NFPA 1710 or NFPA 1720, who are employees at time of award. FEMA compares the pre-SAFER Program roster to names submitted for SAFER Program-funded positions to ensure that the SAFER Program-funded firefighters are new employees.

The SAFER Program Office will work with recipients to establish the correct staffing maintenance numbers, which combine the number of pre-SAFER Program and SAFER Program-funded operational positions. Once this is established, recipients must agree to maintain this number throughout the period of performance by taking active and timely steps to fill any vacancies.

Recipients under the Hiring Activity who lay off any operational personnel during the period of performance will be considered in default of their grant and the award will be terminated. In those situations, recipients may be required to return the federal funds disbursed under the grant award.

Recipients who are unable, due to documentable economic hardship, to backfill non-SAFER Program operational positions vacated through attrition (e.g., resignation, retirement) after receiving an award may petition FEMA to waive the staffing maintenance requirements.

Approved waivers allow recipients to decrease and reestablish the staffing maintenance numbers agreed to at the time of award by the number of positions that recipients are unable to fill. To qualify for this waiver, the economic hardship must affect the entire public safety sector in a recipient's jurisdiction, not just the fire department. FEMA will not grant waivers for SAFER Program-funded positions. Recipients who fail to maintain the required level of staffing risk losing federal funds awarded under this grant.

Recipients must agree that, notwithstanding any provision of other laws, firefighters hired under these grants will not be discriminated against or be prohibited from engaging in volunteer firefighting activities in another jurisdiction during off-duty hours.

FEMA strongly encourages applicants, to the extent practicable, to seek, recruit and hire military veterans to increase their ranks within their departments.



MEETING OF JULY 1, 2025

TO: Mayor Rawn and City Council

THRU: Keith Macedo, Chief of Staff
Jonathan Curth, Development Services Director
Jessica Masters, Planning Director

FROM: Willa Thomason, Urban Forester

SUBJECT: **VAC-2025-0013: Vacation (3661 W WEDINGTON DR.): Submitted by CRAFTON TULL & ASSOCIATES for property located at 3661 W WEDINGTON DR. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 32.60 acres. The request is to vacate a 0.95-acre tree preservation easement.**

RECOMMENDATION:

Staff recommends conditional approval of **VAC-2025-0013**, the vacation of the tree preservation easement as shown in the attached Exhibit 'C', with the following conditions of approval:

- The applicant must dedicate a new 2.3-acre tree preservation easement approximately 1,200 ft. south of the existing tree preservation easement and directly abutting another existing 5.30-acre tree preservation easement on the Ozarks Electric campus (Exhibit F1).
- The applicant must plant 48 mitigation trees within the existing 5.30-acre easement situated 850 ft. south of the easement to be vacated to mitigate for the removal of 0.69 acres of canopy from within the existing 0.95-acre easement.

BACKGROUND:

The subject property is approximately 0.50 miles west of I-49, north of Owl Creek, and just south of W. Wedington Dr. The site is relatively flat, with elevations ranging from roughly 1,260 ft at the northern edge to 1,240 ft. at the southernmost point adjacent to W. Persimmon St. The property is zoned R-A, Residential-Agricultural and is currently the location of Wesco Distribution Inc. and is a part of the Ozarks Electric campus. Approximately 0.69-acres of the 0.95-acre tree preservation easement are in canopy-cover.

Request: The applicant proposes to vacate a 0.95-acre tree preservation easement on the property that was dedicated in 2008. The easement is located within the Ozarks Electric Cooperative development area.

DISCUSSION:

City of Fayetteville staff recommends in favor of the requested easement vacation, with the conditions as outlined above. The 0.95-acre easement the applicant is requesting to vacate is surrounded by an impervious area and is comprised of four species: hardy pecan (*Carya illinoensis*), white ash (*Fraxinus americana*), pin oak (*Quercus pallustris*), and red maple (*Acer rubrum*). While the vacation of this easement would result in the loss of ~0.69 acres of mature tree canopy, the proposed 2.3-acre easement includes approximately 2.2 acres of canopy, translating to a net canopy increase of 1.61 acres. The dedication of this new easement, along with the requirement to install mitigation trees, would increase the contiguous canopy and ecosystem services on this site. The installation of trees will also provide ecosystem services throughout the Owl Creek watershed,

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

helping to slow the rate of storm water runoff, settling and holding sediment and reducing downstream flooding. Additionally, the proposed easement is adjacent to a 5.3-acre existing tree preservation easement, potentially enhancing biodiversity and creating a more robust wildlife habitat corridor.

From a city planning perspective, the existing and proposed easements lie within the same census block group, which has a high Tree Equity Score (TES) of 99—ranking 20th out of 68 block groups in Fayetteville and exceeding the city’s average TES of 87. The area also currently has a 49% tree canopy cover and is considered a low-priority planting area, given its proximity to the city’s 50% canopy goal.

Land use designations also support the proposed change. The existing easement lies within a “City Neighborhood” future land use designation, where development typically features urban landscaping, such as street trees. In contrast, the proposed easement is within both “Residential Neighborhood” and “Natural” designations. These categories emphasize development that respects natural features or preserves wilderness conditions. The proposed easement also falls within the City’s Enduring Green Network, further aligning it with long-term conservation objectives.

In terms of housing supply and development, the vacation does not appear to impact residential development, as the parcel belongs to the Ozark Electric Cooperative campus and is associated with Wesco Distribution Inc. No housing is currently planned, and the applicant may provide more details regarding future use.

In conclusion, while the proposal involves the removal of a mature, healthy, and ecologically valuable easement, the staff-supported alternative offers greater overall benefits in terms of tree canopy protection, ecological connectivity, and alignment with city plans. The recommendation balances environmental stewardship with the city's strategic planning goals.

FACTOR	IMPACT	DISCUSSION	MITIGATING CONDITIONS
Preservation of Existing Tree Canopy			
Net Easement Change	Positive (+)	The applicant proposes to vacate a 0.95-acre tree preservation easement. The parcel proposed as new tree preservation easements totals 1 acre, for a net increase of 0.31 acres in tree preservation easement (Exhibit F).	Staff and the Urban Forestry Advisory Board recommend that the applicant dedicate a 2.3-acre tree preservation easement, for a net increase of 1.3 acres in tree preservation easement (Exhibit F1).
Net Canopy Change	Positive (+)	The existing 0.95-acre easement contains roughly 0.69-acres of canopy cover. The staff-proposed 2.3-acre easement contains 2.2 acres of canopy cover, for a net canopy increase of 1.61 acres of protected tree canopy.	In addition to the protection of an additional 1.6 acres of tree canopy, staff recommends that 48 mitigation trees are planted within the existing 5.3-acre tree preservation easement situated ~850 ft. south of the easement to be vacated.
Preservation of Significant Trees	Negative (-)	56% of the trees in the subject easement are at or above the 18” DBH threshold for “significant trees” as defined in	While a tree survey has not been conducted within the proposed easement, there appear to be numerous

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Fayetteville, AR 72701

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Preservation of Healthy Trees	Negative (-)	UDC §155. All the trees comprising the 0.69 acres of canopy within the existing easement appear to be healthy.	significant trees. Although 0.69-acres of healthy canopy would be removed with this easement vacation, a net increase of 1.6 acres of canopy would be protected with the proposed easement dedication. Additionally, 48 mitigation trees would be planted to account for tree removal.
Preservation of Beneficial Trees	Negative (-)	Most of the trees within the existing easement to be vacated are mature, healthy, and undoubtedly providing ecosystem services including carbon sequestration, improvements to air quality, and stormwater filtration.	Although 0.69-acres of healthy canopy would be removed with this easement vacation, a net increase of 1.6 acres of canopy would be protected with the proposed easement dedication. Additionally, 48 mitigation trees would be planted to account for tree removal. The proposed tree preservation easement abuts another 5.3-acre easement, providing potential for increased biodiversity and wildlife habitat through continued protection.
Interaction with Urban Forestry Management Plan Tree Equity Score	Positive (+)	The existing tree preservation easement is within a census block group with a Tree Equity Score (TES) of 99 and 49% tree canopy cover. This ranks 20th of Fayetteville's 68 block groups and is above Fayetteville's composite Tree Equity Score of 87.	The proposed easement is within the same census block as the easement to be vacated and has the same TES.
Priority Planting Areas	Positive (+)	The existing easement is a low priority planting area based on its high Tree Equity Score and 49% tree canopy cover. This census block group has a tree canopy cover goal of 50%.	Although 0.69-acres of canopy would be removed with this easement vacation, a net increase of 1.6 acres of canopy would be protected with the proposed easement dedication. Additionally, 48 mitigation trees would be planted to account for tree removal.
Interaction with Other City Plans & Objectives Land Use & Enduring Green	Positive (+)	The existing easement is contained within a "City	N/A

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Network	Neighborhood” future land use designation and, per City Plan 2040, landscaping in this land use designation is urban in form, typically with street trees in sidewalk zones. The existing easement is not within the Enduring Green Network. The proposed tree preservation is contained both within a “Residential Neighborhood” and a “Natural” future land use designation. “Residential Neighborhood” areas are meant to encourage development patterns that respond to features of the natural environment, and “Natural” areas are intended to approximate wilderness conditions with limited development. The proposed easement is situated within the City’s Enduring Green Network.
Housing Supply Neutral	The purpose of the vacation request has not been communicated to staff, but the easement is within the Fayetteville headquarters of Wesco Distribution Inc. on a parcel owned by the Ozark Electric Cooperative campus, and planned development will not be residential. The applicant can speak to development plans.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: 3. Staff Review Form, 4. Exhibit A - Applicant Request Letter, 5. Exhibit B - Applicant Petition to Vacate, 6. Exhibit C - Proposed Easement Vacation, 7. Exhibit D - Easement Vacation Site Map, 8. Exhibit E - Easement Vacation Description, 9. Exhibit F - Applicant Proposed Easement Dedication, 10. Exhibit F1 - Staff Proposed Easement Dedication, 11. Updated - VAC-2025-0013 CC Memorandum

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-366

AN ORDINANCE TO APPROVE VAC-25-13 FOR PROPERTY LOCATED AT 3661 WEST WEDINGTON DRIVE IN WARD 4 TO VACATE 0.95 ACRES OF TREE PRESERVATION

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of tree preservation is not required for corporate purposes.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates the portion of tree preservation as described in Exhibit E attached to the Planning Department's agenda memo.

Section 2: A copy of this Ordinance duly certified by the City Clerk along with the drawing attached as Exhibit C and the map attached as Exhibit D to the Planning Department's agenda memo shall be filed in the office of the Washington County Circuit Clerk.

Section 3: This vacation shall not be effective until the following conditions have been satisfied:

1. The applicant shall dedicate a new 2.3-acre tree preservation easement approximately 1,200 feet south of the existing tree preservation easement and directly abutting another existing 5.30-acre tree preservation easement on the Ozarks Electric Campus as shown in Exhibit F1 attached to the agenda memo.
2. The applicant shall plant 48 mitigation trees within the existing 5.30-acre easement to the south that was dedicated by Plat #23-332 to mitigate for the removal of 0.69 acres of canopy from within the existing 0.95-acre easement.

City of Fayetteville Staff Review Form

2025-366

Item ID

5/6/2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Willa Thomason

4/18/2025

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC-2025-0013: Vacation (3661 W WEDINGTON DR.): Submitted by CRAFTON TULL & ASSOCIATES for property located at 3661 W WEDINGTON DR. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 32.60 acres. The request is to vacate a 0.95-acre tree preservation easement.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Total Amended Budget

\$ -

Expenses (Actual+Encum)

\$ -

Available Budget

\$ -

Does item have a direct cost? No

Item Cost

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

Exhibit A - Applicant Request Letter



Crafton Tull

901 N 47th Street, Suite 400
Rogers, AR 72756

479.636.4838 (ph)
479.631.6224 (fax)

February 12, 2025

City of Fayetteville
Planning Commission & City Council
125 W. Mountain Street
Fayetteville, AR 72701

RE: Ozarks Electric Cooperative – Tree Preservation Vacation
CTA Job No. 25101100

To whom it may concern,

This submittal is for the vacation of a Tree Preservation within the Ozarks Electric Cooperative development area. This site is located at 3661 W. Wedington Drive. We are requesting the existing Tree Preservation Easement be vacated and another area on site be dedicated in its place having the same or more square footage and significant trees, according to the attached exhibit.

Should you have any questions, or require any additional information, please contact us at your convenience.

Sincerely,

Sean Johnson
Survey Project Manager

Exhibit B - Applicant Petition to Vacate

PETITION TO VACATE a Tree Preservation Easement located in parcel 765-13729-000 of Lot 2 of Plat Record 2007-00029947, City of Fayetteville, Arkansas.

To: The Fayetteville City Planning Commission and
 The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the easement hereinafter sought to be abandoned and vacated, lying in parcel 765-13729-000 of Lot 2 of Plat Record 2007-00029947, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement which is described as follows.

PART OF LOT 2, AS PER PLAT RECORD 2007-00029947 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING A PART OF THE W 1/2 OF THE SW 1/4 OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST, AND BEING A PART OF THE E 1/2 OF THE SE 1/4 OF SECTION 12, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE W 1/4 OF THE SW 1/4 OF SAID SECTION 7;
THENCE S02°24'56"W 861.62 FEET;
THENCE S87°49'12"E 30.00 FEET TO THE POINT OF BEGINNING;
THENCE S87°49'12"E 71.27 FEET;
THENCE S02°10'38"W 98.65 FEET;
THENCE N87°49'27"W 71.28 FEET;
THENCE N02°10'43"E 98.65 FEET TO THE POINT OF BEGINNING, CONTAINING 7031 SQUARE FEET, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

ALSO

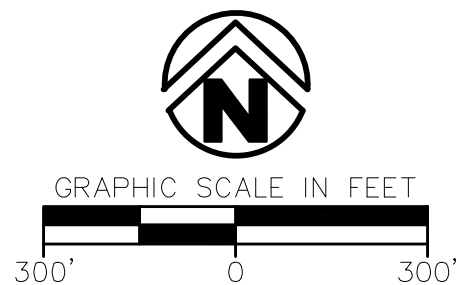
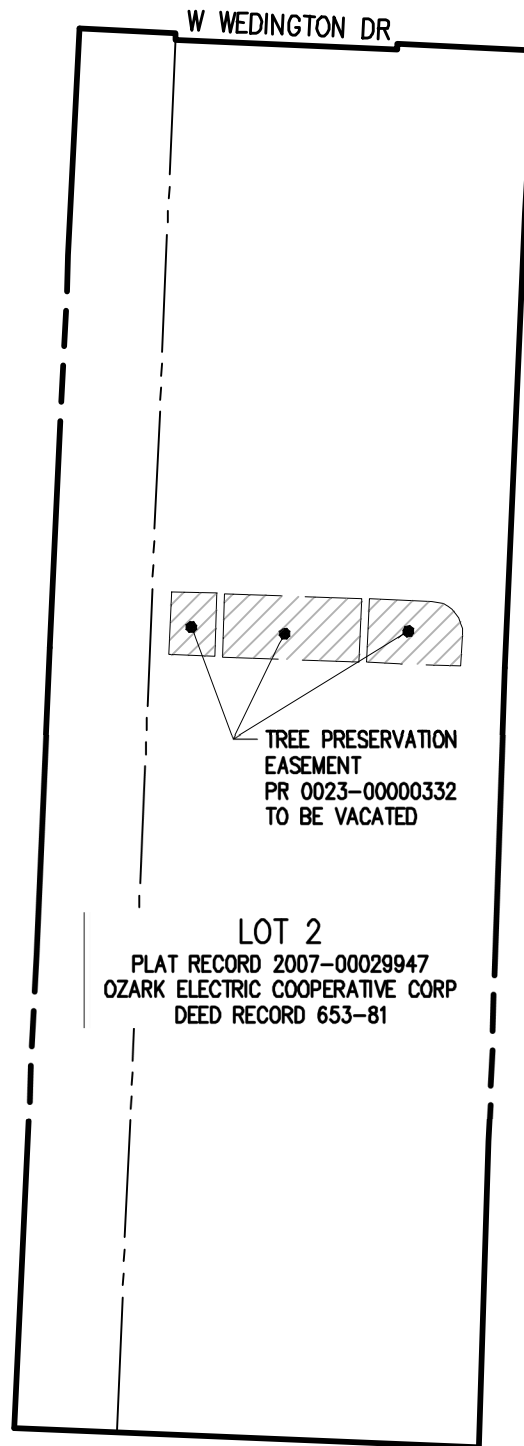
PART OF LOT 2, AS PER PLAT RECORD 2007-00029947 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING A PART OF THE W 1/2 OF THE SW 1/4 OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST, AND BEING A PART OF THE E 1/2 OF THE SE 1/4 OF SECTION 12, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE W 1/4 OF THE SW 1/4 OF SAID SECTION 7;
THENCE S02°24'56"W 861.62 FEET;
THENCE S87°49'12"E 101.27 FEET;
THENCE S87°49'06"E 12.00 FEET TO THE POINT OF BEGINNING;
THENCE S87°49'12"E 213.70 FEET;
THENCE S02°10'48"W 98.63 FEET;
THENCE N87°49'27"W 213.70 FEET;
THENCE N02°10'38"E 98.65 FEET TO THE POINT OF BEGINNING, CONTAINING 21079 SQUARE FEET, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

ALSO

PART OF LOT 2, AS PER PLAT RECORD 2007-00029947 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING A PART OF THE W 1/2 OF THE SW 1/4 OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST, AND BEING A PART OF THE E

Exhibit C - Proposed Easement Vacation



NOTE:
THIS EASEMENT EXHIBIT IS A GRAPHICAL REPRESENTATION OF THE EASEMENT DESCRIPTION, AND DOES NOT CONSTITUTE A BOUNDARY SURVEY.

PROJECT NO.:	
265101100	
DRAWN BY:	DATE:
	02/10/2025
SHEET:	CHECKED:
1 OF 2	



901 N. 47th St, Suite 400
Rogers, Arkansas 72756

Crafton Tull

479.636.4838 t
www.craftontull.com

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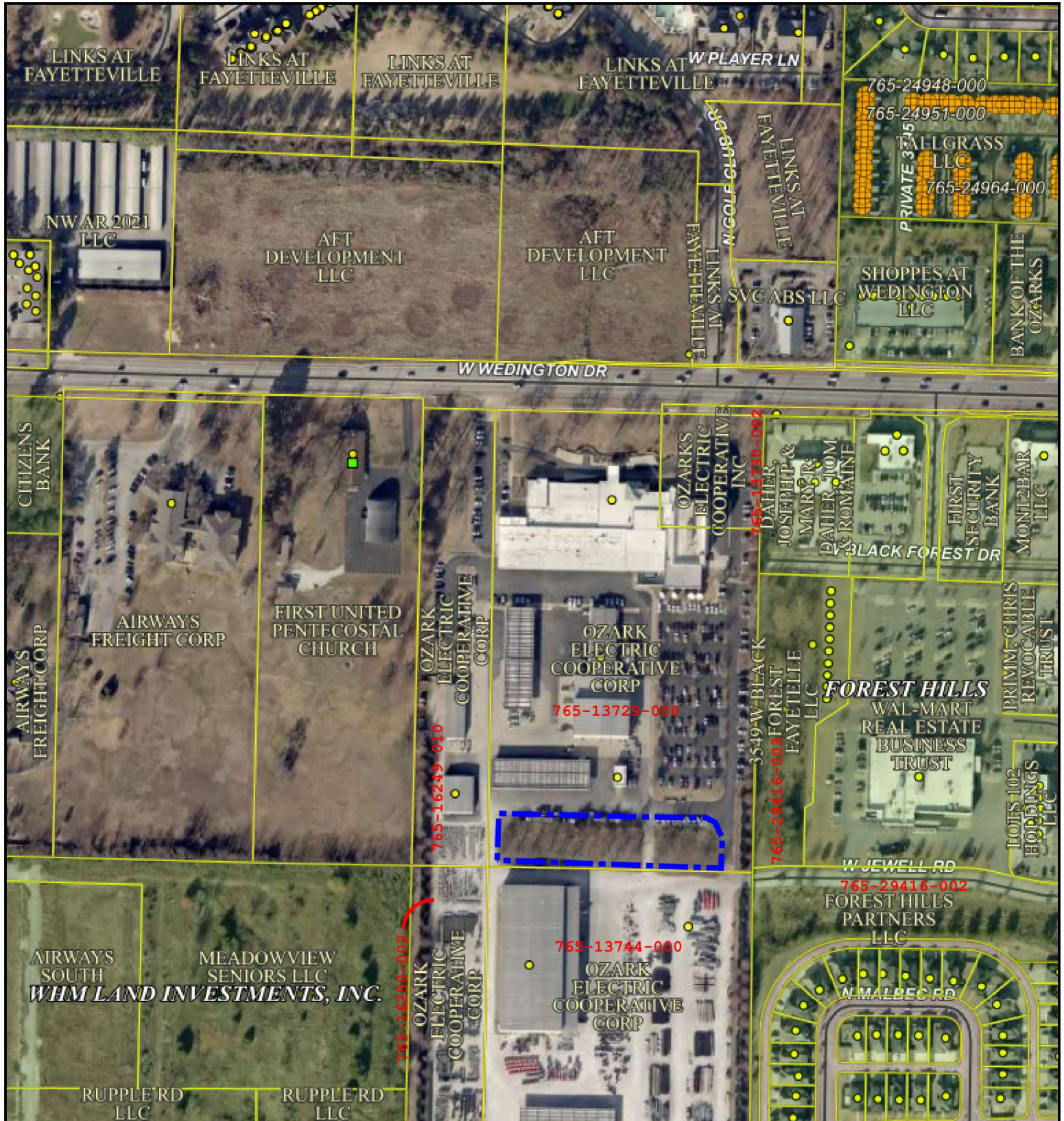
DRAWING: G:\25101100_OZARKSELEC\AC\INFRASTRUCTURE\SURVEY\DWG\ESMT VAV EXHIBIT SHEET 1.DWG
LAYOUT: ---, LAST SAVED: KM676, 2/10/2025 6:30:54 AM
LAST PLOTTED BY: KEVIN MONTGOMERY, 2/10/2025 7:11:07 AM ("PLOTTED BY:" VALID ON HARD COPY ONLY)

Exhibit D - Easement Vacation Site Map

Washington County

Assessor's Office

Washington, Assessor



Date Created: 2/13/2025

Created By: anonymous

1 inch = 274 feet

This map should be used for reference purposes only and should not be considered a legal document. While every effort has been made to ensure the accuracy of this product, the publisher accepts no responsibility for any errors or omissions nor for any loss or damage alleged to be suffered by anyone as a result of the publication of this map and the notations on it, or as a result of the use or misuse of the information provided herein.

Exhibit E - Easement Vacation Description

PART OF LOT 2, AS PER PLAT RECORD 2007-00029947 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING A PART OF THE W 1/2 OF THE SW 1/4 OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST, AND BEING A PART OF THE E 1/2 OF THE SE 1/4 OF SECTION 12, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE W 1/4 OF THE SW 1/4 OF SAID SECTION 7;
THENCE S02°24'56"W 861.62 FEET;
THENCE S87°49'12"E 30.00 FEET TO THE POINT OF BEGINNING;
THENCE S87°49'12"E 71.27 FEET;
THENCE S02°10'38"W 98.65 FEET;
THENCE N87°49'27"W 71.28 FEET;
THENCE N02°10'43"E 98.65 FEET TO THE POINT OF BEGINNING, CONTAINING 7031 SQUARE FEET, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

ALSO

PART OF LOT 2, AS PER PLAT RECORD 2007-00029947 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING A PART OF THE W 1/2 OF THE SW 1/4 OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST, AND BEING A PART OF THE E 1/2 OF THE SE 1/4 OF SECTION 12, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

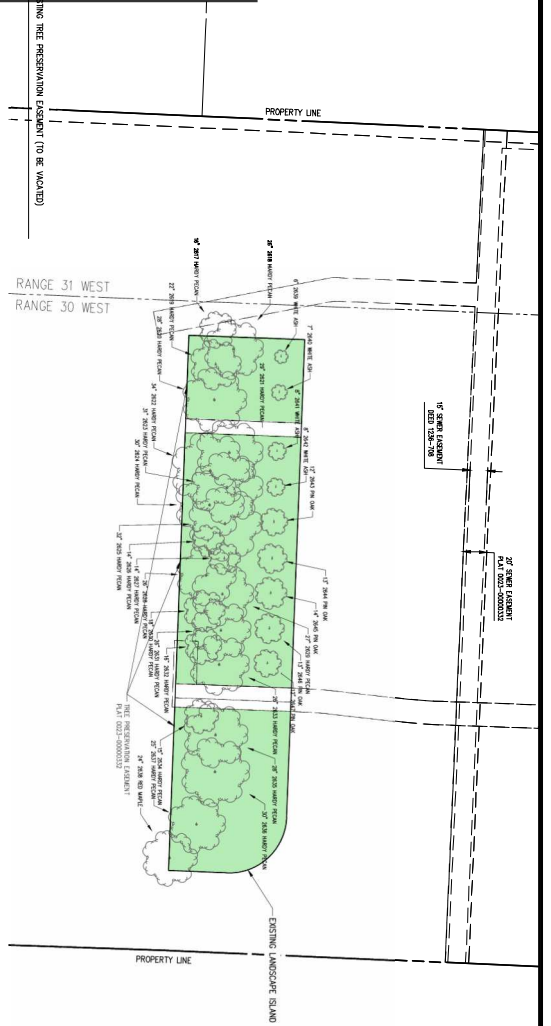
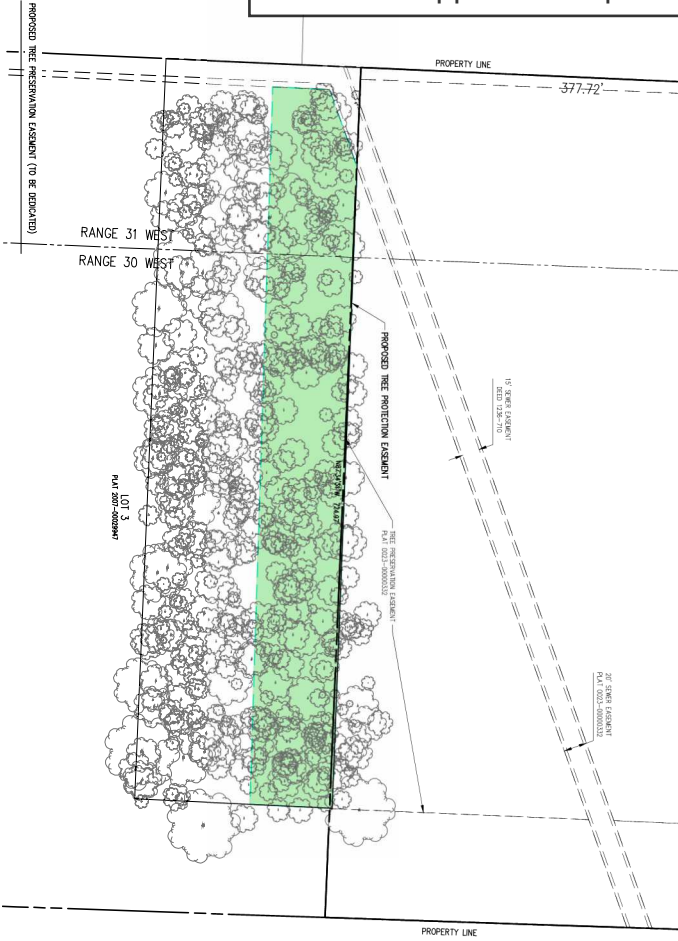
COMMENCING AT THE NORTHWEST CORNER OF THE W 1/4 OF THE SW 1/4 OF SAID SECTION 7;
THENCE S02°24'56"W 861.62 FEET;
THENCE S87°49'12"E 101.27 FEET;
THENCE S87°49'06"E 12.00 FEET TO THE POINT OF BEGINNING;
THENCE S87°49'12"E 213.70 FEET;
THENCE S02°10'48"W 98.63 FEET;
THENCE N87°49'27"W 213.70 FEET;
THENCE N02°10'38"E 98.65 FEET TO THE POINT OF BEGINNING, CONTAINING 21079 SQUARE FEET, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

ALSO

PART OF LOT 2, AS PER PLAT RECORD 2007-00029947 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING A PART OF THE W 1/2 OF THE SW 1/4 OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST, AND BEING A PART OF THE E 1/2 OF THE SE 1/4 OF SECTION 12, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE W 1/4 OF THE SW 1/4 OF SAID SECTION 7;
THENCE S02°24'56"W 861.62 FEET;
THENCE S87°49'12"E 101.27 FEET;
THENCE S87°49'06"E 12.00 FEET;
THENCE S87°49'12"E 213.70 FEET;
THENCE S87°48'56"E 12.00 FEET TO THE POINT OF BEGINNING;

Exhibit F - Applicant Proposed Easement Dedication



TREE PRESERVATION EASEMENT DETAILS

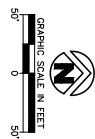
- EXISTING EASEMENT TO BE VACATED:
41,347 SQ FT TOTAL AREA
- PROPOSED EASEMENT:
42,849 SQ FT TOTAL AREA
- PROPOSED PROTECTED AREA INCREASE OF 2,501 SQ FT

LEGEND

- EXISTING TREE
- EXISTING TREE PRESERVATION EASEMENT
- PROPOSED TREE PRESERVATION EASEMENT LIMITS
- EASEMENT



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Portland, Oregon 97226
Phone: 503.222.1111
www.craffontull.com



OZARKS ELECTRIC
PRESERVATION EASEMENT

TREE PRESERVATION PLAN

T-101





CITY OF
FAYETTEVILLE
ARKANSAS

CITY COUNCIL MEMO

Meeting of July 1, 2025

TO: Mayor; Fayetteville City Council

THRU: Keith Macedo, Interim Chief of Staff
Jonathan Curth, Development Services Director

FROM: Willa Thomason, Urban Forester

DATE: June 26, 2025

SUBJECT: **VAC-2025-0013**: Vacation (3661 W WEDINGTON DR.): Submitted by CRAFTON TULL & ASSOCIATES for property located at 3661 W WEDINGTON DR. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 32.60 acres. The request is to vacate a 0.95-acre tree preservation easement.

Request: The applicant proposes to vacate a 0.95-acre tree preservation easement on the property that was dedicated in 2008. The easement is located within the Ozarks Electric Cooperative development area.

BACKGROUND:

At the June 4th, 2025, Urban Forestry Advisory Board (UFAB) meeting, board members considered the request to vacate the tree preservation easement at 3661 W Wedington Dr. As a part of this, they heard from the applicant's representative who offered an alternative proposal to that developed by staff. The proposal includes vacation of 0.95 acres of tree preservation easement at the south of parcel 765-13729-000, and re-dedication of ~2.0 acres towards the southern end of parcel 765-13744-000 on the same site. This differs from the proposal first considered by City Council at their May 6th, 2025 meeting, including ~0.3 acres less proposed tree preservation easement dedication, and no additional tree planting where 48 mitigation trees were previously proposed.

RECOMMENDATION:

Ultimately, UFAB recommended approval of the applicant-proposed conditions of the easement vacation by a vote of 6-0-0. In evaluating the applicant's proposal, staff recommends conditional approval of VAC-2025-0013, the vacation of the tree preservation easement as shown in the attached Exhibit 'C' with the following conditions of approval:

The applicant must dedicate a new ~2.0-acre tree preservation easement approximately 1,200 ft. south of the existing tree preservation easement and directly abutting another existing 5.30-acre tree preservation easement on the Ozarks Electric campus (Exhibit F1). Additionally, the applicant must consult with a local organization specializing in environmental restoration, as approved by urban forestry staff, to identify and remove invasive species from within the 5.3-acre easement and the newly dedicated ~2.0-acre easement on Parcel No. 765-13744-000.

This work must be implemented at the expense of the applicant/owner prior to the issuance of any permits associated with new development on Parcel Nos. 765-13729-000, 765-13730-002, 765-16249-010, 765-13744-000, 765-16250-002, and annually for two subsequent years.

Following the initial consultation, the applicant/owner must submit a 3-year maintenance contract surety at 150% of the total estimate for the three instances of invasive species removal. Upon completion of the three-year surety period, the Urban Forester shall inspect the site and determine whether invasive species have been sufficiently eradicated. Upon such a finding, the City of Fayetteville shall release the currency, bond or letter of credit. In the absence of such a finding, the developer shall be notified to take appropriate action as approved by the Urban Forester. If the developer does not take remedial steps to bring the property into compliance, the City of Fayetteville shall use the necessary monies from the landscape establishment guarantee to do so.



MEETING OF JULY 1, 2025

TO: Mayor Rawn and City Council

THRU: Keith Macedo, Chief of Staff
Jonathan Curth, Development Services Director
Jessica Masters, Planning Director

FROM: Donna Wonsower, Planner

SUBJECT: **RZN-2025-0018: Rezone (1416 W MOUNT COMFORT RD /AHBC SOLUTIONS LLC, 404): Submitted by HECTOR CUEVA for property located at 1416 W. MOUNT COMFORT RD in WARD 2. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 0.40 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE URBAN.**

RECOMMENDATION:

City Planning staff and the Planning Commission recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property is located in north central Fayetteville approximately 100 feet east of the intersection of N. Stephens Ave. and W. Mount Comfort Rd. and ¼ mile north of W. Wedington Dr. The property contains one parcel totaling 0.40 acres which is currently developed with a 1,128-square-foot single-family house constructed in 1936 per the Washington County Assessor. The property is not part of any zoning overlay or master plan area.

Request: The request is to rezone the subject property from RSF-4, Residential Single-family, 4 Units per Acre, to RI-U, Residential Intermediate-Urban.

Public Comment: Staff has not received any public comment at this time.

Land Use Compatibility: Staff finds the proposed zoning of RI-U, Residential Intermediate, Urban to be compatible with the surrounding area. Land uses in the immediate vicinity are primarily residential in nature, varying in both form, lot width, and density. The block containing the subject area includes multiple instances of "gentle density" such as duplexes, quadplexes, and accessory units. Outside of the immediate block, additional forms of housing such as apartments are available within 500 feet of the subject area. Nonresidential uses are also present nearby and include public parks, schools, and grocery stores. The uses permitted by right in RI-U, which include all types of dwellings except apartments, are directly compatible with the existing land uses in this area and could complement surrounding residential areas and encourage housing types that could accommodate the demand for walkable urban living.

Uses allowed conditionally in RI-U, including limited business, cultural and recreational facilities, and multifamily dwellings, may also be suitable at this site, though any land uses allowed conditionally would be

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

subject to further review to determine full compatibility. When compared to the site's current zoning designation of RSF-4, RI-U would allow for increased residential density, however staff finds that this is unlikely to negatively affect the neighborhood given the small size of the property and limited uses of the requested district. Additionally, there have been a large number of successful rezoning requests in the area in recent years which have slowly increased the existing density of the area as these sites developed.

While RI-U would permit narrower lots than zoning currently allows (18 feet versus 70 feet for single-family dwellings), staff finds other city standards such as tree preservation, parking, and access will likely limit development of the overall parcel. Additionally, RI-U has similar height restrictions to the existing RSF-4 district, with a lower restriction of two stories when located within 10 feet of the public right-of-way.

Land Use Plan Analysis: The proposed zoning is consistent with the property's City Plan 2040 Future Land Use Map designation as a Residential Neighborhood Area, which encourages traditional neighborhood development that supports a wide variety of housing types. The RI-U zoning district would allow for a mixture of residential types that are urban in form. If the property were to be redeveloped or subdivided, staff finds that RI-U would encourage an environment that is more appealing to pedestrians and would reduce the visual impact of parking areas. The property has an infill score of 8-9, which indicates that the site is prepared to accommodate increased housing density, and the property does not lie within any environmentally sensitive areas. Rezoning could support Goals #1 and #6 of City Plan 2040 by making appropriate infill a priority and creating an opportunity to develop a greater variety of housing that could enable residents to remain in the neighborhood as their housing needs change.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a ranged score of **8-9** for this site. The following elements of the matrix contribute to the score:

1. 4 Minute Fire Response (Station #8, 2266 W. Deane St
2. Near Sewer Main (8--inch main, Mount Comfort | 6-inch-main, Hendrix)
3. Near Water Main (6-inch main, Mount Comfort & Hendrix | 12-inch-main, Hendrix)
4. Near Grocery Store (Harps)
5. Near Public School (Asbell Elementary School)
6. Near University of Arkansas
7. Near City Park (Lewis Soccer Complex)
8. Near Paved Trail (Mount Comfort Rd Trail)
9. Near Razorback Bus Stop (Mt. Comfort & Stephens)

DISCUSSION:

At the June 9, 2025, Planning Commission meeting, a vote of 7-1-0 forwarded the request to City Council with a recommendation of approval. Commissioner Garlock motioned, and Commissioner Castin seconded. Commissioners voting in favor referenced additional development review and site design restrictions associated with tree preservation, parking, and other standards. Commissioner Madden noted that the area could potentially benefit from a parking district but that this would require City Council action. Two members of the public spoke in opposition to the request at the meeting, citing insufficient parking numbers and management, an influx of students, poor trash management, and a decrease in quality of life.

BUDGET/STAFF IMPACT:

NA

ATTACHMENTS: 3. Staff Review Form, 4. Exhibit A, 5. Exhibit B, 6. Staff Report

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-900

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2025-18 FOR APPROXIMATELY 0.40 ACRES LOCATED AT 1416 WEST MOUNT COMFORT ROAD IN WARD 2 FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE TO RI-U, RESIDENTIAL INTERMEDIATE URBAN

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from RSF-4, Residential Single-Family, 4 Units Per Acre to RI-U, Residential Intermediate Urban.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

City of Fayetteville Staff Review Form

2025-900

Item ID

7/1/2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jonathan Curth

6/13/2025

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN-2025-0018: Rezone (1416 W MOUNT COMFORT RD /AHBC SOLUTIONS LLC, 404): Submitted by HECTOR CUEVA for property located at 1416 W. MOUNT COMFORT RD in WARD 2. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 0.40 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE URBAN.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Total Amended Budget

\$ -

Expenses (Actual+Encum)

\$ -

Available Budget

\$ -

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20221130

Purchase Order Number:

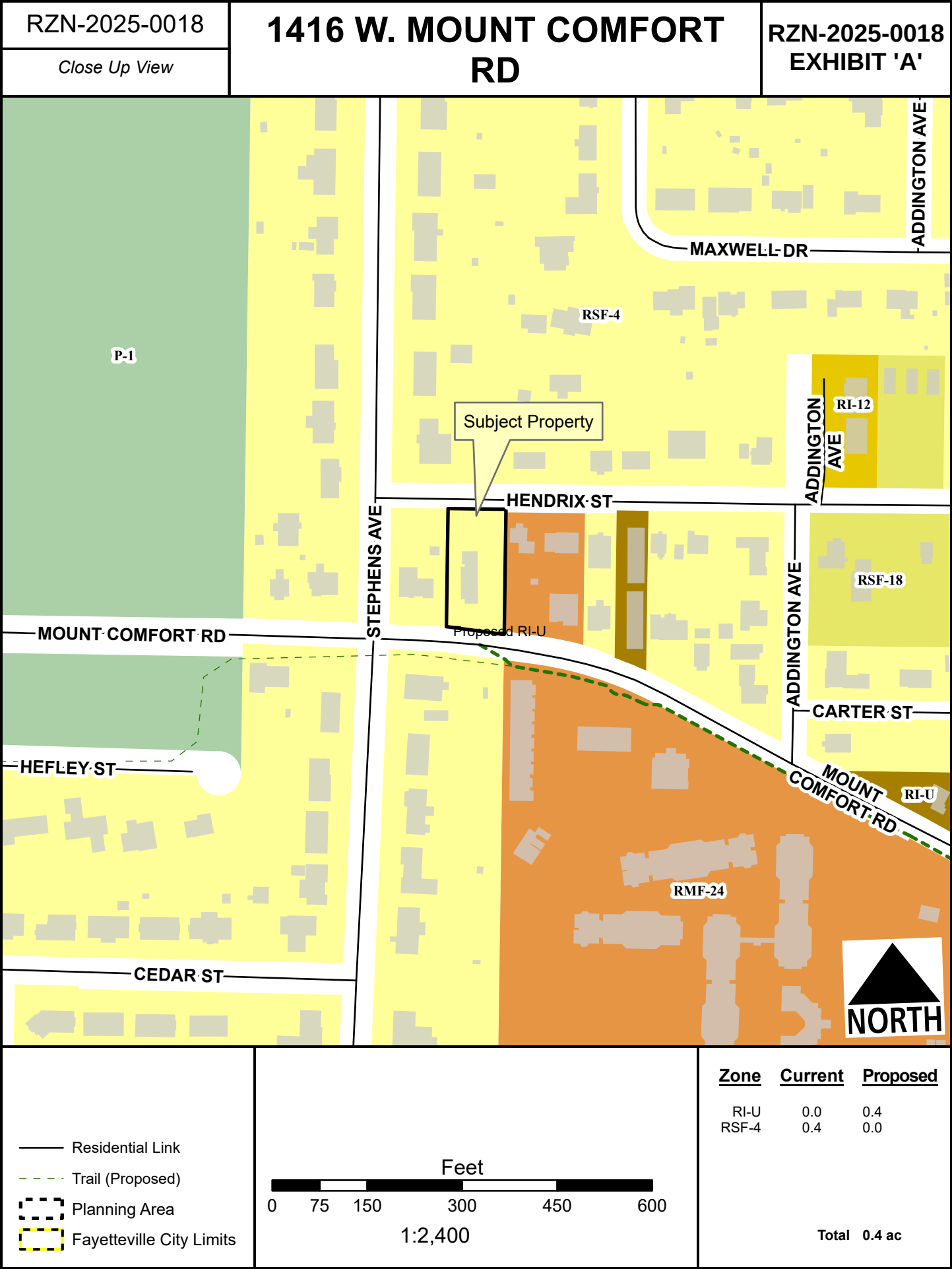
Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



RZN-2025-0018
EXHIBIT B

Hector Cueva

April 22nd, 2025

1416 W Mount Comfort Rd, Fayetteville AR

Legal Description of Property:

"STEPHENS, Block 2, Lot 2, Washinton County. 1416 W Mt Comfort Rd, Fayetteville, AR 72703."

Sincerely,

Hector Cueva



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: June 9, 2025 (UPDATED WITH MEETING RESULTS)

SUBJECT: **RZN-2025-0018: Rezone (1416 W MOUNT COMFORT RD /AHBC SOLUTIONS LLC, 404):** Submitted by HECTOR CUEVA for property located at 1416 W. MOUNT COMFORT RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 0.40 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE URBAN.

RECOMMENDATION:

Staff recommends forwarding **RZN-2025-0018** to the City Council with a recommendation of approval, based on the findings herein.

RECOMMENDED MOTION:

*"I move to forward **RZN-2025-0018** to the City Council with a recommendation for approval."*

BACKGROUND:

The subject property is located in north central Fayetteville approximately 100 feet east of the intersection of N. Stephens Ave. and W. Mount Comfort Rd. and ¼ mile north of W. Wedington Dr. The property contains one parcel totaling 0.40 acres which is currently developed with a 1,128-square-foot single-family house constructed in 1936 per the Washington County Assessor. The property is not part of any zoning overlay or master plan area. Surrounding land uses and zoning are listed in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-family, 4 Units per Acre
South	Single-Family Residential	RSF-4, Residential Single-family, 4 Units per Acre
East	Mixed-Density Residential	RMF-24, Residential Multifamily, 24 Units per Acre
West	Single-Family Residential	RSF-4, Residential Single-family, 4 Units per Acre

Request: The request is to rezone the subject property from RSF-4, Residential Single-family, 4 Units per Acre, to RI-U, Residential Intermediate-Urban.

Public Comment: Staff has not received any public comment at this time.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject area has frontage along W. Mount Comfort Road and W. Hendrix Street, partially improved Residential Links with asphalt paving and open ditches. Any street improvements required in these areas would be determined at the time of the development proposal.

Water: Public water is available to the subject property. There is an existing 8-inch water main along W. Mount Comfort Road and an existing 6-inch water main along W. Hendrix St.

Sewer: Sanitary sewer is available to the subject property. There is an existing 6-inch sewer main along W. Mount Comfort Road and W. Hendrix Street. Existing 12-inch sewer main is present along West Hendrix Street.

Drainage: No portion of the subject property lies within the Hillside-Hilltop Overlay District or a FEMA floodplain. Additionally, no protected streams or hydric soils are present on the subject property. Any improvements or requirements for drainage will be determined at time of development.

Fire: Station 8, located at 2266 W. Deane St., protects this site. The property is located approximately 1 mile from the fire station with an anticipated drive time of approximately 2 minutes using existing streets. The anticipated response time would be approximately 4.2 minutes. Fire Department response time is calculated based on the drive time plus one minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck.

Police: The Police Department did not comment on this request.

Tree Preservation:

The proposed zoning district of RI-U, Residential Intermediate-Urban, requires **15% minimum canopy preservation**. The current zoning district of RSF-4, Residential Single-Family, 4 Units per Acre, requires **25% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood** area.

Residential Neighborhood areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. This designation recognizes the existing conventional subdivision developments that may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a ranged score of **8-9** for this site with a weighted score of **11**. The following elements of the matrix contribute to the score:

- 4 Minute Fire Response (Station #8, 2266 W. Deane St
- Near Sewer Main (8--inch main, Mount Comfort | 6-inch-main, Hendrix)

- Near Water Main (6-inch main, Mount Comfort & Hendrix | 12-inch-main, Hendrix)
- Near Grocery Store (Harps)
- Near Public School (Asbell Elementary School)
- Near University of Arkansas
- Near City Park (Lewis Soccer Complex)
- Near Paved Trail (Mount Comfort Rd Trail)
- Near Razorback Bus Stop (Mt. Comfort & Stephens)

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** Staff finds the proposed zoning of RI-U, Residential Intermediate Urban to be compatible with the surrounding area. Land uses in the immediate vicinity are primarily residential in nature, varying in both form, lot width, and density. The block containing the subject area includes multiple instances of “gentle density” such as duplexes, quadplexes, and accessory units. Outside of the immediate block, additional forms of housing such as apartments are available within 500 feet of the subject area. Nonresidential uses are also present nearby and include public parks, schools, and grocery stores. The uses permitted by right in RI-U, which include all types of dwellings except apartments, are directly compatible with the existing land uses in this area and could complement surrounding residential areas and encourage housing types that could accommodate the demand for walkable urban living.

Uses allowed conditionally in RI-U, including limited business, cultural and recreational facilities, and multifamily dwellings, may also be suitable at this site, though any land uses allowed conditionally would be subject to further review to determine full compatibility. When compared to the site’s current zoning designation of RSF-4, RI-U would allow for a substantial increase in residential density, however staff finds that this is unlikely to negatively affect the neighborhood given the small size of the property and limited uses of the requested district. Additionally, there have been a large number of successful rezoning requests in the area in recent years which have slowly increased the existing density of the area as these sites developed.

While RI-U would permit narrower lots than zoning currently allows (18 feet versus 70 feet for single-family dwellings), staff finds other city standards such as tree preservation, parking, and access will likely limit development of the overall parcel. Additionally, RI-U has similar height restrictions to the existing RSF-4 district, with a lower restriction of two stories when located within 10 feet of the public right-of-way.

Land Use Plan Analysis: The proposed zoning is consistent with the property’s City Plan 2040 Future Land Use Map designation as a Residential Neighborhood Area, which encourages traditional neighborhood development that supports a wide variety of housing types. The RI-U zoning district would allow for a mixture of residential types that are urban in form.

If the property were to be redeveloped or subdivided, staff finds that RI-U would encourage an environment that is more appealing to pedestrians and would reduce the visual impact of parking areas. The property has a high weighted infill score of 11 which indicates that the site is prepared to accommodate increased housing density, and the property does not lie within any environmentally sensitive areas. Rezoning could support Goals #1 and #6 of City Plan 2040 by making appropriate infill a priority and creating an opportunity to develop a greater variety of housing that could enable residents to remain in the neighborhood as their housing needs change.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: Staff finds that the proposed rezoning from RSF-4 to RI-U is justified. Rezoning to UN would allow for infill development that is comparable to the existing development pattern in the area and consistent with the City's planning objectives and policies.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: Rezoning the property to RI-U has the potential to increase traffic along W. Hendrix Street, W. Mount Comfort Road, and other adjacent roadways. However, the size of the property will naturally limit the scale of any future development, and thus reduce any possible impacts on traffic danger or congestion.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Rezoning the property from RSF-4 to RI-U has the potential to increase population density, though it is not likely to undesirably increase the load on public services. The property has access to existing water and sanitary sewer infrastructure and is close to other public services. Fayetteville Public Schools did not comment on this request.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Planning staff recommends forwarding RZN-2025-0018 to the City

Council with a recommendation of approval.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>June 9, 2025</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: GARLOCK	I MOVE TO FORWARD RZN-2025-0018 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL.		
Second: CASTIN			
Vote: 7-1-0 (PAYNE OPPOSED)			

BUDGET/STAFF IMPACT:

None

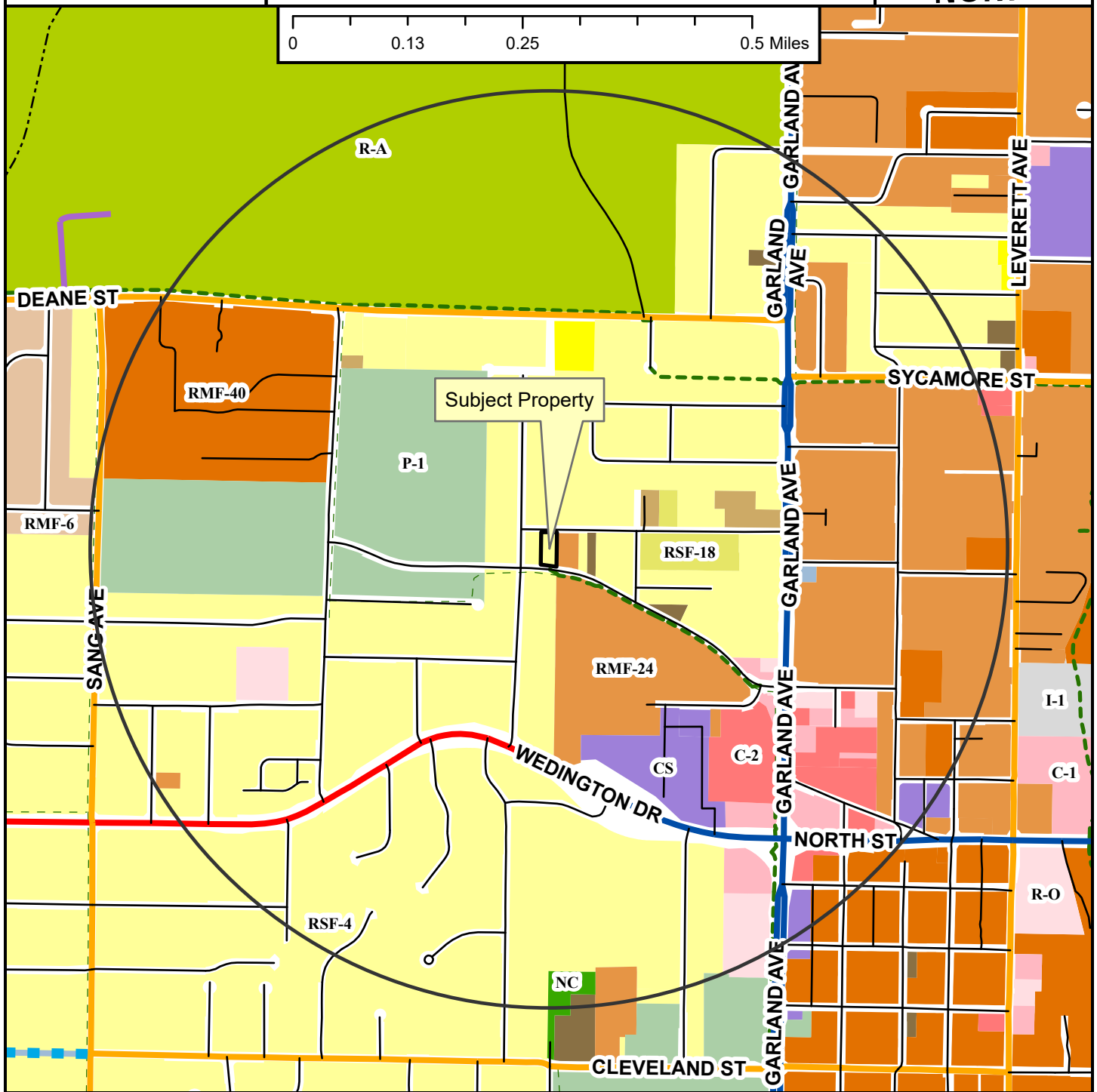
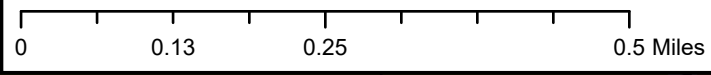
ATTACHMENTS:

- Project Maps
 - One Mile Map
 - Close-Up Map
 - Current Land Use Map
 - Future Land Use Map
- Unified Development Code:
 - §161.07 – RSF-4, Residential Single-Family, 4 Units per Acre
 - §161.12 – Residential Intermediate-Urban
- Request Letter

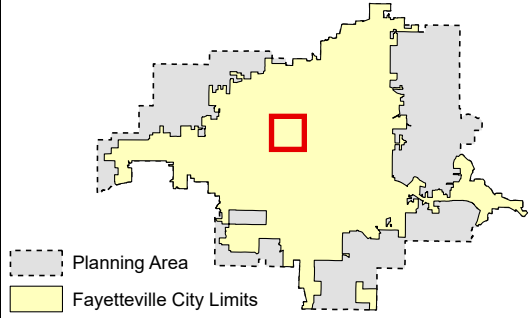
RZN-2025-0018

One Mile View

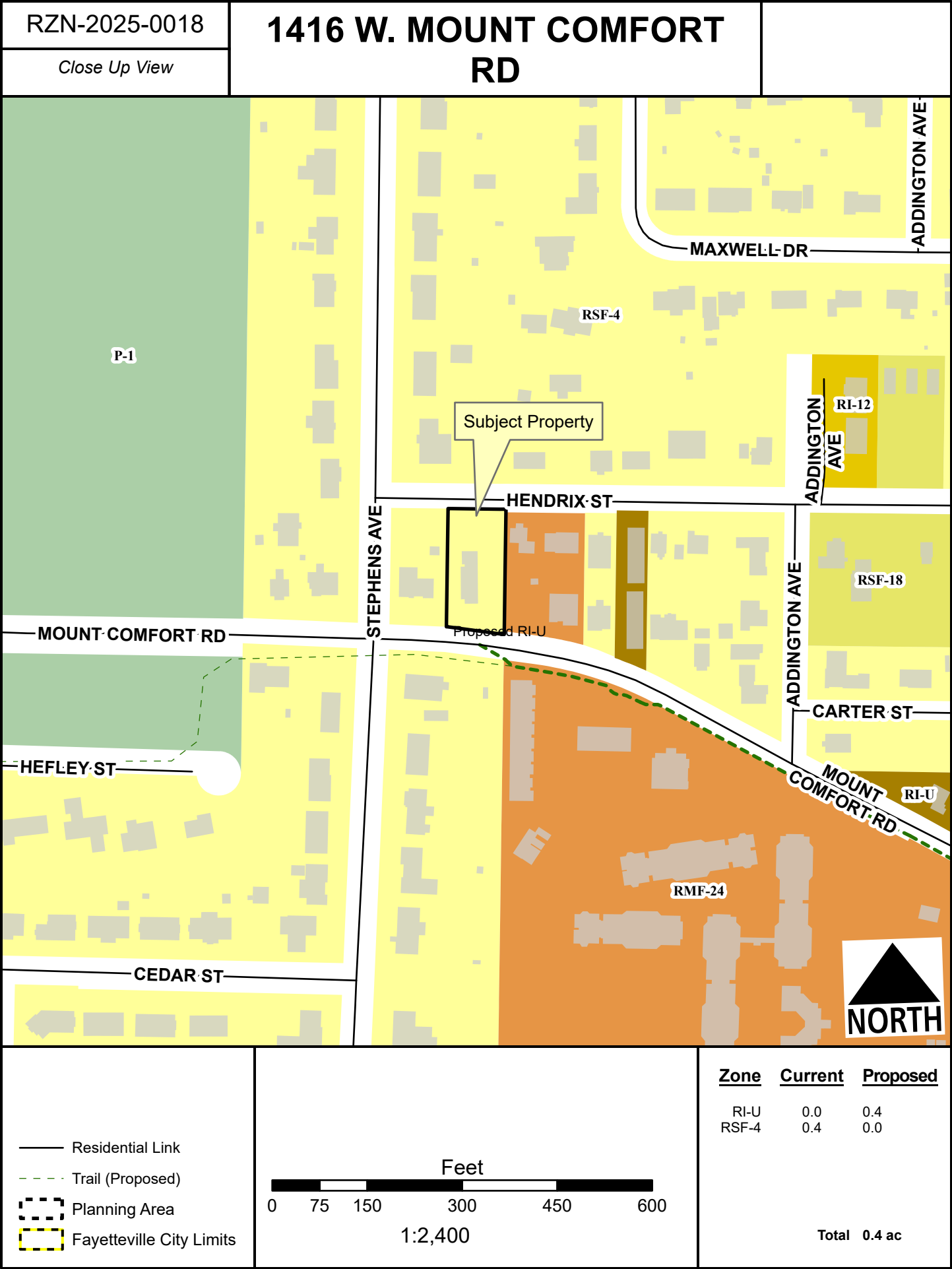
1416 W. MOUNT COMFORT RD



- Regional Link
- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
- NS-G
 - RI-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
- RMF-6
 - RMF-12
 - RMF-13
 - RMF-24
 - RMF-40
- INDUSTRIAL**
- I-1 Heavy Commercial and Light Industrial
- EXTRACTION**
- E-1
- COMMERCIAL**
- Residential-Office
 - C-1
 - C-2
 - C-3
- FORM BASED DISTRICTS**
- Downtown Core
 - Urban Thoroughfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
- Commercial, Industrial, Residential
 - P-1



RZN-2025-0018

1416 W. MOUNT COMFORT RD

Current Land Use



- Regional Link
- Unclassified
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet
0 112.5 225 450 675 900
1:3,600

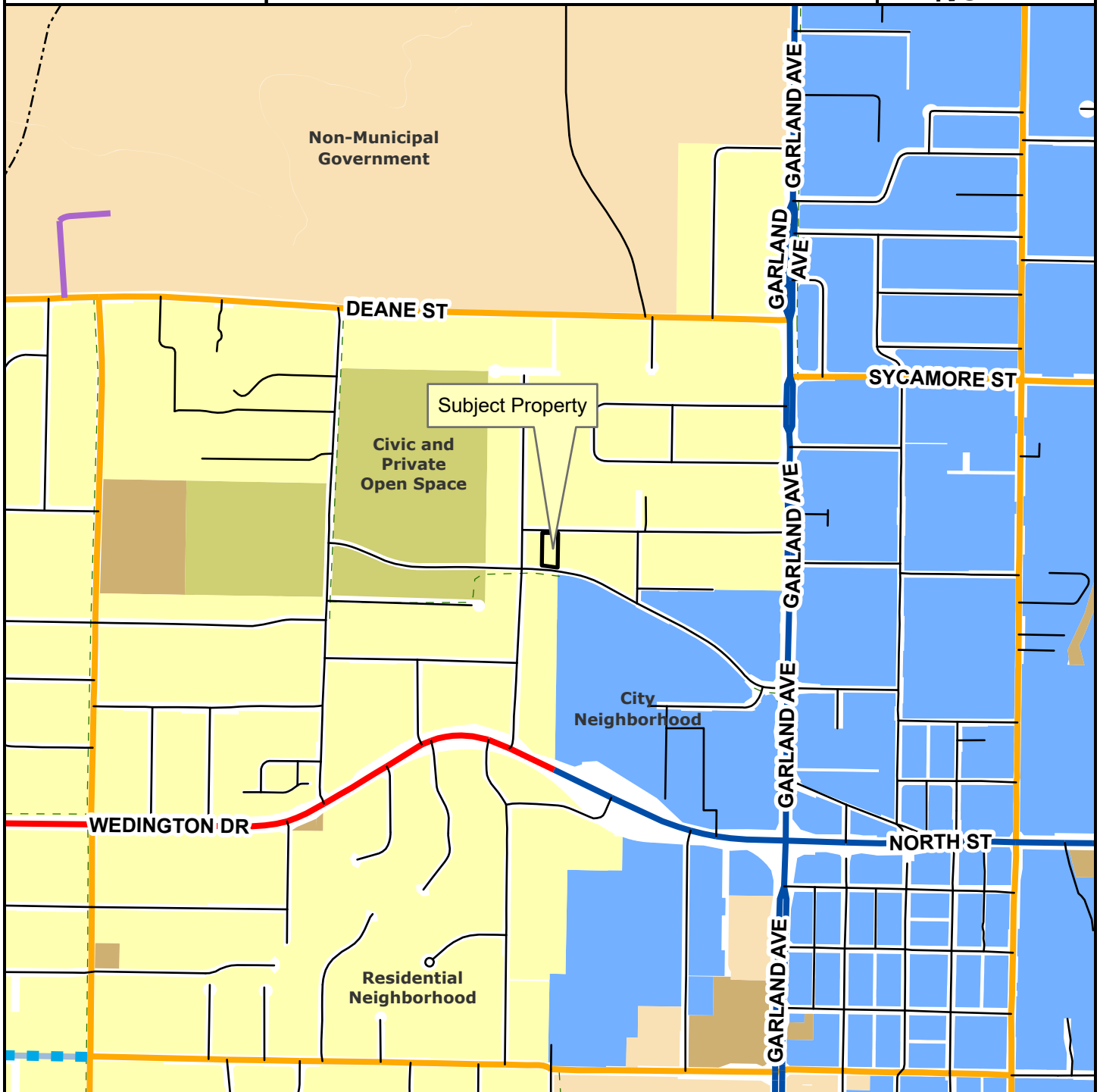
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

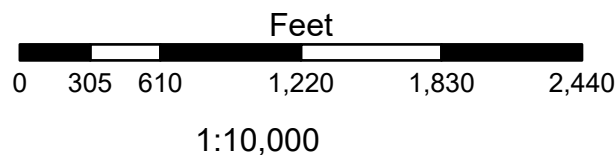
RZN-2025-0018

1416 W. MOUNT COMFORT RD

Future Land Use



- Regional Link
- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Planned Residential Link
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Design Overlay District



- City Neighborhood
- Civic Institutional
- Civic and Private Open Space
- Industrial
- Natural
- Non-Municipal Government
- Residential Neighborhood
- Rural Residential
- Urban Center

161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(C) *Density.*

	Single-family dwellings	Two (2) family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two (2) family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
-------------------------	-----------

(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4858, 4-18-06; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §8, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6820, §1, adopted December 4, 2024, determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause) and Ordinance 6710 (extending the Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on July 1, 2025 at 7:00 p.m. unless prior to that time and date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.

161.12 District RI-U, Residential Intermediate – Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster housing development
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property, line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*
-------------------------	----------------------

* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.

(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. 5945, §5(Exh. A), 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6820, §1, adopted December 4, 2024, determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause) and Ordinance 6710 (extending the Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on July 1, 2025 at 7:00 p.m. unless prior to that time and date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.

Hector Cueva

April 22nd, 2015

1416 W Mount Comfort Rd, Fayetteville AR

To whom it may concern,

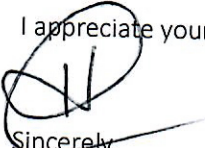
I am writing to request a re-zoning of my property located at 1416 W Mount Comfort Rd, Fayetteville AR. It is currently zoned as RSF-4 and I wish to re-zone to RI-U.

Two recent examples of nearby properties that have been allowed to be re-zoned to RI-U are: 1324 W Mt Comfort Rd (*May of 2020*), and 1236 W Mt Comfort Rd (*November of 2024*). Both of these neighboring properties are within a couple hundred yards of mine.

There is a considerable amount of Residential multi-family zoning immediately south and east of my property, while there is a large amount of Residential single-family zoning immediately to the north. Similar to the other two previously mentioned RI-U zoned properties, I think the re-zoning of mine to an RI-U as well will help bridge the gap and create a nice transition from the large areas of Agriculture and Single Family to the north and west on to the larger Multi Family parcels as you head south and east.

We are proposing building (5) detached ~1800 SF 3-bedroom homes on my 0.4 acre property. One of the main purposes of the RI-U zoning is to encourage development of detached dwellings in suitable environments, while providing a range of housing types/diversity. Given the other types of zoning on all sides of my property, I think these proposed (5) homes will satisfy the intentions of the RI-U zoning as well as provide a transition area between single family and the larger chunks of multifamily as you head south.

I appreciate your consideration in this matter.


Sincerely,

Hector Cueva



MEETING OF JULY 1, 2025

TO: Mayor Rawn and City Council

THRU: Keith Macedo, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Donna Wonsower, Planner

SUBJECT: **RZN-2025-0014: Rezone (1314 S. ELLIS AVE/SIEMEK, 561): Submitted by WESLEY BATES for property located at 1314 S. ELLIS AVE in WARD 1. The property is zoned RMF-24, RESIDENTIAL MULTIFAMILY, 24 UNITS PER ACRE and contains approximately 0.40 acres. The request is to rezone the property to UN, URBAN NEIGHBORHOOD.**

RECOMMENDATION:

City Planning staff and the Planning Commission recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property is located in central Fayetteville at the intersection of S. Ellis Ave., S. University Ave. and W. 13th St. approximately 1/4 mile west of S. School Ave. The property contains one parcel totaling 0.40 acres which is currently developed with a 2,468-square-foot single-family house constructed in 1961 per the Washington County Assessor. The property is not part of any zoning overlay or master plan area.

Request: The request is to rezone the subject property from RMF-24, Residential Multifamily, 24 Units per Acre, to UN, Urban Neighborhood.

Public Comment: Eleven members of the public spoke at the May 27 Planning Commission meeting, with nine opposed to the request. Several written comments were also received. Thirteen members of the public spoke at the June 9 Planning Commission meeting, with 11 opposed. Comments in opposition generally centered on a desire to preserve the existing family neighborhood, a lack of clear intent for the proposed rezoning, increased noise, inadequate infrastructure, insufficient parking and traffic capacity, misaligned development and growth, vacant and underutilized commercial properties nearby, poor maintenance, and a desire for more control over the eventual development than a straight rezoning would permit. Members of the public were also concerned about unclear notification letters, and the potential for a late-night bar to be open serving alcohol, one even bringing forward a potential bill of assurance as well as alternative zoning districts that could permit commercial development with a conditional use permit as alternatives that would permit stricter control on noise and hours of operations. Comments in support of the request cited the need to support small, local developers with incremental projects, the reduction in permitted heights, and the limited scale of the permitted commercial uses.

Land Use Compatibility: Staff finds the proposed zoning of UN, Urban Neighborhood to be compatible with the surrounding area. Land uses in the immediate vicinity are primarily residential in nature, varying in both form,

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

lot width, and density. Nonresidential uses are also present nearby and include churches, cemeteries, and public parks. The uses permitted by right in UN, which include all types of dwellings as well as some commercial uses such as general business, offices, and eating places, are directly compatible with the existing land uses, and even more so, the existing, underlying multi-family zoning in this area. Staff finds the addition of limited commercial on a corner lot could be a benefit to the existing residents and that the small size of the lot and a three-story height limitation is likely to mitigate negative impacts that could result from larger commercial developments.

Uses allowed conditionally in UN, including hotels, neighborhood shopping, and small-scale production, may also be suitable at this site, though any land uses allowed conditionally would be subject to further review to determine full compatibility. When compared to the site's current zoning designation of RMF-24, UN could allow for an increase in residential density, which would complement surrounding residential areas and encourage housing types that accommodate the demand for walkable urban living. While UN would permit narrower lots than zoning currently allows (12 feet versus 35 feet for single- and two-family dwellings), staff finds the shape of the parcel and other design standards such as tree preservation, parking, and access will likely limit development of the overall parcel.

The Urban Neighborhood zoning district is considered residential zoning for the purpose of Chapter 96: Noise Control; therefore, the property would be required to meet the same noise regulations as it does under the existing regulations. Further, a tavern or bar would not be permitted by right under the proposed zoning district. Bars, regardless of intended hours, fall under Use Unit 14: Hotel, Motel, and Amusement Facilities, which is a conditional use permit under UN, Urban Neighborhood. Food and beverage uses such as bakeries, delicatessens, ice cream shops, sidewalk cafes, groceries, and restaurants are permitted with or without size restrictions under Use Units 12b, 13, and 40 in UN. While alcohol sales is not prohibited under these uses, locations where alcohol sales make up the majority of a business model are considered either Use Unit 14 (where sold for consumption on-premises) or Use Unit 34: Liquor Stores (where sold for consumption off-premises). Neither Use Units 14 or 34 are permitted by-right in UN. As such, staff finds minimal potential impact from late-night alcohol sales or consumption.

Land Use Plan Analysis: The proposed zoning is consistent with the property's City Plan 2040 Future Land Use Map designation as a Residential Neighborhood Area, which encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. The UN zoning district would allow for a mixture of residential densities that are urban in form. If the property were to be redeveloped or subdivided, staff finds that UN would encourage an environment that is more appealing to pedestrians and would reduce the visual impact of parking areas. The property has an infill score of 7-8 which indicates that the site is prepared to accommodate increased housing density, and the property does not lie within any environmentally sensitive areas. Rezoning could support Goals #1 and #6 of City Plan 2040 by making appropriate infill a priority and creating an opportunity to develop a greater variety of housing that could enable residents to remain in the neighborhood as their housing needs change.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a ranged score of **7-8** for this site. The following elements of the matrix contribute to the score:

1. 4 Minute Fire Response (Station #9, 2250 S. School Ave.)
2. Near Sewer Main (8- and 15-inch main, S. Ellis Ave.)
3. Near Water Main (6-inch main, W. 13th St. | 2-inch-main, S. Ellis Ave.)
4. Near University of Arkansas
5. Near City Park (Walker Park)
6. Near Paved Trail (Razorback Greenway, Pinnacle Prairie Trail)
7. Near ORT Bus Stop (School and 13th St.)
8. Near Razorback Bus Stop (Hill and MLK)

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

DISCUSSION:

At the May 27, 2025 Planning Commission meeting, the item was tabled to provide further time for consideration. The applicant cited an intent to maintain the existing residence and to develop the remainder of the property with small-scale commercial uses. The commission questioned what alternatives had been explored to address neighborhood concerns such as bill of assurance, conditional use permits, or alternative zoning districts, and clarified development review processes with staff. Multiple members of the public spoke at the meeting, largely in opposition, and their comments are further discussed in the public comments section of the report. In the interim, the staff report has been updated to provide additional clarification on what kinds of uses are permitted and how noise would be regulated within the within the proposed zoning district.

At the June 9, 2025 Planning Commission meeting, a vote of 7-1-0 forwarded the request to City Council with a recommendation of approval. No changes were made from the previous request. The applicant presented additional information on the benefits of corner stores on public safety as well as specific examples of other locations in the city with corner commercial stores within residential neighborhoods. Thirteen members of the public spoke at the meeting. Eleven spoke in opposition to the request, many expressing a desire for their neighborhood to remain strictly residential. Commissioners requested additional information on plans for the existing house, required street improvements, and how alcohol sales would be regulated. The applicant noted previous interior remodeling completed on the house and started that they have no intent to remove it. Staff explained that street improvements are determined with development plans but that sidewalk improvements are usually required, that staff reviews all business licenses for compliance with zoning, and that alcohol sales are reviewed specifically by the state. There was also discussion about the history of the area and how it was originally zoned RMF-24. Commissioner Payne made the motion and Commissioner Castin seconded. Commissioner Payne cast the only no vote, citing neighborhood concerns about parking and traffic. Commissioners voting in favor of the request cited the intent of the urban neighborhood zoning district, the small size of the lot, reduced height allowances, minimal permitted commercial uses, applicable noise restrictions, limitations on bars, and additional permitting requirements.

BUDGET/STAFF IMPACT:

NA

ATTACHMENTS: 3. Staff Review Form, 4. Exhibit A, 5. Exhibit B, 6. Staff Report



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-899

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2025-14 FOR APPROXIMATELY 0.40 ACRES LOCATED AT 1314 SOUTH ELLIS AVENUE IN WARD 1 FROM RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE TO UN, URBAN NEIGHBORHOOD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from RMF-24, Residential Multi-Family, 24 Units Per Acre to UN, Urban Neighborhood.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

City of Fayetteville Staff Review Form

2025-899

Item ID

7/1/2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jonathan Curth

6/13/2025

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN-2025-0014: Rezone (1314 S. ELLIS AVE/SIEMEK, 561): Submitted by WESLEY BATES for property located at 1314 S. ELLIS AVE in WARD 1. The property is zoned RMF-24, RESIDENTIAL MULTIFAMILY, 24 UNITS PER ACRE and contains approximately 0.40 acres. The request is to rezone the property to UN, URBAN NEIGHBORHOOD.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Total Amended Budget

\$ -

Expenses (Actual+Encum)

\$ -

Available Budget

\$ -

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20221130

Purchase Order Number:

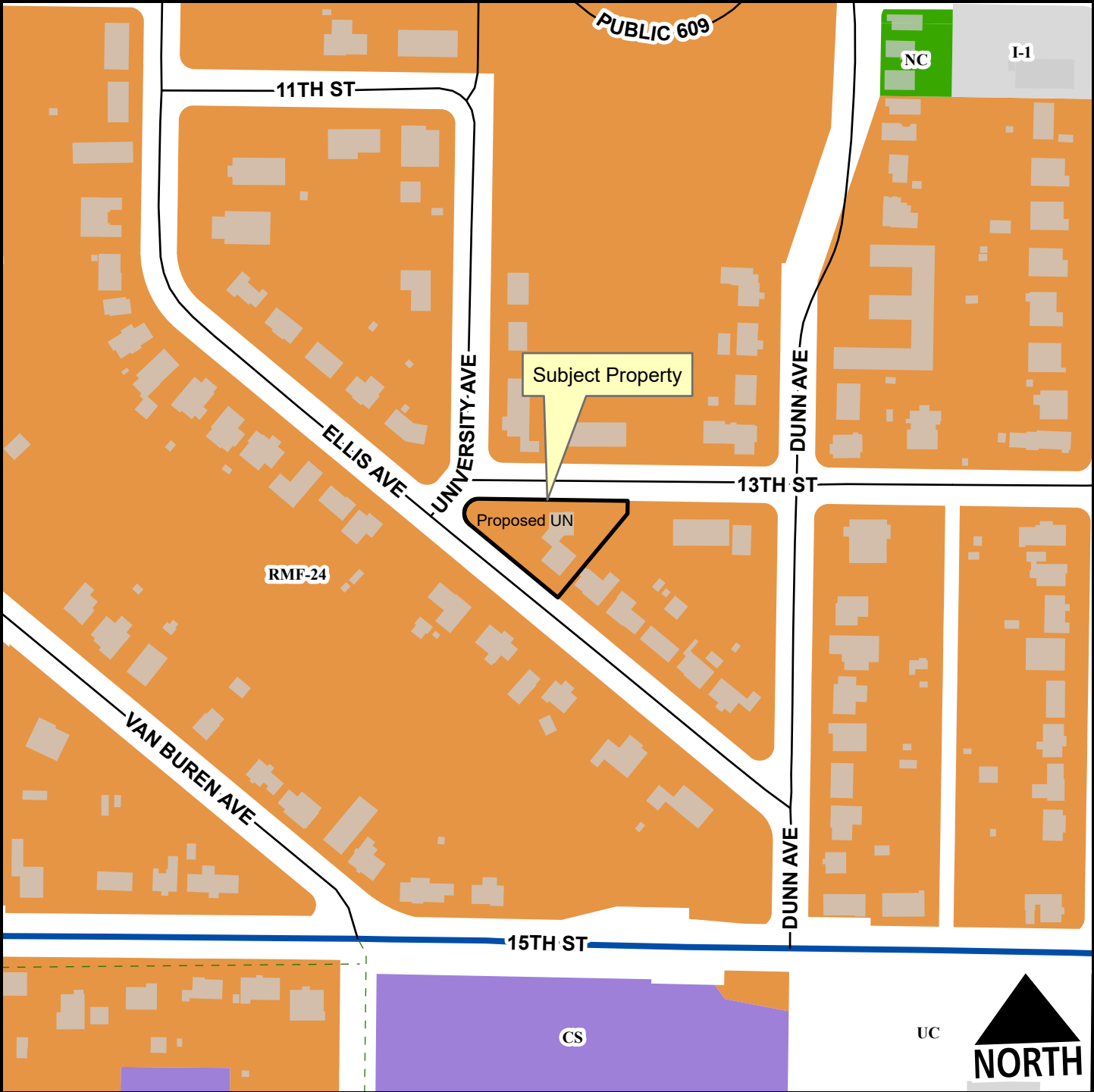
Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



Regional Link - High Activity

Residential Link

Trail (Proposed)

Planning Area

Fayetteville City Limits

075150300450600

Feet

1:2,400

Zone	Current	Proposed
UN	0.0	0.4
RMF-24	0.4	0.0
Total 0.4 ac		

RZN-2025-0014

EXHIBIT B

Lot Numbered 1 in Block Numbered 5 in Wilson-Dunn Addition, to the City of Fayetteville, Arkansas, as per plat of said Addition on file in the Office of the Circuit Clerk Washington County, Arkansas.



TO: Fayetteville Planning Commission

FROM: Donna Wonsower, Planner

MEETING DATE: June 9, 2025 (UPDATED WITH MEETING RESULTS)

SUBJECT: **RZN-2025-0014: Rezone (1314 S. ELLIS AVE/SIEMEK, 561):** Submitted by WESLEY BATES for property located at 1314 RMF-24, RESIDENTIAL MULTIFAMILY, 24 UNITS PER ACRE and contains approximately 0.40 acres. The request is to rezone the property to UN, URBAN NEIGHBORHOOD.

RECOMMENDATION:

Staff recommends forwarding **RZN-2025-0014** to the City Council with a recommendation of approval, based on the findings herein.

RECOMMENDED MOTION:

*"I move to forward **RZN-2025-0014** to the City Council with a recommendation for approval."*

MAY 27, 2025, PLANNING COMMISSION MEETING

At the May 27, 2025, Planning Commission meeting, the item was tabled to provide further time for consideration. The applicant cited an intent to maintain the existing residence and to develop the remainder of the property with small-scale commercial uses. The commission questioned what alternatives had been explored to address neighborhood concerns such as bill of assurance, conditional use permits, or alternative zoning districts, and clarified development review processes with staff. Multiple members of the public spoke at the meeting, largely in opposition, and their comments are further discussed in the public comments section of the report. In the interim, the staff report has been updated to provide additional clarification on what kinds of uses are permitted and how noise would be regulated within the within the proposed zoning district.

BACKGROUND:

The subject property is located in central Fayetteville at the intersection of S. Ellis Ave., S. University Ave. and W. 13th St. about 1/4 mile west of S. School Ave. The property contains one parcel totaling 0.40 acres which is currently developed with a 2,468-square-foot single-family house constructed in 1961 per the Washington County Assessor. The property is not part of any zoning overlay or master plan area. Surrounding land uses and zoning are listed in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Two-Family Residential	RMF-24, Residential Multifamily, 24 Units per Acre
South	Single-Family Residential	RMF-24, Residential Multifamily, 24 Units per Acre
East	Mixed-Density Residential	RMF-24, Residential Multifamily, 24 Units per Acre
West	Single-Family Residential	RMF-24, Residential Multifamily, 24 Units per Acre

Request: The request is to rezone the subject property from RMF-24, Residential Multifamily, 24 Units per Acre, to UN, Urban Neighborhood.

Public Comment: Eleven members of the public spoke at the May 27 Planning Commission meeting, with nine opposed to the request. Several written comments were also received. Comments in opposition generally centered on a desire to preserve the existing family neighborhood, a lack of clear intent for the proposed rezoning, increased noise, inadequate infrastructure, insufficient parking and traffic capacity, misaligned development and growth, unclear notification letters, and the potential for a late-night bar to be open serving alcohol. One commenter brought forward a potential bill of assurance as well as alternative zoning districts that could permit commercial development with a conditional use permit as alternatives that would permit stricter control on noise and hours of operations. Comments in support generally focused on the positive track record of the developers and the opportunity to create walkable infill. Staff also received several requests for additional information.

INFRASTRUCTURE:

The property's frontage along W. 13th Street and S. Ellis Avenue, both fully improved residential link with asphalt paving, curb and gutter, and sidewalk.

Streets: Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to the subject property. There is an existing 6-inch water main along the south side of W. 13th Street and an existing 2-inch water main along the southwest side of S. Ellis Avenue.

Sewer: Sanitary sewer is available to the subject property. There is an existing 8-inch and 15-inch sewer main along S. Ellis Avenue. There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 740 linear feet downstream of this property.

Drainage: No portion of the subject property lies within the Hillside-Hilltop Overlay District or a FEMA floodplain. Additionally, no protected streams or hydric soils are present on the subject property. Any improvements or requirements for drainage will be determined at time of development.

Fire: Station 9, located at 2250 S. School Ave., protects this site. The property is located approximately 0.9 miles from the fire station with an anticipated drive time of approximately three minutes using existing streets. The anticipated response time would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus one minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck.

Police: The Police Department did not comment on this request.

Tree Preservation:

The proposed zoning district of UN, Urban Neighborhood, requires **15% minimum canopy preservation**. The current zoning district of RMF-24, Residential Multifamily, 24 Units per Acre, requires **20% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood** area.

Residential Neighborhood areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. This designation recognizes the existing conventional subdivision developments that may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a ranged score of 7-8 for this site with a weighted score of 10. The following elements of the matrix contribute to the score:

- 4 Minute Fire Response (Station #9, 2250 S. School Ave.)
- Near Sewer Main (8- and 15-inch main, S. Ellis Ave.)
- Near Water Main (6-inch main, W. 13th St. | 2-inch-main, S. Ellis Ave.)
- Near University of Arkansas
- Near City Park (Walker Park)
- Near Paved Trail (Razorback Greenway, Pinnacle Prairie Trail)
- Near ORT Bus Stop (School and 13th St.)
- Near Razorback Bus Stop (Hill and MLK)

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:** Staff finds the proposed zoning of UN, Urban Neighborhood to be compatible with the surrounding area. Land uses in the immediate vicinity are primarily residential in nature, varying in both form, lot width, and density. Nonresidential uses are also present nearby and include churches, cemeteries, and public parks. The uses permitted by right in UN, which include all types of dwellings as well as some commercial uses such as general business, offices, and eating places, are directly compatible with the existing land uses in this area. Staff finds the addition of limited commercial on a corner lot could be a benefit to the existing residents and that the small size of the lot and a three-story height limitation is likely to mitigate negative impacts that could result from larger commercial developments.*

Uses allowed conditionally in UN, including hotels, neighborhood shopping, and small-scale production, may also be suitable at this site, though any land uses allowed conditionally would be subject to further review to determine full compatibility. When compared to the site's current zoning designation of RMF-24, UN would allow for a slight increase in residential density, which would complement surrounding residential areas and encourage housing types that could accommodate the demand for walkable urban living. While UN would permit narrower lots than zoning currently allows (12 feet versus 35 feet for single- and two-family dwellings), staff finds the shape of the parcel and other design standards such as tree preservation, parking, and access will likely limit development of the overall parcel.

The Urban Neighborhood zoning district is considered residential zoning for the purpose of Chapter 96: Noise Control; therefore, the property would be required to meet the same noise regulations as it does under the existing regulations. Further, a tavern or bar would not be permitted by right under the proposed zoning district. Bars, regardless of intended hours, fall under Use Unit 14: Hotel, Motel, and Amusement Facilities, which is a conditional use permit under UN, Urban Neighborhood. Food and beverage uses such as bakeries, delicatessens, ice cream shops, sidewalk cafes, groceries, and restaurants are permitted with or without size restrictions under Use Units 12b, 13, and 40 in UN. While alcohol sales is not prohibited under these uses, locations where alcohol sales make up the majority of a business model are considered either Use Unit 14 (where sold for consumption on-premises) or Use Unit 34: Liquor Stores (where sold for consumption off-premises). Neither Use Units 14 or 34 are permitted by-right in UN. As such, staff finds minimal potential impact from late-night alcohol sales or consumption.

Land Use Plan Analysis: The proposed zoning is consistent with the property's City Plan 2040 Future Land Use Map designation as a Residential Neighborhood Area, which encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. The UN zoning district would allow for a mixture of residential densities that are urban in form. If the property were to be redeveloped or subdivided, staff finds that UN would encourage an environment that is more appealing to pedestrians and would reduce the visual impact of parking areas. The property has a moderate weighted infill score of 10 which indicates that the site is prepared to accommodate increased housing density, and the property does not lie within any environmentally sensitive areas. Rezoning could support Goals #1 and #6 of City Plan 2040 by making appropriate infill a priority and creating an opportunity to develop a greater variety of housing that could enable residents to remain in the neighborhood as their housing needs change.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: Staff finds that the proposed rezoning from RMF-24 to UN is justified. Rezoning to UN would allow for infill development that is comparable to the existing development pattern in the area and consistent with the City's planning objectives and policies.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: Rezoning the property to UN has the potential to increase traffic along S. Ellis Ave., W. 13th St. and other adjacent roadways. However, the size of the property will naturally limit the scale of any future development, and thus reduce any possible impacts on traffic danger or congestion.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and

sewer facilities.

Finding: Rezoning the property from RMF-24 to UN has the potential to increase population density, though it is not likely to undesirably increase the load on public services. The property has access to existing water and sanitary sewer infrastructure and is close to other public services. Fayetteville Public Schools did not comment on this request.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Planning staff recommends forwarding RZN-2025-0014 to the City Council with a recommendation of approval.

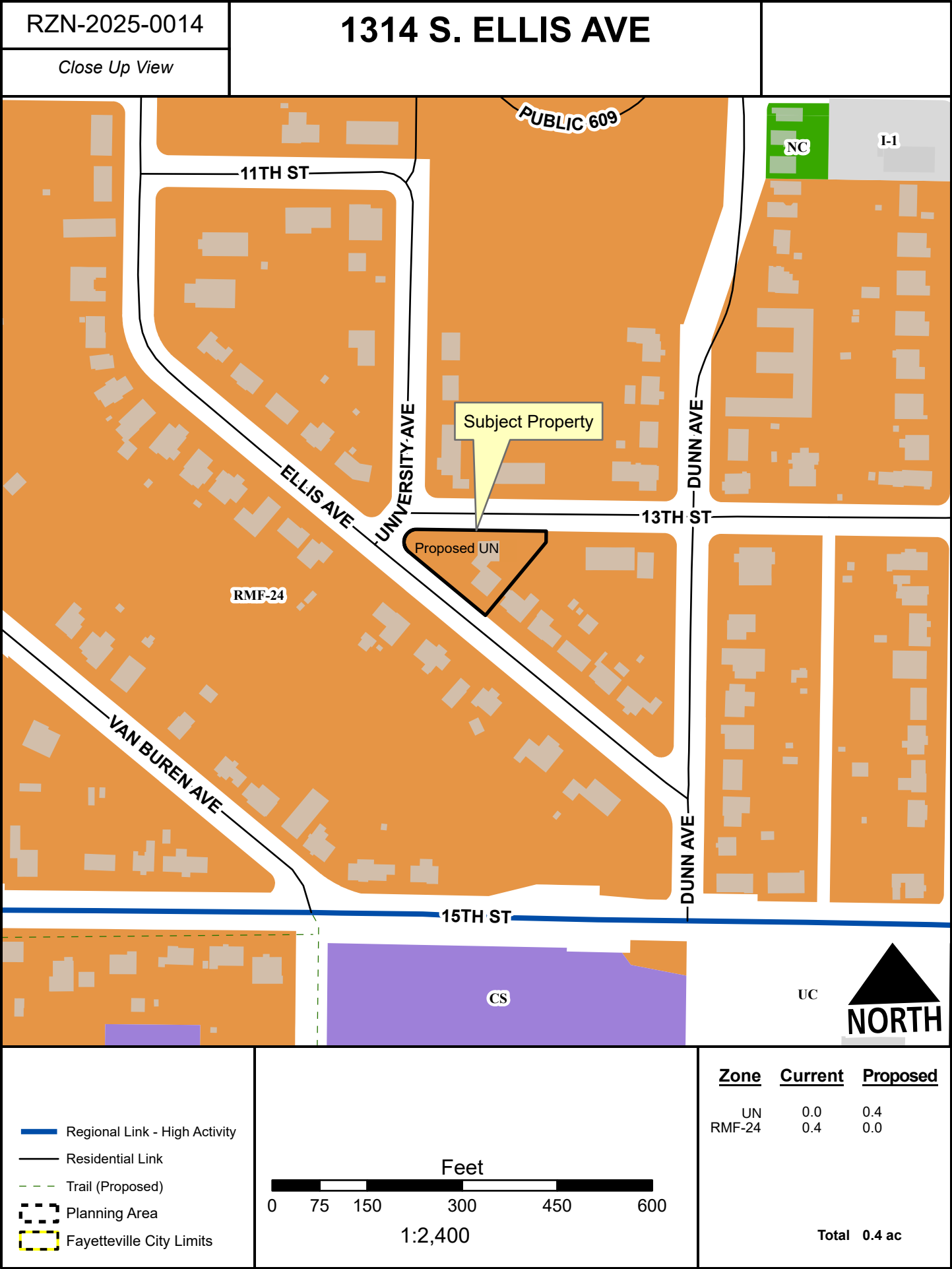
PLANNING COMMISSION ACTION		Required	<u>YES</u>
Date: <u>June 9, 2025</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: PAYNE	I MOVE TO FORWARD RZN-2025-0014 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL.		
Second: CASTIN			
Vote: 7-1-0 (PAYNE OPPOSED)			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

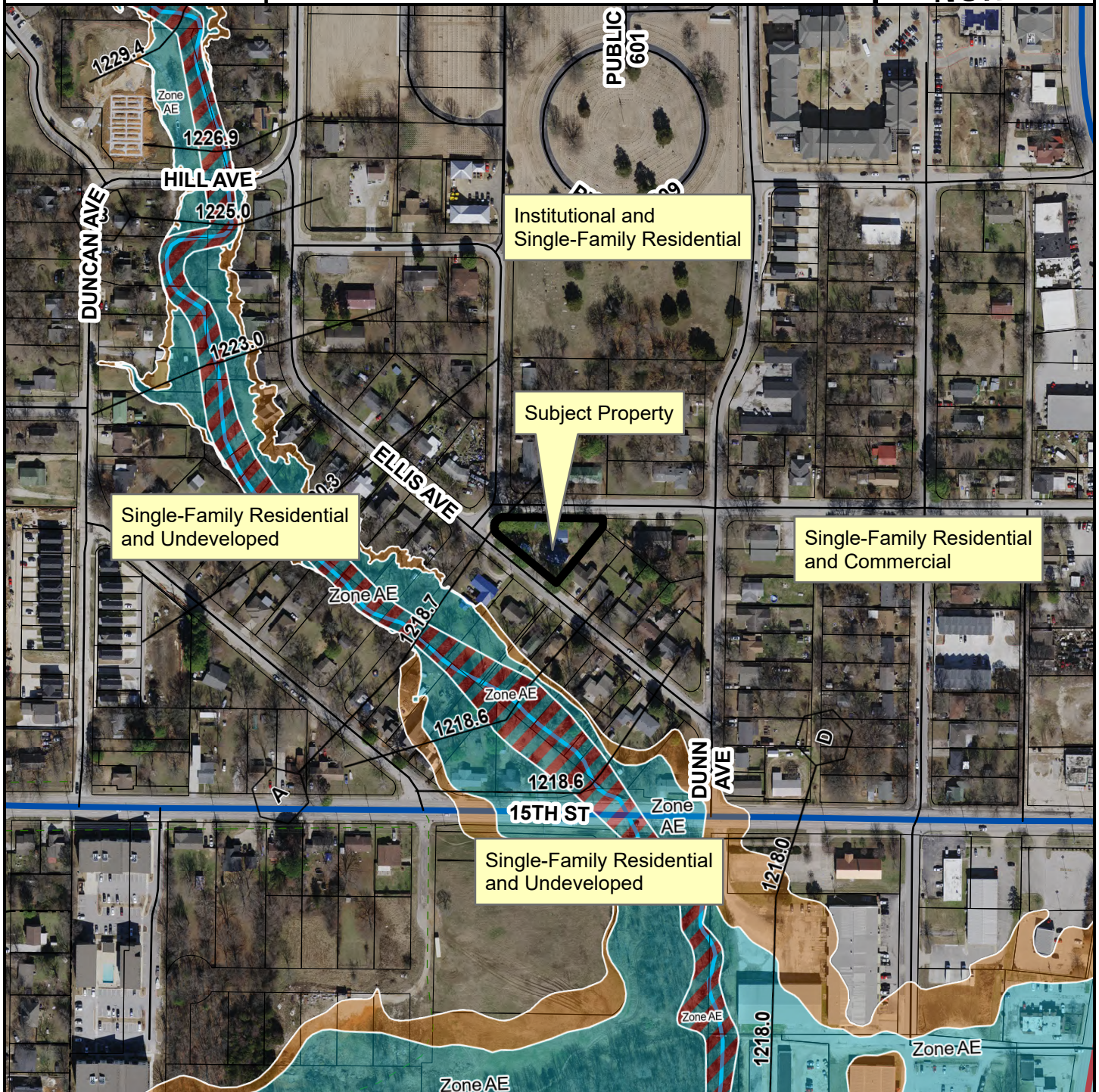
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map
- Unified Development Code:
 - §161.16 – RMF-24, Residential Multifamily, 24 Units per Acre
 - §161.37 Urban Neighborhood
- Request Letter
- Public Comment



RZN-2025-0014

1314 S. ELLIS AVE

Current Land Use



- Regional Link
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits
- Design Overlay District



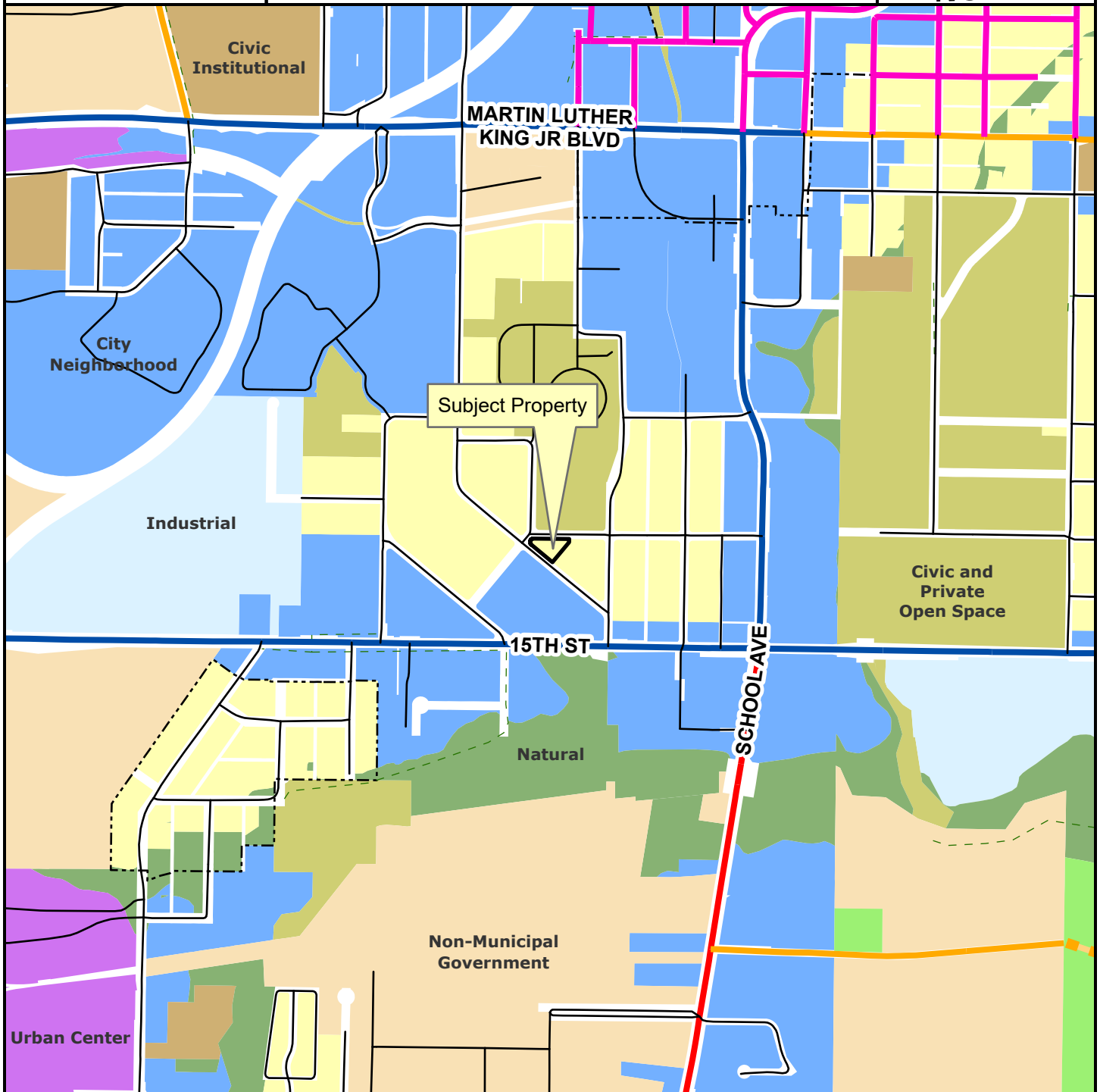
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

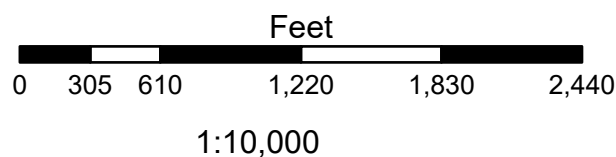
RZN-2025-0014

1314 S. ELLIS AVE

Future Land Use



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood Link
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Design Overlay District



- City Neighborhood
- Civic Institutional
- Civic and Private Open Space
- Industrial
- Natural
- Non-Municipal Government
- Residential Neighborhood
- Rural Residential
- Urban Center

161.16 District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 26	Multi-family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12a	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	35 feet
Two (2) family	35 feet
Three (3) family or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet
Townhouses: Individual lot	2,000 square feet
Single-family	3,000 square feet

Two (2) family	4,000 square feet
Three (3) family or more	7,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
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(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) *Building Height Regulations.*

Building Height Maximum	2 stories/3 stories/5 stories*
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* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories, between 10—20 feet from the master street plan right-of-way a maximum height of three (3) stories and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 5 stories.

If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any side boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

(G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5079, 11-20-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5495, 4-17-12; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 8, 9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6658, §6(Exh. E), 5-2-23)

Editor's note(s)—Ord. No. 6820, §1, adopted December 4, 2024, determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause) and Ordinance 6710 (extending the Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on July 1, 2025 at 7:00 p.m. unless prior to that time and date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.

161.37 Urban Neighborhood

(A) *Purpose.* The Urban Neighborhood District is designed to serve as a mixed use area of medium intensity and provide a transition into residential neighborhoods from more intense, mixed-use districts. Urban Neighborhood promotes a walkable, pedestrian-oriented neighborhood development form with a variety of housing options and complementary neighborhood businesses that are compatible in scale and use with surrounding land uses. For the purpose of Chapter 96: Noise Control the Urban Neighborhood district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12b	General business
Unit 13	Eating places
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk cafes
Unit 41	Accessory dwelling units
Unit 44	Cluster housing development
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 5	Government facilities
Unit 14	Hotel, motel and amusement services
Unit 15	Neighborhood shopping goods
Unit 36	Wireless communication facilities
Unit 45	Small scale production

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

All dwellings	12 feet
All other uses	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations.*

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	None
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
-------------------------	-----------

(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

To Whom It May Concern,

I am writing to formally request the rezoning of the property located at 1314 S Ellis from RMF-24 (Residential Multi-Family, 24 units per acre) to Urban Neighborhood. The intent of this request is to allow for the future subdivision and development of the lot to include a small-scale commercial space that would provide valuable amenities to the surrounding neighborhood.

This proposal aligns with the purpose of the Urban Neighborhood district, which is designed to support a medium-intensity, mixed-use environment that transitions smoothly into adjacent residential areas. The district promotes walkability and a pedestrian-oriented neighborhood form—principles that are at the core of this request.

There is clear precedent for this type of development in the area, with nearby small commercial establishments such as The Farmer's Table Café and Mad Rooster Brewery already contributing positively to the neighborhood. A new small-scale commercial space at 1314 S Ellis would build upon this existing character and help create an even more vibrant, connected community.

The proposed rezoning is also compatible with the surrounding land uses and supports the city's broader goals for sustainable and inclusive growth. The Urban Neighborhood district encourages the integration of residential and small-scale commercial development in a form that is walkable, human-scaled, and complementary to existing housing. The proposed use will serve local needs while respecting the character and scale of the neighborhood.

Future development will adhere to Urban Neighborhood design standards and will be thoughtfully integrated into the site to ensure compatibility in form, use, and intensity. We are committed to creating a project that supports the livability, walkability, and overall vitality of the area.

We appreciate your time and consideration of this request.

Sincerely,
Wes Bates

Wonsower, Donna

From: Kyle Druding <kbdhomesllc@gmail.com>
Sent: Thursday, May 15, 2025 1:01 PM
To: Hopkins, Mirinda
Cc: Wonsower, Donna
Subject: Re: RZN-2025-0014 (1314 S ELLIS AVE FAYETTEVILLE, AR 72701)

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mirinda,

Thanks so much for the information and nice to catch up a bit. It's been a long time.

@Donna, I just wanted to give a formal response/feedback around this zoning request. I have multiple properties next to or within a block of this location. The addresses are 615 E 13th, 617 E. 13th, 619 E 13th, 536 W. 15th 1311 S. Dunn and 1454 S. Dunn. This would greatly impact the neighborhood, property use, desirability, value, etc. This property is already a bit of an oddity with the unpermitted builds that went on over the years.

I am writing to express my strong opposition to the proposed rezoning request for 1314 S Ellis. Below are several key concerns that highlight the significant negative impact such a change would have on our neighborhood and community.

1. **Lack of Clear Intent** – The intent behind this rezoning request is unclear at best. While the current applicant may be acting in good faith, future property owners may not, leading to unpredictable and potentially harmful developments.
2. **Inadequate Infrastructure** – The existing streets and infrastructure are not equipped to accommodate commercial traffic. They are already strained by current usage, and additional commercial activity would further degrade an already failing system. Sidewalks in the area are poorly maintained, and increased commercial presence would only exacerbate these infrastructure challenges.
3. **Insufficient Parking Capacity** – The location lacks adequate parking for current needs, and introducing a business would overwhelm the area's limited space. The neighborhood cannot support additional traffic, particularly commercial vehicles.
4. **Misaligned Development & Growth** – Comparisons to other commercial establishments, such as Mad Rooster and Farmers Table, are misleading and inaccurate. Those businesses are located on Highway 71B within an established commercial zone alongside a strip mall, large apartment complexes, and various businesses that have existed for decades. This proposed rezoning does not align with that type of planned growth.
5. **Preserving the Family Neighborhood** – Rezoning this property would disrupt the family-friendly atmosphere we have cultivated over the years through property improvements and

responsible ownership. A commercial transition would undermine the character and livability of our neighborhood.

6. **Safety Concerns** – Increased commercial traffic would pose significant safety risks for pedestrians, cyclists, and children in the area. The rezone would directly impact the security and well-being of residents who rely on safe streets and walkways.

Given the substantial concerns outlined above, I respectfully urge the Fayetteville City Council/Planning Commission to deny the rezoning request to preserve the integrity and safety of our community. Thank you for your time and consideration.

Sincerely,

Kyle Druding

KBD Homes

479-366-9682

On Thu, May 15, 2025 at 12:07 PM Hopkins, Mirinda <mhopkins@fayetteville-ar.gov> wrote:

Thank you

Mirinda Hopkins

Development Coordinator

Planning Division

City of Fayetteville

479-575-8267



CITY OF
FAYETTEVILLE
ARKANSAS

Wonsower, Donna

From: Masters, Jessica
Sent: Monday, May 12, 2025 9:46 AM
To: fayarrentals@gmail.com
Cc: Wonsower, Donna
Subject: RZN-2025-0014 - UN, Urban Neighborhood Zoning District
Attachments: ELLIS REZONE LETTER (1)_V1.PDF; Ordinance No. 6830.pdf

Good morning,

Thank you for reaching out about the subject rezoning. I've attached the applicant's request letter, as well as the zoning district information they are requesting.

Please let me know if you have any additional questions; please also forward future inquiries on this proposal to Donna Wonsower, who is the planner working on the item.

Jessie

Jessie Masters, AICP
Development Review Manager
Development Services
City of Fayetteville, Arkansas
(479) 575-8239

www.fayetteville-ar.gov

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



Wonsower, Donna

From: Wonsower, Donna
Sent: Monday, May 5, 2025 9:04 AM
To: jeremyshayes@gmail.com
Cc: Planning Shared
Subject: RE: RZN-2025-0014 (1314 S. ELLIS AVE)
Attachments: Ordinance No. 6830.pdf

Good Morning,

The zoning district will be available with the other districts on the city's online Municode at the end of the quarter once the online database is updated, but in the meantime is available [here](#) and attached. I've also attached an image below showing the uses that would be allowed by right (without any additional Planning Commission permissions) under the existing and proposed zoning districts. In summary, the residential uses are the same, but UN would also allow some commercial uses like shops, offices, and restaurants, as well as cultural facilities like community centers, schools, galleries, churches, eldercare/childcare, and similar.

Existing and Proposed Uses Allowed by Right			
Use Unit	Description	Existing (RMF-24)	Proposed (UN)
1	City-wide uses by right	X	X
4	Cultural and recreational facilities		X
8	Single-family dwellings	X	X
9	Two-family dwellings	X	X
10	Three (3) and four (4) family dwellings	X	X
12b	General business		X
13	Eating Places		X
24	Home occupation		X
25	Offices, studios, and related services		X
26	Multi-family dwellings	X	X
40	Sidewalk Cafes		X
41	Accessory dwellings	X	X
44	Cluster Housing Development	X	X
46	Short-term rentals	X	X

Additional information on what is included in each use unit and any associated restrictions can be found [here](#).

Donna Wonsower, AICP
Planner, Development Services
City of Fayetteville, Arkansas
479-575-8358
fayetteville-ar.gov

Please note that I will be out of the office from May 13 - May 19. If you need assistance during this time, please contact the main planning line.

From: Jeremy Hayes <jeremyshayes@gmail.com>
Sent: Sunday, May 4, 2025 10:59 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: RZN-2025-0014 (1314 S. ELLIS AVE)

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I would like more information on the request to rezone this lot to UN, Urban Neighborhood.
I am unable to find permitted usage for this zoning type on the code website and would like to know what specific uses this would allow that are not currently allowed under the current RMF-24 zoning?

Wonsower, Donna

From: Derek Linn <derek.linn@gmail.com>
Sent: Wednesday, May 21, 2025 12:21 PM
To: Wonsower, Donna
Cc: Planning Shared
Subject: Re: RZN-2025-0014 (1314 S. ELLIS AVE)

Follow Up Flag: Follow up
Flag Status: Flagged

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Donna-
Can you email me a copy of the Bill of Assurance template utilized by City of Fayetteville?

Thank you
Derek

On Fri, May 9, 2025 at 8:36 AM Wonsower, Donna <dwonsower@fayetteville-ar.gov> wrote:

Derek,

I've attached the email from applicant confirming a request to change the rezoning to UN, Urban Neighborhood. The online Municode gets updated every quarter, but approved ordinances are posted at the [homepage](#) in the interim. The Urban Neighborhood Zoning District was passed with ORD 6830 and is available [here](#).

I'm happy to answer questions about the request, but in order to provide all application items, correspondence, and data as requested in your email below, you will need to submit a FOIA request on the city's [JustFOIA page](#). This will send notices to all staff members that may have documents or correspondence on this project and provide a joint location for those to be pooled and sent to you.

Donna Wonsower, AICP

Planner, Development Services

City of Fayetteville, Arkansas

479-575-8358

fayetteville-ar.gov

Please note that I will be out of the office from May 13 - May 19. If you need assistance during this time, please contact the main planning line.

From: Planning Shared <planning@fayetteville-ar.gov>
Sent: Friday, May 9, 2025 8:15 AM
To: Derek Linn <derek.linn@gmail.com>; Planning Shared <planning@fayetteville-ar.gov>
Cc: Wonsower, Donna <dwonsower@fayetteville-ar.gov>
Subject: RE: RZN-2025-0014 (1314 S. ELLIS AVE)

Derek, attached is their submitted documents.

Donna, the planner assigned to this project should be able to assist with your questions.

Thank you

Mirinda Hopkins

Development Coordinator

Planning Division

City of Fayetteville

479-575-8267



CITY OF
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ARKANSAS

From: Derek Linn <derek.linn@gmail.com>
Sent: Thursday, May 8, 2025 8:05 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: RZN-2025-0014 ([1314 S. ELLIS AVE](#))

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Good evening --

Can you please forward me a link to all application items, correspondence, and any other data related to the subject application?

I am also seeking clarification on the zoning district being requested. While the Tech Plat agenda from April notes the request is for Neighborhood Services - General, the public notice sign and the GIS map indicates the request is for UN - Urban Neighborhood. I was not able to find this zoning district in the zoning code.

I look forward to hearing from you and learning more.

Thank you,

Derek Linn

----- Forwarded message -----

From: Wes Bates <bateswt@gmail.com>

To: "Wonsower, Donna" <dwonsower@fayetteville-ar.gov>, "Hopkins, Mirinda" <mhopkins@fayetteville-ar.gov>

Cc:

Bcc:

Date: Tue, 15 Apr 2025 17:04:58 +0000

Subject: Re: Ellis rezone

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Here is that updated letter!

On Tue, Apr 15, 2025 at 11:56 AM Wes Bates <bateswt@gmail.com> wrote:
Awesome - I'll work on it now.

Wes Bates

bateswt@gmail.com

479-595-5499

On Tue, Apr 15, 2025 at 11:51 AM Wonsower, Donna <dwonsower@fayetteville-ar.gov> wrote:

Wes,

I recommend UN, Urban Neighborhood. CS will likely be too intensive. There is still plenty of time, but we will need an updated request letter with the new proposal and an updated statement of compatibility. Let me know if you have any questions!

Donna Wonsower, AICP

Planner, Development Services

City of Fayetteville, Arkansas

479-575-8358

fayetteville-ar.gov

From: Wes Bates <bateswt@gmail.com>

Sent: Tuesday, April 15, 2025 9:56 AM

To: Wonsower, Donna <dwonsower@fayetteville-ar.gov>

Subject: Re: Ellis rezone

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sounds good! That's helpful. Let me know what you find out!

Wes Bates

bateswt@gmail.com

479-595-5499

On Tue, Apr 15, 2025 at 8:19 AM Wonsower, Donna <dwonsower@fayetteville-ar.gov> wrote:

Wes,

No worries. Since public notifications have not yet been done, you can still change the zoning request.

The online Municode gets updated every quarter, but approved ordinances are posted at the [homepage](#) in the interim. The Urban Neighborhood Zoning District was passed with ORD 6830 and is available [here](#). I'll need to dig into a little more, but on first impressions, UN is probably more compatible than CS given the small size of the lot and more limited uses. I'll touch base with the other planners later this morning as well.

Donna Wonsower, AICP

Planner, Development Services

City of Fayetteville, Arkansas

479-575-8358

fayetteville-ar.gov

From: Wes Bates <bateswt@gmail.com>

Sent: Tuesday, April 15, 2025 6:03 AM

To: Wonsower, Donna <dwonsower@fayetteville-ar.gov>

Subject: Ellis rezone

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hey Donna,

I saw you got assigned to our Ellis rezone. I made a mistake when you and I first talked about this one. The density and lot area minimums under NS-G might be problematic for our planned future lot splits. We don't want to give up those benefits of RMF-24.

So, it looks like CS could be a good option that keeps the benefits of RMF-24 but adds a commercial option. I was trying to find UN but I can't find it in UDC (is it in there somewhere I don't know about?).

Let me know what you think.

Thanks!

Wes

--

Wes Bates

bateswt@gmail.com

479-595-5499

--

Wes Bates

bateswt@gmail.com

479-595-5499

Wonsower, Donna

From: Stevens Properties <fayar.rentals@gmail.com>
Sent: Tuesday, May 27, 2025 9:53 AM
To: Brink, Andrew; Payne, Brad; Gulley, Fred; Garlock, Jimm; Madden, Mary; McGetrick, Mary; Cabe, Matthew; Castin, Nick; Werner, Nick
Cc: Wonsower, Donna; Masters, Jessica
Subject: RZN-2025-0014: Rezone (1314 S. ELLIS AVE/SIEMEK, 561) 5-27-25
Attachments: planing commission letter ellis.docx

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

5/27/2025

Stevens Properties Fayetteville LLC
429 E Sutton Street Fayetteville, AR 72701
479-263-7065

Hello Fayetteville Planning Commission Members,

I am writing in reference to the rezoning request, RZN-2025-0014: Rezone (1314 S. ELLIS AVE/SIEMEK, 561), that will be on the 5/27/2025 planning agenda meeting.

I/We received a Written Notification Form From co-owners Konrad Seimek and Wesley Bates in the mail, they are the applicants wishing to change the zone of their property to Urban Neighborhood, I/We found the letter vague, it gives the illusion they desire the residential RMF-24 but that is not the case, and unfair to the folks who live and own in the neighborhood and received it and did not understand that they are requesting to up zone to Urban Neighborhood.

I spoke with Konrad Seimek, the property owner, and he assured me nothing would change for maybe five years, he wants to “dream up something for the property”, like maybe a place on that corner for food trucks, or a small sidewalk cafe. I feel a business on that property in this neighborhood is an inappropriate fit. It is an odd parcel, .4 acres but basically a triangle with 3 existing residential rentals that were recently transformed to that from a generational family living residence.

We are a small residential neighborhood with a mix of tenants and homeowners. If you drop a pin in the center of this neighborhood it is approximately a quarter of a mile in three directions, north to MLK, east to S School Street, and south to 15th Street. To the west is Conagra Foods. The National Cemetery is our neighbor. We are already very impacted with the traffic on Ellis / Hill, from MLK to 15th Street (and soon a new large student housing complex being built on 15th and Dunn will add to the traffic as students seek cut through routes up to Mlk and Hill Ave to access the University and Walmart. I do not feel that the zone Urban Neighborhood plopped in our center on this lot is a good mix with the RMF24 density that we now have. There are some businesses but they are on the perimeters close to or on the major roads. To add commercial businesses which will increase traffic that already makes our area less family friendly is unfair to the residents who live, love, and play in this neighborhood. It is already concerning for the children and adults to ride their bikes or play ball and just be. Our little neighborhood is a gem surrounded by 3 commercial busy streets, and U of A

"by the bedroom" density. I feel it is important to keep it family and tenant friendly. Once this property is zoned up and able to be developed commercially it makes it desirable to developers who do not have our neighborhood's interests at heart. I believe it will increase traffic and make our neighborhood less a place to call home. It is now a place to go home to, to be at home in.

I have witnessed Fayetteville chasing infill and population density and the urban feel, But we also need our small neighborhoods where people can live, feel safe and breathe. Right now our little neighborhood is that and perfect with the businesses on the parameters. I would like where we live to stay residential.

I feel changing the zone just for "The Owner" to dream something up leaves the rest of our neighborhood's population vulnerable. If you want to zone up and add commercial businesses to a residential neighborhood please at least change the zone with an end plan in front of you, so you have control of what can come into the heart of where people live, the business type, and the traffic and the parking dilemma's the project potentially will bring.

Thank you,
Angela Stevens

1405 S Ellis
1329 S Ellis
1235 Dunn



MEETING OF JULY 1, 2025

TO: Mayor Rawn and City Council

THRU: Keith Macedo, Chief of Staff
Jonathan Curth, Development Services Director
Jessica Masters, Planning Director

FROM: Gretchen Harrison, Senior Planner

SUBJECT: **REZONING-2025-0019: (209 S. WILLOW AVE./SIEMEK & BATES, 524): Submitted by WESLEY BATES for property located at 209 S. WILLOW AVE. in WARD 1. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 0.51 acres. The request is to rezone the property to UN, URBAN NEIGHBORHOOD.**

RECOMMENDATION:

City Planning Staff and the Planning Commission recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property is comprised of three parcels totaling 0.51 acres, located southwest of the intersection of Rock Street and Willow Avenue. The property is zoned RMF-24, Residential Multi-Family, 24 Units per Acre and developed with one single-family dwelling which Washington County records indicate was built in 2003. It lies within the City's Hillside/Hilltop Overlay District and within the boundaries of the recently completed historic context statement for the Historic Black Community of Southeast Fayetteville.

Request: The request is to rezone the property from RMF-24, Residential Multi-Family, 24 Units per Acre to UN, Urban Neighborhood.

Public Comment: Staff has received some inquiries about this request but no comments in support or opposition to it.

Land Use Compatibility: Staff finds the proposed zoning of UN, Urban Neighborhood to be largely compatible with the surrounding mix of residential and non-residential uses. The subject property is located in close proximity to the Yvonne Richardson Center, St. James Baptist Church's Squire Jehegan Outreach Center, and downtown Fayetteville. Like the existing RMF-24 zoning district, UN is an urban district which has a 0 to 25-foot build to zone, promoting pedestrian-oriented development by encouraging buildings to be constructed closer to the street. Urban Neighborhood is designed to support a diverse range of housing types that reflect the established character of other residential areas near Fayetteville's core. Compared to RMF-24, UN zoning allows for smaller lot sizes, a wider range of permitted land uses, reduced setbacks, and increased residential densities. Where RMF-24 allows for building heights of up to five stories, UN would only allow maximum building heights of three stories. With UN allowing smaller buildings than the existing RMF-24 zoning district, it may promote a development pattern that is more compatible with the surrounding, one- and two-story

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

neighborhood while still supporting the City's goals for encouraging infill and mixed-use development.

Land Use Plan Analysis: Staff finds the proposed zoning to be consistent with the property's Future Land Use Map designation as Residential Neighborhood Area. The UN zoning district would allow a greater variety of land uses in an urban setting, which staff finds to be compatible with the surrounding area. The property has an infill score of 8, indicating it is a suitable location for infill development. In terms of City Plan 2040, staff finds that the requested rezoning could help support Goals 1 and 3 by promoting moderate infill in an area that is highly walkable and near transit routes.

City Plan 2040 Infill Matrix: City Plan 2040's Infill Matrix indicates a score of 8 for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 1, 303 W. Center St.)
- Near Water Main (6-inch main, Willow Avenue)
- Near Water Main (6-inch main, Willow Avenue)
- Near Sewer Main (8-inch main, Willow Avenue)
- Near City Park (Yvonne Richardson Community Center)
- Near Paved Trail (E. MLK Jr. Blvd. and Conner-Washington Connector)
- Near ORT Bus Stop (Route 10 and 20)
- Near Razorback Bus Stop (Route 14 Non Peak)
- Sufficient Intersection Density

DISCUSSION:

At the June 9, 2025 Planning Commission meeting, a motion to forward this item with a recommendation of approval passed with a vote of 8-0-0. No commissioners commented on it. One member of the public spoke at the meeting, expressing their support for the applicant's request.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: 3. Staff Review Form, 4. Exhibit A, 5. Exhibit B, 6. Planning Commission Staff Report



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-922

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2025-19 FOR APPROXIMATELY 0.51 ACRES LOCATED AT 209 SOUTH WILLOW AVENUE IN WARD 1 FROM RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE TO UN, URBAN NEIGHBORHOOD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from RMF-24, Residential Multi-Family, 24 Units Per Acre to UN, Urban Neighborhood.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

City of Fayetteville Staff Review Form

2025-922

Item ID

7/1/2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jonathan Curth

6/13/2025

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

REZONING-2025-0019: (209 S. WILLOW AVE./SIEMEK & BATES, 524): Submitted by WESLEY BATES for property located at 209 S. WILLOW AVE. in WARD 1. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 0.51 acres. The request is to rezone the property to UN, URBAN NEIGHBORHOOD.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Total Amended Budget

\$ -

Expenses (Actual+Encum)

\$ -

Available Budget

\$ -

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20221130

Purchase Order Number:

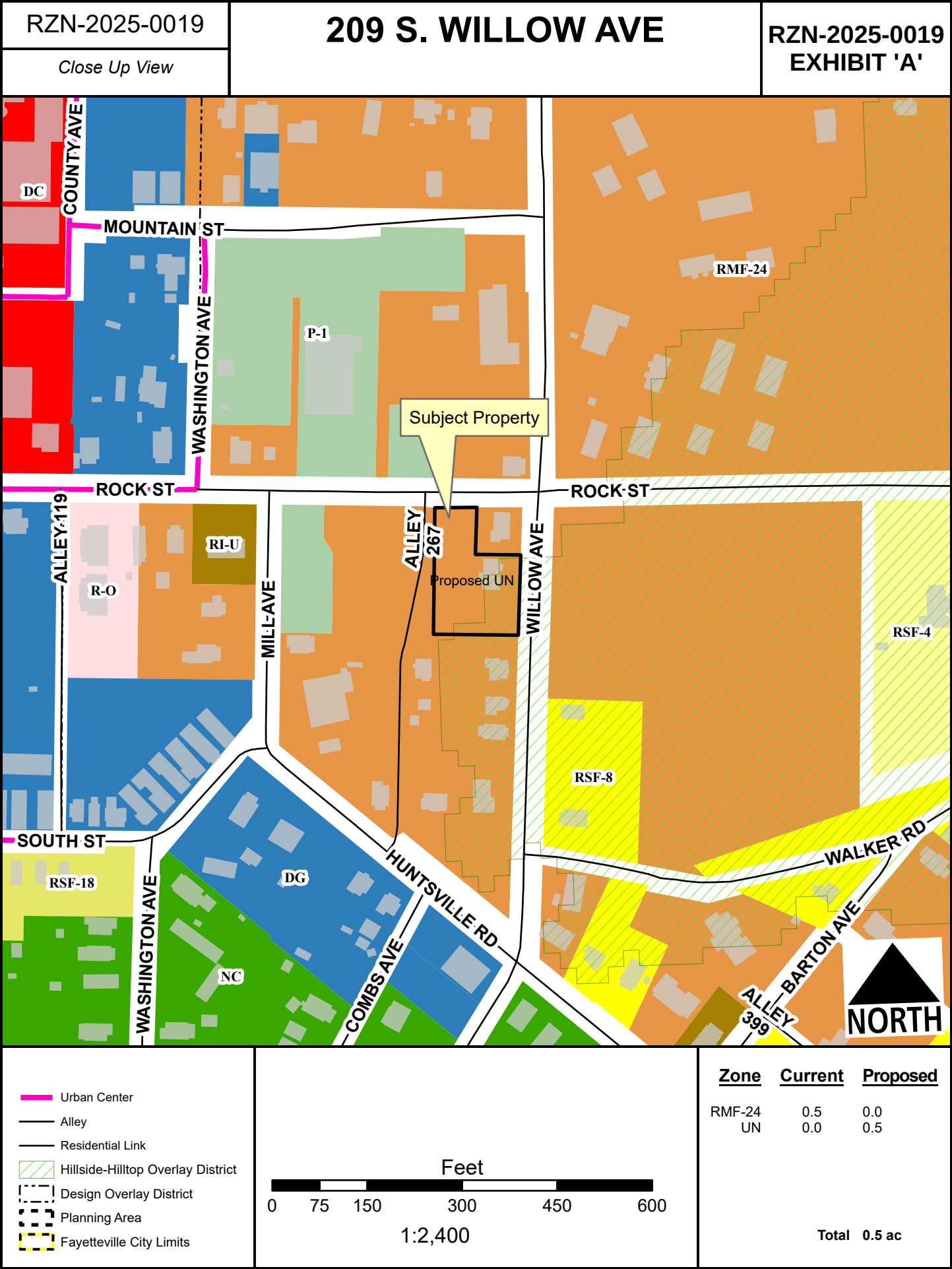
Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

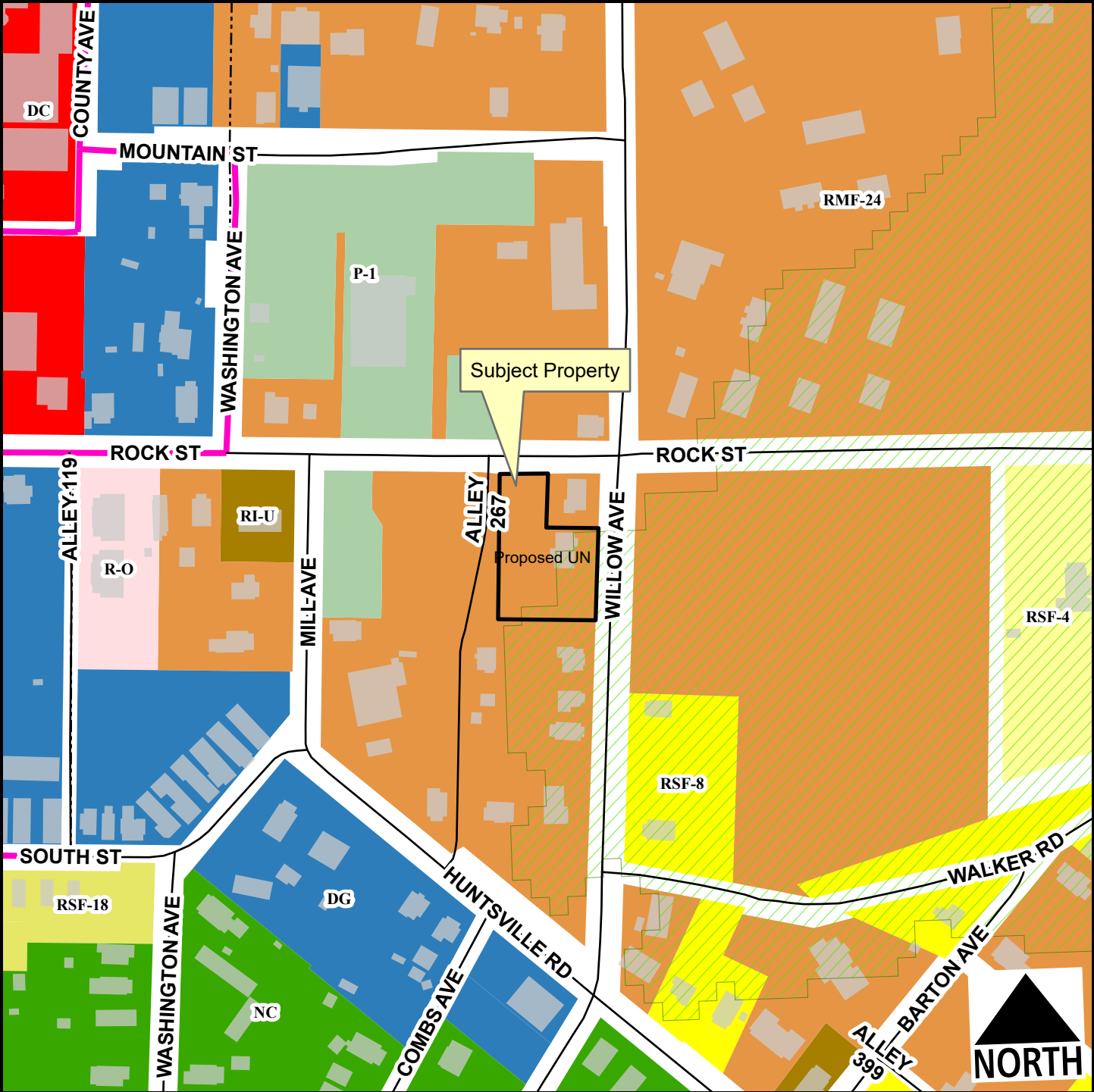


RZN-2025-0019

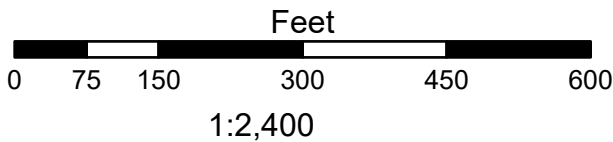
Close Up View

209 S. WILLOW AVE

RZN-2025-0019
EXHIBIT 'A'



- Urban Center
- Alley
- Residential Link
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville City Limits



Zone	Current	Proposed
RMF-24	0.5	0.0
UN	0.0	0.5
Total		0.5 ac

Parcel: 765-06319-000

PART OF LOT NUMBERED ONE (1) IN BLOCK NUMBERED TWO (2) HENDRY'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT ONE (1) SAID POINT BEING AN EXISTING IRON REBAR; THENCE N88°00'12"E 67.12 FEET ALONG THE NORTH LINE OF SAID LOT ONE (1) TO A SET 1/2" IRON REBAR; THENCE S00°00'12"E 78.58 FEET TO A SET 1/2" IRON REBAR ON THE SOUTH LINE OF SAID LOT ONE (1); THENCE S87°52'36"W 67.13 FEET TO AN EXISTING IRON REBAR AT THE SOUTHWEST CORNER OF SAID LOT ONE (1); THENCE NORTH 78.73 FEET TO THE POINT OF BEGINNING, CONTAINING 0.12 ACRES, MORE OR LESS.

Parcel: 765-06320-000

Part of Lot 2, Block 2, Hendry's Addition to the City of Fayetteville, Washington County, Arkansas, as per the County Court Plat filed in Book 5 at Page 77 of the records of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, being more particularly described as follows, to:wit: Beginning at an existing rebar marking the Northwest Corner of said Lot 2, Block 2 and running thence along the North line there of N88°00'14"E 134.34 to an existing rebar on the West right-of-way of South Willow Avenue,thence along said West right-of-way S00°08'06"W 80.00', thence leaving said West right-of-way S88°01'49"W 134.28' to an existing rebar on the West line of said Lot 2, Block 2, thence along said West Line N00°05'34"E 79.94' to the point of beginning, containing 0.25 acres, more or less.

Parcel: 765-06321-000

All of Lot 2, in Block 2, in Hendry's Addition to the City of Fayetteville, Washington County, Arkansas, EXCEPT 80 feet of equal and uniform width off the North side of said Lot 2, as per plat of said Addition now on file in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: June 9, 2025 (updated with results)

SUBJECT: **RZN-2025-0019: Rezoning (209 S. WILLOW AVE./BATES-SIEMEK, 524):** Submitted by WESLEY BATES for property located at 209 S. WILLOW AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 0.51 acres. The request is to rezone the property to UN, URBAN NEIGHBORHOOD.

RECOMMENDATION:

Staff recommends forwarding **RZN-2025-0019** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2025-0019** to the City Council with a recommendation of approval."*

BACKGROUND:

The subject property is comprised of three parcels totaling 0.51 acres, located southwest of the intersection of Rock Street and Willow Avenue. The property is zoned RMF-24, Residential Multi-Family, 24 Units per Acre and developed with one single-family dwelling which Washington County records indicate was built in 2003. It lies within the City's Hillside/Hilltop Overlay District and within the boundaries of the recently completed historic context statement for the Historic Black Community of Southeast Fayetteville. Surrounding land uses and zoning are depicted below in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential Yvonne Richardson Community Center	RMF-24, Residential Multi-Family, 24 Units per Acre P-1, Institutional
South	Single-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
East	Single-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
West	Undeveloped	RMF-24, Residential Multi-Family, 24 Units per Acre

Request: The request is to rezone the subject property from RMF-24, Residential Multi-Family, 24 Units per Acre to UN, Urban Neighborhood.

Public Comment: Staff has received some inquiries about this request but no comments in support or opposition to it.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

- Streets:** The subject property has frontage along Willow Avenue and Rock Street. Willow Avenue and Rock Street are fully improved Residential Link Streets with asphalt paving, sidewalk, curb, and gutter. Any street improvements required in this area would be determined at the time of development proposal.
- Water:** Public water is available to the subject property. There is an existing six-inch water main present along the west side of Willow Avenue.
- Sewer:** Sanitary sewer is available to the subject property. There is an existing eight-inch sanitary sewer main present along Willow Avenue. There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 1,550 linear feet downstream of this property.
- Drainage:** No portion of the property lies within a FEMA floodplain and no protected streams or hydric soils are present on site. A portion of the property does, however, lie within the Hillside Hilltop Overlay District. Additional restrictions will apply at the time of development. Engineered footing designs will be required at the time of building permit submittal, as well as grading, erosion control and abbreviated tree preservation plans. Any improvements or requirements for drainage will be determined at the time of development submittal.
- Fire:** Station 1, located at 303 W. Center St., protects this site. The property is located approximately 0.6 miles from the fire station with an anticipated drive time of approximately three minutes using existing streets. The anticipated response time would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus one minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.
- Police:** The Police Department did not comment on this request.
- Tree Preservation:**
The proposed zoning district, UN, Urban Neighborhood, requires **15% minimum canopy preservation**. The current zoning district, RMF-24, Residential Multi-Family, 24 Units per Acre, requires **20% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood Area**.

Residential Neighborhood areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. This designation recognizes the existing conventional subdivision developments that may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 8 for this site with a weighted score of 11. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 1, 303 W. Center St.)
- Near Water Main (6-inch main, Willow Avenue)
- Near Sewer Main (8-inch main, Willow Avenue)
- Near City Park (Yvonne Richardson Community Center)
- Near Paved Trail (E. MLK Jr. Blvd. and Conner-Washington Connector)
- Near ORT Bus Stop (Route 10 and 20)
- Near Razorback Bus Stop (Route 14 Non Peak)
- Sufficient Intersection Density

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** Staff finds the proposed zoning of UN, Urban Neighborhood to be largely compatible with the surrounding mix of residential and non-residential uses. The subject property is located in close proximity to the Yvonne Richardson Center, St. James Baptist Church's Squire Jehegan Outreach Center, and downtown Fayetteville. Like the existing RMF-24 zoning district, UN is an urban district which has a 0 to 25-foot build to zone, promoting pedestrian-oriented development by encouraging buildings to be constructed closer to the street. Urban Neighborhood is designed to support a diverse range of housing types that reflect the established character of other residential areas near Fayetteville's core. Compared to RMF-24, UN zoning allows for smaller lot sizes, a wider range of permitted land uses, reduced setbacks, and increased residential densities. Where RMF-24 allows for building heights of up to five stories, UN would only allow maximum building heights of three stories. With UN allowing for a more moderate development pattern, it may promote a development pattern that is more compatible with the surrounding neighborhood while still supporting the City's goals for encouraging infill and mixed-use development.

Land Use Plan Analysis: Staff finds the proposed zoning to be consistent with the property's Future Land Use Map designation as Residential Neighborhood Area. The UN zoning district would allow a greater variety of land uses in an urban setting, which staff finds to be compatible with the surrounding area. The property has a relatively high infill score of 8 with a weighted score of 11, indicating it is a suitable location for infill development. In terms of City Plan 2040, staff finds that the requested rezoning could help support Goals 1 and 3 by promoting moderate infill in an area that is highly walkable and near transit routes.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: The applicant has stated that they have requested this rezoning to accommodate a small, planned cluster housing development, since the UN zoning district offers more flexible setback requirements. Staff finds that the applicant's request is justified since it would facilitate greater residential

densities near downtown Fayetteville where services, amenities, and employment opportunities are most densely concentrated.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: Staff finds that rezoning the property to UN is not likely to create or appreciable increase traffic danger and congestion since the subject property is relatively small and many of the zoning regulations tied to that district are similar to those associated with RMF-24 zoning. Any street improvements required in this area would be determined at the time of development proposal.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Rezoning the property from RMF-24 to UN has the potential to alter the population density when considering that UN has no set density limitation. However, given the presence of existing public infrastructure and the property's location near downtown Fayetteville, staff finds that the proposed rezoning is not likely to increase the load on public services to an undesirable degree. However, there are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 1,550 linear feet downstream of this property. Any street improvements required in this area would be determined at the time of development proposal. Fayetteville Public Schools did not comment on this request.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Planning staff recommends forwarding RZN-2025-0019 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>June 9, 2025</u>	☐ Tabled	☒ Forwarded with a recommendation of approval	☐ Denied
Motion: Garlock			
Second: Payne			
Vote: 8-0-0			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.16 District RMF-24, Residential Multi-Family – Twenty-Four (24) Units Per Acre
 - §161.37 Urban Neighborhood
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map
- Request Letter

161.16 District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 26	Multi-family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12a	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	35 feet
Two (2) family	35 feet
Three (3) family or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet
Townhouses: Individual lot	2,000 square feet
Single-family	3,000 square feet
Two (2) family	4,000 square feet
Three (3) family or more	7,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
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(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) *Building Height Regulations.*

Building Height Maximum	2 stories/3 stories/5 stories*
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* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories, between 10—20 feet from the master street plan right-of-way a maximum height of three (3) stories and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 5 stories.

If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any side boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

- (G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.
- (H) *Minimum Buildable Street Frontage.* 50% of the lot width.

161.37 Urban Neighborhood

(A) *Purpose.* The Urban Neighborhood District is designed to serve as a mixed use area of medium intensity and provide a transition into residential neighborhoods from more intense, mixed-use districts. Urban Neighborhood promotes a walkable, pedestrian-oriented neighborhood development form with a variety of housing options and complementary neighborhood businesses that are compatible in scale and use with surrounding land uses. For the purpose of Chapter 96: Noise Control the Urban Neighborhood district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12b	General business
Unit 13	Eating places
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk cafes
Unit 41	Accessory dwelling units
Unit 44	Cluster housing development
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 5	Government facilities
Unit 14	Hotel, motel and amusement services
Unit 15	Neighborhood shopping goods
Unit 36	Wireless communication facilities
Unit 45	Small scale production

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

All dwellings	12 feet
All other uses	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations.*

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	None
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Building Height Regulations.*

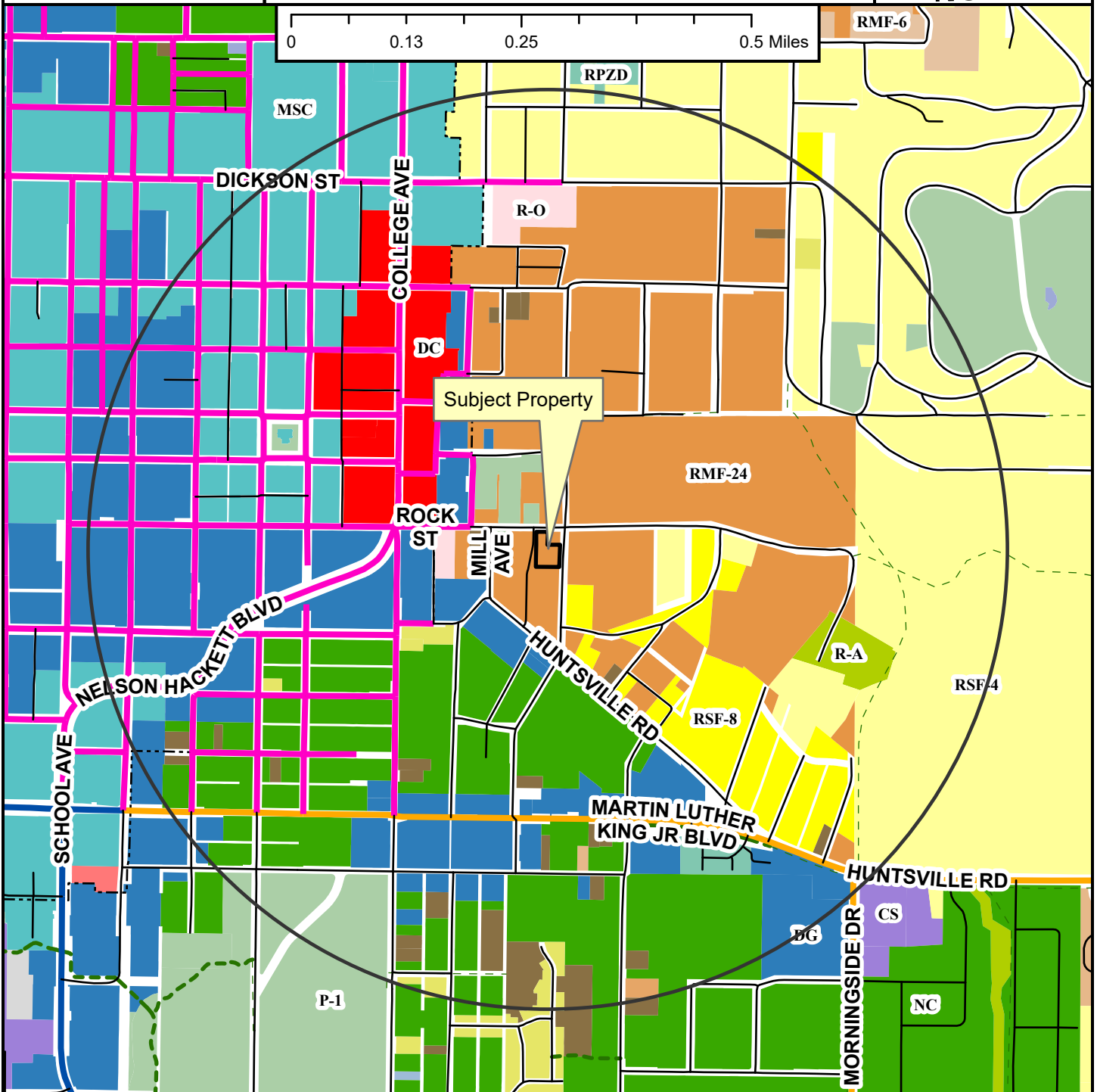
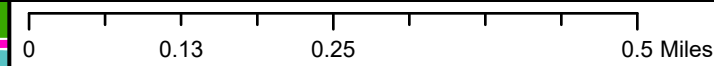
Building Height Maximum	3 stories
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(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

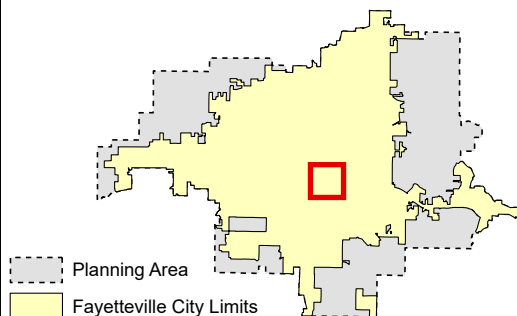
RZN-2025-0019

209 S. WILLOW AVE

One Mile View



- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area

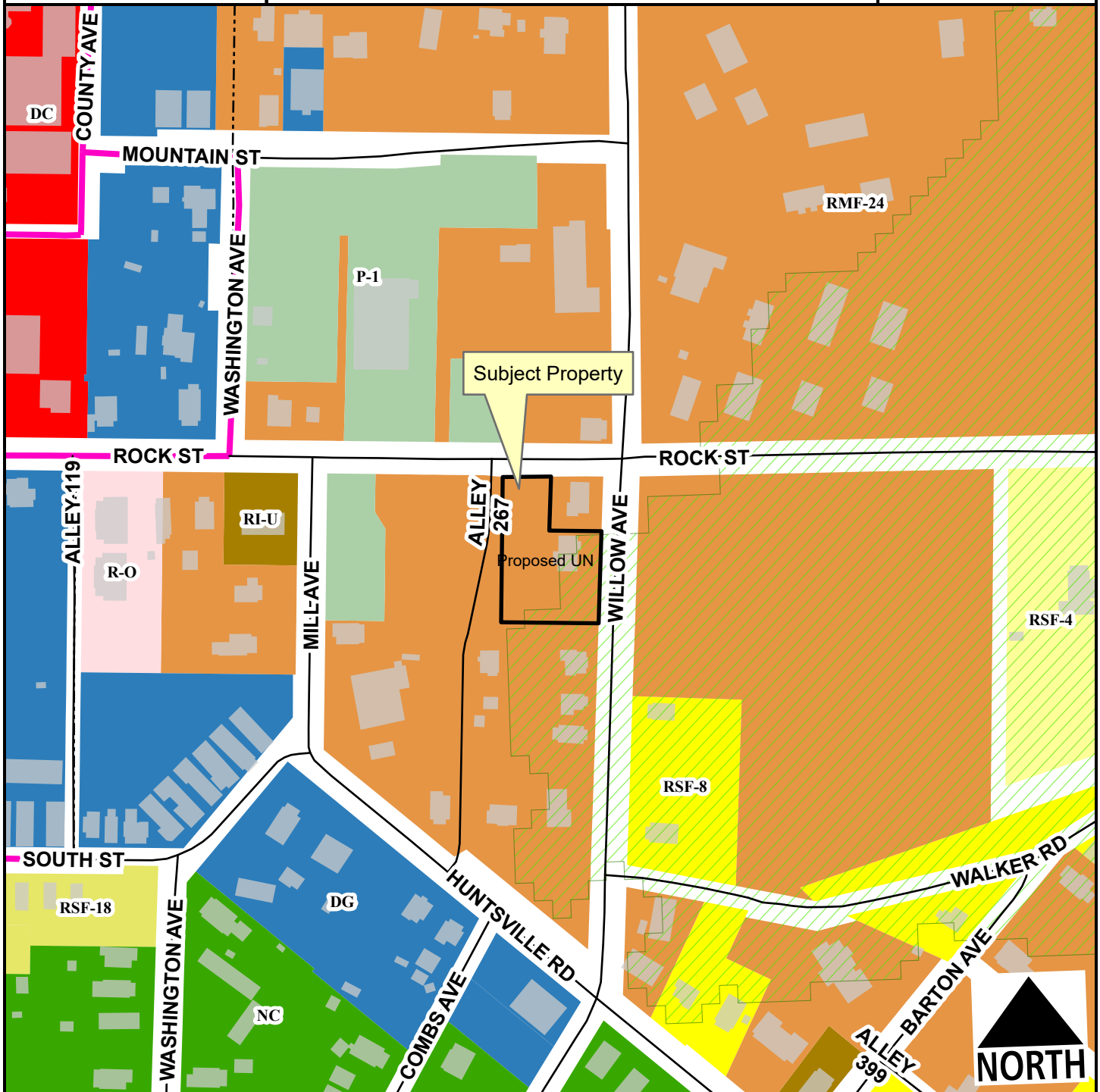


- | | |
|---|---------------------------------|
| Zoning | EXTRACTION |
| RESIDENTIAL SINGLE-FAMILY | E-1 |
| NS-G | COMMERCIAL |
| RI-U | Residential-Office |
| RI-12 | C-1 |
| NS-L | C-2 |
| Residential-Agricultural | C-3 |
| RSF-5 | FORM BASED DISTRICTS |
| RSF-1 | Downtown Core |
| RSF-2 | Urban Thoroughfare |
| RSF-4 | Main Street Center |
| RSF-7 | Downtown General |
| RSF-8 | Community Services |
| RSF-18 | Neighborhood Services |
| RESIDENTIAL MULTI-FAMILY | Neighborhood Conservation |
| RMF-6 | PLANNED ZONING DISTRICTS |
| RMF-12 | INSTITUTIONAL |
| RMF-13 | P-1 |
| RMF-24 | |
| RMF-40 | |
| INDUSTRIAL | |
| I-1 Heavy Commercial and Light Industrial | |
| I-2 General Industrial | |

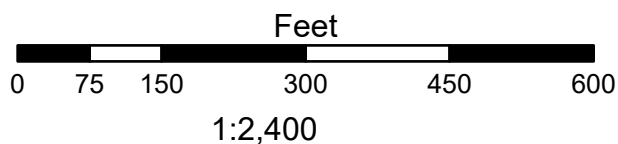
RZN-2025-0019

209 S. WILLOW AVE

Close Up View



- Urban Center
- Alley
- Residential Link
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville City Limits



Zone	Current	Proposed
RMF-24	0.5	0.0
UN	0.0	0.5

Total 0.5 ac

RZN-2025-0019

209 S. WILLOW AVE

Current Land Use



- Urban Center
- Unclassified
- Alley
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits
- Design Overlay District



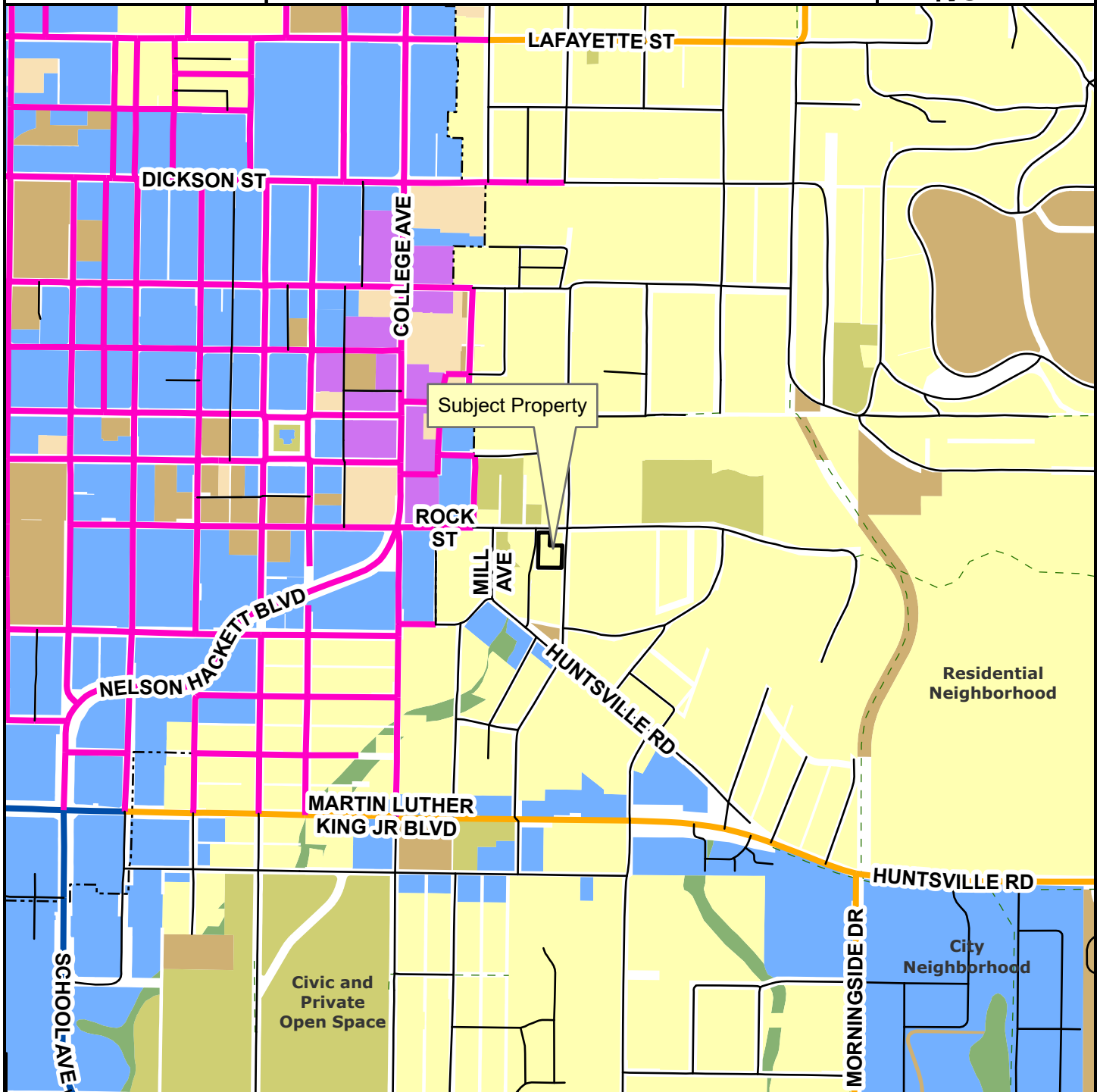
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

RZN-2025-0019

209 S. WILLOW AVE

Future Land Use



- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Design Overlay District

- City Neighborhood
- Civic Institutional
- Civic and Private Open Space
- Industrial
- Natural
- Non-Municipal Government
- Residential Neighborhood
- Rural Residential
- Urban Center

Dear Planning Commission and City Council Members,

I am writing to formally request the rezoning of the property located at **209 S Willow** from **RMF-24 (Residential Multi-Family, 24 units per acre)** to **Urban Neighborhood**.

This request is intended to better align the zoning of the property with the surrounding neighborhood context and to support a more balanced and sustainable pattern of growth. While the existing RMF-24 zoning allows for higher-intensity multifamily development, the Urban Neighborhood district is better suited for walkable, human-scaled residential development that complements existing homes in the area.

The Urban Neighborhood district supports a mix of residential building types—such as single-family homes, duplexes, and small-scale multifamily—that help provide housing variety without overwhelming the neighborhood's character. This change would allow for thoughtful infill development while preserving the integrity of the street and contributing to a more livable and connected community.

For our small planned cluster housing development, the Urban Neighborhood zoning district offers more favorable rear and side setback requirements. In small infill projects like this one, every foot of usable space matters. The flexibility offered under Urban Neighborhood zoning will allow us to make better use of the site while still maintaining compatibility with the surrounding residential fabric.

This rezoning aligns with the goals outlined in the city's comprehensive plan, particularly around encouraging housing diversity, promoting walkable neighborhoods, and ensuring new development fits the scale and rhythm of existing blocks.

Thank you for your time and consideration. I welcome any questions and would be glad to provide additional information as needed.

Sincerely,
Wesley Bates



MEETING OF JULY 1, 2025

TO: Mayor Rawn and City Council

THRU: Keith Macedo, Chief of Staff
Jonathan Curth, Development Services Director
Jessica Masters, Planning Director

FROM: Wesley Frank, Planner

SUBJECT: **RZN-2025-0020: Rezoning (553 E. MCCLINTON ST./BATES & SIEMEK, 563): Submitted by WESLEY BATES for property located at 553 E. MCCLINTON ST in WARD 1. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.20 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.**

RECOMMENDATION:

City Planning staff and the Planning Commission recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property is located in south Fayetteville approximately 400 feet east of the South Wood Avenue and East McClinton Street intersection. The property contains 0.20 acres and is developed with a single-family dwelling that Washington County records indicate was constructed in 1961. An accessory dwelling unit was permitted on the property in 2024 and is under construction. The property is zoned NC, Neighborhood Conservation, which it received in 2008. The property is not located in an overlay district.

Request: The request is to rezone the subject property from NC, Neighborhood Conservation to RI-U, Residential Intermediate-Urban. The applicant has stated that they intend to split the lot upon the completion of building an accessory dwelling unit.

Public Comment: Staff received two comments about the rezoning. Both individuals voiced their opposition stating that a rezone of this property would negatively impact the character of the area, have issues with drainage, parking, and issues with the building of the accessory dwelling unit.

Land Use Compatibility: Staff finds the proposed zoning to be compatible with current land use and zoning patterns. While the surrounding neighborhood primarily consists of detached single-family dwellings and townhomes, there are attached dwellings and nonresidential uses close to this site. The detached single-family dwellings are zoned NC, Neighborhood Conservation; the attached townhomes to the south are zoned DG, Downtown General. Both NC and RI-U allow for the by-right development of detached single-family dwellings and accessory dwelling units. RI-U allows for the by-right development of additional dwelling types (two-, three-, and four-family dwelling units) with density limited by form (building height primarily) and development standards such as parking. RI-U zoning would also allow for the creation of smaller lots (18 feet) compared to NC (40 feet).

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

Land Use Plan Analysis: Staff finds the applicant's request to be consistent with the City's land use plans. The subject property is designated as a Residential Neighborhood area in the City Plan 2040 Future Land Use Map. Staff finds that a rezoning from NC to RI-U could support that designation since a rezoning to RI-U would allow for a wider variety of housing types. Staff also finds the requested rezoning to be aligned with Goals 1, 4, and 6 of City Plan 2040 since it would encourage residential infill in an area that has a moderate infill score of 7 and is in close proximity to a park, paved trail, and a bus route. Staff also find the proposed rezoning to be generally aligned with the Walker Park Neighborhood Plan since it would retain a balance of housing options and enable residents to live in the same neighborhood as their housing needs change.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 7 for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 3, 1050 S. Happy Hollow Rd.)
- Near Sewer Main (eight-inch main along East McClinton Street)
- Near Water Main (six-inch along East McClinton Street)
- Near City Park (Willow Bend Park)
- Near Paved Trail (Waxflower Trail)
- Near ORT Bust Stop (Morningside & Fairlane)
- Within Master Plan Area (Walker Park Neighborhood)

DISCUSSION:

At the June 9, 2025 Planning Commission meeting, a motion to forward with a recommendation of approval passed with a vote of 8-0-0. Commissioner Garlock made the motion and Commissioner Cabe provided the second. Commissioners did not have any comment on the item. No members of the public spoke at the meeting.

BUDGET/STAFF IMPACT:

ATTACHMENTS: 3. Staff Review Form, 4. Exhibit A, 5. Exhibit B, 6. Staff Report

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-926

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2025-20 FOR APPROXIMATELY 0.20 ACRES LOCATED AT 553 EAST MCCLINTON STREET IN WARD 1 FROM NC, NEIGHBORHOOD CONSERVATION TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from NC, Neighborhood Conservation to RI-U, Residential Intermediate-Urban.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

City of Fayetteville Staff Review Form

2025-926

Item ID

7/1/2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jonathan Curth

6/13/2025

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN-2025-0020: Rezoning (553 E. MCCLINTON ST./BATES & SIEMEK, 563): Submitted by WESLEY BATES for property located at 553 E. MCCLINTON ST in WARD 1. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.20 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Total Amended Budget

\$ -

Expenses (Actual+Encum)

\$ -

Available Budget

\$ -

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20221130

Purchase Order Number:

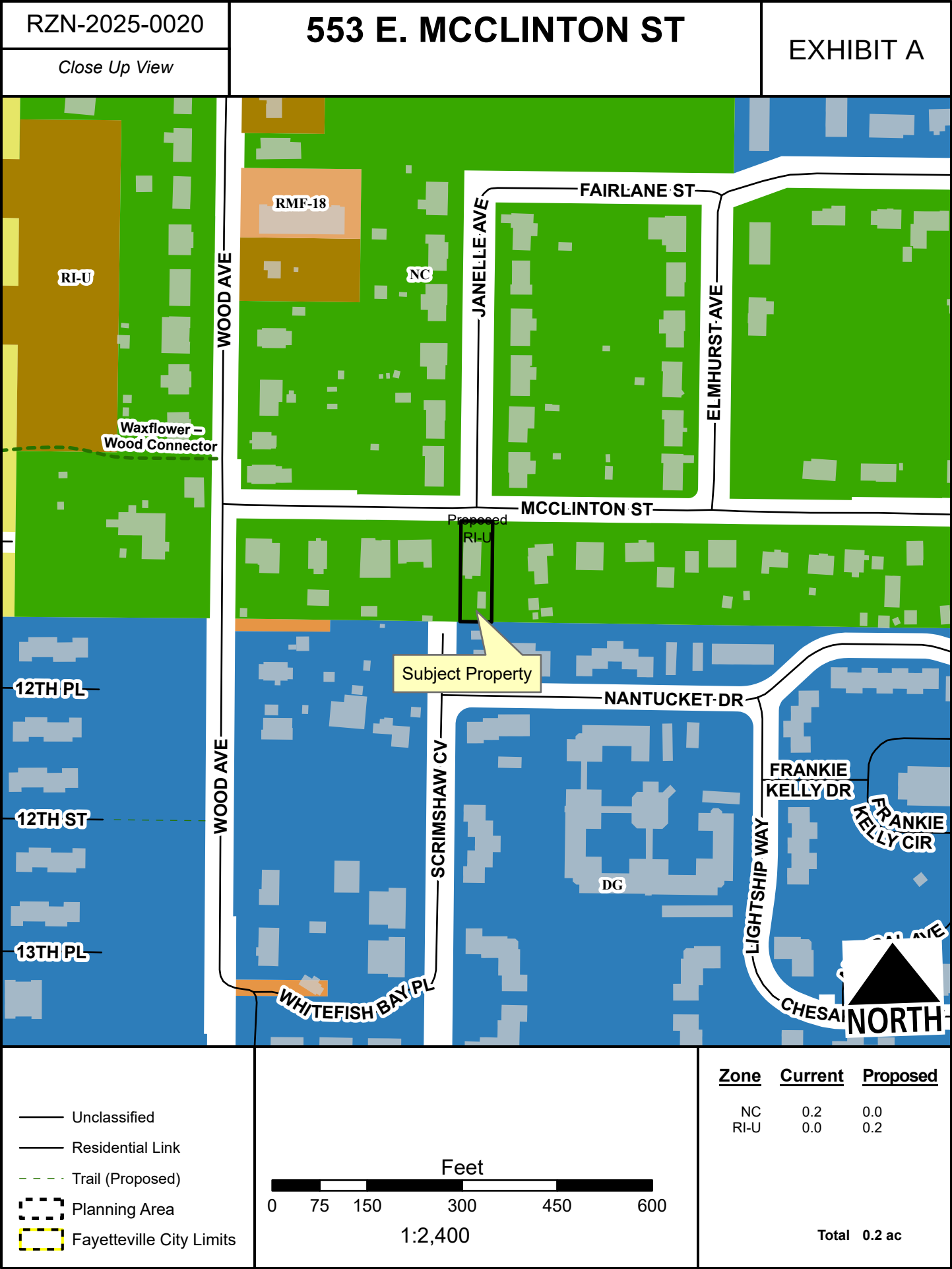
Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



Zone Current Proposed

NC 0.2 0.0
RI-U 0.0 0.2

Total 0.2 ac

EXHIBIT B

Parcel 765-08204-000

Lot No. Eighteen (18) in Block No. One (1) in McClinton Addition to the City of Fayetteville, Arkansas, as the same is designated upon the Plat of said Addition now on file in the office of the Clerk of the Court and Ex-Officio Recorder for Washington County, Arkansas.



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Wesley Frank, Planner

MEETING DATE: June 9, 2025 **Updated w/ meeting results from the 6/9/2025 PC Meeting**

SUBJECT: **RZN-2025-0020: Rezoning (553 E. MCCLINTON ST./BATES & SIEMEK, 563):** Submitted by WESLEY BATES for property located at 553 E. MCCLINTON ST. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.20 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN

RECOMMENDATION:

Staff recommends forwarding **RZN-2025-0020** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2025-0020** to City Council with a recommendation of approval."*

BACKGROUND:

The subject property is located in south Fayetteville approximately 400 feet east of the South Wood Avenue and East McClinton Street intersection. The property contains 0.20 acres and is developed with a single-family dwelling that Washington County records indicate was constructed in 1961. The property is zoned NC, Neighborhood Conservation, which it received in 2008. The property is not located in an overlay district. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	NC, Neighborhood Conservation
South	Single-Family Residential	DG, Downtown General
East	Single-Family Residential	NC, Neighborhood Conservation
West	Single-Family Residential	NC, Neighborhood Conservation

Request: The request is to rezone the subject property from NC, Neighborhood Conservation to RI-U, Residential Intermediate-Urban. The applicant has stated that they intend to split the lot upon the completion of building an accessory dwelling unit (RESI-2023-0527).

Public Comment: Staff has not received any public comment on this item to date.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject area has a road frontage along East McClinton Street. East McClinton Street is a partially improved Residential Link Street with asphalt paving and open ditches. Any street improvements required in these areas would be determined at

the time of the development proposal. Any additional improvements or requirements for drainage will be determined at time of development.

Water: Public water is available to the subject area. Existing 6-inch water main is present along East McClinton Street.

Sewer: Sanitary Sewer is available to the subject area. Existing 8-inch sewer main is present along East McClinton Street.

Drainage: Any improvements or requirements for drainage will be determined at the time of development submittal. No portion of the subject property lies within the Hillside/Hilltop Overlay District.

A portion of the property lies within a FEMA Floodplain, but there is not a protected stream present. A floodplain development review will be required at the time of permit or plan submittal. This will restrict the type of development and impact in flood zones; and may require additional documentation such as flood studies or elevation certificates depending on the type of development. If a development impacts a floodplain, those impacts may require review and approval from FEMA.

Hydric soils are present which are known indicators of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It's important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits are issued for the property, a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required at the time of development submittal.

Fire: Station 3, located at 1050 S. Happy Hollow Rd., protects this site. The property is located approximately 1.5 miles from the fire station with an anticipated drive time of approximately 4 minutes using existing streets. The anticipated response time would be approximately 6.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

Police: The Police Department did not comment on this request.

Tree Preservation:

The current zoning district, NC, Neighborhood Conservation, requires **20% minimum canopy preservation**. The proposed zoning district, RI-U, Residential Intermediate-Urban, requires **15% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood** area. The property is also located within the **Walker Park Neighborhood Master Plan** area.

Residential Neighborhood areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. This designation recognizes the existing conventional subdivision developments that may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment.

The **Walker Park Neighborhood Master Plan** was the city's first neighborhood plan which was completed in 2008 after City Plan 2025 was adopted. Four guiding principles were identified in the plan which include maintaining a balance of uses and housing, emphasizing connectivity and walkability, creating a core of the neighborhood at Jefferson Square, and preserving accessible greenspace throughout the neighborhood.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 7 for this site with a weighted score of 6.5. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 3, 1050 S. Happy Hollow Rd.)
- Near Sewer Main (eight-inch main along East McClinton Street)
- Near Water Main (six-inch along East McClinton Street)
- Near City Park (Willow Bend Park)
- Near Paved Trail (Waxflower Trail)
- Near ORT Bust Stop (Morningside & Fairlane)
- Within Master Plan Area (Walker Park Neighborhood)

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** Staff finds the proposed zoning to be compatible with current land use and zoning patterns. While the surrounding neighborhood primarily consists of detached single-family dwellings and townhomes, there are attached dwellings and nonresidential uses in close proximity to this site. The detached single-family dwellings are zoned NC, Neighborhood Conservation; the attached townhomes to the south are zoned DG, Downtown General. Both NC and RI-U allow for the by-right development of detached single-family dwellings and accessory dwelling units. Additionally, RI-U allows for the by-right development of additional dwelling types (two-, three-, and four-family dwelling units), and without a limitation to density. RI-U zoning would also allow for the creation of smaller lots when compared to NC.

Land Use Plan Analysis: Staff finds the applicant's request to be consistent with the City's land use plans. The subject property is designated as Residential Neighborhood area in the City Plan 2040 Future Land Use Map. Staff finds that a rezoning from NC to RI-U could support that designation

since a rezoning to RI-U would allow for a wider variety of housing types. Staff also finds the requested rezoning to be aligned with Goals 1, 4, and 6 of City Plan 2040 since it would encourage residential infill in an area that has a moderate infill score of 7 and is in close proximity to a park, paved trail, and a bus route. Staff also finds the proposed rezoning to be generally aligned with the Walker Park Neighborhood Plan since it would retain a balance of housing options and enable residents to live in the same neighborhood as their housing needs change.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: Staff finds that the proposed rezoning from NC to RI-U is justified since it would allow for incremental residential infill. Rezoning to RI-U would be in keeping with the area's character as well as adhering to the City's future land use plan as it introduces more residential dwelling options.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: A rezoning from NC to RI-U has the potential to increase traffic at this location when considering that RI-U would allow for more dense development than the existing zoning districts which have stated density limitations. The lots under consideration have direct access to public streets and any necessary street improvements and potential traffic impacts would be determined at the time of development.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: The proposed rezoning has the potential to alter the population density since it would allow for increased residential development. However, the property is in close proximity to public streets and existing water and sewer mains. Any necessary upgrades or improvements to existing infrastructure would be determined at the time of development. Fayetteville Public Schools did not comment on this request.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Planning staff recommends forwarding RZN-2025-0020 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>June 9, 2025</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: Garlock			
Second: Cabe			
Vote: 8-0-0			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.29 Neighborhood Conservation
 - §161.12 District RI-U, Residential Intermediate - Urban
- Close-Up Map
- Current Land Use Map
- Future Land Use Map
- Walker Park Illustrative Plan
- Request Letter
- One Mile Map

161.29 Neighborhood Conservation

(A) *Purpose.* The Neighborhood Conservation zone has the least activity and a lower density than the other zones. Although Neighborhood Conservation is the most purely residential zone, it can have some mix of uses, such as civic buildings. Neighborhood Conservation serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the Neighborhood Conservation district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12a	Limited business*
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 44	Cluster Housing Development

(C) *Density.* Ten (10) Units Per Acre.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

All dwelling types	40 feet
--------------------	---------

(2) *Lot Area Minimum.* 4,000 square feet

(E) *Setback Regulations.*

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	5 feet
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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(Ord. No. 5128, 4-15-08; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6211, §1, 8-6-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

161.12 District RI-U, Residential Intermediate - Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster housing development
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet

(F) *Building Height Regulations.*

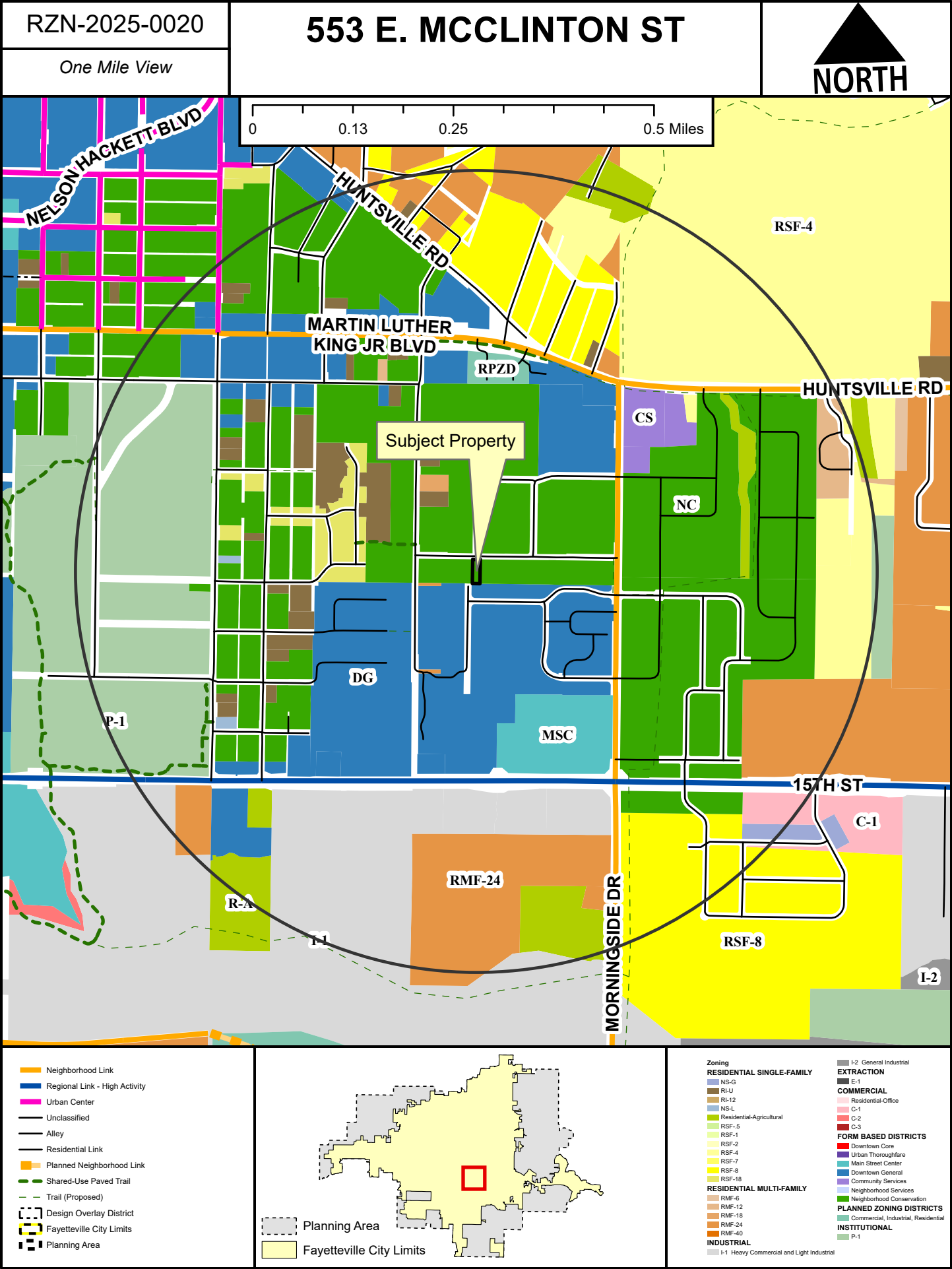
Building height maximum	2 stories/3 stories*
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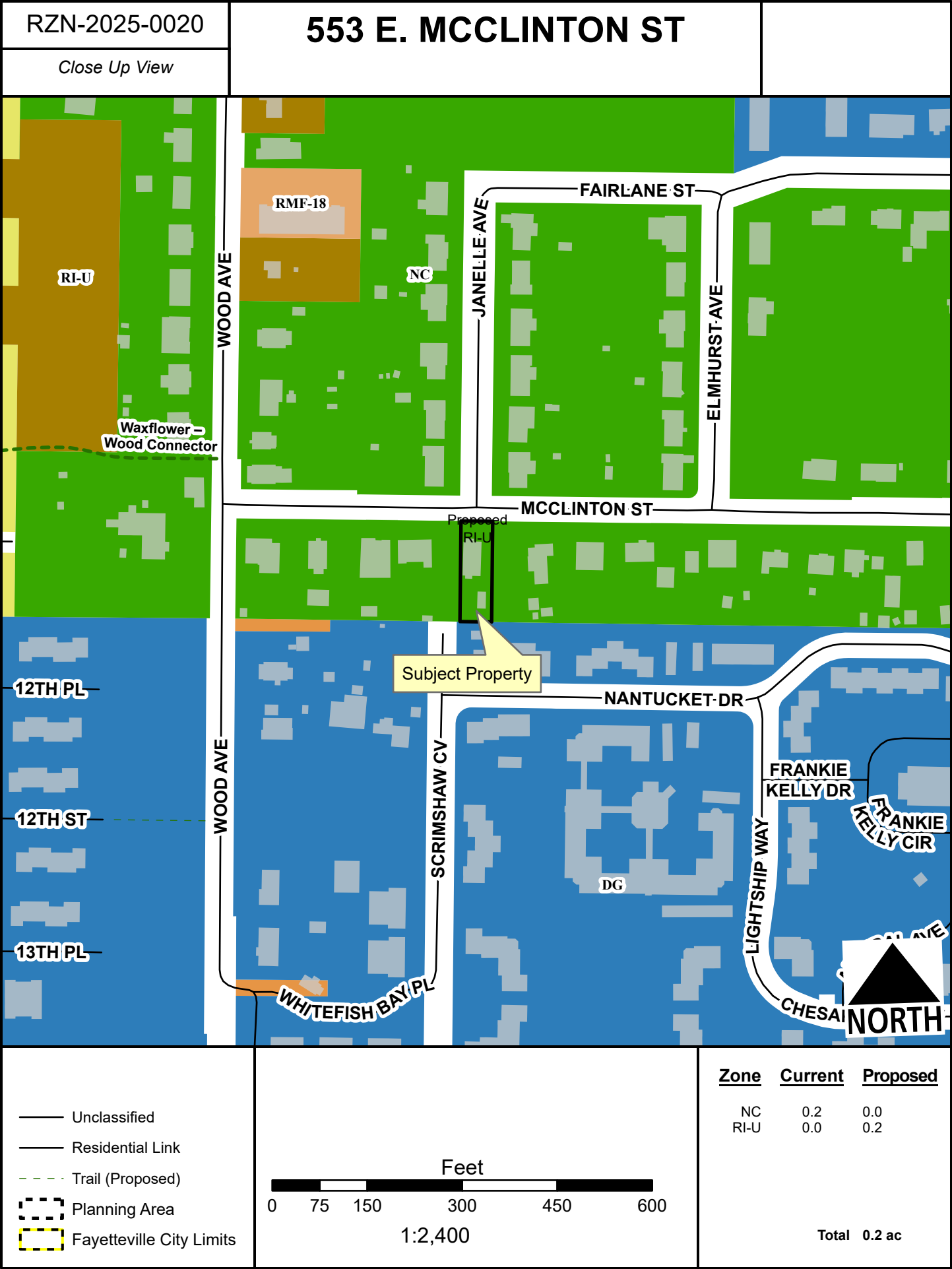
* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.

(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. 5945 , §5(Exh. A), 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6245 , §2, 10-15-19; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

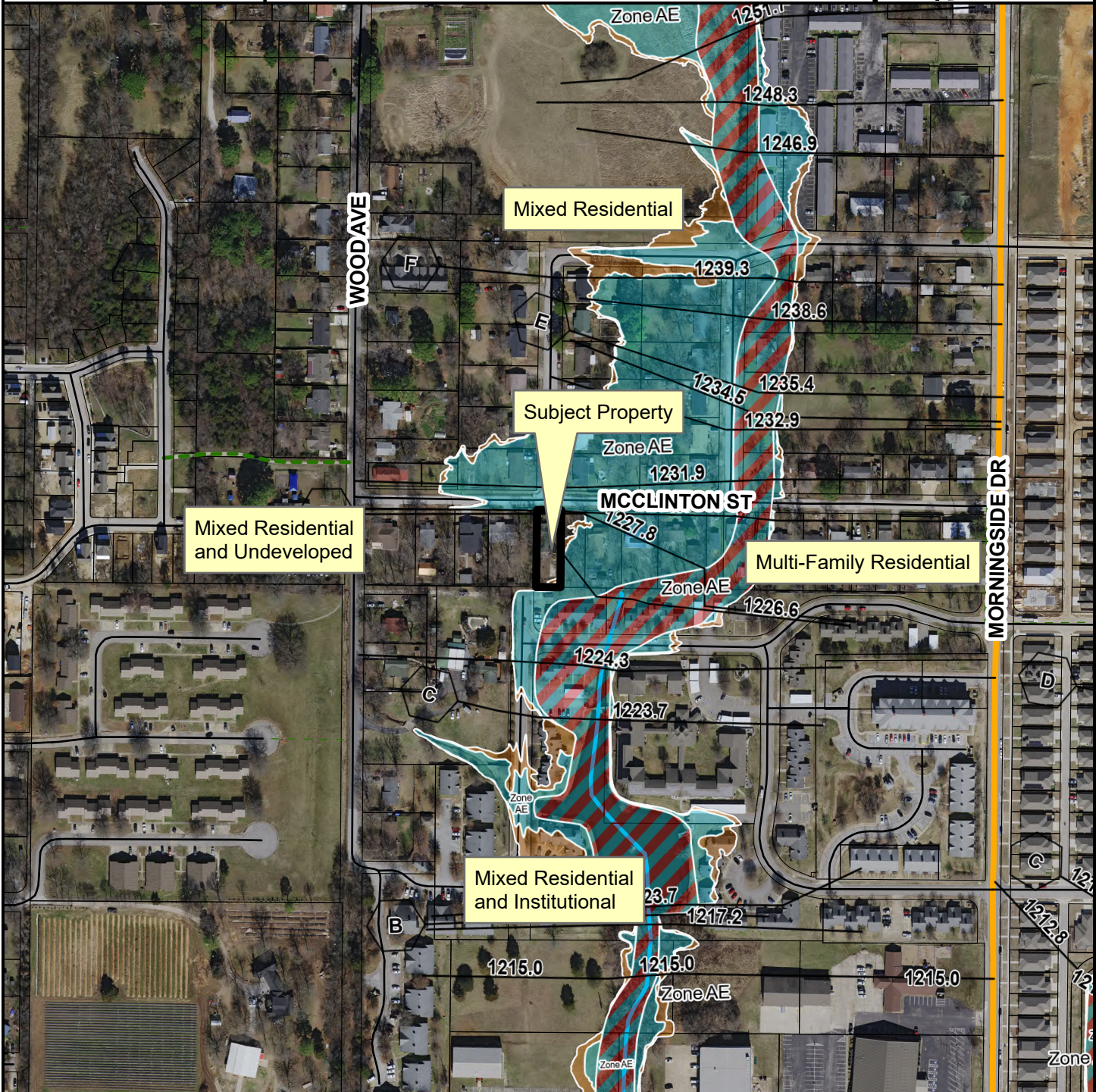




RZN-2025-0020

553 E. MCCLINTON ST

Current Land Use



- Neighborhood Link
- Unclassified
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

FEMA Flood Hazard Data

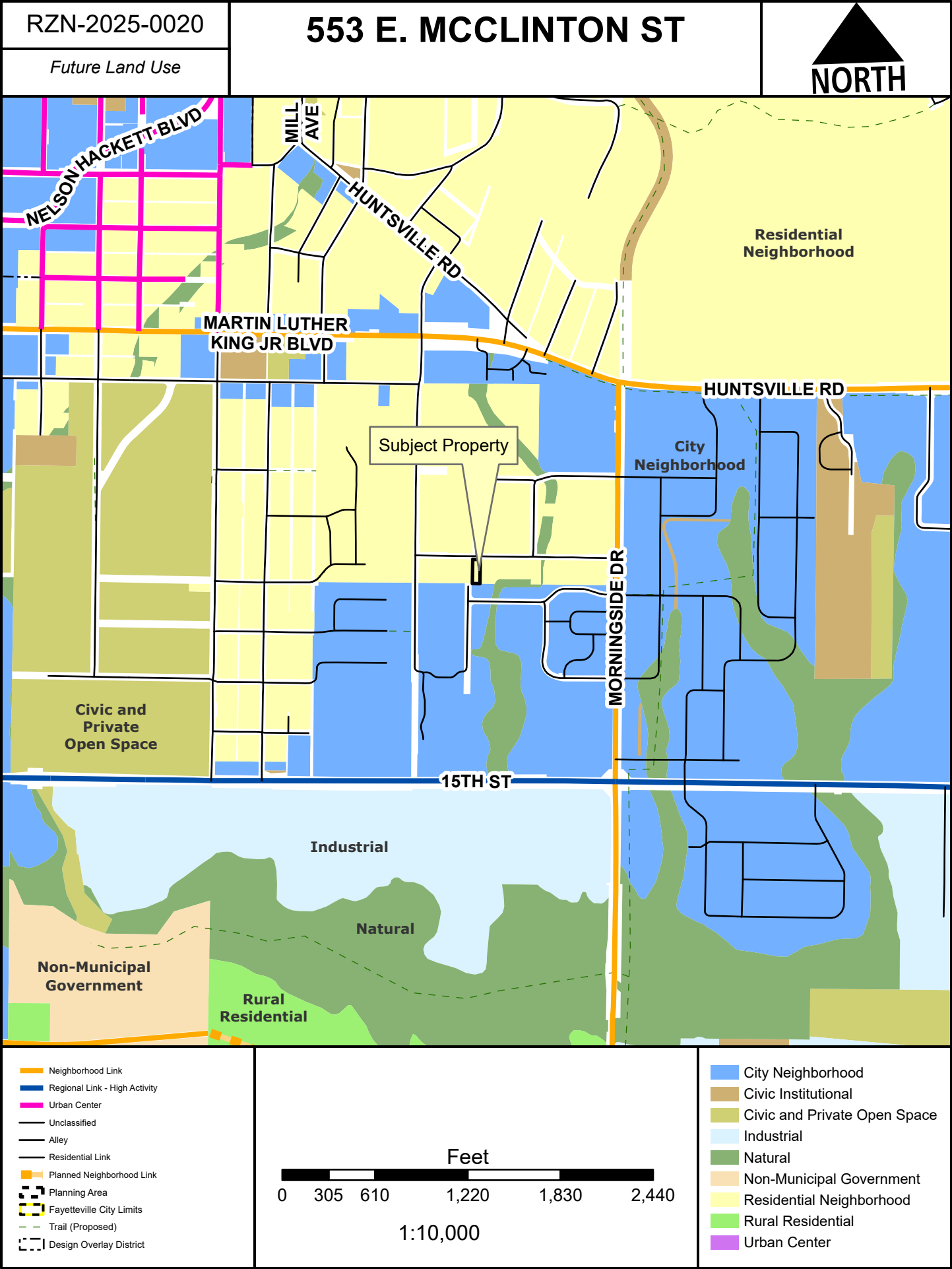
- 100-Year Floodplain
- Floodway

Planning Commission

June 9, 2025

RZN-2025-0020 (SIEMEK & BATES)

Page 10 of 13





**WALKER PARK NEIGHBORHOOD
ILLUSTRATIVE MASTER PLAN
FAYETTEVILLE, ARKANSAS
SEPTEMBER 2007**

Subject property

- Existing Building
- Proposed Building
- Existing Civic Building
- Study Area Boundary



Dear Planning Commission and City Council Members,

I am writing on behalf of my client to request a rezoning of the property located at 553 McClinton Street, from Neighborhood Conservation (NC) to Residential Intermediate-Urban (RI-U) zoning.

My client is currently building an Accessory Dwelling Unit (ADU) on the property, which is permitted under the existing zoning. This rezoning request would not result in any additional density, as the ADU is already approved and under construction. The purpose of the request is to allow the property to be divided into a tandem lot, enabling my client to obtain two separate 30-year mortgages—one for each structure.

Rezoning to RI-U would provide added flexibility and long-term financial stability while preserving the existing residential character of the property. The proposed change aligns with the city's goals for sustainable infill and increased housing options without impacting neighborhood scale or intensity.

Thank you for your consideration of this request. Please don't hesitate to contact me if you need any additional information.

Sincerely,
Wes Bates



MEETING OF JULY 1, 2025

TO: Mayor Rawn and City Council

THRU: Keith Macedo, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Jessica Masters, Planning Director

SUBJECT: **VAC-2025-0014: Vacation (241 W. SPRING ST/GHSH 241 LLC, 484): Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at 241 W. SPRING ST. in WARD 2. The property is zoned MSC, MAIN STREET CENTER and contains approximately 1.12 acres. The request is to vacate 0.01 acres of right-of-way.**

RECOMMENDATION:

Staff and Planning Commission recommend approval of VAC-2025-0014 as shown in the attached Exhibits 'A' and 'B', and with the following conditions of approval:

- Any damage or relocation of existing facilities will be at the property owner/developer's expense;
- Any stairs from the associated multi-family development cannot encroach into the remaining public right-of-way, or must be designed in such a way to meet PROWAG and/or building code requirements.

BACKGROUND:

The subject property is in downtown Fayetteville on the southeast corner of W. Spring Street and N. Locust Avenue. The property is zoned MSC, Main Street Center, contains approximately 1.12 acres, and was previously developed with an approximately 10,000 sq. ft commercial structure that was destroyed in a fire in December of 2022; an additional 3,800 sq. ft. commercial structure still stands on the property. Development-related variances (VAR-2024-0026) associated with a proposed multi-family structure on the site and a previous right-of-way vacation (VAC-2024-009) were previously approved in 2024, and a grading permit has been issued for the associated development.

Request: The applicant proposes to vacate a portion of street right-of-way adjacent to the west side of the subject property which totals approximately 0.01 acres. The applicant intends to redevelop the site with a multi-family housing development.

DISCUSSION:

Staff supports the applicant's request to vacate a portion of the street right-of-way. The right-of-way is 363-square-feet along the property's western border. Staff finds the removal of the right-of-way is not going to impact the existing service of the associated streets, nor will it negatively affect the existing downtown gridded street network. The vacation is being requested to align the right-of-way with the approved master street plan and necessary street improvements for the associated multi-family development.

The applicant has submitted the required vacation approval forms to relevant city departments and franchise

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

utility companies. One adjacent property owner to the south was contacted, but the applicant did not receive a response. Given that the right-of-way in question is not immediately adjacent to the property and does not impact that property owner's access or use of N. Locust Avenue, staff finds that a non-response from the adjacent property owner still represents a complete application.

At the June 9, 2025 Planning Commission meeting, this item was unanimously forwarded to City Council with a recommendation of approval as part of the consent agenda by a vote of 8-0-0. No public comment was provided during the public meeting. Staff received inquiries from the public after the Planning Commission vote about the overall development proposal, and asked to understand the process for members of the public moving forward to speak against the proposed development; those members of the public did not have any specific issues with the vacation itself.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: 3. Staff Review Form, 4. Exhibit A, 5. Exhibit B, 6. Planning Commission Staff Report



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-923

AN ORDINANCE TO APPROVE VAC-25-14 FOR PROPERTY LOCATED AT 241 WEST SPRING STREET IN WARD 2 TO VACATE 0.01 ACRES OF RIGHT-OF-WAY

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of right-of-way is not required for corporate purposes.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates the portion of right-of-way as described in Exhibit B attached to the Planning Department's memo.

Section 2: A copy of this Ordinance duly certified by the City Clerk along with the map attached as Exhibit A to the Planning Department's memo shall be filed in the office of the Washington County Circuit Clerk.

Section 3: This vacation approval is subject to the following ongoing conditions:

1. Any damage or relocation of any existing facilities will be at the property owner's expense.
2. Any stairs from the associated multi-family development cannot encroach into the remaining public right-of-way or must be designed in such a way to meet Public Right-of-Way Accessibility Guidelines (PROWAG) and building code requirements.

City of Fayetteville Staff Review Form

2025-923

Item ID

7/1/2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jonathan Curth

6/13/2025

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC-2025-0014: Vacation (241 W. SPRING ST/GHSH 241 LLC, 484): Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at 241 W. SPRING ST. in WARD 2. The property is zoned MSC, MAIN STREET CENTER and contains approximately 1.12 acres. The request is to vacate 0.01 acres of right-of-way.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Total Amended Budget

\$ -

Expenses (Actual+Encum)

\$ -

Available Budget

\$ -

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

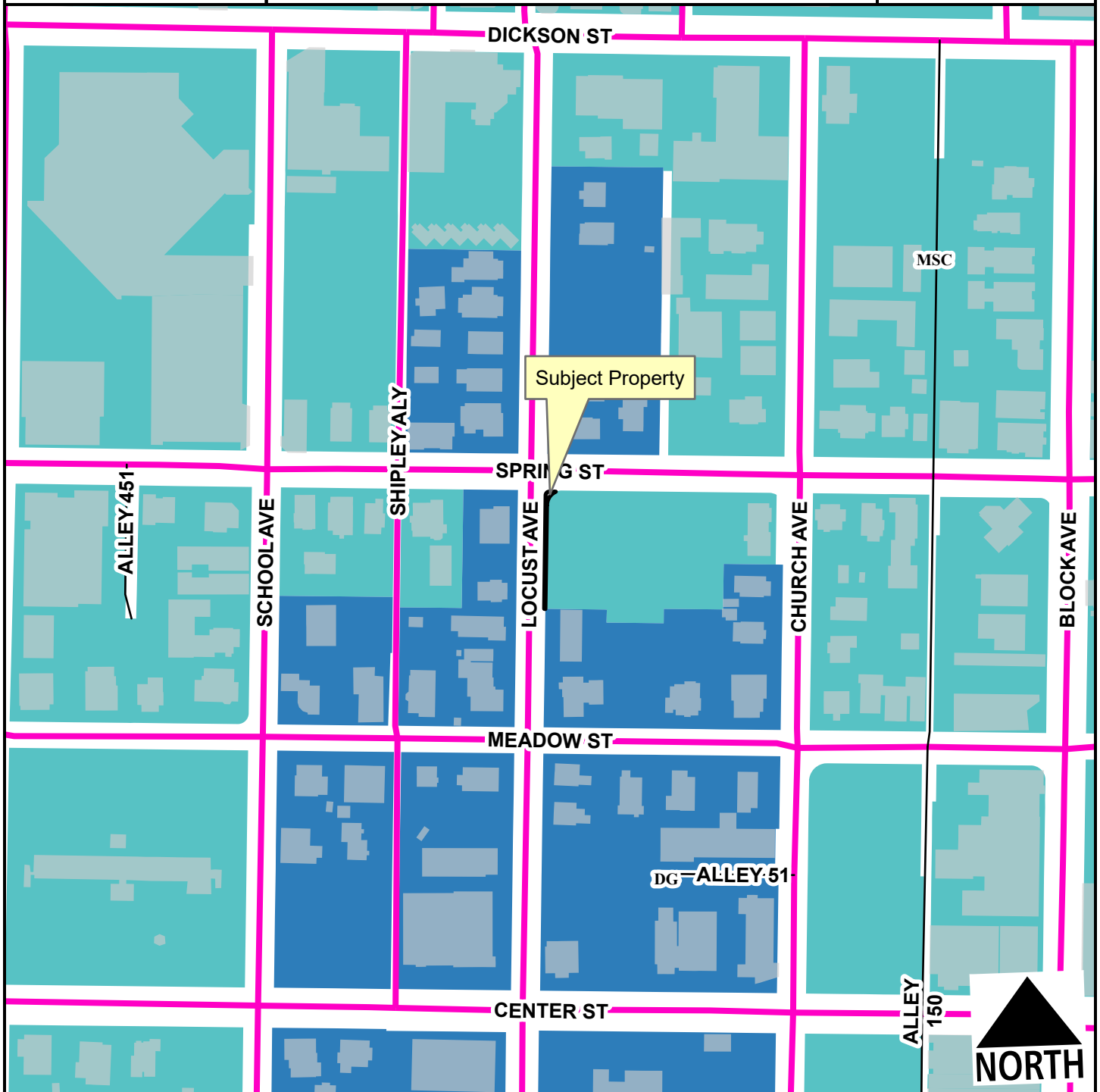
Comments:

VAC-2025-0014

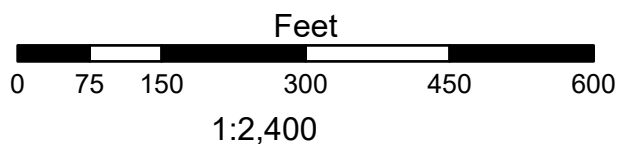
241 W. SPRING ST

EXHIBIT A

Close Up View



- Urban Center
- Alley
- Planning Area
- Fayetteville City Limits
- Design Overlay District



- Main Street Center
- Downtown General

EXHIBIT B

RIGHT OF WAY VACATION

A VARIABLE WIDTH RIGHT OF WAY VACATION, SAID RIGHT OF WAY VACATION BEING A PART OF THE RIGHT OF WAY OF N LOCUST AVENUE AS SHOWN ON THE ORIGINAL TOWN OF FAYETTEVILLE PLAT TO THE CITY OF FAYETTEVILLE, ARKANSAS IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING (POB RW VACATION) AT THE SOUTHWEST CORNER OF LOT 4, BLOCK 11, OF THE ORIGINAL TOWN OF FAYETTEVILLE PLAT; THENCE N87°14'31"W, 1.57 FEET; THENCE N02°43'39"E, 156.25 FEET; THENCE ALONG A TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 7.85 FEET, SAID CURVE HAVING A RADIUS OF 5.00 FEET, AND A CHORD BEARING AND DISTANCE OF N47°43'39"E, 7.07 FEET; THENCE S87°16'21"E, 8.94 FEET TO THE EAST RIGHT OF WAY LINE OF N LOCUST AVENUE; THENCE ALONG SAID EAST LINE, ALONG A NON-TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 22.86 FEET, SAID CURVE HAVING A RADIUS OF 20.00 FEET, AND A CHORD BEARING AND DISTANCE OF S35°39'28"W, 21.63 FEET; THENCE CONTINUING ALONG SAID EAST LINE, S02°58'15"W, 143.09 FEET TO THE POINT OF BEGINNING (POB RW VACATION), CONTAINING 363 SQ. FT., OR 0.01 ACRES. SUBJECT TO ANY EASEMENTS, RIGHTS OF WAY, OR COVENANTS OF RECORD.



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: June 9, 2025 **Updated with results**

SUBJECT: **VAC-2025-0014: Vacation (241 W. SPRING ST/GHSH 241 LLC, 484):**
Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at 241 W. SPRING ST. The property is zoned MSC, MAIN STREET CENTER and contains approximately 1.12 acres. The request is to vacate 0.01 acres of right-of-way.

RECOMMENDATION:

Staff recommends forwarding **VAC-2025-0014** to City Council with a recommendation of approval and with conditions.

RECOMMENDED MOTION:

*"I move to forward **VAC-2024-0014** to City Council with a recommendation of approval and with conditions as recommended by staff."*

BACKGROUND:

The subject property is in downtown Fayetteville on the southeast corner of W. Spring Street and N. Locust Avenue. The property is zoned MSC, Main Street Center, contains approximately 1.12 acres, and was previously developed with an approximately 10,000 sq. ft commercial structure that was destroyed in a fire in December of 2022; an additional 3,800 sq. ft. commercial structure still stands on the property. Development-related variances associated with a proposed multi-family structure on the site and a previous right-of-way vacation were previously approved in 2024, and a grading permit has been issued for the associated development (VAR-2024-0026/VAC-2024-0009). Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Mixed-Density Residential	DG, Downtown General; MSC, Main Street Center
South	Commercial/Mixed-Density Residential	DG, Downtown General
East	Mixed-Density Residential	MSC, Main Street Center
West	Commercial/Mixed-Density Residential	DG, Downtown General

Proposal: The applicant proposes to vacate a portion of street right-of-way adjacent to the west side of the subject property which totals approximately 0.0083 acres. The applicant intends to redevelop the site with a multi-family housing development.

DISCUSSION:

Staff supports the applicant's request to vacate a portion of the street right-of-way. The right-of-way is 363-square-feet along the property's western border. Staff finds the removal of the right-of-way is not going to impact the existing service of the associated streets, nor will it negatively affect the existing downtown gridded street network. The vacation is being requested to align the

right-of-way with the approved master street plan and necessary street improvements for the associated multi-family development.

Vacation Approval: The applicant has submitted the required vacation approval forms to relevant city departments and franchise utility companies with the following responses. One adjacent property owner to the south was contacted, but the applicant did not receive a response. Given that the right-of-way in question is not immediately adjacent to the property, staff finds that a non-response from the adjacent property owner still represents a complete application.

<u>Utility</u>	<u>Response</u>
Cox Communications	No objections, provided that any damage or relocation of existing facilities will be at the applicant's expense.
AEP/SWEPCO	No objections and no comments.
Black Hills Energy	No objections and no comments.
AT&T	No objections and no comments.
Ozarks Electric	No objections and no comments.
<u>City of Fayetteville</u>	<u>Response</u>
Water/Sewer	No objections and no comments.
Solid Waste & Recycling	No objections and no comments.
Transportation	No objections, as long as stairs from the development can't encroach into the right-of-way.

Public Comment: Staff has not received any public comment on this item.

RECOMMENDATION: Staff recommends forwarding **VAC-2025-0014** with the following conditions:

Conditions of Approval:

1. Any damage or relocation of existing facilities will be at the property owner/developer's expense;
2. Any stairs from the associated multi-family development cannot encroach into the remaining public right-of-way, or must be designed in such a way to meet PROWAG and/or building code requirements.

PLANNING COMMISSION ACTION: Required YES

Date: June 9, 2025

☐ Tabled

☒ Forwarded
with a recommendation
of approval.

☐ Denied

Motion: Castin

Second: Cabe

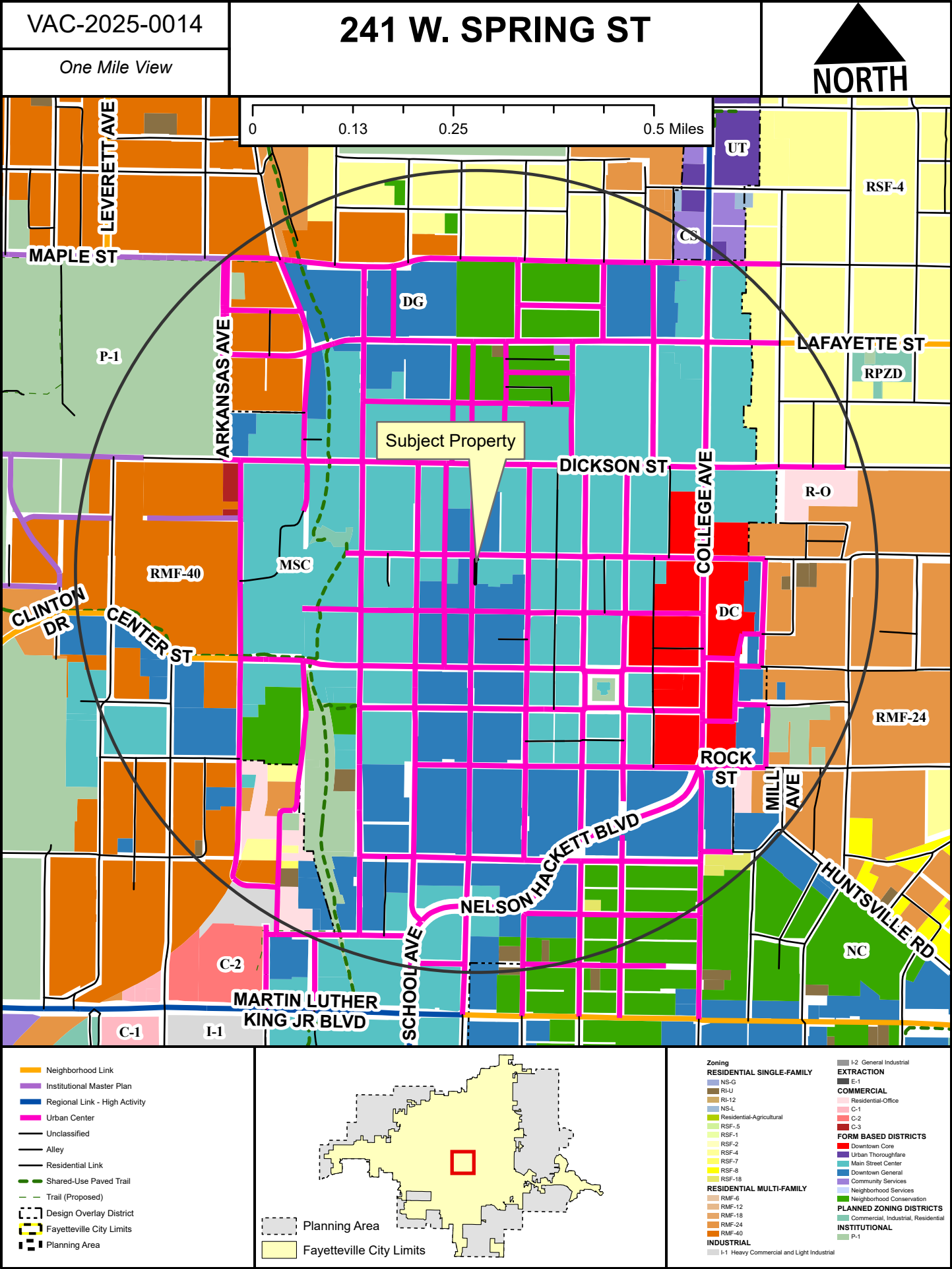
Vote: 8-0-0

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

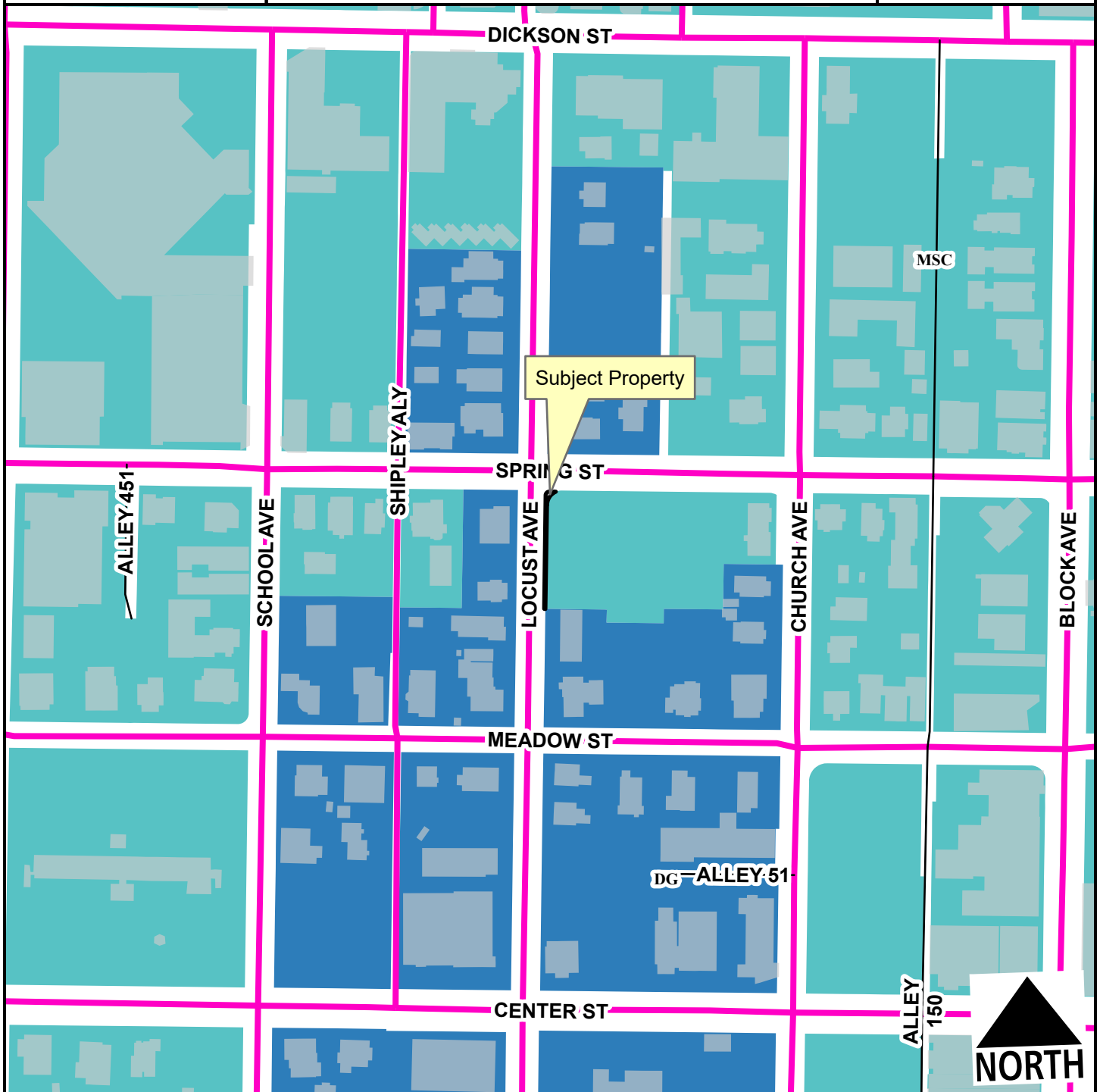
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Applicant Request Letter
- Applicant Petition to Vacate
- Survey



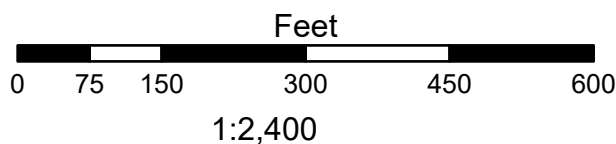
VAC-2025-0014

241 W. SPRING ST

Close Up View



- Urban Center
- Alley
- Planning Area
- Fayetteville City Limits
- Design Overlay District

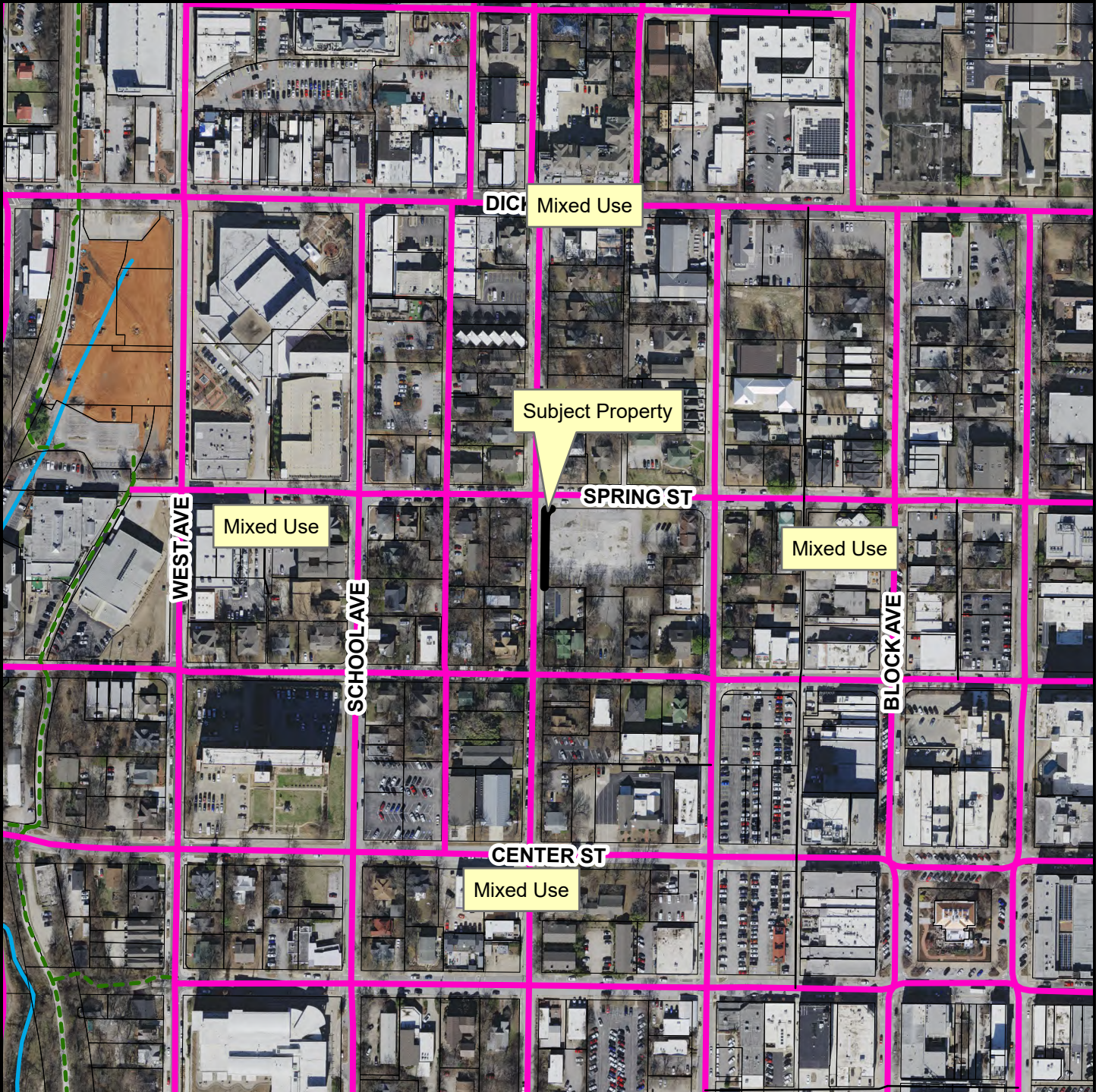


- Main Street Center
- Downtown General

VAC-2025-0014

241 W. SPRING ST

Current Land Use



- Urban Center
- Alley
- Planning Area
- Fayetteville City Limits
- Design Overlay District



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

May 21, 2025

City of Fayetteville, Arkansas

RE: Street Right-of-Way Vacation Request (241 W Spring Street Multifamily)

Planning Commission and City Council,

On behalf of our client, Sterling Hamilton, we are requesting approval to vacate a small portion of the existing street right-of-way along the east side of N. Locust Ave, adjacent to parcel 765-01774-000.

The Original Fayetteville Plat shows the right-of-way at this location at 40 feet wide, and the City of Fayetteville's current Master Street Plan shows the right-of-way at this location at 39-63 feet wide. This street right-of-way vacation request is to vacate a small portion of the existing right-of-way, reducing it to the minimum MSP requirement of 39 feet wide.

The calculated width of the right-of-way vacation area is approximately 1.61 feet at the south end, and approximately 2.15 feet at the north end. The length is approximately 156 feet long, and the requested vacation area is approximately 363 square feet.

This vacation request is associated with the Grading Permit, GRD-2024-0068, that was approved in March, 2025.

Sincerely,
McClelland Consulting Engineers, Inc.



Eric Bartels
Project Manager

MCE McCLELLAND
CONSULTING
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PETITION TO VACATE

PETITION TO VACATE A STREET RIGHT-OF-WAY LOCATED IN LOT 4, BLOCK 11 OF THE FAYETTEVILLE ORIGINAL SUBDIVISION, CITY OF FAYETTEVILLE, ARKANSAS.

TO: The City of Fayetteville Planning Commission and City Council

We, the undersigned, being all the owners of the real estate abutting the easement hereinafter sought to be abandoned and vacated, lying in Lot 4, Block 11 of the Fayetteville Original Subdivision, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement which is described as follows:

A VARIABLE WIDTH RIGHT OF WAY VACATION, SAID RIGHT OF WAY VACATION BEING A PART OF THE RIGHT OF WAY OF N LOCUST AVENUE AS SHOWN ON THE ORIGINAL TOWN OF FAYETTEVILLE PLAT TO THE CITY OF FAYETTEVILLE, ARKANSAS IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING (POB RW VACATION) AT THE SOUTHWEST CORNER OF LOT 4, BLOCK 11, OF THE ORIGINAL TOWN OF FAYETTEVILLE PLAT; THENCE N87°14'31"W, 1.57 FEET; THENCE N02°43'39"E, 156.25 FEET; THENCE ALONG A TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 7.85 FEET, SAID CURVE HAVING A RADIUS OF 5.00 FEET, AND A CHORD BEARING AND DISTANCE OF N47°43'39"E, 7.07 FEET; THENCE S87°16'21"E, 8.94 FEET TO THE EAST RIGHT OF WAY LINE OF N LOCUST AVENUE; THENCE ALONG SAID EAST LINE, ALONG A NON-TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 22.86 FEET, SAID CURVE HAVING A RADIUS OF 20.00 FEET, AND A CHORD BEARING AND DISTANCE OF S35°39'28"W, 21.63 FEET; THENCE CONTINUING ALONG SAID EAST LINE, S02°58'15"W, 143.09 FEET TO THE POINT OF BEGINNING (POB RW VACATION), CONTAINING 363 SQ. FT., OR 0.01 ACRES. SUBJECT TO ANY EASEMENTS, RIGHTS OF WAY, OR COVENANTS OF RECORD.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above-described real estate, subject, however to the existing utility easements and sewer easements as required and that the above-described real estate be used for their respective benefit and purpose as now approved by law.

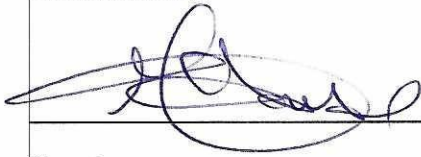
The petitioners further pray that the above-described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above-described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said alley.

Dated this 20th day of MAY, 2025.

GREG HOUSE

Printed Name



Signature

Printed Name

Signature

RIGHT OF WAY VACATION

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Bates/Siemek Ellis Rezoning

RZN-2025-0014
1314 S. Ellis Avenue

June 30th, 2025 City Council Tour - 4:00 PM

Suggested Route:

-Approach on 15th Street. Turn north on S. Dunn Avenue, take the first left on to S. Ellis Avenue.

-Park on-street on Ashwood near Welcome to Fayetteville sign at intersection of Ashwood and Razorback.



Subject Property (approx.)



Recommended On-street Parking

