

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8323



City Council Tentative Agenda

Tuesday, April 25, 2023

4:30 PM

City Hall Room 219

City Council Members

Council Member Sonia Harvey Ward 1

Council Member 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 Holly Hertzberg Ward 4

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Treasurer Kara Paxton

ZOOM INFORMATION:

1. **WEBINAR ID: 810 7374 0993**
PUBLIC REGISTRATION LINK:
[HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER/
WN IWR3WM5FTGEWKTSGBSSWQ \(2023-491\)](https://us06web.zoom.us/join/91MT86Wk91?pwd=ZGZBSSWQ.1)

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

1. **MONTHLY FINANCIAL REPORT: (2023-704)**

A. CONSENT

- A.1. APPROVAL OF THE APRIL 18, 2023 CITY COUNCIL MEETING MINUTES:
(2023-492)**

- A.2. RECOGNIZE HAZMAT SERVICES REVENUE:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$14,585.00 RECOGNIZING HAZMAT SERVICES REVENUE RECEIVED FROM WASHINGTON COUNTY AND INCREASING THE RELATED EXPENSE BUDGET (2023-652)

- A.3. RFQ #23-01 SELECTION #1, MCCLELLAND CONSULTING ENGINEERS, INC., OLSSON, INC. AND GTS INC:**

A RESOLUTION TO AWARD RFQ #23-01 SELECTION #1 AND AUTHORIZE THE PURCHASE OF ON-CALL MATERIALS TESTING SERVICES FROM MCCLELLAND CONSULTING ENGINEERS, INC., OLSSON, INC., AND GTS, INC. BASED ON PRICE AND AVAILABILITY AS NEEDED THROUGH APRIL 30, 2024 (2023-672)

- A.4. RFQ #23-01 SELECTION #2, MCCLELLAND CONSULTING ENGINEERS, INC. AND OLSSON ASSOCIATES INC:**

A RESOLUTION TO AWARD RFQ #23-01 SELECTION #2 AND AUTHORIZE THE PURCHASE OF ON-CALL SURVEYING SERVICES FROM MCCLELLAND CONSULTING ENGINEERS, INC. AND OLSSON, INC. AS NEEDED THROUGH

APRIL 30, 2024 (2023-671)

A.5. SWEETSER CONSTRUCTION, INC:

A RESOLUTION TO AWARD BID #23-16 AND AUTHORIZE A CONTRACT WITH SWEETSER CONSTRUCTION, INC. IN THE AMOUNT OF \$682,776.00 FOR CONSTRUCTION OF THE LEVERETT SIDEWALK IMPROVEMENTS PROJECT, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$70,000.00 (2023-653)

A.6. ARDOT ROW DEDICATION:

A RESOLUTION TO AUTHORIZE THE DEDICATION OF APPROXIMATELY 1,061 SQUARE FEET OF RIGHT-OF-WAY TO THE ARKANSAS DEPARTMENT OF TRANSPORTATION FOR THE HIGHWAY 16 PROJECT (2023-512)

A.7. STRIBLING EQUIPMENT INC:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A MILLING MACHINE FROM STRIBLING EQUIPMENT, LLC IN THE AMOUNT OF \$809,302.38, PLUS ANY APPLICABLE TAXES AND FREIGHT CHARGES, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT, AND TO APPROVE A BUDGET ADJUSTMENT (2023-680)

A.8. TRUST FOR PUBLIC LAND:

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A NON-MATCHING GRANT FROM THE TRUST FOR PUBLIC LAND IN THE AMOUNT OF \$23,600.00 TO ENGAGE TEENS AND SENIORS AROUND SUMMER PROGRAMMING AND THE DESIGN OF WALKER PARK, AND TO APPROVE A BUDGET ADJUSTMENT (2023-681)

A.9. SR. ASST. CITY ATTORNEY:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$111,499 TO FUND THE SENIOR ASSISTANT CITY ATTORNEY POSITION AND LICENSES IN THE CITY ATTORNEY'S OFFICE FOR THE REST OF 2023 AND INCLUDING NEEDED NEW EQUIPMENT, TRAVEL AND TRAINING, PUBLICATIONS AND DUES (2023-701)

A.10. RIFE AND COMPANY INC:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$46,000.00 RECOGNIZING FEDERAL-AID FUNDING FOR APPRAISAL SERVICES, AND TO APPROVE A CONTRACT FOR APPRAISAL SERVICES WITH RIFE & COMPANY, INC. (2023-683)

A.11. SUPERIOR CHEVROLET:

A RESOLUTION TO APPROVE THE PURCHASE OF NINE CHEVROLET

TAHOES FROM SUPERIOR CHEVROLET IN THE TOTAL AMOUNT OF \$621,000.00 FOR USE BY SCHOOL RESOURCE OFFICERS, TO AUTHORIZE A COST SHARE AGREEMENT WITH FAYETTEVILLE PUBLIC SCHOOLS, AND TO APPROVE A BUDGET ADJUSTMENT (2023-679)

A.12. 2023 COPS HIRING PROGRAM MATCHING GRANT:

A RESOLUTION APPROVING AN APPLICATION FOR A 2023 COPS HIRING PROGRAM MATCHING GRANT IN THE AMOUNT OF \$250,000.00 TO FUND TWO SCHOOL RESOURCE OFFICERS FOR A PERIOD OF FOUR YEARS WITH THE \$496,100.00 MATCHING REQUIREMENT SPLIT PROPORTIONALLY BETWEEN THE CITY AND FAYETTEVILLE PUBLIC SCHOOLS (2023-673)

B. UNFINISHED BUSINESS

B.1. WALKER PARK BASKETBALL COURT REFURBISHING AND GIVEAWAY:

A RESOLUTION TO APPROVE A PROPOSAL BY WALMART AND AND1 TO REFURBISH AND PAINT THE WALKER PARK BASKETBALL COURTS AND HOST A BACK TO SCHOOL BACKPACK AND SHOE GIVEAWAY, AND TO APPROVE THE RECOGNITION OF WALMART AND AND1 FOR THEIR SIGNIFICANT CONTRIBUTIONS AT THE REFURBISHED COURTS (2023-651)

AT THE APRIL 18, 2023 CITY COUNCIL MEETING THIS ITEM WAS TABLED TO THE MAY 2, 2023 MEETING.

C. NEW BUSINESS

C.1. AMEND § 72 PARKING REGULATIONS:

AN ORDINANCE TO AMEND CHAPTER 72 PARKING REGULATIONS OF THE FAYETTEVILLE CITY CODE TO AUTHORIZE THE MAYOR TO ESTABLISH AND ADMINISTER RULES REGULATING PARKING FEES IN ESTABLISHED PARKING ZONES, AND TO MAKE TECHNICAL REVISIONS (2023-674)

C.2. SUBRECIPIENT AGREEMENT WITH APPLE SEEDS:

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A SUBRECIPIENT AGREEMENT WITH APPLE SEEDS, INC. TO PROVIDE FUNDING FOR PROGRAMS TO ADDRESS CHILDHOOD FOOD INSECURITY UTILIZING AMERICAN RESCUE PLAN ACT FUNDS IN THE AMOUNT OF \$71,000.00, AND TO APPROVE A BUDGET ADJUSTMENT (2023-677)

C.3. AMEND § 151, 161, 166 DEFINITIONS, ZONING REGULATIONS, URBAN DESIGN:

AN ORDINANCE TO AMEND CHAPTER 151 DEFINITIONS, CHAPTER 161 ZONING REGULATIONS, AND CHAPTER 166 URBAN DESIGN

STANDARDS OF THE UNIFIED DEVELOPMENT CODE TO PROVIDE CONSISTENT AND CLEAR LANGUAGE FOR TWO, THREE, FOUR AND MULTI FAMILY DWELLINGS (2023-678)

C.4. AMEND § 151.01 AND 163.12 DEFINITIONS:

AN ORDINANCE TO AMEND § 151.01 DEFINITIONS AND ENACT § 163.12 CAMPGROUNDS OF THE FAYETTEVILLE UNIFIED DEVELOPMENT CODE TO ESTABLISH REGULATIONS FOR CAMPGROUNDS AS A CONDITIONAL USE IN THE CITY OF FAYETTEVILLE (2023-682)

C.5. APPEAL: LSD-2022-0041: LARGE SCALE DEVELOPMENT (N. HWY 112/112 ARONSON, 209):

A RESOLUTION TO GRANT THE APPEAL OF COUNCIL MEMBER SARAH BUNCH AND DENY A VARIANCE TO SUBSECTION (U) OF § 168.10, PROVISIONS FOR FLOOD HAZARD REDUCTION, ASSOCIATED WITH LARGE SCALE DEVELOPMENT LSD-2022-041 FOR THE ARONSON ON NORTH HIGHWAY 112 IN WARD 2 (2023-684)

C.6. RZN-2023-0008: REZONING (W. OF W. GEYSER ST/HENDERSON, 437):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN-2023-008 LOCATED WEST OF WEST GEYSER STREET IN WARD 4 FOR APPROXIMATELY 5.14 ACRES FROM R-A, RESIDENTIAL AGRICULTURAL TO RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE AND R-A, RESIDENTIAL AGRICULTURAL (2023-685)

PROPOSED AGENDA ADDITIONS

D. CITY COUNCIL AGENDA SESSION PRESENTATIONS

D.1. DICKSON/BLOCK PARKING STUDY PRESENTATION - KIMLEY HORN: (2023-504)

D.2. SALES TAX REPORT, PAUL BECKER AND ENERGY REPORT, PETER NIERENGARTEN: (2023-703)

E. CITY COUNCIL TOUR

F. ANNOUNCEMENTS

G. ADJOURNMENT



MEETING OF APRIL 25, 2023

TO: Mayor Jordan and City Council
THRU: Brad Hardin, Fire Chief
FROM: Granville Wynn, Financial Analyst - Fire
DATE: March 30, 2023
SUBJECT: **Approval of a budget adjustment in the amount of \$14,585 to recognize Hazmat Services Revenue received from Washington County and increase related expense budget**

RECOMMENDATION:

Approval of a budget adjustment in the amount of \$14,585 to recognize Hazmat Services Revenue received from Washington County and increase related expense budget.

BACKGROUND:

This Hazmat Services Revenue from Washington County is pursuant to the Interlocal Cooperation Agreement for Hazardous Materials Incident Response Services in Washington County.

DISCUSSION:

The City of Fayetteville has received \$14,585 of Hazmat Services Revenue from Washington County. The Fire Department would like to utilize the revenue to offset costs for the Fayetteville Hazmat Team. It will also be utilized to cover expenses for training and related expenses. These purchases will be vital to the efficient and effective operation of the Hazmat Response Operations of the Fire Department.

BUDGET/STAFF IMPACT:

Increase expenses to correspond with hazmat services revenue received.

ATTACHMENTS: SRF_2023 Hazmat Services Revenue_Washington County, 2023-652 BA Fire Hazmat Revenue



City of Fayetteville, Arkansas

113 West Mountain Street
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Legislation Text

File #: 2023-652

Approval of a budget adjustment in the amount of \$14,585 to recognize Hazmat Services Revenue received from Washington County and increase related expense budget

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$14,585.00 RECOGNIZING HAZMAT SERVICES REVENUE RECEIVED FROM WASHINGTON COUNTY AND INCREASING THE RELATED EXPENSE BUDGET

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 the attached budget adjustment in the amount of \$14,585.00 recognizing hazmat services revenue received from Washington County and increasing the related expense budget.

City of Fayetteville Staff Review Form

2023-652

Item ID

5/2/2023

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

Brad Hardin

3/30/2023

FIRE (300)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a budget adjustment in the amount of \$14,585 to recognize Hazmat Services Revenue received from Washington County and increase related expense budget.

Budget Impact:

1010.300.3040-5218.01

General

Account Number

Fund

Project Number

Project Title

Budgeted Item? Yes

Total Amended Budget

\$ 10,500.00

Expenses (Actual+Encum)

\$ 1,369.93

Available Budget

\$ 9,130.07

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? Yes

Budget Adjustment

\$ 14,585.00

Remaining Budget

\$ 23,715.07

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

Budget Year	Division	Adjustment Number
2023	FIRE (300)	
	Requestor: Brad Hardin	

Approval of a budget adjustment in the amount of \$14,585 to recognize Hazmat Services revenue received from Washington County and increase related expense budget.

COUNCIL DATE:	5/2/2023
ITEM ID#:	2023-652
Holly Black	
4/3/2023 2:29 PM	
Budget Division	Date
TYPE:	D - (City Council)
JOURNAL #:	
GLDATE:	
CHKD/POSTED:	/

[illegible]



MEETING OF APRIL 25, 2023

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff

FROM: Chris Brown, Public Works Director

DATE: April 4, 2023

SUBJECT: **Approval of a resolution to award RFQ 23-01, Selection #1 to McClelland Consulting Engineers, Inc., Olsson, Inc. and GTS, Inc. as primary providers based on rates provided and availability for on-call materials services as needed through April 30, 2024**

RECOMMENDATION:

Approval of a resolution to award RFQ 23-01, Selection #1 to McClelland Consulting Engineers, Inc., Olsson, Inc. and GTS, Inc. as primary providers based on rates provided and availability for on-call materials services as needed through April 30, 2024.

BACKGROUND:

As part of each of the City's street, drainage, water and sewer projects, a materials testing lab is contracted to perform materials testing for the design and construction. The testing includes asphalt, gravel base, concrete and various other materials used during the construction of these projects. The testing is done to ensure that the materials and the installation meet the City requirements and the project's specifications.

DISCUSSION:

An engineering selection committee selected McClelland Consulting Engineers, Inc., Olsson, Inc. and GTS, Inc. to be used for on-call materials testing services for street, drainage and utilities projects through April 30, 2024.

BUDGET/STAFF IMPACT:

Funds for the material testing have been budgeted in various capital projects with the Sales Tax Capital Improvements Fund, the Transportation Bond Fund, Drainage Bond Fund and the Water and Sewer Fund.

ATTACHMENTS: SRF On Call Materials Testing, FAY Construction Materials Laboratory Fee Schedule - 2023, GTS Fayetteville Field Unit Rate Sheets, GTS Fayetteville Laboratory Unit Rate Sheets, 2023 Olsson FOPS Rates



City of Fayetteville, Arkansas

113 West Mountain Street
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Legislation Text

File #: 2023-672

Approval of a resolution to award RFQ 23-01, Selection #1 to McClelland Consulting Engineers, Inc., Olsson, Inc. and GTS, Inc. as primary providers based on rates provided and availability for on-call materials services as needed through April 30, 2024

A RESOLUTION TO AWARD RFQ #23-01 SELECTION #1 AND AUTHORIZE THE PURCHASE OF ON-CALL MATERIALS TESTING SERVICES FROM MCCLELLAND CONSULTING ENGINEERS, INC., OLSSON, INC., AND GTS, INC. BASED ON PRICE AND AVAILABILITY AS NEEDED THROUGH APRIL 30, 2024

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 #23-01 Selection #1 and authorizes the purchase of on-call materials testing services from McClelland Consulting Engineers, Inc., Olsson, Inc., and GTS, Inc. as primary suppliers based on price and availability as needed through April 30, 2024.

City of Fayetteville Staff Review Form

2023-672

Item ID

5/2/2023

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

Chris Brown

3/31/2023

ENGINEERING (621)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a resolution to award RFQ 23-01, Selection #1 to McClelland Consulting Engineers, Inc., Olsson, Inc. and GTS, Inc. as primary providers based on rates provided and availability for on-call materials services as needed through April 30, 2024

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:

CONSTRUCTION MATERIALS LABORATORY FEE SCHEDULE 2023

GENERAL:

CMT Technician	\$ 60.00 per hour
Senior CMT Technician	70.00 per hour
CMT Supervisor	90.00 per hour
Engineering Technician/EIT	110.00 per hour
Laboratory Supervisor	85.00 per hour
Geotechnical Engineer	170.00 per hour
Construction Observation	90.00 per hour
Project Engineer	135.00 per hour
Geotechnical Project Manager	115.00 per hour
Principal Engineer	175.00 per hour
Administrative Assistant	72.00 per hour
Mileage	0.65 per mile

SOILS:

CMT Technician Field Testing*	60.00 per hour
Senior CMT Technician Field Testing*	70.00 per hour

*Density Testing-Nuclear Gauge (ASTM D 2922/ AASHTO T310), Sample Pickup, or Stand-by Time

Nuclear Density Gauge Fee: (per Density Test); [Minimum \$12.00 per trip, per project]	15.00 each
Atterberg Limits Test (3-point) (ASTM D 4318 / AASHTO T89, T90)	65.00 each
Soil Sieve Analysis w/ No. 200 Wash (ASTM D 422, D 1140 / AASHTO T88)	100.00 each
Soils Classification: Atterberg Limits & Sieve Analysis	155.00 each
Standard Proctor Test ASTM D 698 or AASHTO T 99	200.00 each
Modified Proctor Test ASTM D 1557 or AASHTO T 180	250.00 each
California Bearing Ratio (CBR) ASTM D 1883/ AASHTO T193	400.00 each

Additional Soil Testing Procedures Available On Request

CONCRETE/AGGREGATE:

Concrete Mix Design	Price on Request
Review Concrete Mix Design Submittal (Geotechnical Engineer)	155.00 per hour
CMT Technician Concrete Field Testing*	60.00 per hour
Senior CMT Technician Concrete Field Testing*	70.00 per hour

*(1-hour minimum): [For any of the following 6 items:]

- Concrete Cylinder, Grout, Mortar or Beam Molding
- Concrete Cylinder or Beam Pickup
- Concrete Slump Test ASTM C 143 / AASHTO T119
- Concrete Air Content Test ASTM C 231 or C 173 / AASHTO T 152
- Cement Mortar or Grout Sampling
- Stand-by Time
- Unit Weight and Yield of Freshly Mixed Concrete ASTM C 138 / AASHTO T121
- Sample Pickup, Transporting, and Processing/Placement Into Curing

Compressive Strength of Concrete Test Cylinders C 39/T22 (pad capped)	25.00 each
Compressive Strength of Concrete Test Cylinders C 39/T22 (sulfur capped)	35.00 each
Spare Cylinders Specimens Processed, Stored & Cured but not Tested	15.00 each
Schmidt Hammer Testing (Engineering Technician)	110.00 per hour

*ACI Grade I Concrete Field Testing Technician

CONSTRUCTION MATERIALS LABORATORY FEE SCHEDULE 2023

CONCRETE/AGGREGATE (Continued):

Flexural Strength of Concrete Beams ASTM C 78 or C 293	50.00 each
Spare Beam Specimens Processed, Stored & Cured but not Tested	40.00 each
Compressive Strength of Grout Cubes/Prisms	40.00 each
Compressive Strength of Cement Mortar Cubes	25.00 each
Concrete Coring (4" diameter):	
Core Machine & CMT Technician	115.00 per hour
Compressive Strength of Concrete Cores (4" diameter)	40.00 each
Other Core Sizes (sampling and testing)	Price on Request
Concrete Fine Aggregate Gradation (AASHTO T11 and T27)	175.00 each
Concrete Coarse Aggregate Gradation (AASHTO T11 and T27)	150.00 each
Aggregate Specific Gravity Testing ASTM C 127, C 128 / AASHTO T84, T85	150.00 each
Class 7 Aggregate Gradation (AASHTO T11 and T27)	225.00 each

Additional Concrete/Aggregate Testing Procedures Available On Request

ASPHALT:

Asphalt Mix Design (Marshall Design Method)	Price on Request
Review Asphalt Mix Design (Geotechnical Engineer)	155.00 per hour
CMT Technician Asphalt Field Testing*	65.00 per hour
Senior CMT Technician Asphalt Field Testing*	75.00 per hour
*In-place Spot Check Density Testing, Sample Pickup, or Stand-by Time	
Superpave Laboratory Analysis (Gmm, Gmb, AC Content, Air Voids, Gradation)	650.00 each
Marshall Laboratory Analysis (Gmm, Gmb, AC Content, Air Voids, Gradation)	750.00 each
Laboratory Density of Cored Samples including Thickness Measurement**	35.00 each
Asphalt Coring Machine & CMT Technician**	115.00 per hour

**Testing and Sampling of 4" or 6" diameter cores

SPECIAL INSPECTIONS:

Spray-Applied Fire Resistant Material/Intumescent Coating Testing	90.00 per hour
Structural Steel/Welding Inspection by CWI	95.00 per hour
Non-destructive Testing on Welds (UT, MT, or Radiographic)	100.00 per hour
Post-Tension Inspection	135.00 per hour

Services Not Listed are Available on Request

All prices are subject to revision each year

1915 N. Shiloh Drive

office 479-521-7645

Fayetteville, Arkansas 72704

fax 479-521-6232

Fayetteville, Arkansas Office

Effective January 2023

Field Materials Testing Services (please call for unlisted items)

GTS, Inc.

Geotechnical & Testing Services

Category	Name of Test	Description	Relevant ASTM and AASHTO	Hourly Rate	Daily Equipment Fee (if applicable)
Earthwork and Soils	Soil Density Testing	Materials Testing Technician performing in-place soil densities	AASHTO T310, ASTM D6938	\$65.00	\$15 Gauge Fee Per Trip
	Soil/Aggregate Sample Pick up	On site sampling of soils and aggregates for laboratory testing	AASHTO T2, ASTM D 75	\$65.00	NA
	Proofroll and Undercut Observation	Engineering observation of on site soils prior to placement of fill material or after undercut has been completed	NA	\$90.00	NA
Concrete	Field Concrete Testing	On site sampling, testing and making concrete test specimens of freshly mixed concrete	AASHTO T23, T119, T141, T152, T309, ASTM C31, C143, C172, C231, C1064	\$65.00	NA
	Concrete Cylinder Pick up (per set charge)	Retrieving concrete test specimens made by GTS or by the client	NA	\$35.00	NA
	Concrete Rebound Hammer (Schmidt Hammer)	Assess the in-place uniformity of concrete and to estimate in-place strength	ASTM C805	\$90.00	\$15.00

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Effective January 2023

Field Materials Testing Services (please call for unlisted items)

GTS, Inc.

Geotechnical & Testing Services

Category	Name of Test	Description	Relevant ASTM and AASHTO	Hourly Rate	Daily Equipment Fee (if applicable)
Concrete	Concrete Coring and Sampling	Coring and sampling of hardened concrete including backfilling with grout	AASHTO T24 ASTM C42	\$65.00	\$65.00
	Concrete maturity and temperature testing	Placement and downloading of maturity and temperature information and equipment	ASTM C1074	\$90.00	\$50.00 per site visit
	Concrete maturity and temperature sensors (per sensor fee)	Field Sensors	ASTM C1074	NA	\$50.00 Per Test
	Floor Flatness Determination	Evaluating and providing statistical (and graphical) information concerning floor surface profiles	ASTM E1155	\$90.00	.02 per square foot
	Concrete Floor Vapor Emission Testing	Obtaining a quantitative value indicating the rate or moisture vapor emission from a concrete floor	ASTM F1869	\$90.00	\$35 per kit
	Concrete Ph testing	Evaluating the Ph of concrete floors	ASTM F710	\$90.00	\$10 per kit
	Concrete mortar time of setting testing	Time of setting concrete by means of penetration resistance method	ASTM C403	\$90.00	\$150.00

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Effective January 2023

Field Materials Testing Services (please call for unlisted items)

GTS, Inc.

Geotechnical & Testing Services

Category	Name of Test	Description	Relevant ASTM and AASHTO	Hourly Rate	Daily Equipment Fee (if applicable)
Concrete	Concrete Floor Relative Humidity Insitu Testing	Quantitative determination of percent relative humidity in concrete slabs	ASTM F2170	\$90.00	\$50.00 per site visit and \$50.00 per Sensor Test
Masonry, Grout and Mortar	Field Grout Testing	On site sampling, testing and making grout test specimens of freshly mixed grout	AASHTO T23, T119, T309, ASTM C1019, C143, C1064	\$65.00	NA
	Field Observation of CMU Block Wall Construction	Visual observation of CMU reinforcing, joint placement, bond beams etc.	NA	\$90.00	NA
	Field Mortar Testing	On site sampling, testing and making mortar test specimens of freshly mixed preblended mortar	ASTM C1714	\$65.00	NA
Asphalt	Asphalt Rolling Pattern	Evaluation of density with passes of compaction equipment of fresh hot mix asphalt	ASTM D2950	\$70.00	\$15 Gauge Fee
	Asphalt coring and sampling	Coring and sampling of in place asphalt including backfilling with grout	ASTM D979, AASHTO T168	\$65.00	\$65.00

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Effective January 2023

GTS, Inc.

Geotechnical & Testing Services

Field Materials Testing Services (please call for unlisted items)

Category	Name of Test	Description	Relevant ASTM and AASHTO	Hourly Rate	Daily Equipment Fee (if applicable)
<i>Construction Observation and additional Special Inspections</i>	Observation of straight shaft drilled piers	Observation of soil type, depth, reinforcing bars, bearing capacity, etc.	NA	\$90.00	NA
<i>Construction Observation and additional Special Inspections</i>	Observation of Geopier foundations	Observation of soil type, depth, compactive effort, bearing capacity, etc.	NA	\$90.00	NA
	Observation of retaining wall installation	Observation of retaining wall construction	NA	\$90.00	NA
	Observation of soil bearing capacity for foundation elements	Observation of soil types and bearing capacity	NA	\$90.00	NA
	Observation of reinforcing bars for foundation and structural elements	Observation of size, number and placement of reinforcing bars	NA	\$90.00	NA
	Observation of driven pile foundations	Observation of driven piles, number of blows, pile size, etc.	NA	\$90.00	NA
	Observation of soil nail reinforcement	Observation of soil nails, bar size, bar length, grout type and strength, etc.	NA	\$90.00	NA
	Observation of micropile foundations	observation of micropiles, bar size, bar length, grout type and strength, etc.	NA	\$90.00	NA

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Effective January 2023

GTS, Inc.
Geotechnical & Testing Services

Field Materials Testing Services (please call for unlisted items)

Category	Name of Test	Description	Relevant ASTM and AASHTO	Hourly Rate	Daily Equipment Fee (if applicable)
<i>Construction Observation and additional Special Inspections</i>	Observation of Post Tension concrete systems	observation of installation and tensioning of post tension cables	NA	\$90.00	NA
<i>Construction Observation and additional Special Inspections</i>	Fireproofing Observation	observation of fireproofing for thickness, density and cohesion	ASTM E605	\$90.00	Paint Thickness Gauge per day \$100.00 / Adhesions \$40.00 per Test
<i>Engineering</i>	Principal Professional Engineer	Professional Engineer services in the field or report writing	NA	\$120.00	NA
	Staff Professional Engineer	Professional Engineer services in the field or report writing	NA	\$100.00	NA
	Intern-Engineer	Intern engineer services in the field or report writing	NA	\$90.00	NA
<i>Structural Steel</i>	Certified Welding Inspector (CWI)	Code compliance, visual and ultrasonic weld inspection, bolt inspection, impact wrench calibration, etc.	Varies	\$120.00	NA
	Reinforcing Bar Locating	Locating reinforcing bars, conduits, post tension cables, etc. in concrete slabs	Varies	\$120.00	\$250 per half day
	Skidmore Wilhelm	Tension Calibrator	Varies	\$120.00	\$40.00
	Torque Multiplier	Used in conjunction with torque wrench for high strength bolt testing	NA	\$120.00	\$100.00

1915 N. Shiloh Drive
Fayetteville, Arkansas 72704

office 479-521-7645
fax 479-521-6232

Fayetteville, Arkansas Office

Effective January 2023

Field Materials Testing Services (please call for unlisted items)

GTS, Inc.
Geotechnical & Testing Services

Category	Name of Test	Description	Relevant ASTM and AASHTO	Hourly Rate	Daily Equipment Fee (if applicable)
<i>Structural Steel</i>	Torque Wrench	Used for testing torque of high strength bolts	Varies	\$120.00	\$20.00
	Ultra Sonic Testing	UT Machine	Varies	\$120.00	\$40.00
	Mag Particle Testing	Mag Particle Yoke	Varies	\$120.00	\$40.00
	x-ray services	x-ray of structural welds	Varies	upon request	upon request
	Bolt Pulling Test	Used to check the suitability and allowable loads of an anchor type and check they have been installed correctly	Varies	\$120.00	\$150.00
<i>Forensic Testing</i>	Impact Echo Services	Using sound waves to determine flaws and/or thicknesses in concrete structures	NA	\$120.00	\$250.00
	Ground Penetrating Radar	Using radar to locate, reinforcing bars or conduits in concrete, underground utilities, underground structures or tanks, etc.	NA	\$120.00	\$250 per half day

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Field Materials Testing Services (please call for unlisted items)

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Category	Name of Test	Description	Relevant ASTM and AASHTO	Hourly Rate	Daily Equipment Fee (if applicable)
<i>Forensic Testing</i>	Sonic Echo Impulse Response	Non-Destructive method of determining length and integrity of concrete foundations	NA	\$120.00	\$1,000.00
	FLIR Infrared Camera Imaging	Infrared imaging of building components using a Flir E60 camera	NA	\$120.00	\$400.00
<i>Administrative and Mileage</i>	Mileage	Portal to portal rates to and from the GTS, Inc. office to the jobsite. Based on current IRS Rate plus 5% (minimum \$35.00 fee per trip).	NA	Based on published current IRS government mileage rates plus 5% (minimum \$35 fee)	
	Report Preparation and Review (Per Report)	Administrative costs for distribution. (Technician reports only)	NA	\$15.00	NA
	Overtime, Weekend, and Holiday Rates	Work requested to be performed on Saturdays or prior to 6:00 am and after 6:00 pm Monday through Friday will be billed an additional \$5 per hour above the normal hourly rates listed above. Sunday testing will be Double and Holiday will be Triple the normal hourly rates. Any test scheduled before 5:00 A.M. but not performed by no fault of GTS will be a minimum charge of \$200.00.			
	Minimum Time Charge	There is a Minimum charge of 1 hour on site Time and .5 hour travel time			

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Effective Date January 2022

Laboratory Materials Testing Services (please call for unlisted items)

GTS, Inc.

Geotechnical & Testing Services

	Name of Test	Description	Relevant ASTM and AASHTO	Unit Rate
Earthwork and Soils and Aggregates	Moisture - Density Relationship	Standard Proctor	AASHTO T99, ASTM D698	\$140.00
	Moisture - Density Relationship	Modified Proctor	AASHTO T180, ASTM D1557	\$160.00
	Moisture Content	Moisture Content of soils	ASTM D2216	\$10.00
	Atterberg Limits	Atterberg Limits 3 Point Wet Preparation	AASHTO T-89, AASHTO T-90, ASTM D 4318	\$65.00
	Sieve Analysis	Washed and dried sieve used for soil classification determination (< 5 lbs)	ASTM C136 ASTM C117 AASHTO T27 AASHTO T11	\$65.00
	Sieve Analysis	Washed and dried oversized sieve (greater than 5 lbs)	ASTM C136 ASTM C117 AASHTO T27 AASHTO T11	\$130.00
	Sieve Analysis (Hydrometer)	Fine Particle Size Distribution Using the Sedimentation (Hydrometer) Analysis	AASHTO T 88 ASTM D 422 ASTM D 7928	\$105.00
	Specific Gravity and Absorption	Determination of Specific Gravity and Absorption of Fine or Coarse Aggregate	ASTM C127 AASHTO T84 / ASTM C128	\$60.00
	California Bearing Ratio (CBR) 3-point method	Evaluating the potential strength of subgrade, subbase, and base course material, for use in road and airfield pavements.	ASTM D 1883, AASHTO T 193	\$250.00

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Laboratory Materials Testing Services (please call for unlisted items)

GTS, Inc.

Geotechnical & Testing Services

	Name of Test	Description	Relevant ASTM and AASHTO	Unit Rate
Earthwork and Soils and Aggregates	Unconfined Compressive Strength Testing	Obtain a measure of compressive strength for soils that possess sufficient cohesion to permit testing in the unconfined state	ASTM D 2166, AASHTO T 208	\$100.00
	Triaxial testing**	Unconsolidated - Undrained (UU)	AASHTO T 296, ASTM D 2850	\$375.00
	Triaxial testing**	Consolidated - Undrained (CU)	AASHTO T 297, ASTM D 4767	\$500.00
	Triaxial testing**	Consolidated - Drained (CD)	ASTM WK 3821	\$750.00
	Soil Consolidation ** (One-Dimensional, Interval Loading)	Determining the magnitude and rate of consolidation of soil when it is restrained laterally and drained axially while subjected to incrementally applied controlled-stress loading.	ASTM D 2435, AASHTO T 216	\$300.00
	Permeability Testing (Flexible Wall)**	Laboratory Measurement of Hydraulic Conductivity	ASTM D5084	\$300.00
	**	sample prep or remolding	NA	\$75.00

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GTS, Inc.

Geotechnical & Testing Services

	Name of Test	Description	Relevant ASTM and AASHTO	Unit Rate
Earthwork and Soils and Aggregates	Sand Equivalency Test	This test assigns an empirical value to the relative amount, fineness, and character of claylike material present in the specimen.	ASTM D 2419, AASHTO T 176	\$150.00
	Soundness of Aggregates	Standard Test Method for Soundness of Aggregates by Use of Sodium Sulfate	ASTM C 88, AASHTO T 104	\$425.00
	LA Abrasion	Resistance to Degradation of Large-Size Coarse Aggregate by Abrasion and Impact in the Los Angeles Machine	ASTM C 131, AASHTO T 96	\$650.00
	Deleterious Material Determination	determination of friable particles, clay lumps, and soft fragments in an aggregate	NA	\$50.00
	Swell Test ** (One-Dimensional)	Standard Test Method for One-Dimensional Swell or Settlement Potential of Cohesive Soils	ASTM D 4546, AASHTO T 216	\$300.00
	Soil Stabilization	using fly ash, cement and lime to stabilize soils	NA	call for quote
	For any soils and aggregate lab testing not listed please call for quote			
Concrete and Masonry	Laboratory Compressive Strength of Cylinders	Curing, Storing and Testing (Pad Capping) 6" x 12" cylinders	ASTM C 39, ASTM C1231, ASTM C511	\$15.00
	Laboratory Compressive Strength of Cylinders	Curing, Storing and Testing (Pad Capping) 4" x 8" cylinders	ASTM C 39, ASTM C1231, ASTM C511	\$15.00

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Effective Date January 2022

Laboratory Materials Testing Services (please call for unlisted items)

GTS, Inc.

Geotechnical & Testing Services

	Name of Test	Description	Relevant ASTM and AASHTO	Unit Rate
Concrete and Masonry	Laboratory Flexural Strength of Beams (per beam)	Curing, Storing, Measuring and Testing	ASTM C 78, ASTM C511, ASTM C1542	\$35.00
	Laboratory Compressive Strength of drilled cores	Curing, Storing and Testing (sulfur Capping)	ASTM C 42, ASTM C 39, ASTM C617	\$45.00
	Saw cutting cylinders and drilled cores	Saw cutting ends of contractor formed cylinders to achieve a perpendicular surface (per end)	NA	\$5.00
	Petrographic Analysis	Microscopic analysis of hardened concrete	ASTM C 457	Call for Quote
	Laboratory Compressive Strength of Grout Prisms	Curing, Storing and Testing (Pad Capping) 6" x 3" x 3" prisms	ASTM C 1019	\$25.00
	Laboratory Compressive Strength of mortar cubes	Curing, Storing and Testing (Pad Capping) 2" x 2" x 2" cubes	ASTM C 109	\$15.00
	Laboratory testing of concrete masonry units	This test methods provides various testing procedures commonly used for evaluating characteristics of concrete masonry units and related concrete units.	ASTM C 140	\$120.00
Asphalt	Laboratory testing of Asphalt Cores	Laboratory Testing of asphalt cores for specific gravity (density)	AASHTO T-166	\$35.00
Fireproofing	Laboratory Density of Fireproofing (each density)	Laboratory determination of SRFM density	ASTM E 605	\$60.00



2023 Field Services Unit Rate Schedule

Special Inspections and Construction Materials Testing Services

Testing Services (¹ 3-Hour Minimum)

Field Technician ¹	Hourly	\$60.00
Senior Technician ¹	Hourly	\$75.00
Structural Steel Technician	Hourly	\$85.00
Project Manager / Project Engineer	Hourly	\$140.00
Senior Engineer / Team Leader	Hourly	\$150.00
Administrative Assistant	Hourly	\$50.00

Equipment

Coring Equipment	Daily	\$145.00
Mobile Lab	Monthly	\$400.00

Laboratory Testing Services

Soil and Aggregate Testing

Standard Proctor	Each	\$175.00
Atterberg Limits	Each	\$95.00
Modified Proctor	Each	\$205.00
Oversize Correction	Each	\$70.00
Gradation > ¾"	Each	\$140.00
Mechanical Grain Size analysis (Sieves)	Each	\$110.00
Percent Fines Test (passing #200 sieve)	Each	\$65.00
Percent Moisture Test	Each	\$15.00

Construction Materials Testing

Compressive Strength – Concrete Cylinder	Each	\$20.00
Compressive Strength – Grout	Each	\$40.00
Compressive Strength – Mortar	Each	\$40.00
Flexural Strength – Concrete Beam	Each	\$62.00

Asphalt Testing

Asphalt Content by Ignition Method	Each	\$180.00
Preparation & Density of Superpave Gyrotory Compaction Specimens (2pt)	Each	\$295.00
Sieve Analysis of Extracted Aggregates	Each	\$110.00
Theoretical Maximum Specific Gravity (Rice)	Each	\$190.00

Travel

Mileage (Portal to Portal)	Mile	\$0.75
Per Diem	Daily	\$135.00

Additional Notes

1. These Unit Fees are in effect until January 1, 2024. Services and fees not listed above will be quoted upon request.
2. Services provided on Saturday, Sunday, Holidays, and in excess of 8-hours/day will be charged at 1.5 times the unit fee.
3. Subcontracted services will be invoiced at our cost plus 20%.



MEETING OF APRIL 25, 2023

TO: Mayor Jordan and City Council
THRU: Susan Norton, Chief of Staff
FROM: Chris Brown, Public Works Director
DATE: April 4, 2023
SUBJECT: **Approval of a resolution to award RFQ 23-01, Selection #2 to McClelland Consulting Engineers, Inc and Olsson Associates, Inc. as primary providers based on rates provided and availability for on-call surveying services as needed through April 30, 2024.**

RECOMMENDATION:

Approval of a resolution to award RFQ 23-01, Selection #2 to McClelland Consulting Engineers, Inc and Olsson Associates, Inc. as primary providers based on rates provided and availability for on-call surveying services as needed through April 30, 2024.

BACKGROUND:

The Engineering Division has a two-person survey crew as part of the design team. The survey crew provides surveying services to multiple City Divisions in addition to the surveys needed for the in-house projects designed by the City engineers. As a result, the current workload for the survey crew is quite large. With the potential for many projects to begin in 2023, additional surveying services may be required.

DISCUSSION:

An engineering selection committee selected McClelland Consulting Engineers, Inc. and Olsson Associates, Inc. to be used for on-call surveying services for various city projects until April 30, 2024.

BUDGET/STAFF IMPACT:

Funds for the material testing have been budgeted in various capital projects with the Sales Tax Capital Improvements Fund, the Transportation Bond Fund, Drainage Bond Fund and the Water and Sewer Fund.

ATTACHMENTS: SRF On Call Surveying, Approved Hourly Rate Schedule Effective 8.1.22, 2023 Olsson Survey Billing Rates



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2023-671

Approval of a resolution to award RFQ 23-01, Selection #2 to McClelland Consulting Engineers, Inc and Olsson Associates, Inc. as primary providers based on rates provided and availability for on-call surveying services as needed through April 30, 2024.

A RESOLUTION TO AWARD RFQ #23-01 SELECTION #2 AND AUTHORIZE THE PURCHASE OF ON-CALL SURVEYING SERVICES FROM MCCLELLAND CONSULTING ENGINEERS, INC. AND OLSSON, INC. AS NEEDED THROUGH APRIL 30, 2024

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 #23-01 Selection #2 and authorizes the purchase of on-call surveying services from McClelland Consulting Engineers, Inc. and Olsson, Inc., as primary suppliers for the rates attached to this Resolution and based on availability as needed through April 30, 2024.

City of Fayetteville Staff Review Form

2023-671

Item ID

5/2/2023

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

Chris Brown

3/31/2023

ENGINEERING (621)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a resolution to award RFQ 23-01, Selection #2 to McClelland Consulting Engineers, Inc and Olsson Associates, Inc. as primary providers based on rates provided and availability for on-call surveying services as needed through April 30, 2024.

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:



Effective 8/1/2022

McCLELLAND CONSULTING ENGINEERS, INC.

***STANDARD HOURLY RATES**

Chief Draftsman	\$95 - \$110
Clerical	\$45 - \$75
Construction Observer	\$70 - \$145
Draftsman	\$65 - \$100
Environmental Scientist/Designer	\$105 - \$125
Geotech Engineer	\$85 - \$170
GIS Technician	\$80 - \$140
HR/Payroll Admin	\$75-\$100
Landscape Architect	\$90 - \$170
Media Specialist	\$80 - \$105
Principal	\$160 - \$240
Project Accountant	\$70 - \$155
Project Designer - Intern	\$50 - \$60
Project Designer	\$80 - \$140
Project Engineer	\$120 - \$175
Project Manager	\$120 - \$200
Registered Land Surveyor	\$95 - \$145
Soils Lab Technician	\$50 - \$140
Specification Writer	\$50 - \$90
Sr. Project Manager	\$140 - \$230
Survey (2 man or Robotic) Crew	\$115 - \$165
Survey (3 man) Crew	\$135 - \$195
Survey Field (1 Man or Rodman)	\$45 - \$110
Survey GPS	\$75 - \$130
Survey Technician	\$65 - \$95
Water Lab Supervisor	\$70 - \$120
Water Lab Tech	\$50 - \$95
Expenses	@ Cost
Mileage	.625/mi

** Standard Hourly Rates may be adjusted annually in accordance with the normal salary review practices of McClelland Consulting Engineers.*



2023 Springfield/Joplin/Fayetteville Survey Billing Rate Schedule

<u>Classification</u>	<u>Hourly Rate</u>
Team Leader	\$170.00
Senior Surveyor	\$138.00
Surveyor	\$110.00
Associate Surveyor	\$85.00
Assistant Surveyor	\$65.00
Senior Technician	\$95.00
Associate Technician	\$80.00
Assistant Technician	\$65.00
1 Man Field Crew	\$130.00
2 Man Field Crew	\$175.00

<u>Equipment</u>	<u>Daily Rate</u>
Boat	\$50.00
ATV	\$50.00
HD Scanner	\$500.00
Drone	\$375.00
Lidar	\$2,500.00

<u>Travel</u>	
Mileage (Portal to Portal)	Mile \$0.75
Hotel	Daily \$140.00
Meals	Daily \$50.00

Additional Notes

1. These Unit Fees are in effect until January 1, 2024.
2. Services and fees not listed above will be quoted upon request.
3. Services on weekends, holidays, and in excess of 8-hours/day will be charged 1.5 times the unit fee.
4. Subcontracted services will be invoiced at our cost plus 20%



MEETING OF APRIL 25, 2023

TO: Mayor Jordan and City Council
THRU: Susan Norton, Chief of Staff
FROM: Chris Brown, Public Works Director
DATE: March 30, 2023
SUBJECT: **Approval of a construction contract in the amount of \$682,776.00 with Sweetser Construction, Inc. for the Leverett Sidewalk Improvements Project, and approval of a \$70,000.00 project contingency.**

RECOMMENDATION:

Staff recommends approval of a construction contract in the amount of \$682,776.00 with Sweetser Construction, Inc. for the Leverett Sidewalk Improvements Project, and approval of a \$70,000.00 project contingency.

BACKGROUND:

The Leverett Sidewalk Improvements project includes the construction of approximately 1,680 feet of 8' wide sidewalk along the west side of Leverett Avenue from Hazel Street to Sycamore Street. In addition to the sidewalk improvements, the project will include minor drainage improvements, new sections of curb and gutter, driveway construction and pavement repair.

This project is included in the Transportation Division Sidewalk Work Plan for 2023. The Engineering Division has prepared the design plans and the project was put out for bid.

DISCUSSION:

On March 28, 2023, the City received three (3) construction bids for this project. Sweetser Construction, Inc. submitted the low bid of \$682,776.00. Engineering staff recommends awarding this contract to Sweetser Construction, Inc. The contract time is 120 days (4 months) for substantial completion and 150 days (5 months) for final completion.

BUDGET/STAFF IMPACT:

The design and construction of this project will be paid for with Capital Improvements Project funds allocated for sidewalk improvements.

**PURCHASE ORDER
DETAILS**

G/L ACCT	PROJECT	AMOUNT
2100.410.5500-5814.00	02053.5500	\$682,776.00

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

ATTACHMENTS: SRF Leverett Sweetser, Leverett Contractor Signed Agreement, Bid 23-16, Submittal - Sweetser Construction, Inc. - E, Bid 23-16, Bid Tab - AB and LM Signed, Vicinity Map

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 #: 2023-653

Approval of a construction contract in the amount of \$682,776.00 with Sweetser Construction, Inc. for the Leverett Sidewalk Improvements Project, and approval of a \$70,000.00 project contingency.

A RESOLUTION TO AWARD BID #23-16 AND AUTHORIZE A CONTRACT WITH SWEETSER CONSTRUCTION, INC. IN THE AMOUNT OF \$682,776.00 FOR CONSTRUCTION OF THE LEVERETT SIDEWALK IMPROVEMENTS PROJECT, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$70,000.00

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 #23-16 and authorizes Mayor Jordan to sign a contract with Sweetser Construction, Inc., a copy of which is attached to this Resolution, in the amount of \$682,776.00 for construction of the Leverett Sidewalk Improvements Project, and further approves a project contingency in the amount of \$70,000.00.

City of Fayetteville Staff Review Form

2023-653

Item ID

4/18/2023

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

Chris Brown

3/30/2023

ENGINEERING (621)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a construction contract in the amount of \$682,776.00 with Sweetser Construction, Inc. for the Leverett Sidewalk Improvements Project and approval of a \$70,000.00 project contingency.

Budget Impact:

2100.410.5500-5814.00

2100 - Street Fund

Account Number

Fund

02053.5500

Sidewalk Improvements

Project Number

Project Title

Budgeted Item? Yes

Total Amended Budget

\$ 2,630,610.00

Expenses (Actual+Encum)

\$ 246,029.57

Available Budget

\$ 2,384,580.43

Does item have a direct cost? Yes

Item Cost

\$ 752,776.00

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ 1,631,804.43

V20221130

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments: Item cost includes construction contract plus the project contingency.

DOCUMENT 00500 – AGREEMENT

BETWEEN OWNER AND CONTRACTOR

Contract Name/Title: LEVERETT AVENUE SIDEWALK IMPROVEMENTS: HAZEL ST. TO SYCAMORE ST.

Contract No.: 23-16, Construction

THIS AGREEMENT is dated as of the _____ day of _____ in the year 2023 by and between The City of Fayetteville, Arkansas and _____ (hereinafter called Contractor).

ARTICLE 1 - WORK

1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The work under this Contract includes, but is not limited to:

The construction of approximately 1,680 linear feet of 8 ft. sidewalk along Leverett Avenue from Hazel St. to Sycamore St. In addition to sidewalk improvements, the project will include minor drainage improvements that consist of drop inlets and curb and gutter construction. Miscellaneous items include fence removal and relocation, driveway construction, water meter & fire hydrant relocation, and pavement restoration.

Any use of a third-party dumpster or roll off container shall be procured from the City of Fayetteville Recycling and Trash Collection Division. Use of a Non-City dumpster or roll off container is not allowed.

Open burning and blasting is not allowed on City projects.

Contractor is responsible for obtaining all applicable permits; however, fees for the City issued permits shall be waived.

The Contract includes work in City of Fayetteville Right-of-way and in General Utility Easements.

Refer to Section 00400-Bid Form for quantities.

ARTICLE 2 - ENGINEER

2.01 The Contract Documents have been prepared by the City of Fayetteville Engineering Division. City of Fayetteville Engineering Division assumes all duties and responsibilities, and has the rights and authority assigned to City of Fayetteville Engineering Division in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

DOCUMENT 00500 – AGREEMENT (continued)

ARTICLE 3 - CONTRACT TIME

3.01 TIME OF THE ESSENCE:

- A. All time limits for milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

3.02 DATES FOR SUBSTANTIAL COMPLETION AND FINAL PAYMENT:

- A. The Work shall be Substantially Completed within **120** calendar days after the date when the Contract Times commence to run as provided in the GENERAL CONDITIONS, and final completion and ready for final payment in accordance with the GENERAL CONDITIONS within **150** calendar days after the date when the Contract Times commence to run.

3.03 LIQUIDATED DAMAGES:

- A. Owner and Contractor recognize that time is of the essence of this Agreement and that The City of Fayetteville will suffer financial loss if the Work is not completed within the time specified above, plus any extensions thereof allowed in accordance with the GENERAL CONDITIONS. The parties also recognize the delays, expense, and difficulties involved in proving the actual loss suffered by The City of Fayetteville if the Work is not Substantially Completed on time. Accordingly, instead of requiring any such proof, The City of Fayetteville and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay The City of Fayetteville Seven Hundred Fifty Dollars (\$750.00) for each calendar day that expires after the time specified above in Paragraph 3.02 for Substantial Completion until the Work is Substantially Complete. After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the time specified in Paragraph 3.02 for completion and readiness for final payment or any proper extension thereof granted by The City of Fayetteville, Contractor shall pay The City of Fayetteville Five Hundred Dollars (\$500.00) for each calendar day that expires after the time specified for completion and readiness for final payment.

ARTICLE 4 - CONTRACT PRICE

- 4.01 The CITY OF FAYETTEVILLE agrees to pay, and the CONTRACTOR agrees to accept, as full and final compensation for all work done under this agreement, the amount based on the unit prices bid in the Proposal (BID FORM) which is hereto attached, for the actual amount accomplished under each pay item, said payments to be made in lawful money of the United States at the time and in the manner set forth in the Specifications.
- 4.02 As provided in the General Conditions, estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by ENGINEER as provided in the General Conditions. Unit prices have been computed as provided in the General Conditions.

DOCUMENT 00500 – AGREEMENT (continued)

4.03 Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council in advance of the change in scope, cost or fees.

1. There shall be no changes without prior written approval of the Engineer of Record and/or the City's designated Professional Engineer.

ARTICLE 5 - PAYMENT PROCEDURES

5.01 **SUBMITTAL AND PROCESSING OF PAYMENTS:**

- A. Contractor shall submit Applications for Payment in accordance with the GENERAL CONDITIONS. Applications for Payment will be processed by Engineer as provided in the GENERAL CONDITIONS.

5.02 **PROGRESS PAYMENTS, RETAINAGE:**

- A. The City of Fayetteville shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment as recommended by Engineer, on or about the 15th day of each month during construction. All such payments will be measured by the schedule of values established in the GENERAL CONDITIONS (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements.
 1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in each case, less the aggregate of payments previously made and less such amounts as Engineer shall determine, or The City of Fayetteville may withhold, in accordance with the GENERAL CONDITIONS.
 - a. 95% of Work Completed (with the balance being retainage). If Work has been 50% completed as determined by Engineer, and if the character and progress of the Work have been satisfactory to The City of Fayetteville and Engineer, The City of Fayetteville on recommendation of Engineer, may determine that as long as the character and progress of the Work subsequently remain satisfactory to them, there will be no additional retainage on account of Work subsequently completed, in which case the remaining progress payments prior to Substantial Completion will be an amount equal to 100% of the Work Completed less the aggregate of payments previously made; and
 - b. 100% of Equipment and Materials not incorporated in the Work but delivered, suitably stored, and accompanied by documentation satisfactory to The City of Fayetteville as provided in the GENERAL CONDITIONS.

DOCUMENT 00500 – AGREEMENT (continued)

5.03 **FINAL PAYMENT:**

- A. Upon final completion and acceptance of the Work in accordance with the GENERAL CONDITIONS, The City of Fayetteville shall pay the remainder of the Contract Price as recommended by Engineer and as provided in the GENERAL CONDITIONS.

ARTICLE 6 - CONTRACTOR'S REPRESENTATIONS

6.01 In order to induce The City of Fayetteville to enter into this Agreement, Contractor makes the following representations:

- A. Contractor has examined and carefully studied the Contract Documents including the Addenda and other related data identified in the Bid Documents.
- B. Contractor has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.
- C. Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.
- D. Contractor has carefully studied all:
 - (1) Reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and
 - (2) Reports and drawings of a Hazardous Environmental Condition, if any, at the Site. Contractor acknowledges that The City of Fayetteville and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the Site.
- E. Contractor has obtained and carefully studied (or assumes responsibility of having done so) all such additional supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance, and furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor and safety precautions and programs incident thereto.
- F. Contractor does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performing and furnishing of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.
- G. Contractor is aware of the general nature of work to be performed by The City of Fayetteville and others at the Site that relates to the Work as indicated in the Contract Documents.

DOCUMENT 00500 – AGREEMENT (continued)

- H. Contractor has correlated the information known to Contractor, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.
- I. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents and the written resolution thereof by Engineer is acceptable to Contractor.
- J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 7 - CONTRACT DOCUMENTS

7.01 CONTENTS:

- A. The Contract Documents which comprise the entire Agreement between The City of Fayetteville and Contractor concerning the Work consist of the following and may only be amended, modified, or supplemented as provided in the GENERAL CONDITIONS:
 - 1. This Agreement.
 - 2. Exhibits to this Agreement (enumerated as follows):
 - a. Notice to Proceed.
 - b. Contractor's Bid.
 - c. Documentation submitted by Contractor prior to Notice of Award.
 - 3. Performance, Payment, and other Bonds.
 - 4. General Conditions.
 - 5. Supplementary Conditions.
 - 6. Specifications consisting of divisions and sections as listed in table of contents of Project Manual.
 - 7. Drawings consisting of a cover sheet and sheets as listed in the table of contents thereof, with each sheet bearing the following general title: **LEVERETT AVENUE SIDEWALK IMPROVEMENTS: HAZEL ST. TO SYCAMORE ST.**
 - 8. Addenda numbers ____ inclusive.
 - 9. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto: All Written Amendments and other documents amending, modifying, or supplementing the Contract Documents pursuant to the GENERAL CONDITIONS.

ARTICLE 8 - MISCELLANEOUS

8.01 TERMS:

- A. Terms used in this Agreement which are defined in the GENERAL CONDITIONS shall have the meanings stated in the GENERAL CONDITIONS.

DOCUMENT 00500 – AGREEMENT (continued)

8.02 ASSIGNMENT OF CONTRACT:

- A. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by Law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

8.03 SUCCESSORS AND ASSIGNS:

- A. The City of Fayetteville and Contractor each binds himself, his partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

8.04 SEVERABILITY:

- A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon The City of Fayetteville and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

8.05 FREEDOM OF INFORMATION ACT:

- A. City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

8.06 LIENS:

- A. **No liens against this construction project are allowed.** Arkansas law (A.C.A. §§18-44-501 through 508) prohibits the filing of any mechanics' of materialmen's liens in relation to this public construction project. Arkansas law requires and the contractor promises to provide and file with the Circuit Clerk of Washington County a bond in a sum equal to the amount of this contract. Any subcontractor or materials supplier may bring an action for non-payment or labor or material on the bond. The contractor promises to notify every subcontractor and materials supplier for this project of this paragraph and obtain their written acknowledgement of such notice prior to commencement of the work of the subcontractor or materials supplier.

DOCUMENT 00500 – AGREEMENT (continued)

IN WITNESS WHEREOF, The City of Fayetteville and Contractor have signed this Agreement in quadruplicate. One counterpart each has been delivered to Contractor. Three counterparts each has been retained by The City of Fayetteville. All portions of the Contract Documents have been signed, initialed, or identified by The City of Fayetteville and Contractor.

This Agreement will be effective on _____, 20__, which is the Effective Date of the Agreement.

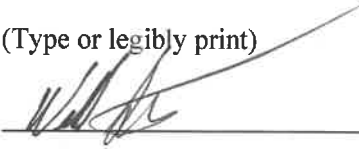
CONTRACTOR:

CITY OF FAYETTEVILLE

By: **WILLIAM G. SWEETSER**

By: Lioneld Jordan

(Type or legibly print)



(Signature)

(Signature)

PRESIDENT

Title: _____

Title: Mayor

Contractor shall attach evidence of authority to sign.

If Contractor is a corporation, corporate entity or LLC, Contractor shall attach Corporate Resolution authorizing Contractor's signature and execution of Agreement.

Further if Contractor is a corporation, corporate entity or LLC, Contractor shall also attach a copy of the Contractor's Articles of Incorporation and a copy from the Arkansas State Secretary of State to document that the corporation, corporate entity or LLC is in current "Good Standing" with the State of Arkansas and such entity is permitted to perform work in the State of Arkansas.

(SEAL)

(SEAL)

Attest Charles W. Miller

Attest _____

DOCUMENT 00500 – AGREEMENT (continued)

Address for giving notices

Address for giving notices

SWEETSER CONSTRUCTION, INC.
590 W. POPLAR
FAYETTEVILLE, AR 72703

113 W. Mountain St.
Fayetteville, AR 72701

ARKANSAS CONTRACTORS LICENSE #

License No. 0027470423

Agent for Service of process

(Type or legibly print)

Contractor shall attach evidence of authority of Agent for Service process to sign. If Contractor is a corporation, corporate entity or LLC, Contractor shall attach Corporate Resolution authorizing Agent for Service process authority to sign.

(If Contractor is a corporation, corporate entity or LLC, attach evidence of authority to sign.)

END OF DOCUMENT 00500



Bid 23-16 Addendum 1

Sweetser Construction, Inc.

Sweetser Construction, Inc.

Supplier Response

Event Information

Number: Bid 23-16 Addendum 1
Title: Construction - Leverett Sidewalk Improvements
Type: Invitation to Bid
Issue Date: 2/26/2023
Deadline: 3/28/2023 02:00 PM (CT)
Notes:

The City of Fayetteville is accepting sealed bids from properly licensed firms for the construction of approximately 1,680 linear feet of 8 ft. sidewalk along Leverett Avenue from Hazel St. to Sycamore St. In addition to sidewalk improvements, the project will include minor drainage improvements that consist of drop inlets and curb and gutter construction. Miscellaneous items include fence removal and relocation, driveway construction, water meter & fire hydrant relocation, and pavement restoration. Questions regarding this bid should be addressed to Amanda Beilfuss, Sr. Purchasing Agent at abeilfuss@fayetteville-ar.gov or by calling (479) 575-8220.

Contact Information

Contact: Amanda Beilfuss Sr. Purchasing Agent
Address: Purchasing
Room 306
City Hall
113 West Mountain Street - Room 306
Fayetteville, AR 72701
Email: abeilfuss@fayetteville-ar.gov

Sweetser Construction, Inc. Information

Contact: Charlie Miller
Address: 590 West Poplar
Fayetteville, AR 72753
Phone: (479) 443-3026
Fax: (479) 442-0119
Email: charlie@sweetserconstruction.com

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

Charles W. Miller
Signature

charlie@sweetserconstruction.com
Email

Submitted at 3/28/2023 10:33:53 AM (CT)

Requested Attachments

Bid 23-16, Required Signature Forms

SSweetser C23032810450.pdf

Please attach your completed forms. These documents can be found in the Project Manual or as a convenience file in the 'Attachments' tab titled File #00.

Bid 23-16, Bid Bond

SSweetser C23032810451.pdf

Please attach a signed and completed copy of your bid bond. Bid bonds in the form of a cashier's check shall be delivered to City Hall, Purchasing Division before bid deadline and have a copy of the cashier's check uploaded with submittal.

Bid Attributes

1 Arkansas Secretary of State Filing Number:

No response

2 Arkansas Contractor License Number:

No response

3 Check Yes or No:

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.

☐ Yes (Yes)

☒ No (No)

Bid Lines

1 Package Header

Line Item Pricing

Quantity: 1 UOM: EA

Total: \$682,776.00

Package Items

1.1 Mobilization (Shall not exceed 5% of Total Bid)

Quantity: 1 UOM: LS Price: Total:

1.2 Insurance and Bonding

Quantity: 1 UOM: LS Price: Total:

1.3 Roadway Construction Control

Quantity: 1 UOM: LS Price: Total:

1.4 Trench and Excavation Safety Systems

Quantity: 1 UOM: LS Price: Total:

1.5 Clearing, Grubbing, & Demolition

Quantity: 1 UOM: LS Price: Total:

1.6 Undercut and Backfill (Allowance)

Quantity: 50 UOM: CY Price: Total:

1.7 Unclassified Excavation (Allowance)

Quantity: 50 UOM: CY Price: Total:

1.8 Select Embankment (Allowance)

Quantity: 50 UOM: CY Price: Total:

1.9 Subgrade Preparation (Plan Quantity)

Quantity: 681 UOM: SY Price: Total:

1.10 4" Topsoil Placement

Quantity: 1900 UOM: SY Price: Total:

1.11 18" Reinforced Concrete Pipe Class III

Quantity: 15 UOM: LF Price: Total:

1.12 15" Reinforced Concrete Pipe Class III (Under Pavement) (Allowance)

Quantity: 15 UOM: LF Price: Total:

1.13 12" Corrugated Metal Pipe (Aluminized Steel) (Under Pavement) (Allowance)

Quantity: 20 UOM: LF Price: Total:

1.14 (3'x3') Drop Inlets (Type C)

Quantity: 1 UOM: EA Price: Total:

1.15 (4'x4') Drop Inlets (Type C)

Quantity: 4 UOM: EA Price: Total:

1.16 (5' x4') Grated Inlets (Type C)

Quantity: 1 UOM: EA Price: Total:

1.17 (4') Drop Inlet Extension

Quantity: 4 UOM: EA Price: Total:

1.18 Asphalt Concrete Patching for Maintenance of Traffic

Quantity: 5 UOM: TON Price: Total:

1.19 Overcut Pavement Restoration (ABC Class 7 & Colored Concrete)

Quantity: 1900 UOM: LF Price: Total:

1.20 Colored Concrete T-Patch (Allowance)

Quantity: 25 UOM: SY Price: Total:

1.21 18" Concrete Curb and Gutter (Type A) w/ 6" Class 7 Base

Quantity: 1650 UOM: LF Price: Total:

1.22 Concrete Curb (6")

Quantity: 20 UOM: LF Price: Total:

1.23 4" Thick Concrete Sidewalk w/Class 7 Base

Quantity: 1225 UOM: SY Price: Total:

1.24 6" Thick Concrete Sidewalk w/Class 7 Base

Quantity: 850 UOM: SY Price: Total:

1.25 Solid Sod (Bermuda)

Quantity: 1900 UOM: SY Price: Total:

1.26 Remove and Reinstall Street/Bus Stop/P-Lot Signs w/New Supports

Quantity: 6 UOM: EA Price: Total:

1.27 Remove and Reinstall Apartment Sign (Sugartree Apartments & Townhomes)

Quantity: 1 UOM: LS Price: Total:

1.28 Erosion Control

Quantity: 1 UOM: LS Price: Total:

1.29 Traffic Control and Maintenance

Quantity: 1 UOM: LS Price: Total:

1.30 Remove & Reinstall Chain Link Fence

Quantity: 10 UOM: LF Price: Total:

1.31 Remove & Reinstall Wood Privacy Fence

Quantity: 25 UOM: LF Price: Total:

1.32 Remove & Reinstall Decorative Metal Fence

Quantity: 320 UOM: LF Price: Total:

1.33 Cast-in-Place Detectable Warning Panel

Quantity: 100 UOM: SF Price: Total:

1.34 Handicap Access Ramp

Quantity: 25 UOM: SY Price: Total:

1.35 Single Meter Setting

Quantity: 1 UOM: EA Price: Total:

1.36 Double Meter Setting

Quantity: 1 UOM: EA Price: Total:

1.37 Residential Pressure Reducing Valve with Box

Quantity: 1 UOM: LS Price: Total:

1.38 Fire Hydrant Assembly

Quantity: 1 UOM: EA Price: Total:

1.39 Adjust Water Valve Box to Grade

Quantity: 1 UOM: EA Price: Total:

1.40 Adjust Sewer Cleanout to Grade & Install Bronze Cap

Quantity: 1 UOM: EA Price: Total:

1.41 Adjust Water Meter Can to Grade

Quantity: 8 UOM: EA Price: Total:

1.42 Remove and Reinstall Bus Shelter

Quantity: 2 UOM: EA Price: Total:

1.43 RCP Concrete Collar (Allowance)

Quantity: 5 UOM: EA Price: Total:

1.44 6" to 4" Roof Drain Extension through Curb

Quantity: 1 UOM: LS Price: Total:

1.45 4" Yellow Painted Pavement Marking

Quantity: 600 UOM: LF Price: Total:

Response Total: \$682,776.00

BID BOND**TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA**

Hartford, Connecticut 06183

KNOWN ALL BY THESE PRESENTS, That we, Sweetser Construction Inc., as Principal, and Travelers Casualty and Surety Company of America, as Surety, are held and firmly bound unto City of Fayetteville, AR, as Obligee, in the sum of 5% of Bid Dollars (\$5%) for the payment of which we bind ourselves, and our successors and assigns, jointly and severally, as provided herein.

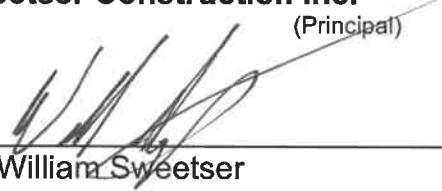
WHEREAS, Principal has submitted or is about to submit a bid to the Obligee on a contract for furnishing all labor and materials for Bid 23-16, Construction-Leverett Sidewalk Improvements, Fayetteville, AR ("Project").

NOW, THEREFORE, the condition of this bond is that if Obligee accepts Principal's bid, and Principal enters into a contract with Obligee in conformance with the terms of the bid and provides such bond or bonds as may be specified in the bidding or contract documents, then this obligation shall be void; otherwise Principal and Surety will pay to Obligee the difference between the amount of Principal's bid and the amount for which Obligee shall in good faith contract with another person or entity to perform the work covered by Principal's bid, but in no event shall Surety's and Principal's liability exceed the penal sum of this bond.

Signed this 28th day of March, 2023.

Sweetser Construction Inc.

(Principal)

By: 

William Sweetser

Travelers Casualty and Surety Company of America

By: 

David Chilson, Attorney-in-Fact



**Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company**

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **David Chilson** of **FAYETTEVILLE**, **Arkansas**, their true and lawful Attorney(s)-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this **21st** day of **April**, **2021**.



State of Connecticut

City of Hartford ss.

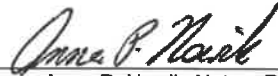
By: 
Robert L. Raney, Senior Vice President

On this the **21st** day of **April**, **2021**, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of each of the Companies, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of said Companies by himself as a duly authorized officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires the **30th** day of **June**, **2026**




Anna P. Nowik, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of each of the Companies, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

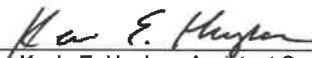
FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of each of the Companies, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this **28th** day of **March**, **2023**.




Kevin E. Hughes, Assistant Secretary

**To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.
Please refer to the above-named Attorney(s)-in-Fact and the details of the bond to which this Power of Attorney is attached.**



Project Check List

This checklist is for the Bidder's use in preparing & submitting a bid. It is not intended to include all details necessary to prepare a bid and shall not be used as a substitute for the requirements of the bid documents. Information is shown below only as a matter of convenience. Use of this checklist does not relieve the Bidder from the responsibility of meeting all requirements of the Specifications concerning the preparation of an acceptable bid. Bidders are welcome to use this form as a coversheet for a sealed envelope; however, using this form itself is NOT a requirement.



5% Bid Bond of the amount bid accompanied by required documentation (Power of Attorney, etc.)

- In lieu of a bid bond, the bidder may submit a cashier's check from a bank located in the State of Arkansas for at least five percent (5%) of the amount bid (inclusive of any deductive alternates). Cashier's checks shall be made payable to the City of Fayetteville, AR and received prior to the bid deadline by making an in-person delivery appointment with the City Purchasing Division.
- Upload 5% bid bond to the City's electronic bidding platform (preferred) OR attach bid bond with physical submittal and setting up an in-person delivery appointment with the City Purchasing Division.



All addenda shall be signed, acknowledged, and submitted on the appropriate forms (submitting the actual addendums or marking acknowledgement on other bid pages).



All line items shall be appropriately filled out and extended to reveal the line item price as well as the total bid price. Total base bid should be calculated in the provided space.



All pages provided with signature lines shall be appropriately signed, dated accordingly, and included with submitted bid documents



All bids shall be received before the stated deadline utilizing the City's electronic bidding platform or submitting a physical sealed bid to the City Purchasing Division. Submitting a bid electronically is strongly encouraged. A public bid opening will be conducted shortly after the deadline at City Hall and livestreamed at <https://www.youtube.com/user/cityoffayettevillear>. Late or misdirected bids shall not be accepted. The City of Fayetteville shall not be responsible for lost or misdirected bids, or failure of bidder's technical equipment. If submitting a physical bid, all bid documents shall be delivered in a sealed envelope to the address stated in the advertisement or updated deadline issued via Addenda. All bids should be delivered with the name of the bidder (contractor) on the sealed envelope as well as the bidders Arkansas Contractor's License Number.

City of Fayetteville, AR
Purchasing Division – Suite 306
113 W. Mountain
Fayetteville, AR 72701



Additional Information Required:

- List of Subcontractors: Submit form on Ion Wave or attach if submitting a physical bid.
- AR Secretary of State Filing #: 100049983 OR submit electronically.
- Arkansas Contractor License #: 0024470423 OR submit electronically.
- 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.

○ Submit electronically OR circle applicable answer: YES or NO

DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT

Contract Name: LEVERETT AVENUE SIDEWALK IMPROVEMENTS
HAZEL ST. TO SYCAMORE ST.

Bid #: 23-16, Construction

Date: 3/28/23

SUBMITTED TO:

The City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, Arkansas 72701

SUBMITTED BY:

Company Sweetser Construction, Inc.

Name _____

Address 590 W. Poplar Fayetteville AR

Principal Office 590 W. Poplar Fayetteville, AR

Corporation, partnership, individual, joint
venture, other _____

Arkansas State General Contractor's License Number

0027470423

(Type or legibly print)

EXPERIENCE STATEMENT

1. Bidder has been engaged as a General Contractor in construction for 60 years and has performed work of the nature and magnitude of this Contract for 60 years. Bidder has been in business under its present name for 60 years.
2. Bidder now has the following bonded projects under contract: (On a separate sheet, list project name, owner, name of owner contact, engineer / architect, name of engineer/architect contact, amount of contract, surety, and estimated completion date.)
3. Bidder has completed the following (list minimum of 3) contracts consisting of work similar to that proposed by this Contract: (On a separate sheet, list project name, owner, name of owner contact, engineer / architect, name of engineer/architect contact, amount of contract, surety, and date of completion and percentage of the cost of the Work performed with Bidder's own forces.)
4. Has Bidder ever failed to complete any project? If so, state when, where, and why.

DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT (continued)

5. Bidder normally performs the following work with his own forces:

6. Construction experience of key individuals in the organization is as follows (continued on attached sheets if needed):

Please see
Attached

7. In the event the Contract is awarded to Bidder, the required surety Bonds will be furnished by the following surety company and name and address of agent:

Eason Ins. Dave Chilson
(Travelers)
7 E. Colt Square Drive
Fayetteville, AR 72703

8. Bidder's Workmen's Compensation Experience Modifier Factor is: _____.

FINANCIAL STATEMENT

- B. If requested by the City of Fayetteville during the evaluation of bids the bidder shall provide to the City of Fayetteville the following additional information:

Bidder possesses adequate financial resources as indicated by the following:

1. Assets and Liabilities: Attach a financial statement, audited if available, including Bidder's latest balance sheet and income statements showing the following items:
 - a. Current assets (cash, joint venture accounts, accounts receivable, notes receivable, accrued income, deposits, materials inventory, and prepaid expenses).
 - b. Net fixed assets.
 - c. Other assets.

STATEMENT OF BIDDER'S QUALIFICATION

(DEC 2021)

PG 1

WILLIAM G. SWEETSER 38 YEARS

CHARLES MILLER 33 YEARS

KENDALL WILSON 28 YEARS

STATEMENT OF BIDDER'S QUALIFICATION

(DEC 2021)

PG 1

CONTRACTS ON HAND

NAME	ENGINEER	CONTRACT	ANTICIPATED COMPLETION
DRP HOLDINGS STEAMBOAT		5,404,657.05	JUNE 2022.

STATEMENT OF BIDDER'S QUALIFICATION**(DEC 2021)****PG 1****SIMILAR CONSTRUCTION**

NAME	ENGINEER	AMOUNT	COMPLETE
AHTD HWY 112 / GARLAND		3,444,037.13	NOV 2014.
EMERY SAPP FLYOVER		274,925.00	OCT 2014.
NWA REGIONAL PLANNING COMM. SILENT GROVE TRAIL		1,797,306.56	OCT 2014.
CITY OF TONTITOWN BRUSH CREEK BRIDGE		670,718.00	DEC 2014.
AHTD ARMSTRONG-STUBBLEFIELD		6,212,756.93	DEC 2015.
AHTD RAZORBACK ROAD		2,234,929.90	JUNE 2016.
CITY OF FARMINGTON RHEAS MILL RD		83,505.00	MAR 2015.
RAUSCH COLEMAN COVES PHASE II		973,750.95	OCT 2015.
CITY OF SPRINGDALE RZ TRAIL ADDITION		64,362.50	JUNE 2015.
RAUSCH COLEMAN COVES PHASE II		1,086,700.95	MAY 2016.
RAUSCH COLEMAN HOLLAND CROSSING		782,347.50	JULY 2016.
COMMERCE CONSTRUCTION ADVENTURE SUBARU		1097000.00	JULY 2016.

(CONTINUED PAGE 2)

SIMILAR CONSTRUCTION**(DEC 2020)
PG 2**

NAME	ENGINEER	AMOUNT	COMPLETE
CITY OF FAYETTEVILLE RUPPLE ROAD PAHSE I		7166369.20	JUNE 2017.
COMMERCE CONSTRUCTION HARPS LINCOLN		789949.40	JUNE 2017.
MEL COLLIER RACETRACK		400000.00	SEPT 2017.
CITY OF FAYETTEVILLE RUPPLE ROAD PHASE II		3,072,441.40	MAR 2018.
TIM GRAHAM FOX TRAIL DISTILLERY		522,152.50	JUNE 2018.
BALDWIN-SHELL THEATRE SQUARED		631,939.00	JUNE 2018.
RAUSCH COLEMAN PARK MEADOWS		1,489,822.40	DEC 2018.
MULTI CRAFT CONTRACTORS DRAINAFE - RANDALL WOBBER		239,563.50	JUNE 2018.
BARRETT DEVELOPMENT COTTAGES AT HOLLYWOOD		3,977,097.90	DEC 2019.
CITY OF FAYETTEVILLE OLD WIRE ROAD		3,891,372.55	JUNE 2019.
INTEGRITY CONSTRUCTION FARMINGTON VILLAGE		272,294.00	MAR 2019.
COMMERCE CONSTRUCTION FELLOWSHIP		417,822.50	JUNE 2019.
COMMERCE CONSTRUCTION ADVENTURE SUBARU (CONTINUED PAGE 3)		79,960.00	MAR 2019.

SIMILAR CONSTRUCTION**(DEC 2020)**

PG 3

<u>NAME</u>	<u>ENGINEER</u>	<u>AMOUNT</u>	<u>COMPLETE</u>
Z NEIDERMAN CURTIS AVE		34755.00	MAR 2020.
CITY OF SPRINGDALE MAPLE ST		1,893,202.35	DEC 2020.
CITY OF FARMINGTON ASH STREET		57337.00	SEP 2020.
CITY OF FAYETTEVILLE STEAMBOAT		340,925.00	JUNE 2021.
CITY OF FAYETTEVILLE GULLEY PARK		439,182.60	JUNE 2021.

7 1 1

8 1 1

DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT (continued)

- d. Current liabilities (accounts payable, notes payable, accrued expenses, provision for income taxes, advances, accrued salaries, and accrued payroll taxes).
- e. Other liabilities (capital, capital stock, authorized and outstanding shares par values, earned surplus, and retained earnings).
- f. Name of firm preparing financial statement and date thereof:

If financial statement is not for identical organization named herein, explain relationship and financial responsibility of the organization furnished.

2. Current Judgments: The following judgements are outstanding against Bidder:

	<u>Judgment Creditors</u>	<u>Where Docketed and Date</u>	<u>Amount</u>
a.	_____	<u>N/A</u>	\$ _____
b.	_____	<u>N/A</u>	\$ _____

Bidder hereby represents and warrants that all statements set forth herein are true and correct.

Date: 3/28, 2023.

(OFFICIAL SEAL)

Name of Organization:

SWEETSER CONSTRUCTION, INC

By **WILLIAM G. SWEETSER**

(Type or legibly print)

By

(Signature)

PRESIDENT

Title

(Type or legibly print)

(If Bidder is a partnership, the partnership name shall be signed, followed by the signature of at least one of the partners. If Bidder is a corporation, the corporate name shall be signed, followed by the signature of a duly-authorized officer and with the corporate seal affixed.)

DOCUMENT 00400 – BID FORM

Contract Name: LEVERETT AVENUE SIDEWALK IMPROVEMENTS: HAZEL ST. TO SYCAMORE ST.

Bid Number: 23-16

BID TO:

Owner: The City of Fayetteville, Arkansas
113 West Mountain Street
Fayetteville, Arkansas 72701

BID FROM:

Bidder:

SWEETSER CONSTRUCTION, INC.
590 W. POPLAR
FAYETTEVILLE, AR 72703

ARTICLE 1 - INTENT

- 1.01 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with Owner in the form included in the Contract Documents to perform and furnish all Work as specified or indicated in the Contract Documents for the Bid price and within the Bid time indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents.

ARTICLE 2 - TERMS AND CONDITIONS

- 2.01 Bidder accepts all of the terms and conditions of the Invitation to Bid and Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 90 days after the day of Bid opening. Bidder will sign and deliver the required number of counterparts of the Agreement with the Bonds and other documents required by the Bidding Requirements within 15 days after the date of Owner's Notice of Award.

ARTICLE 3 - BIDDER'S REPRESENTATIONS

- 3.01 In submitting this Bid, Bidder represents, as more fully set forth in the Agreement, that:
- A. Bidder has examined and carefully studied the Bid Documents, and the following Addenda, receipt of all which is hereby acknowledged:

<u>Number</u>	<u>Date</u>
#1	3/9/23

DOCUMENT 00400 – BID FORM (continued)

Email: _____
Phone No. _____
Fax No. _____

ARTICLE 8 - TERMINOLOGY

- 8.01 The terms used in this Bid which are defined in the GENERAL CONDITIONS or Instructions to Bidders will have the meanings assigned to them.

Arkansas State Contractor License No. _____.

If Bidder is:

An Individual

Name (type or printed): _____

By: _____ (SEAL)
(Individual's Signature)

Doing business as: _____

Business address: _____

Phone No. _____ Fax No. _____

Email address: _____

A Partnership

Partnership Name: _____ (SEAL)

By: _____
(Signature of general partner - attach evidence of authority to sign)

Name (type or printed): _____

Business address: _____

Phone No. _____ Fax No. _____

Email address: _____

DOCUMENT 00400 - BID FORM (continued)

A Corporation or LLC

Corporation Name: SWEETSER CONSTRUCTION, INC (SEAL)

State of Incorporation: ARKANSAS

Type (General Business, Professional, Service, Limited Liability): General Business

By: [Signature] **WILLIAM G. SWEETSER**
(Signature of general partner - attach evidence of authority to sign)

Name (type or printed): WILLIAM G. SWEETSER

Title: PRESIDENT

Attest: [Signature] (CORPORATE SEAL)
(Signature of Corporate Secretary)

Phone No. 479-443-3026 Fax No. 479-442-0119

Email address: charlie@sweetserconstruction.com

Tax ID Number (TIN): 71,0399789

UEI# _____

Cage Code: _____

DOCUMENT 00430 – LIST OF SUBCONTRACTORS

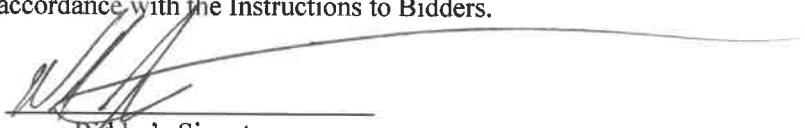
In compliance with the Instructions to Bidders and other Contract Documents, the undersigned submits the following names of Subcontractors to be used in performing the Work for:

LEVERETT AVEVUE SIDEWALK IMPROVEMENTS
HAZEL ST. TO SYCAMORE ST.

Bidder certifies that all Subcontractors listed are eligible to perform the Work.

<u>Subcontractor's Work</u>	<u>Subcontractor's Name and Address</u>	<u>Expected Percentage or Value</u>
Clearing/Demolition		
SWPPP/Erosion Control		
Asphalt		
Concrete		
Landscaping		
Material Testing		
Other (designate)		

NOTE: This form must be submitted in accordance with the Instructions to Bidders.


Bidder's Signature



BID TABULATION
Bid 23-16, Construction - Leverett Sidewalk Improvements

DEADLINE: Tuesday, March 28, 2023 at 2:00 PM
Certification of Funds: \$750,000.00 (\$937,500.00 total allowed)

				Sweetser Construction, Inc.		Milestone Construction Company, LLC		Benchmark Construction Company (Benchmark Construction Company of NWA, Inc.)	
Total				\$682,776.00		\$738,833.51		\$1,160,796.59	
Line #	Description	QTY	UOM	Unit	Extended	Unit	Extended	Unit	Extended
1	Mobilization (Shall not exceed 5% of Total Bid)	1	LS	\$26,222.00	\$26,222.00	\$9,390.00	\$9,390.00	\$51,226.00	\$51,226.00
2	Insurance and Bonding	1	LS	\$12,854.00	\$12,854.00	\$26,936.00	\$26,936.00	\$19,549.37	\$19,549.37
3	Roadway Construction Control	1	LS	\$9,000.00	\$9,000.00	\$27,440.00	\$27,440.00	\$13,520.00	\$13,520.00
4	Trench and Excavation Safety Systems	1	LS	\$2,500.00	\$2,500.00	\$8,728.00	\$8,728.00	\$500.00	\$500.00
5	Clearing, Grubbing, & Demolition	1	LS	\$80,500.00	\$80,500.00	\$131,721.00	\$131,721.00	\$289,780.00	\$289,780.00
6	Undercut and Backfill (Allowance)	50	CY	\$54.00	\$2,700.00	\$45.20	\$2,260.00	\$67.20	\$3,360.00
7	Unclassified Excavation (Allowance)	50	CY	\$28.00	\$1,400.00	\$29.87	\$1,493.50	\$45.80	\$2,290.00
8	Select Embankment (Allowance)	50	CY	\$28.00	\$1,400.00	\$24.89	\$1,244.50	\$62.20	\$3,110.00
9	Subgrade Preparation (Plan Quantity)	681	SY	\$12.00	\$8,172.00	\$4.45	\$3,030.45	\$5.42	\$3,691.02
10	4" Topsoil Placement	1900	SY	\$10.00	\$19,000.00	\$6.36	\$12,084.00	\$6.29	\$11,951.00
11	18" Reinforced Concrete Pipe Class III	15	LF	\$110.00	\$1,650.00	\$83.84	\$1,257.60	\$186.67	\$2,800.05
12	15" Reinforced Concrete Pipe Class III (Under Pavement) (Allowance)	15	LF	\$100.00	\$1,500.00	\$100.87	\$1,513.05	\$234.67	\$3,520.05
13	12" Corrugated Metal Pipe (Aluminized Steel) (Under Pavement) (Allowance)	20	LF	\$100.00	\$2,000.00	\$42.45	\$849.00	\$211.00	\$4,220.00
14	(3'x3') Drop Inlets (Type C)	1	EA	\$4,500.00	\$4,500.00	\$6,109.51	\$6,109.51	\$6,840.00	\$6,840.00
15	(4'x4') Drop Inlets (Type C)	4	EA	\$5,000.00	\$20,000.00	\$6,517.25	\$26,069.00	\$7,777.50	\$31,110.00
16	(5' x4') Grated Inlets (Type C)	1	EA	\$6,500.00	\$6,500.00	\$7,331.48	\$7,331.48	\$12,220.00	\$12,220.00
17	(4') Drop Inlet Extension	4	EA	\$2,000.00	\$8,000.00	\$8,553.32	\$34,213.28	\$1,487.50	\$5,950.00
18	Asphalt Concrete Patching for Maintenance of Traffic	5	TON	\$150.00	\$750.00	\$786.00	\$3,930.00	\$364.00	\$1,820.00
19	Overcut Pavement Restoration (ABC Class 7 & Colored Concrete)	1900	LF	\$40.00	\$76,000.00	\$28.82	\$54,758.00	\$31.06	\$59,014.00
20	Colored Concrete T-Patch (Allowance)	25	SY	\$150.00	\$3,750.00	\$233.18	\$5,829.50	\$228.00	\$5,700.00
21	18" Concrete Curb and Gutter (Type A) w/ 6" Class 7 Base	1650	LF	\$32.00	\$52,800.00	\$40.78	\$67,287.00	\$81.34	\$134,211.00
22	Concrete Curb (6")	20	LF	\$28.00	\$560.00	\$64.00	\$1,280.00	\$194.20	\$3,884.00
23	4" Thick Concrete Sidewalk w/Class 7 Base	1225	SY	\$56.00	\$68,600.00	\$80.98	\$99,200.50	\$125.89	\$154,215.25
24	6" Thick Concrete Sidewalk w/Class 7 Base	850	SY	\$62.00	\$52,700.00	\$84.33	\$71,680.50	\$144.98	\$123,233.00
25	Solid Sod (Bermuda)	1900	SY	\$12.00	\$22,800.00	\$4.59	\$8,721.00	\$4.34	\$8,246.00
26	Remove and Reinstall Street/Bus Stop/P-Lot Signs w/New Supports	6	EA	\$755.50	\$4,533.00	\$480.33	\$2,881.98	\$321.16	\$1,926.96
27	Remove and Reinstall Apartment Sign (Sugartree Apartments & Townhomes)	1	LS	\$1,000.00	\$1,000.00	\$655.00	\$655.00	\$642.32	\$642.32
28	Erosion Control	1	LS	\$3,500.00	\$3,500.00	\$18,798.50	\$18,798.50	\$41,745.34	\$41,745.34
29	Traffic Control and Maintenance	1	LS	\$97,800.00	\$97,800.00	\$40,043.56	\$40,043.56	\$63,789.32	\$63,789.32
30	Remove & Reinstall Chain Link Fence	10	LF	\$60.00	\$600.00	\$65.50	\$655.00	\$59.64	\$596.40
31	Remove & Reinstall Wood Privacy Fence	25	LF	\$72.00	\$1,800.00	\$62.88	\$1,572.00	\$64.23	\$1,605.75
32	Remove & Reinstall Decorative Metal Fence	320	LF	\$144.00	\$46,080.00	\$16.38	\$5,241.60	\$78.96	\$25,267.20
33	Cast-in-Place Detectable Warning Panel	100	SF	\$40.00	\$4,000.00	\$28.82	\$2,882.00	\$66.81	\$6,681.00
34	Handicap Access Ramp	25	SY	\$75.00	\$1,875.00	\$307.85	\$7,696.25	\$300.08	\$7,502.00
35	Single Meter Setting	1	EA	\$4,250.00	\$4,250.00	\$1,310.00	\$1,310.00	\$2,852.00	\$2,852.00
36	Double Meter Setting	1	EA	\$6,170.00	\$6,170.00	\$2,620.00	\$2,620.00	\$3,224.00	\$3,224.00
37	Residential Pressure Reducing Valve with Box	1	LS	\$1,500.00	\$1,500.00	\$786.00	\$786.00	\$2,827.20	\$2,827.20
38	Fire Hydrant Assembly	1	EA	\$13,000.00	\$13,000.00	\$19,650.00	\$19,650.00	\$20,373.20	\$20,373.20
39	Adjust Water Valve Box to Grade	1	EA	\$400.00	\$400.00	\$360.25	\$360.25	\$1,190.40	\$1,190.40
40	Adjust Sewer Cleanout to Grade & Install Bronze Cap	1	EA	\$600.00	\$600.00	\$262.00	\$262.00	\$917.60	\$917.60
41	Adjust Water Meter Can to Grade	8	EA	\$200.00	\$1,600.00	\$655.00	\$5,240.00	\$930.00	\$7,440.00
42	Remove and Reinstall Bus Shelter	2	EA	\$1,400.00	\$2,800.00	\$3,144.00	\$6,288.00	\$1,636.80	\$3,273.60
43	RCP Concrete Collar (Allowance)	5	EA	\$600.00	\$3,000.00	\$1,113.50	\$5,567.50	\$963.48	\$4,817.40
44	6" to 4" Roof Drain Extension through Curb	1	LS	\$250.00	\$250.00	\$917.00	\$917.00	\$1,468.16	\$1,468.16
45	4" Yellow Painted Pavement Marking	600	LF	\$3.60	\$2,160.00	\$1.75	\$1,050.00	\$11.16	\$6,696.00

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

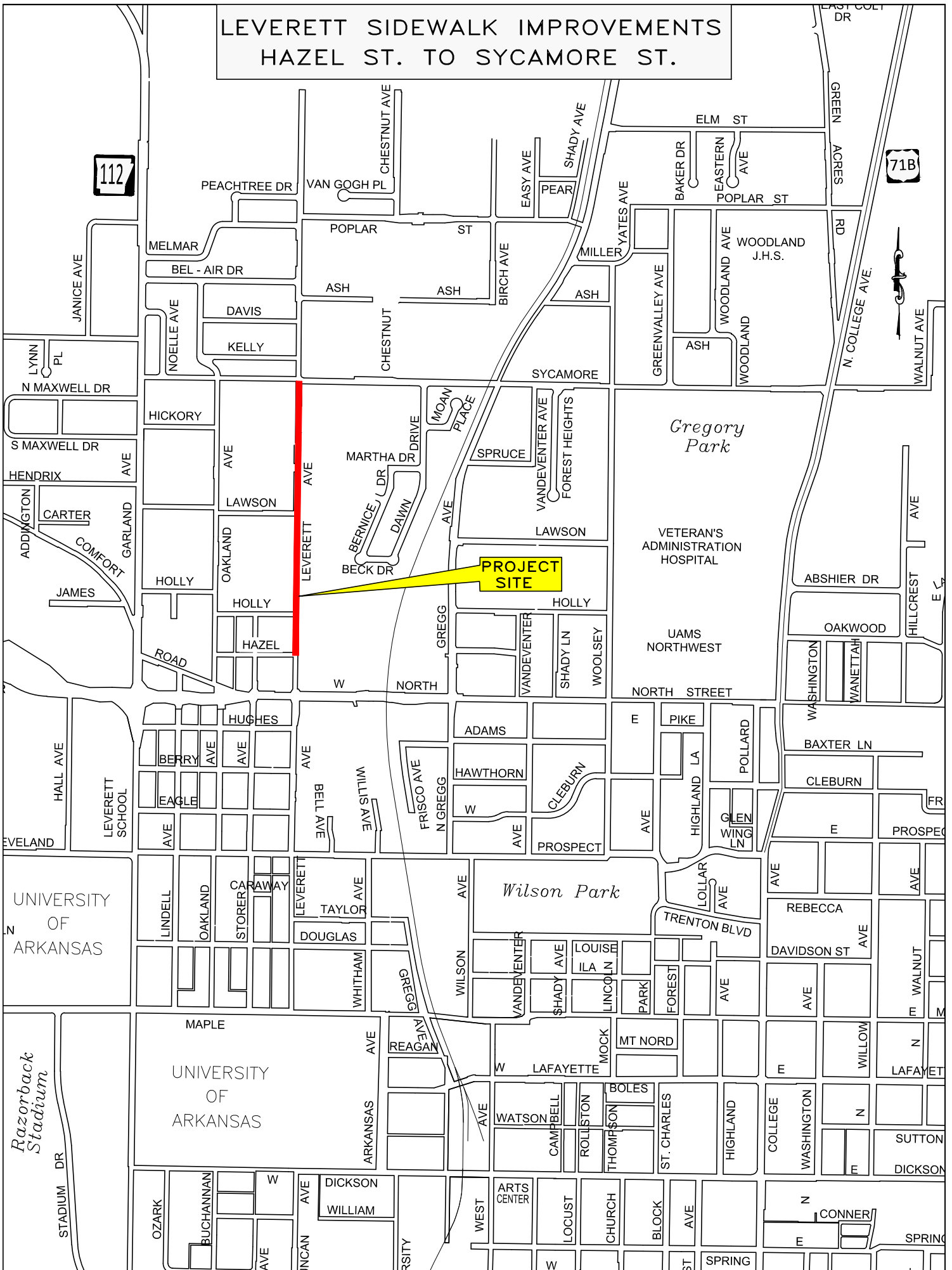
Amanda Beilfuss Digitally signed by Amanda Beilfuss
Date: 2023.03.28 15:15:03 -05'00'

Amanda Beilfuss, Sr. Purchasing Agent

Les McGaugh Digitally signed by Les McGaugh
Date: 2023.03.29 14:44:44 -05'00'

Les McGaugh, Purchasing Director

LEVERETT SIDEWALK IMPROVEMENTS HAZEL ST. TO SYCAMORE ST.





MEETING OF APRIL 25, 2023

TO: Mayor Jordan and City Council

THRU: Chris Brown, Public Works Director
Susan Norton, Chief of Staff

FROM: Matt Casey, Engineering Design Manager

DATE: April 10, 2023

SUBJECT: **Dedication of Right of Way on Highway 16 to ArDOT for Highway 16 (Stone Bridge Road to East Roberts Road) project.**

RECOMMENDATION:

Staff recommends City Council approval of the dedication of approximately 1,061 square feet of right of way to the Arkansas Department of Transportation for use on the Hwy 16 (Stone Bridge Road to East Roberts Road) project and authorize the Mayor to sign all documents related to the dedication of this right of way.

BACKGROUND:

ArDOT is planning a project for the improvements to Hwy 16 (Stone Bridge Road to East Roberts Road). This project is to widen the roadway to 4 and 5 lanes with bike lanes from just east of Stone Bridge Road to Roberts Road.

As part of the Wastewater Treatment Plant project in 2005, the City of Fayetteville purchased a parcel of land at 3504 E. Huntsville Road (Parcel No. 765-14253-000). A portion of this property will be needed by ArDOT for right of way to construct the roadway improvements.

DISCUSSION:

ArDOT is currently in the right of way acquisition phase of the project and has requested the donation of right of way along Huntsville Road as follows:

1. Tract 3, located on the north side of Hwy 16 and consists of approximately 1,061 square feet of right of way (ROW).

Many times, in the past, the City has dedicated ROW to ArDOT for highway widening projects. Therefore, staff recommends that the City dedicate these rights of way at no cost to ArDOT.

BUDGET/STAFF IMPACT:

No impact.

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

ATTACHMENTS: SRF Hwy 16 ROW, Pages from TR 13 Plans, FINAL 040785.13 DONATION DEED



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2023-512

Dedication of Right of Way on Highway 16 to ArDOT for Highway 16 (Stone Bridge Road to East Roberts Road) project.

A RESOLUTION TO AUTHORIZE THE DEDICATION OF APPROXIMATELY 1,061 SQUARE FEET OF RIGHT-OF-WAY TO THE ARKANSAS DEPARTMENT OF TRANSPORTATION FOR THE HIGHWAY 16 PROJECT

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 the dedication of approximately 1,061 feet of right-of-way to the Arkansas Department of Transportation for the Highway 16 Project without any remuneration or monetary consideration and authorizes Mayor Jordan to sign the Contract to Sell Real Estate for Highway Purposes, a copy of which is attached to this Resolution, and any other documents necessary for the dedication.

City of Fayetteville Staff Review Form

2023-512

Item ID

3/21/2023

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

Matt Casey

3/3/2023

ENGINEERING (621)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends City Council approval of the dedication of approximately 1,061 square feet of right of way to the Arkansas Department of Transportation for use on the Hwy 16 (Stone Bridge Road to East Roberts Road) project and authorize the Mayor to sign all documents related to the dedication of this 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:

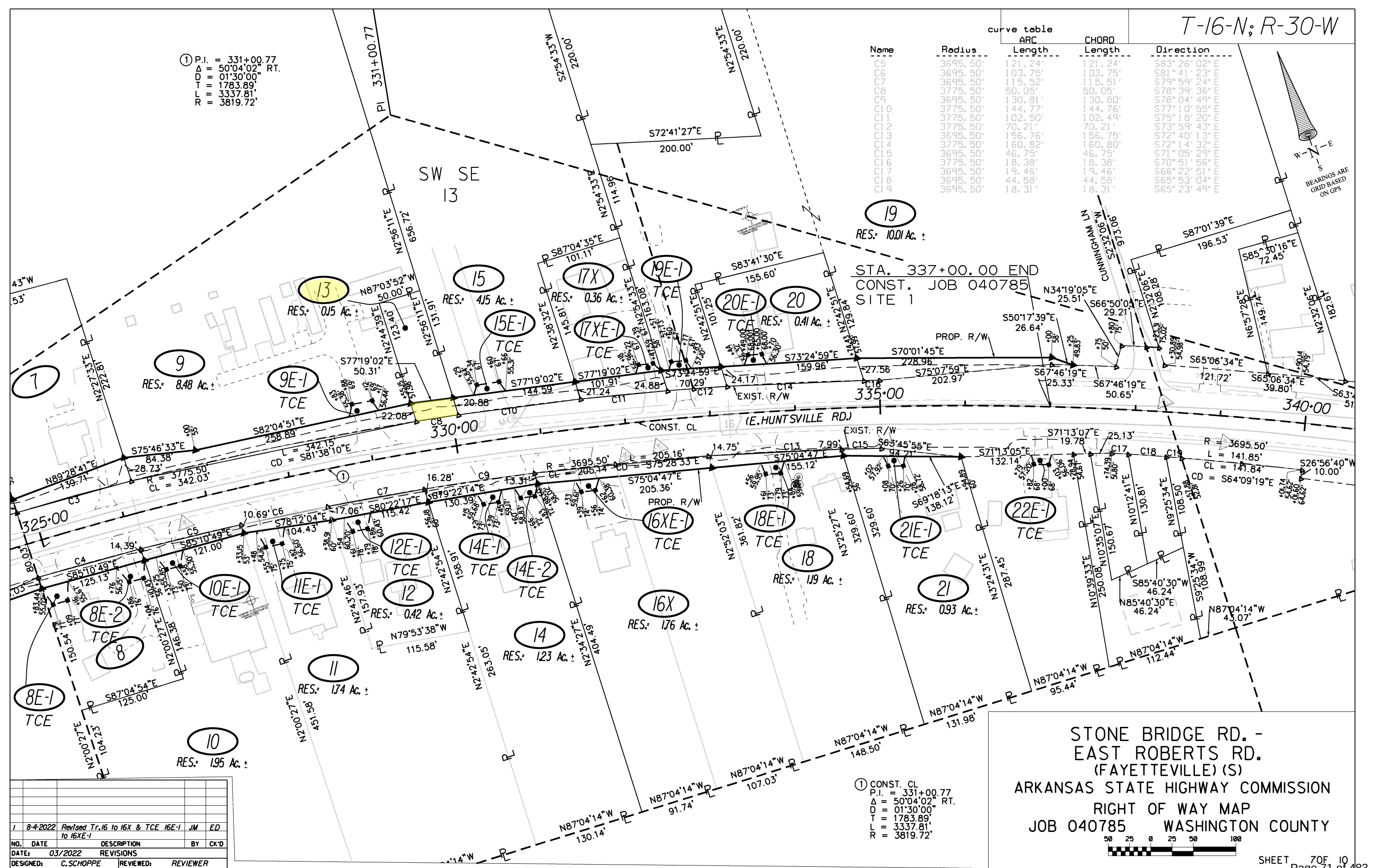
Comments:

① P.I. = 331+00.77
Δ = 50°04'02" RT.
D = 01'30'00"
T = 1783.89'
L = 3337.81'
R = 3819.72'

curve table

Name	Radius	ARC Length	CHORD Length	Direction
C5	3695.50'	121.24'	121.24'	S83°26'02"E
C6	3695.50'	103.75'	103.75'	S81°41'23"E
C7	3695.50'	115.52'	115.51'	S79°59'24"E
C8	3775.50'	50.05'	50.05'	S78°39'36"E
C9	3695.50'	130.81'	130.80'	S78°04'49"E
C10	3775.50'	144.77'	144.76'	S77°10'55"E
C11	3775.50'	102.50'	102.49'	S75°18'20"E
C12	3775.50'	70.21'	70.21'	S73°59'43"E
C13	3695.50'	156.76'	156.75'	S72°40'13"E
C14	3775.50'	160.82'	160.80'	S72°14'32"E
C15	3695.50'	46.75'	46.75'	S71°05'24"E
C16	3775.50'	18.38'	18.38'	S70°51'58"E
C17	3695.50'	19.46'	19.46'	S66°22'51"E
C18	3695.50'	44.58'	44.58'	S65°53'04"E
C19	3695.50'	18.31'	18.31'	S65°23'49"E

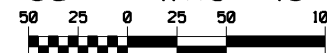
T-16-N; R-30-W



1	8-4-2022	Revised Tr. 16 to 16X & TCE 16E-1 to 16XE-1	JM	ED
NO.	DATE	DESCRIPTION	BY	CK'D
DATE:	03/2022	REVISIONS		
DESIGNED:	C. SCHOPPE	REVIEWED:	REVIEWER	

① CONST. CL
P.I. = 331+00.77
Δ = 50°04'02" RT.
D = 01'30'00"
T = 1783.89'
L = 3337.81'
R = 3819.72'

STONE BRIDGE RD. -
EAST ROBERTS RD.
(FAYETTEVILLE) (S)
ARKANSAS STATE HIGHWAY COMMISSION
RIGHT OF WAY MAP
JOB 040785 WASHINGTON COUNTY



Job No. 040785

Tract No. 13

**WARRANTY DEED
DONATION**

KNOW ALL MEN BY THESE PRESENTS:

That **The City of Fayetteville, Arkansas, by its Mayor, Lioneld Jordan, and its City Clerk Treasurer, Kara Paxton, duly certified and authorized at a meeting of the City Council of the City of Fayetteville which was duly called and held on the ____ day of _____, 2023, for and in consideration of the mutual covenants and benefits inuring to the Grantor and the Arkansas State Highway Commission, Grantee, and to the public, the undersigned for and on behalf of said Grantor does hereby agree, without any remuneration or monetary consideration, to donate to the Arkansas State Highway Commission, Grantee, and unto its successors and assigns, upon the terms and conditions hereinafter set forth, the following lands situated in the County of Washington, State of Arkansas, to-wit:**

Part of the Southwest Quarter of the Southeast Quarter (SW/4 SE/4) of Section 13, Township 16 North, Range 30 West, Washington County, Arkansas, more particularly described as follows:

Commencing at State Monument marking the quarter corner common to Sections 13 & 24; thence North 02°00'27" East along the West line of the said SW/4 SE/4 of Section 13 a distance of 553.76 feet to a point on the Northerly right of way line of Arkansas State Highway 16 as established by AHTD Job 9424; thence along said right of way line on a curve to the right a distance of 139.51 feet, having a radius of 3775.50 feet, the chord of which is South 85°17'27" East a distance of 139.50 feet to a point; thence continuing along said right of way line on a curve to the right a distance of 342.15 feet, having a radius of 3775.50 feet, the chord of which is South 81°38'10" East for a distance of 342.03 feet to the POINT OF BEGINNING; thence


This instrument was prepared by
David S. Long, Title Attorney
Arkansas Department of Transportation
P.O. Box 2261, Little Rock, Arkansas 72203-2261

North 02°44'39" East a distance of 22.08 feet to a point on the Northerly right of way line of Arkansas State Highway 16 as depicted on plans prepared for ARDOT Job 040785, thence South 77°19'02" East along said right of way line a distance of 50.31 feet to a point; thence South 02°56'11" West a distance of 20.88 feet to a point on the Northerly right of way line of Arkansas State Highway 16 as established by AHTD Job 9424; thence along said right of way line on a curve to the left a distance of 50.05 feet, having a radius of 3775.50 feet, the chord of which is North 78°39'36" West a distance of 50.05 feet to the POINT OF BEGINNING and containing 0.02 acres (1,061 square feet) more or less, as shown on the plans prepared for ARDOT Job 040785.
CS / 1-19-22 Rev. RM 3-14-2023 Rev. RM 3-27-2023

See attached EXHIBIT "A" for Area to Acquire

In Accordance with Public Law 91-646 as Amended by Public Law 100-17, Title III, Section 301, et seq. of the Uniform Relocation Assistance and Real Property Acquisition Policies Act, the Grantor is entitled to receive an appraisal to establish the value of the lands donated by it as well as just compensation for such donation. Grantor does hereby waive receipt of said authorized appraisal of the lands donated and does hereby waive all of its right to any compensation or monetary remuneration for the property donated by it and described herein.

Grantor further, by executing this Donation Warranty Deed, does hereby release and relinquish all of their right to an appraisal, compensation or other consideration for such donation; and Grantor does hereby release and relinquish all claims, causes of action or any obligation of the **Arkansas State Highway Commission** arising out of or in connection with this donation.

TO HAVE AND TO HOLD the same unto the said Arkansas State Highway Commission, Grantee, and unto its successors and assigns forever.

And the Grantor hereby covenants with Grantee that Grantor will forever warrant and defend the title to said lands against all lawful claims, whatsoever.

IN WITNESS WHEREOF, The City of Fayetteville, Arkansas has caused these presents to be executed by its Mayor and City Clerk Treasurer on this _____ day of _____, 2023.

The City of Fayetteville, Arkansas

Lioneld Jordan, Mayor

Kara Paxton, City Clerk Treasurer

A C K N O W L E D G M E N T

**STATE OF ARKANSAS)
COUNTY OF WASHINGTON)**

BE IT REMEMBERED, that on this day before the undersigned, a Notary Public, within and for the County and State aforesaid, duly commissioned and acting, appeared the within named Lioneld Jordan, being the Mayor, and City Clerk Treasurer, Kara Paxton, who have been duly certified and authorized at a meeting of the City Council of the City of Fayetteville which was duly called and held on the 1st day of March, 2022 to execute the above instrument, to me personally well known, who stated that they are duly authorized in their respective capacity to execute the foregoing instrument for and in the name and on the behalf of said The City of Fayetteville, Arkansas, and further stated and acknowledged that they have so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal as such Notary Public on this _____ day of _____, 2023.

_____, Notary Public

My Commission Expires: _____

EXHIBIT "A"

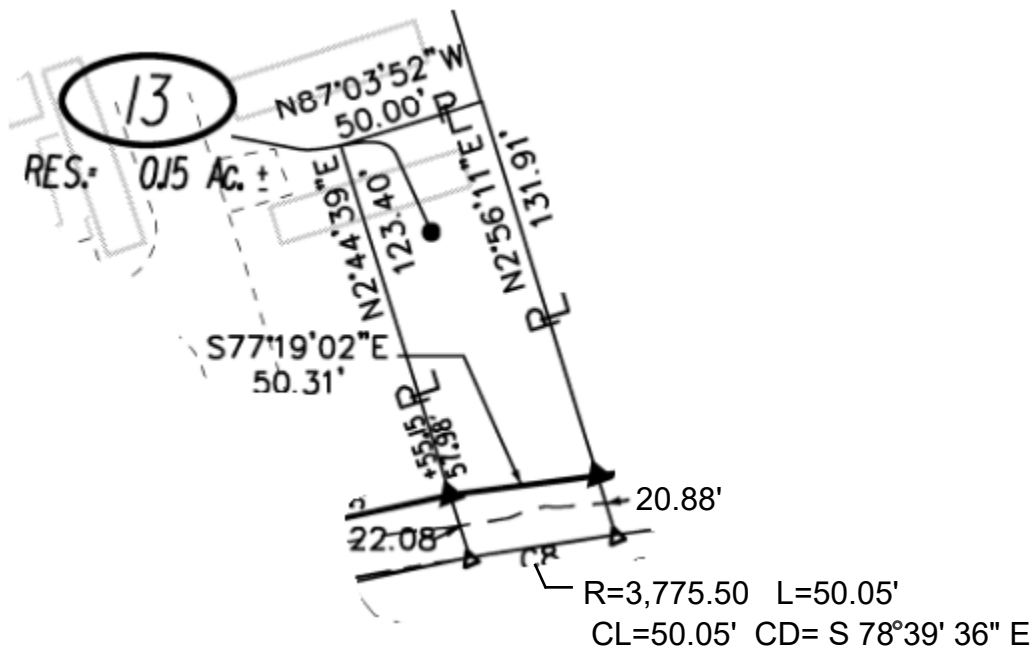
AREA TO ACQUIRE – TRACT 13

Tract 13

POINT OF BEGINNING thence North 02°44'39" East a distance of 22.08 feet to a point on the new northerly right of way of Arkansas State Highway 16 as depicted on plans prepared for ARDOT Job 040785, thence South 77°19'02" East along said right of way line a distance of 50.31 feet to a point; thence South 02°56'11" West a distance of 20.88 feet to a point on the said northerly line of Arkansas State Highway 16 as established by AHTD Job 9424; thence along said right of way line on a curve to the left a distance of 50.05 feet, having a radius of 3775.50 feet, the chord of which is North 78°39'36" West a distance of 50.05 feet to the POINT OF BEGINNING and containing 0.02 acres (1,061 square feet) more or less, as shown on the plans prepared for ARDOT Job 040785.

CS / 1-19-22

- ☒ Uncontrolled Access
- ☐ Partially Controlled Access – Access break from Station _____ to Station _____
- ☐ Fully Controlled Access
- ☐ Fully Controlled Access with a frontage road
- ☐ Maintenance Agreement





MEETING OF APRIL 25, 2023

TO: Mayor Jordan and City Council
THRU: Terry Gulley, Asst Public Works Director - Ops
FROM: Ross Jackson, Jr., Fleet Operations Superintendent
DATE: April 13, 2023
SUBJECT: **Transportation Milling Machine**

RECOMMENDATION:

COUNCIL APPROVES THE PURCHASE OF ONE (1) 2023 WIRTGEN W207FI MILLING MACHINE FROM STRIBLING EQUIPMENT, LLC FOR THE SOURCEWELL CONTRACT COOPERATIVE PURCHASE PRICE OF \$809,302.38 AND APPROVE A BUDGET ADJUSTMENT.

BACKGROUND:

The Transportation department's unit 9199, a Wirtgen Milling Machine is currently approaching 10 years old with an expected life expectancy of 10 years. A new Milling Machine is currently available for purchase. The Fleet Division would like to trade this unit in for an equivalent make and model unit.

DISCUSSION:

Due to the City only having one Milling Machine for the entire paving program, it is paramount to keep it in excellent condition. Because of the nature of the machine, it is very important to keep it up to date to prevent an entire stoppage of the City's paving program. We currently have an opportunity to trade it in at an excellent value from the original company that sold it to us. A new unit can be provided once approved by the City Council.

BUDGET/STAFF IMPACT:

Equipment was not budgeted for FY 23, a budget adjustment will follow at the May 2nd City Council meeting.

This equipment was approved at the April 11th Equipment Committee.

ATTACHMENTS: 2023-680 SRF Milling Machine repl, 2023-680 BA Milling Machine repl, Quote Milling Machine W207Fi



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2023-680

Transportation Milling Machine

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A MILLING MACHINE FROM STRIBLING EQUIPMENT, LLC IN THE AMOUNT OF \$809,302.38, PLUS ANY APPLICABLE TAXES AND FREIGHT CHARGES, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT, 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 authorizes the purchase of a Wirtgen Milling Maching from Stribling Equipment, LLC in the amount of \$809,302.38, plus any applicable taxes and freight charges, pursuant to a Sourcewell cooperative purchasing contract.

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

2023-680

Item ID

5/2/2023

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

Ross Jackson

4/11/2023

FLEET OPERATIONS (770)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

COUNCIL APPROVES THE PURCHASE OF ONE (1) 2023 WIRTGEN W207FI MILLING MACHINE FROM STRIBLING EQUIPMENT, LLC FOR THE SOURCEWELL CONTRACT COOPERATIVE PURCHASE PRICE OF \$809,302.38 AND TO APPROVE A BUDGET ADJUSTMENT.

Budget Impact:

9700.770.1920-5802.00

SHOP

Account Number

Fund

02077.2023

Construction Equipment

Project Number

Project Title

Budgeted Item? Yes

Total Amended Budget

\$ 1,471,000.00

Expenses (Actual+Encum)

\$ 487,795.35

Available Budget

\$ 983,204.65

Does item have a direct cost? Yes

Item Cost

\$ 809,302.38

Is a Budget Adjustment attached? Yes

Budget Adjustment

\$ 809,303.00

Remaining Budget

\$ 983,205.27

V20221130

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments: To ensure the continued milling program productivity, new unit will be purchased old unit will be sold.
Terry has discussed with Paul and Susan.

Budget Year	Division	FLEET OPERATIONS (770)	Adjustment Number
2023	/Org2		
	Requestor:	Ross Jackson	

Replacement of Transportation's milling machine - unit 9199 (TRAN_F055) - from Stribling Equipment, LLC in the amount of \$809,302.38.

	COUNCIL DATE:	5/2/2023
	ITEM ID#:	2023-680
		<i>Holly Black</i>
		<i>4/13/2023 11:00 AM</i>
	Budget Division	Date
	TYPE:	D - (City Council)
	JOURNAL #:	
	GLDATE:	
	CHKD/POSTED:	/
RESOLUTION/ORDINANCE		

[illegible]

Quote Id: 28448249

23 March 2023

CITY OF FAYETTEVILLE

AR

Mr Joey Smith:

Thank you for allowing us to present you with the attached quote.

Please review this document and feel free to reach out to me with any further questions you may have.

Thank you,

SETH MCCUTCHEON
479-756-9779
Stribling Equipment, LLC

Quote Summary

Prepared For:
CITY OF FAYETTEVILLE
AR

Prepared By:
SETH MCCUTCHEON
Stribling Equipment, LLC
3838 Wagon Wheel Rd
Springdale, AR 72762
Phone: 479-756-9779
seth.mccutheon@striblingequipment.com

SOURCEWELL Number: 060122

Quote Id: 28448249
Created On: 23 March 2023
Last Modified On: 10 April 2023
Expiration Date: 31 March 2023

Equipment Summary	Selling Price	Qty	Extended
2023 WIRTGEN W207Fi	\$ 809,302.38 X	1 =	\$ 809,302.38
Standard Warrenty 12 months or 1000 hours	\$ 0.00 X	1 =	\$ 0.00
Equipment Total			\$ 809,302.38

Quote Summary

Equipment Total	\$ 809,302.38
DOCUMENTATION FEE	\$ 0.00
SubTotal	\$ 809,302.38
Total	\$ 809,302.38
Down Payment	(0.00)
Rental Applied	(0.00)
Balance Due	\$ 809,302.38

Salesperson : X _____

Accepted By : X _____

Selling Equipment

Quote Id: 28448249

2023 WIRTGEN W207Fi

Hours: 1

Stock Number:

Code	Description	Qty
1111	Wirtgen W207Fi Asphalt Mill	1

Service Agreements

Standard Warrenty 12 months or 1000
hours

Other Charges



MEETING OF APRIL 25, 2023

TO: Mayor Jordan and City Council
THRU: Susan Norton, Chief of Staff
FROM: Alison Jumper, Director of Parks, Natural Resources and Cultural Affairs
DATE: April 12, 2023
SUBJECT: Request to accept a non-matching grant from the Trust For Public Land

RECOMMENDATION:

Staff recommends accepting a non-matching grant in the amount of \$23,600 from the Trust for Public Land On Common Ground grant program and approval of a budget adjustment.

BACKGROUND:

The Trust for Public Land (TPL) recently launched “On Common Ground,” a research and advocacy strategy, which aims to leverage community programs embedded within America’s city parks for their capacity to mitigate the impacts of polarization, social isolation, racism, and oppression. As part of this program, TPL is seeking applications for community contact projects from members of the Community of Practice (CoP) Community Engagement program.

TPL is seeking to learn more from CoP cities about how they can strengthen the civic life and social infrastructure of their local communities and are particularly interested in projects that can bring people together across lines of difference, with the aim of building greater trust, civic friendship, and belonging.

DISCUSSION:

Staff applied for a grant based on the goals for the CoP program that would aim to engage our teens and seniors around summer programming and the design of Walker Park. Programming to bring these two groups of varying backgrounds could have lasting positive outcomes for the community.

TPL awarded the City of Fayetteville \$23,600 for the proposed programming and travel to the Welcoming Interactive Conference in San Jose, CA April 25-28.

Grant terms are through June 1, 2024 and include regular check-ins with TPL grant peers and staff, communication about the grant program and insights, photographs of the programming, final grant reporting and post-grant evaluations. More detailed grant requirements can be found in the attachment.

BUDGET/STAFF IMPACT:

Acceptance of this non-matching grant will increase the budget by \$23,600.

ATTACHMENTS: 2023-681 SRF TPL Grant, 2023-681 BA TPL Grant, Grant Agreement for On Common Ground_Fayetteville_CS Signed

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 #: 2023-681

Request to accept a non-matching grant from the Trust For Public Land

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A NON-MATCHING GRANT FROM THE TRUST FOR PUBLIC LAND IN THE AMOUNT OF \$23,600.00 TO ENGAGE TEENS AND SENIORS AROUND SUMMER PROGRAMMING AND THE DESIGN OF WALKER PARK, 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 authorizes Mayor Jordan to accept a non-matching grant from the Trust for Public Land through its “On Common Ground” initiative in the amount of \$23,600.00 for training and activities intended to engage teens and seniors around summer programming and the design of Walker Park.

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

2023-681

Item ID

5/2/2023

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

Alison Jumper

4/12/2023

PARKS & RECREATION (520)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends accepting a non-matching grant in the amount of \$23,600 from the Trust for Public Land On Common Ground grant program and approval of a budget adjustment.

Budget Impact:

1010.520.5280-4305.00

General Fund

Account Number

Fund

32302.1

Trust for Public Land Grant - On Common Ground
Program

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? Yes

Budget Adjustment

\$ 23,600.00

Remaining Budget

\$ 23,600.00

V20221130

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:

Budget Year	Division	Adjustment Number
2023	PARKS & RECREATION (520)	
	Requestor: Alan Bearden	

Request to receive/recognize commercial grant funds from Trust for Public Land in the amount of \$23,600. The funds are to be used as follows: \$3,600 for travel expenses to attend the Welcoming Interactive Conference in San Jose, CA and \$20,000 to be used for programming expenses for YRCC programs.

	COUNCIL DATE:	5/2/2023
	ITEM ID#:	2023-681
	Holly Black	
	4/11/2023 1:58 PM	
	Budget Division	Date
	TYPE:	D - (City Council)
	JOURNAL #:	
	GLDATE:	
	CHKD/POSTED:	/
RESOLUTION/ORDINANCE		

[illegible]

REGRANT AGREEMENT
(On Common Ground: Activating Community Connections through Parks)

THIS REGRANT AGREEMENT (“Agreement”) is made and entered into this _____ day of April 2023, by **Trust for Public Land**, a California nonprofit corporation and U.S. tax-exempt public charity (“TPL”) with its principal place of business at 23 Geary Street, Suite 1000, San Francisco, CA 94108, to the **City of Fayetteville, department of Parks, Natural Resources, and Cultural Affairs**, (“Grantee”) with the address of *1455 S. Happy Hollow Road*, to advance TPL’s program, On Common Ground: Activating Community Connections through Parks.

WHEREAS, the Grantee is a political subdivision of Arkansas; and

WHEREAS, the mission of TPL is to create parks and protect land for people, ensuring healthy, livable communities for generations to come; and

THEREFORE, Grantee and TPL (collectively the “Parties”) agree to the following:

1. Regrant Amount. TPL shall grant to Grantee the sum of **\$23,600** (“grant”), which shall be disbursed upon execution of this Agreement, receipt of an invoice Grantee with its ACH/wire electronic payment information, and a completed W-9 from Grantee.

The grant is comprised of \$20,000 for an activation grant and \$3,600 for flights and incidental travel expenses related to Grantee’s participation in Welcoming Interactive to be held on April 26-28, 2023. If Grantee does need spend the full \$3,600 on flights and incidental travel expenses, the Grantee may apply any remaining funds to its activation project. Should Grantee’s air travel and incidental travel expenses exceed \$3,600, the Grantee must submit such additional expenses to TPL for written approval.

2. Grant Activities. Grantee shall use the grant for the activities detailed **Exhibit A**, which is incorporated into and made a part of this Agreement (“grant activities”).

3. Term. The term of this Agreement shall commence upon execution of this Regrant Agreement, and shall continue through June 1, 2024, unless this Agreement is terminated or extended in accordance with the provisions of this Agreement.

4. Reporting. The Grantee shall submit a final progress report to TPL at least two weeks’ prior to the end of the Agreement term. Reports shall include a narrative description of Grantee’s accomplishments and a financial report.

5. Conflict of Interest. During the term of this Agreement, the parties agree not to undertake any responsibilities or engage in activities which may conflict with or be detrimental to the success of the success of the grant activities. Further, the parties shall disclose to one another any situation which may reasonably present a conflict of interest, and shall mutually and in good faith attempt to resolve any apparent or perceived conflict of interest. If the conflict cannot be resolved between the parties, either party may terminate this Agreement effective on the day notice is sent.

6. Intellectual Property. All intellectual property interests, including copyright interests, in materials produced as a result of this grant ("Materials") are jointly owned by the Grantee and TPL.

7. Acknowledgement of the Grant and Publicity. Grantee agrees to acknowledge TPL's support in all public announcements, news features, publications or other media information related to the grant activities, and to provide a copy of all such published materials to TPL.

Grantee gives its permission to TPL to use any photographs and information related to the grant activities for any purpose that supports TPL's mission including, but not limited to, materials used for educational, promotional, commercial, advertising or fundraising. In addition, Grantee shall also ensure that it has obtained releases (such as model releases for photographs) and authorizations from third parties that permit TPL to publicize any information provided by Grantee. Grantee further authorizes, consents and allows TPL to use images, photographs and videos taken of Grantees' representatives at the Welcoming Interactive conference and event, now and in the future, for any purpose that supports TPL's mission, including, but not limited to materials used for educational, promotional, commercial, advertising or fundraising purposes.

8. Lobbying Prohibition. The grant may not be utilized for any lobbying activities or to influence legislation as defined in Section 501(c)(3) of the IRS Code, and may not be used to participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office, to induce or encourage violations of law or public policy, to cause any private inurement or improper private benefit to occur, nor to take any other action inconsistent with Section 501(c)(3) of the Code.

9. Disclaimer of Liability. Each party assumes no responsibility or liability for the actions of the other party in implementing its roles and responsibilities pursuant to this Agreement.

10. Compliance with Laws. Grantee will comply in full with all applicable federal, state, and local laws and regulations and rules of governmental agencies and bodies relating to Grantee's

acceptance and use of the grant, including those that govern gifts, donations, contributions, expenditures, and anything else of value that benefit, directly or indirectly, public officials.

Grantee agrees to notify TPL immediately: (a) of any conduct on Grantee's part that may be in violation of any applicable federal, state and local laws and (b) if Grantee receives notice of, or otherwise becomes aware of, any actual or threatened investigation, action, litigation, or disciplinary or other proceeding of which Grantee is or may be a subject in connection with the grant and to the extent permitted by applicable law, shall provide TPL with all written notices and communications received by Grantee relating to any such investigation, action, litigation, or disciplinary proceeding.

11. Termination. If Grantee fails to comply with any term or condition in this Agreement , TPL may terminate this Regrant Agreement after giving written notice to Grantee and permitting the Grantee fourteen (14) days to cure any deficiencies. In event of a termination, the Grantee shall return all unspent funds to TPL.

12. Entire Agreement. This Agreement sets forth the entire understanding of the parties concerning the grant activities and supersedes all prior or contemporaneous communications and negotiations, both oral and written relating to this Agreement. Neither party may assign, transfer or sublicense its rights under this Agreement nor any right granted herein. This Agreement may be modified, amended, or extended only by written agreement by both parties.

13. Multiple Originals/Electronic Signatures. Electronic signatures of or on behalf of either party to this Agreement shall be effective for all purposes, including delivery, as an original. This Agreement may be executed in multiple originals, which shall be deemed to be one document.

[Signatures on next page]

IN WITNESS WHEREON, TPL and Grantee have caused this Regrant Agreement to be made as of the day and year first written above.

TRUST FOR PUBLIC LAND



By: _____

Trust for Public Land

Cary Simmons

Director of Community Strategies

Date: 4/5/23_____

1218 3rd Avenue, Suite 1700

Seattle, WA 98101

GRANTEE

By: _____

Date: _____

EXHIBIT A
GRANT ACTIVITIES
Welcoming Interactive

- Grantees' representatives will be expected to attend all TPL training and conference events in San Jose from 8:30am on Wednesday, April 26, through 9pm on Thursday, April 27. TPL will offer optional programming Friday morning, April 28, for any Grantees' representatives that are available.
- Each participant will have a travel budget of \$1,200 for airfare and incidentals (Lyft/Uber, public transit fares, and snacks in addition to the meals provided by TPL at the conference).
- Hotel rooms will be provided for each participant on Tuesday night, April 25, through Thursday night, April 27, at the Signia by Hilton at 170 S. Market St., San José, CA 95113, 408-998-1900. If participants wish to extend their stay, they are free to book additional nights at their own cost.
- \$3,000 for airfare to San Jose, calculated at \$1000/attendee. If air travel costs exceed \$3,000 total, please contact TPL before booking.
- Hotel costs for lodging in San Jose will be pre-booked by TPL at no cost to Grantees, but Grantees will be responsible for any incidental costs at hotel.
- \$600 for incidentals for travel to San Jose April 25-28. Incidental costs include \$200 per attendee to cover Lyft/Uber, public transit fares, and snacks in addition to the meals provided by TPL at the conference.

Coordination and administration

- Grantee commits to attending eight to ten (8-10) recurring check-ins with TPL, peer grantees and TPL's partners, Welcoming America and University of Massachusetts Amherst, from May 2023 through June 2024
- Grantee commits to develop a plan for leveraging four to six (4-6) hours of technical assistance with TPL partners to be used between May and October 2023.

Communications and Marketing

- At least one and up to three participants from each Grantee city will participate in seven (7) hour communication training offered by The Op-Ed Project by December 31, 2023, and will produce one (1) op-ed, blog post, or newsletter detailing their experience, insights, and learning from participation in the On Common Ground program.

- Grantee will provide 10-20 photographs of their project activities to TPL by October 1, 2023, and grantee authorizes, consents and allows TPL to use images, photographs and videos taken of project activities as well as of grantees' representatives at the San Jose event, now and in the future, for any purpose that supports TPL's mission, including, but not limited to materials used for educational, promotional, commercial, advertising or fundraising purposes.
- Grantees will be available to participate in up to two (2) hours of presentation on TPL's national webinar series, Park Bench Chat
- Grantees will recognize TPL in appropriate project communications with the following language: "On Common Ground, a project of the Trust for Public Land" and TPL's logo.

Project implementation

- Grantee commits to implementing their project as submitted to TPL in the application process. Any major deviations from the proposed project must be approved by TPL in writing.
- At least one Grantee from each city will participate in evaluation activities including:
 - Learning & Evaluation professional development: TPL's Director of Learning and Evaluation will lead one to two (1-2) hours of evaluation training on conducting project evaluation
 - On Common Ground program evaluation: one to two (1-2) hours of availability to provide feedback and user data on experience participating in On Common Ground, including but not limited to focus groups, one-on-one interviews, and completing surveys.
 - Grantees project evaluation: two to four (2-4) hours of project evaluation, which may include collecting surveys, conducting interviews of community members, and gathering community stories and artifacts.



MEETING OF APRIL 25, 2023

TO: Mayor Jordan and City Council
THRU:
FROM: Kit Williams, City Attorney
DATE: April 13, 2023
SUBJECT: **Budget Adjustment - Senior Assistant City Attorney Position in the City Attorney's Office**

RECOMMENDATION:

City Council approval of a budget adjustment in the amount of \$111,499 to fund the Senior Assistant City Attorney position

BACKGROUND:

This additional full-time position in the City Attorney's Office was approved by the City Council on on March 7, 2023, pursuant to Resolution 62-23.

DISCUSSION:

The position of Senior Assistant City Attorney has now been properly graded by HR and JER HR Group and will be soon filled by promoting Blake Pennington as stated in the earlier Resolution approved by the City Council which established that position. The City's IT Department estimates the cost for the required new laptop computer, monitor, phone and an adobe license will be about \$2,635 with a possibility that additional software licenses may be required in the future. The other non-personnel costs for this position should be about \$2,300 for publications, (including Lexis Nexis legal research access) dues, travel and training.

BUDGET/STAFF IMPACT:

Budget Adjustment Attached

ATTACHMENTS: 2023-701 BA Senior Assistant City Attorney



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2023-701

Budget Adjustment - Senior Assistant City Attorney Position in the City Attorney's Office

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$111,499 TO FUND THE SENIOR ASSISTANT CITY ATTORNEY POSITION AND LICENSES IN THE CITY ATTORNEY'S OFFICE FOR THE REST OF 2023 AND INCLUDING NEEDED NEW EQUIPMENT, TRAVEL AND TRAINING, PUBLICATIONS AND DUES

WHEREAS, on March 7, 2023, the City Council authorized the creation of a new position, Senior Assistant City Attorney, in the City Attorney's Office with consideration of a budget adjustment to fund the position after being graded by the City's job classification, compensation, and benefits consultant; and

WHEREAS, the position of Senior Assistant City Attorney has now been properly graded by HR and JER HR Group and will be soon filled by promoting Blake Pennington as stated in the earlier Resolution approved by the City Council which established that position; and

WHEREAS, the City's IT Department estimates the cost for the required new laptop computer, monitor, phone and an adobe license will be about \$2,635 with a possibility that additional software licenses may be required in the future; and

WHEREAS, the other non-personnel costs for this position should be about \$2,300 for publications, (including Lexis Nexis legal research access) dues, travel and training.

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 the attached budget adjustment in the amount of \$111,499 to fund the Senior Assistant City Attorney position in the City Attorney's Office which includes necessary new equipment, licenses, travel and training, etc. through the end of 2023.

City of Fayetteville, Arkansas - Budget Adjustment (Agenda)

Budget Year 2023	Division /Org2 CITY ATTORNEY (021) Requestor: Kit Williams	Adjustment Number
--------------------------------	---	--------------------------

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

To provide funding for the Senior Assistant City Attorney position. This additional full-time position in the City Attorney's Office was approved by City Council on 3/7/23 with Resolution 62-23, CivicClerk Item ID 2023-469. For three decades the Fayetteville City Attorney's Office has been staffed with two attorneys and a secretary/paralegal. During these three decades, Fayetteville's population has more than doubled from about 42,000 to 94,000, and the City's staff has also had to increase dramatically to adequately supply quality services to our growing population. There have been increasing demands upon the City Attorney Office's time and services. The City Attorney's Office with a third attorney will be able to furnish even quicker responses for legal advice, preparation and review of legal documents, and litigation duties.

RESOLUTION/ORDINANCE	COUNCIL DATE:	5/2/2023
	ITEM ID#:	2023-701
	<i>Holly Black</i>	
	<i>4/13/2023 3:40 PM</i>	
	Budget Division	Date
	TYPE:	D - (City Council)
	JOURNAL #:	
	GLDATE:	5/2/2023
	CHKD/POSTED:	/

TOTAL	111,499	111,499	v.2023323			
	Increase / (Decrease)		Project.Sub#			
Account Number	Expense	Revenue	Project	Sub.Detl	AT	Account Name
1010.001.0001-4999.99		111,499			RE	Use Fund Balance - Current
1010.021.0210-5100.00	81,576	-			EX	Salaries/Wages - FT, Regular
1010.021.0210-5105.00	5,058	-			EX	Payroll Taxes - FICA
1010.021.0210-5105.01	1,183	-			EX	Payroll Taxes - Medicare
1010.021.0210-5108.00	8,400	-			EX	Emp Insurance - Health
1010.021.0210-5108.01	270	-			EX	Emp Insurance - LTD
1010.021.0210-5108.02	6	-			EX	Emp Insurance - ADD
1010.021.0210-5108.03	281	-			EX	Emp Insurance - Life
1010.021.0210-5109.06	9,790	-			EX	Pension - Retirement Savings
1010.021.0210-5210.00	2,635	-			EX	Minor Equipment
1010.021.0210-5303.00	1,300	-			EX	Publications & Dues
1010.021.0210-5304.00	1,000	-			EX	Travel & Training
	-	-				
	-	-				
	-	-				
	-	-				



MEETING OF APRIL 25, 2023

TO: Mayor Jordan and City Council
THRU: Chris Brown, Public Works Director
FROM: Paul Libertini
DATE: April 11, 2023
SUBJECT: Hwy 112 (Poplar St to Drake St) - Recognize Federal-aid Funding for Appraisal Services, and Approve a Contract with Rife & Company Inc. for Appraisal Services

RECOMMENDATION:

Staff recommends City Council approval of a resolution to recognize revenue of \$46,000 of Federal-aid funding, to approve a contract with Rife & Company Inc., and approval of a Budget Adjustment.

BACKGROUND:

On January 3, 2017, City Council approved Resolution No. 27-17 to allow the City to enter into a partnering agreement with ARDOT (Arkansas Department of Transportation) for improvements to Hwy 112 between Razorback Road and Garland Avenue and to approve the reclassification of Hwy 112 between 15th Street and Interstate 49 as a City Street.

On September 19, 2017, the City executed an Agreement of Understanding with ARDOT detailing the responsibilities of each entity. One such duty is for the City to prepare all legal descriptions and exhibits for the acquisition of right-of-way and easements for the construction of this project. This duty has been completed and approved by ARDOT.

On March 27, 2023, the City received two bids/responses from our On-Call appraisers (Resolution No. 104-21). Rife & Company can start the appraisal work immediately for a fee of \$46,000, whereas Reed & Associates are several months out.

DISCUSSION:

On April 4, 2023, the City was notified by ARDOT that federal-aid funds have been obligated and that the City could release our appraiser to begin work. The federal revenue of \$46,000 needs to be recognized for this project so that we may issue a purchase order to the appraiser.

BUDGET/STAFF IMPACT:

Federal funds of \$46,000 have been obligated by ARDOT for appraisal services. The City will pay the appraiser from the Sales Tax Capital Improvement funds and then submit for reimbursement of expenditures at 100% federal-aid.

ATTACHMENTS: 2023-683 SRF Hwy 112 ARDOT revenue, 2023-683 BA Hwy 112 ARDOT revenue, Tom

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

Rife.City of Fayetteville Bid Job 040720, 27-17 RESOLUTION, 170919 Hwy. 112 Partnering Agreement - Executed

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 #: 2023-683

Hwy 112 (Poplar St to Drake St) - Recognize Federal-aid Funding for Appraisal Services, and Approve a Contract with Rife & Company Inc. for Appraisal Services

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$46,000.00 RECOGNIZING FEDERAL-AID FUNDING FOR APPRAISAL SERVICES, AND TO APPROVE A CONTRACT FOR APPRAISAL SERVICES WITH RIFE & COMPANY, INC.

WHEREAS, on January 3, 2017 the City Council approved Resolution No. 27-17 authorizing the Mayor to sign partnering agreement with the Arkansas Department of Transportation (ARDOT) for improvements to Highway 112 between Razorback Road and Garland Avenue and to approve the reclassification of Highway 112 between 15th Street and Interstate 49 as a City Street; and

WHEREAS, on September 19, 2027, the Mayor executed an Agreement of Understanding with ARDOT, which assigned the City the duty of preparing legal descriptions and exhibits for acquisition of right-of-way and easements for the property; and

WHEREAS, on April 4, 2023 the City was notified that federal-aid funds in the amount of \$46,000.00 have been obligated by ARDOT for appraisal work.

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 budget adjustment, a copy of which is attached to this Resolution, recognizing federal-aid funding in the amount of \$46,000.00 for appraisal services for the above-described project, and further authorizes Mayor Jordan to sign a contract for appraisal services with Rife & Company, LLC in the amount of \$46,000.00.

City of Fayetteville Staff Review Form

2023-683

Item ID

5/2/2023

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

Paul Libertini

4/11/2023

ENGINEERING (621)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A Resolution to recognize revenue of \$46,000 of Federal-aid funding from ARDOT (Arkansas Department of Transportation) for appraisal services for Hwy 112 (Poplar St to Drake St), approve a contract with Rife & Company Inc., and to approve a Budget Adjustment.

Budget Impact:

4470.800.8835-5805.00

Sales Tax Capital Improvement

Account Number

Fund

06035.3800

Hwy 112 (Poplar St - Drake St)

Project Number

Project Title

Budgeted Item? Yes

Total Amended Budget

\$ 121.00

Expenses (Actual+Encum)

\$ -

Available Budget

\$ 121.00

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? Yes

Budget Adjustment

\$ 46,000.00

Remaining Budget

\$ 46,121.00

V20221130

Purchase Order Number: _____

Previous Ordinance or Resolution # **27-17**

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:

Budget Year	Division	Adjustment Number
2023	ENGINEERING (621)	
	Requestor: Paul Libertini	

Recognize Federal-aid funds of \$46,000 available for real estate appraisals for the Hwy 112 (Poplar St - Drake St) project which will be 100% reimbursed by the Arkansas Department of Transportation (ARDOT).

	COUNCIL DATE:	5/2/2023
	ITEM ID#:	2023-683
	Holly Black	
	4/11/2023 8:40 AM	
	Budget Division	Date
	D - (City Council)	
TYPE:		
JOURNAL #:		
GLDATE:		
CHKD/POSTED:	/	
RESOLUTION/ORDINANCE		

[illegible]

RIFE & COMPANY
APPRAISERS-CONSULTANTS
1001 North Walton Boulevard
Bentonville, AR 72712
479-273-7406 479-936-6806
THOMAS G. RIFE, MAI, SRA, AMD, AI-GRS
Howard L. Dover, Jr.

March 27, 2023

Ms. Holly Jones
Land Agent
The City of Fayetteville, Arkansas
Engineering Division
125 West Mountain
Fayetteville, AR 72701

RE: Professional Bid for Real Estate Appraisal services for the Highway 112 improvements, Job 040720 for the City of Fayetteville, Arkansas and the Arkansas Department of Transportation (ArDot)

Dear Ms. Jones,

I am, at your request, providing this letter as evidence of my bid for professional services regarding nine real estate parcels for the above named Job 040720. I understand the terms of the bid in preparation of Complete Summary Narrative Appraisal Reports. If the substance of the scope of work for the bid changes, then the amount of the bid could change, as well. I am aware of the locations in question. Any Narrative Appraisal Reports that would be generated will be in accordance with the Uniform Standards of Professional Appraisal Practice-by the Appraisal Standards Board of the Appraisal Foundation, the Appraisal Institute and the Laws of the State of Arkansas under the Scope of Work Section. Additionally, the reports will be prepared in order to meet with the Uniform Appraisal Standards for Federal Land Acquisitions (2016-Yellow Book).

The work performed will provide the client and its assigns with a market value analysis of the before and after fee simple

interest of the 9 subject properties. My time frame for completion is 90 to 120 days after written authorization. The City of Fayetteville and its assigns will be furnished with two (2) original reports, plus a .pdf file of the same report, if necessary. Please remember that this assignment will be completed based upon my best efforts, notwithstanding Acts of God.

The fee for this project is based on the individual issues concerning each parcel as the 3 parcels currently owned by the University of Arkansas will be the most difficult. Please note the following breakdown:

Parcel 1 -	\$10,000
Parcel 2 -	\$7,000
Parcel 3 -	\$5,000
Parcel 6 -	\$4,000
Parcel 7 -	\$4,000
Parcel 8 -	\$4,000
Parcel 9 -	\$4,000
Parcel 10 -	\$4,000
Parcel 11 -	\$4,000

TOTAL \$46,000

I will require a signed copy of this letter, the legal description for the sites in question, copies of any surveys completed, and all other pertinent information concerning the subject properties. Additionally, I will be leaving on an 18 day vacation in the middle of May, but will have an associate working on the comparable data and the Reports during that timeframe.

Because of the size of this assignment, I will require a 50% retainer or \$23,000. If you have any questions about anything contained in this letter or in any attachments, please call for clarification. My phone number is 479 936 6806. This bid does not include any court testimony. Should court testimony be necessary, my billing is on an hourly basis at \$250 per hour for court and preparation time with a 3 hour minimum.

I will both provide the necessary input and be signatory to the mentioned report and will work with Mr. Howard Dover. I

await your reply and thank you for the opportunity. The completion date for these reports is subject to our receipt of

your authorization. Please let me know if this time frame is acceptable, as well.

Respectfully submitted,



Thomas G. Rife, MAI, SRA
Arkansas Certified General Appraiser
CGO#354-Certification until June 30, 2023
CG#0354
st

THIS BID FOR PROFESSIONAL SERVICES ACCEPTED:

City of Fayetteville, Arkansas

Holly Jones

Date

1001 North Walton Boulevard, Bentonville, AR 72712 **479-273-7406**
479-273-0078 (Fax) tomrife@aol.com Rifeandcompany@cox.net



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

Resolution: 27-17

File Number: 2016-0666

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT:

A RESOLUTION TO ALLOW THE CITY OF FAYETTEVILLE TO ENTER INTO A PARTNERING AGREEMENT WITH THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT FOR IMPROVEMENTS TO HIGHWAY 112 BETWEEN RAZORBACK ROAD AND GARLAND AVENUE, AND TO APPROVE THE RECLASSIFICATION OF HIGHWAY 112 BETWEEN 15TH STREET AND INTERSTATE 49 AS A CITY STREET.

WHEREAS, the City of Fayetteville (City) and the Arkansas State Highway and Transportation Department (Department) have identified a need for improvements to Highway 112 between Razorback Road and Garland Avenue in Fayetteville; and

WHEREAS, the original partnering agreement between the Department and the City was as follows:

1. The Department was responsible to fund and handle project development, which is complete. The Department is also responsible for advertising, awarding the bid, and providing construction inspection.
2. The City is to fund utilities, construction and construction inspection; and

WHEREAS, bids were received twice on this project, and each time the low bid was significantly over the City's budget; and

WHEREAS, in order to move this project forward, a revised partnering agreement is proposed as follows:

1. The amount of City funds available for Job 040582 is capped at \$3,358,600.00 as shown on Attachment A to this Resolution. The Department will provide the gap funding needed to construct the project.

2. The City will revise the current design. However, any increase in the current scope that results in a higher project cost will be the responsibility of the City and will be in addition to the cap amount of \$3,358,600.
3. The Department will advertise and award the project. The City may inspect the project. The Department will inspect the project if requested by the City.
4. Once the project is let to contract, an increase in cost due to added scope by change order will be the responsibility of the City. An increase in cost due to a change order for a normal bid item adjustment will be the responsibility of the Department.
5. The Department will fund the cost to overlay the segments from Maple Street to North Street and from Leroy Pond Drive north to the beginning of Job 040582. The City may develop, advertise, award and inspect the project. The Department will provide these services if requested by the City. Any additional scope items to the Department's typical overlay design that add cost to this improvement will be the responsibility of the City.
6. The Statewide Transportation Improvement Program for Federal Fiscal Years 2016-2020 (STIP) includes a project to widen Highway 112 from Poplar Street to Van Asche Drive. The City desires to handle all phases of project development, advertise, award, and inspect the portion from Poplar Street to Interstate 49. The Department will provide the amount of funding necessary for all phases of work to develop and construct the typical design section for an urban state highway as shown on Attachment B to this Resolution. The cost of additional features outside of this standard scope that increase the total cost beyond that of the typical design section will be the responsibility of the City; and

WHEREAS, upon completion of the improvements aforementioned, the City agrees to assume ownership and responsibility of Highway 112 from Highway 16 (15th Street) to Interstate 49 as shown on Attachment C to this Resolution.

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

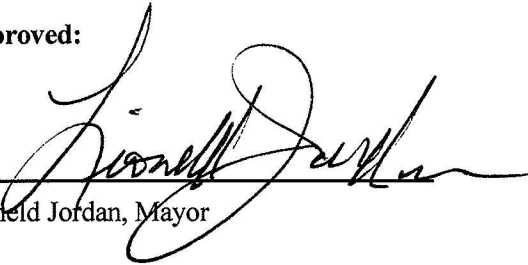
Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the City's participation in this Partnering Agreement in accordance with its designated responsibilities in this project.

Section 2. That the City Council of the City of Fayetteville, Arkansas authorizes Mayor Jordan to execute all appropriate agreements and contracts necessary to expedite the construction of this project.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby pledges its full support and hereby requests that the Arkansas State Highway and Transportation Department initiate action to implement this project.

PASSED and APPROVED on 1/3/2017

Approved:


Lioneld Jordan, Mayor

Attest:


Sondra E. Smith, City Clerk Treasurer





City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0666

Agenda Date: 1/3/2017

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 4

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT:

A RESOLUTION TO ALLOW THE CITY OF FAYETTEVILLE TO ENTER INTO A PARTNERING AGREEMENT WITH THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT FOR IMPROVEMENTS TO HIGHWAY 112 BETWEEN RAZORBACK ROAD AND GARLAND AVENUE, AND TO APPROVE THE RECLASSIFICATION OF HIGHWAY 112 BETWEEN 15TH STREET AND INTERSTATE 49 AS A CITY STREET

WHEREAS, the City of Fayetteville (City) and the Arkansas State Highway and Transportation Department (Department) have identified a need for improvements to Highway 112 between Razorback Road and Garland Avenue in Fayetteville; and

WHEREAS, the original partnering agreement between the Department and the City was as follows:

1. The Department was responsible to fund and handle project development, which is complete. The Department is also responsible for advertising, awarding the bid, and providing construction inspection.
2. The City is to fund utilities, construction and construction inspection; and

WHEREAS, bids were received twice on this project, and each time the low bid was significantly over the City's budget; and

WHEREAS, in order to move this project forward, a revised partnering agreement is proposed as follows:

1. The amount of City funds available for Job 040582 is capped at \$3,358,600.00 as shown on Attachment A to this Resolution. The Department will provide the gap funding needed to construct the project.
2. The City will revise the current design. However, any increase in the current scope that results in a higher project cost will be the responsibility of the City and will be in addition to the cap amount of \$3,358,600.
3. The Department will advertise and award the project. The City may inspect the project. The Department will inspect the project if requested by the City.
4. Once the project is let to contract, an increase in cost due to added scope by change order will be the

responsibility of the City. An increase in cost due to a change order for a normal bid item adjustment will be the responsibility of the Department.

5. The Department will fund the cost to overlay the segments from Maple Street to North Street and from Leroy Pond Drive north to the beginning of Job 040582. The City may develop, advertise, award and inspect the project. The Department will provide these services if requested by the City. Any additional scope items to the Department's typical overlay design that add cost to this improvement will be the responsibility of the City.

6. The Statewide Transportation Improvement Program for Federal Fiscal Years 2016-2020 (STIP) includes a project to widen Highway 112 from Poplar Street to Van Asche Drive. The City desires to handle all phases of project development, advertise, award, and inspect the portion from Poplar Street to Interstate 49. The Department will provide the amount of funding necessary for all phases of work to develop and construct the typical design section for an urban state highway as shown on Attachment B to this Resolution. The cost of additional features outside of this standard scope that increase the total cost beyond that of the typical design section will be the responsibility of the City; and

WHEREAS, upon completion of the improvements aforementioned, the City agrees to assume ownership and responsibility of Highway 112 from Highway 16 (15th Street) to Interstate 49 as shown on Attachment C to this Resolution.

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 the City's participation in this Partnering Agreement in accordance with its designated responsibilities in this project.

Section 2. That the City Council of the City of Fayetteville, Arkansas authorizes Mayor Jordan to execute all appropriate agreements and contracts necessary to expedite the construction of this project.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby pledges its full support and hereby requests that the Arkansas State Highway and Transportation Department initiate action to implement this project.

City of Fayetteville Staff Review Form

2016-0666

Legistar File ID

1/3/2017

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Chris Brown

12/16/2016

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a Resolution to Enter into a Partnering Agreement with the Arkansas Highway and Transportation Department to complete certain segments and to Transfer Right of Way Jurisdiction to the City for Highway 112 from 15th Street to I-49

Budget Impact:

Account Number		Fund	
Project Number		Project Title	
Budgeted Item?	No	Current Budget	\$ -
		Funds Obligated	\$ -
		Current Balance	\$ -
Does item have a cost?	No	Item Cost	
Budget Adjustment Attached?	No	Budget Adjustment	
		Remaining Budget	\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF JANUARY 3, 2017

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director

FROM: Chris Brown, City Engineer *CB*

DATE: December 16, 2016

SUBJECT: Resolution to Enter a Partnering Agreement with the Arkansas Highway and Transportation Department to complete certain segments and to Transfer Right of Way Jurisdiction to the City for Highway 112 from 15th Street to I-49

RECOMMENDATION:

Staff recommends approval of a resolution to partner with the AHTD to widen and improve portions of Highway 112 between 15th Street and I-49, and to agree to the transfer of this segment from the AHTD to the City.

BACKGROUND:

Highway 112 is an Arkansas Highway and Transportation Department (AHTD) owned facility that functions as a major north-south arterial connecting I-49 to the north and Highway 71 to the south, and serves as the main north-south entrance to and access through the University of Arkansas. Over the past several years, segments of the roadway have been widened and improved through and near the campus, through a series of partnerships between the City, the UA, and the AHTD. The UA has planted and maintained the landscaping and trees on segments through campus and to the south of the campus since the completion of the widening and improvements.

In 2014, the City secured an additional \$2.4 million in federal-aid funding for another segment of this route, between Garland Avenue and Razorback Road. However, construction bids received for the project have been over \$4 million on two separate bidding occasions. This has stalled the construction of the project.

Remaining segments between 15th Street and I-49 that have not been widened or improved include Razorback Road, from Maple Street to Leroy Pond Drive, and Garland Avenue from Poplar Street to I-49.

DISCUSSION:

After the 2nd time receiving bids over \$4 million on the Maple to Razorback segment of Highway 112, the City and UA met with the AHTD and began discussing an arrangement whereby the AHTD would provide funding to complete the construction of this segment, in exchange for the

City taking over the roadway as a City street. Ultimately, the attached proposal was developed by the AHTD, which includes:

1. The AHTD will provide additional funding to complete the improvements to the Garland to Razorback Road segment of Highway 112, and to overlay 112 on either side of this project, to provide a new condition roadway through the entire campus.
2. The AHTD will complete widening and improvements to Highway 112 north of Poplar to Van Asche, at no cost to the City. The City will be allowed to manage the design of the project.
3. In exchange, the City will accept Highway 112 between 15th Street and I-49 for maintenance in perpetuity; the route will be removed from the state highway system and will become a City street.

BUDGET/STAFF IMPACT:

While the proposed resolution does not obligate any City funds, subsequent agreements and construction contracts will require matching funds in the amount of \$958,600. The UA has agreed to provide 50% of this amount per the attached letter; therefore, the cost to the City will be a maximum of \$479,300. Funds are available in the Transportation Bond Program for this match amount.

Operational costs to the City in the short term are expected to be minimal due to the new condition of the majority of the section to be transferred to the City. Over the long term, overlay and other pavement maintenance costs will be the most significant expenses expected.

Attachments:

Resolution

Cost Spreadsheet

Map of proposed improvements and segment to be transferred to City

Letter from UA

RESOLUTION NO. _____

**A RESOLUTION ALLOWING THE CITY OF FAYETTEVILLE
TO ENTER INTO A PARTNERING AGREEMENT WITH
THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
FOR:**

Job 040582, Razorback Road – Garland Avenue (Highway 112) (Fayetteville)

WHEREAS, the City of Fayetteville (City) and the Arkansas State Highway and Transportation Department (Department) have identified a need for improvements to Highway 112 between Razorback Road and Garland Avenue in Fayetteville; and

WHEREAS, the original partnering agreement between the Department and the City was as follows:

- The Department was responsible to fund and handle project development, which is complete. The Department is also responsible for advertising, awarding the bid, and providing construction inspection.
- The City is to fund utilities, construction and construction inspection; and

WHEREAS, bids were received twice on this project, and each time the low bid was significantly over the City's budget; and

WHEREAS, in order to move this project forward, a revised partnering agreement is proposed as follows:

- The amount of City funds available for Job 040582 is capped at \$3,358,600 as shown on Attachment A. The Department will provide the gap funding needed to construct the project;
 - ✓ The City will revise the current design. However, any increase in the current scope that results in a higher project cost will be the responsibility of the City and will be in addition to the cap amount of \$3,358,600;
 - ✓ The Department will advertise and award the project. The City may inspect the project. The Department will inspect the project if requested by the City;
 - ✓ Once the project is let to contract, an increase in cost due to added scope by change order will be the responsibility of the City. An increase in cost due to a change order for a normal bid item adjustment will be the responsibility of the Department;
- The Department will fund the cost to overlay the segments from Maple Street to North Street and from Leroy Pond Drive north to the beginning of Job 040582. The City may develop, advertise, award and inspect the project. The Department will provide these

services if requested by the City. Any additional scope items to the Department's typical overlay design that add cost to this improvement will be the responsibility of the City;

- The Statewide Transportation Improvement Program for Federal Fiscal Years 2016-2020 (STIP) includes a project to widen Highway 112 from Poplar Street to Van Asche Drive. The City desires to handle all phases of project development, advertise, award, and inspect the portion from Poplar Street to Interstate 49. The Department will provide the amount of funding necessary for all phases of work to develop and construct the typical design section for an urban state highway as shown on Attachment B. The cost of additional features outside of this standard scope that increase the total cost beyond that of the typical design section will be the responsibility of the City; and

WHEREAS, upon completion of the improvements aforementioned, the City agrees to assume ownership and responsibility of Highway 112 from Highway 16 (15th Street) to Interstate 49 as shown on Attachment C.

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

SECTION I: The City of Fayetteville will participate in accordance with its designated responsibilities in this project.

SECTION II: The Mayor or his designated representative is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of this project.

SECTION III: The City of Fayetteville pledges its full support and hereby requests that the Arkansas State Highway and Transportation Department initiate action to implement this project.

THIS RESOLUTION adopted this _____ day of _____, 2016.

Lioneld Jordan
Mayor

ATTEST: _____
(SEAL)

**Arkansas State Highway and Transportation Department
City of Fayetteville / Washington County
Highway 112
December 12, 2016**

Project Information

Job Number	Description	Length (miles)	Phase	Total Cost
	Maple Street - North Street	0.47	Const + CENG	247,500
040582	Razorback Road - Garland Avenue	0.37	Utilities	640,882
			Construction	4,250,000
			CENG (10%)	425,000
			Sub-Total	5,315,882
	Leroy Pond Drive - North	0.54	Const + CENG	192,500
Total				5,755,882

City Funds

STP-A	Match	Total
512,706	128,176	640,882
1,887,294	471,824	2,359,118
	358,600	358,600
2,400,000	958,600	3,358,600
2,400,000	958,600	3,358,600

ESTIMATED ADDITIONAL STATE FUNDS

Additional Federal and State funding made available for improvements if the City agrees to assume ownership and maintenance of Hwy. 112.

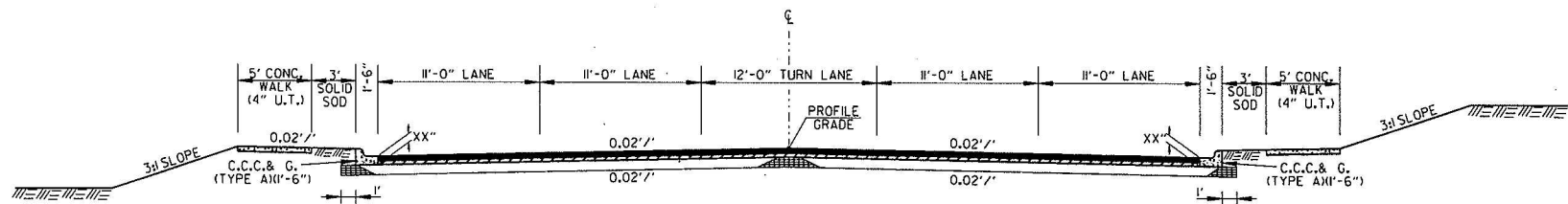
This amount will either be increased or decreased based on the lowest responsive bid received that is awarded to contract. This amount does not represent a minimum or maximum of funding made available for the project.

Federal	Match	Total
198,000	49,500	247,500
1,512,706	378,177	1,890,883
53,120	13,280	66,400
1,565,826	391,457	1,957,283
154,000	38,500	192,500
1,917,826	479,457	2,397,283

Note: Job 040582's construction cost estimate is based on the current design. City funds are capped at \$3,358,600 in STP-A and matching funds. AHTD is committed to providing the full amount of gap funding necessary for Job 040582, contingent upon receiving a responsive bid that is within an acceptable range of the engineer's estimate. The City of Fayetteville will revise the current design to incorporate some desired changes. Funding for any increases in scope will be the responsibility of the City and will be added to the \$3,358,600 cap amount. Once the project is let to contract, an increase in cost due to added scope will be the responsibility of the City. An increase in cost due to normal change in conditions will be the responsibility of the Department.

AHTD is committed to providing funds for the overlay projects using our basic design standards. Funding for any increases in scope will be the responsibility of the City and be added to the \$3,358,600 cap amount.

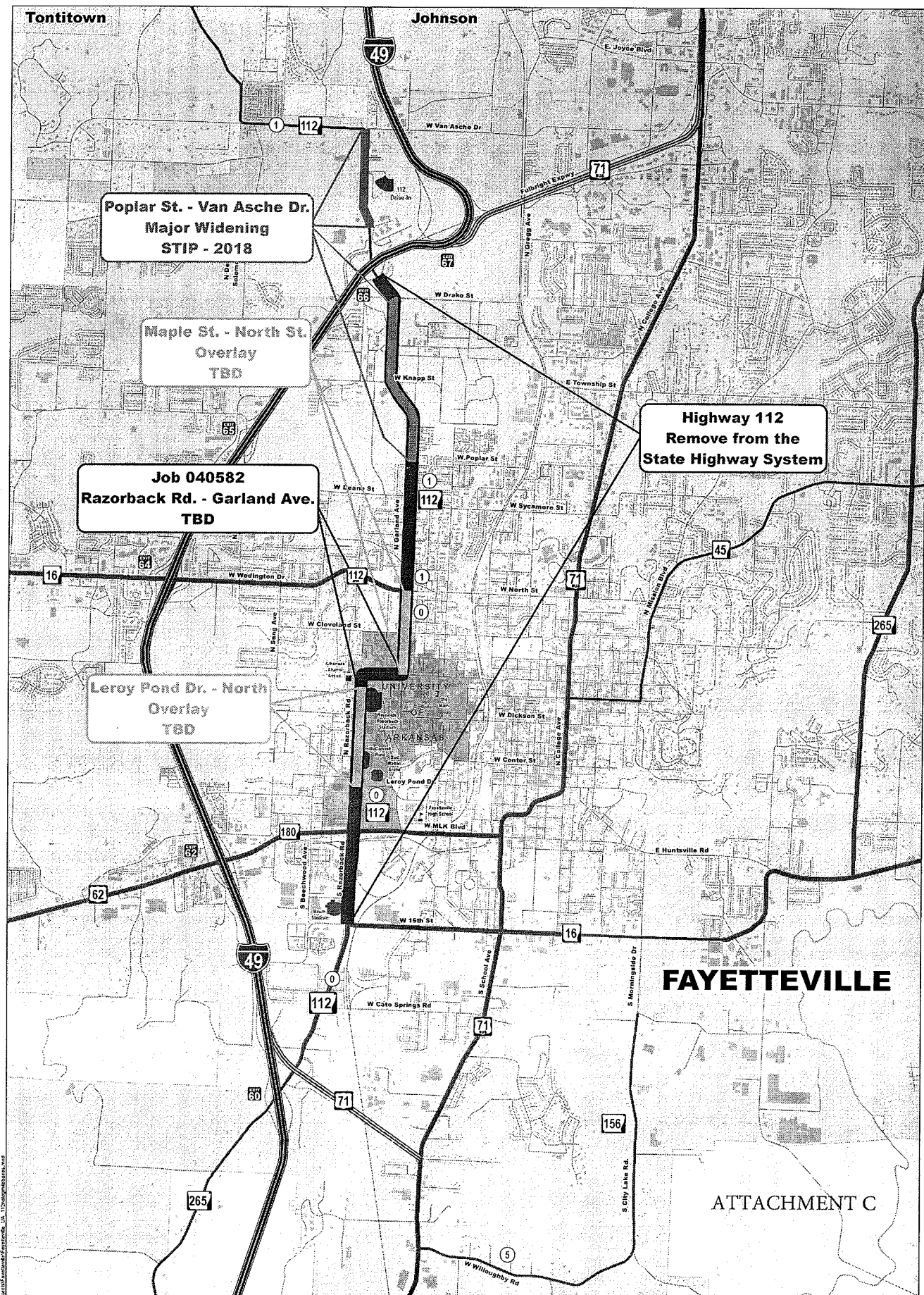
DATE REVISED	DATE PAID	DATE REVISED	DATE PAID	FED. AID DET. NO.	STATE	FED. AID PROG. NO.	SHEET NO.	TOTAL SHEETS
				6	ARK.			
						XXXXXX		
2 TYPICAL SECTIONS OF IMPROVEMENT								



HWY. XXX-FULL DEPTH
C.C.C. & G. LT. & RT.

ATTACHMENT B

TYPICAL SECTIONS OF IMPROVEMENT



Highway 112

Fayetteville
Washington County



ATTACHMENT C



UNIVERSITY OF ARKANSAS

Facilities Management

December 15, 2016

Chris Brown
City Engineer
City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

Dear Chris:

Per your request via attached email of Wednesday, December 14, 2016, the University of Arkansas (UA) remains committed to our cost-sharing (10% City / 10% UA) on the required 20% local match on AHTD Job #040582 Razorback Rd-Garland Ave (Highway 112) (Fayetteville).

This UA Commitment is on a not-to-exceed basis of \$479,300 per the draft resolution and supporting documents.

The UA remains committed to also working out an appropriate long-term agreement on current and future maintenance for the roadway sections between 15th Street and North Street / Wedington Drive. Our maintenance efforts essentially commenced in 2002-2003 upon completion of the initial section of roadway between Maple Street and North Street / Wedington Drive. They now include the entire length mentioned above and for those specific areas covered which will be incorporated in our future agreement. Potential UA areas in this future agreement to be covered include irrigation systems, tree maintenance, grass maintenance, pedestrian light maintenance where they exist, core campus crosswalk maintenance, sidewalk maintenance and related areas.

We look forward to our continued partnership as we complete this long-needed series of safety improvements and physical changes to this critical link running through our campus and the larger community.

Sincerely,

M.R. Johnson
Associate Vice Chancellor for Facilities

Attachment: Email of 12/14/16 (w/attachments)

**AGREEMENT OF UNDERSTANDING
BETWEEN
THE CITY OF FAYETTEVILLE
AND
THE ARKANSAS DEPARTMENT OF TRANSPORTATION
RELATIVE TO**

Implementation of **Highway 112 Improvements between Highway 16 and Interstate 49** in Fayetteville, Washington County (hereinafter called the "Projects").

WHEREAS, the City of Fayetteville (hereinafter called the "City") has expressed interest in partnering with the Arkansas Department of Transportation (hereinafter called the "Department") for the Projects; and

WHEREAS, Resolution No. 27-17 from the City agrees to contribute \$3,358,600 for the Projects and to accept ownership and responsibility of the portions of Highway 112 between Highway 16 and Interstate 49 upon completion of the improvements; and

WHEREAS, Arkansas State Highway Commission Minute Order 2017-012 has authorized the Director to enter into the necessary partnering agreements with the City for the Projects; and

WHEREAS, it is understood that the City and the Department will adhere to the General Requirements for Recipients and Sub-Recipients Concerning Disadvantaged Business Enterprises (DBEs) (Attachment A) and that, as part of these requirements, the Department may set goals for DBE participation in the Project, ranging from 0% to 100%, that are practical and related to the potential availability of DBEs in desired areas of expertise.

IT IS HEREBY AGREED that the City and the Department will accept the additional responsibilities and assigned duties as described hereinafter.

THE CITY WILL:

1. Be responsible for the following in relation to Job 040582, Razorback Rd.-Garland Ave. (Hwy. 112) (Fayetteville) (S) and overlays on Highway 112 from Maple Street to North Street and from Leroy Pond Drive to the beginning of Job 040582:
 - a. Be responsible for \$3,358,600 in project costs as shown in Attachment B for Job 040582.
 - b. Be responsible for any increases in construction, right of way, or utility costs resulting from changes in project scope proposed by the City.
 - c. Be responsible for any desired revisions to the current design of Job 040582, along with associated engineering costs.
 - d. Be responsible for any costs resulting from inclusion of desired revisions in project scope outside the Department's typical overlay design for the Highway 112 overlays.
 - e. Prepare plans, specifications, and a cost estimate for construction. A registered professional engineer must sign the plans and specifications for the Project. (See Attachment C for items to be included in the bid proposal.)

- f. Understand that **expenditures for work performed by the City's forces (including preliminary and construction engineering, environmental documentation, and right of way acquisition services) are not eligible for reimbursement with federal funds.**
- g. Ensure that the plans and specifications comply with the Americans with Disabilities Act (ADA), the American Association of State Highway and Transportation Officials (AASHTO) design standards, and all other applicable state and federal regulations, including airport clearance when necessary, for the type of work involved.
- h. Submit final plans for Department review.
- i. Submit a certification letter (Attachment D), including all items noted, to the Department when requesting authority to advertise the Projects for construction bids.
- j. Advertise for bids in accordance with federal procedures as shown in Attachment E. **NOTE: FHWA authorization and Department approval must be given prior to advertising for construction bids.**
- k. Forward a copy of all addenda issued for the Project during the advertisement to the Department.
- l. After bids are opened and reviewed, submit a Certification Letter Requesting Concurrence in Award (Attachment F), including all items noted, to the Department.
- m. Prior to issuing the notice to proceed to the Contractor, hold a pre-construction meeting with the Contractor and invite the Department's Resident Engineer assigned to the Project.
- n. Make payments to the contractor for work accomplished in accordance with the plans and specifications. Then request reimbursement from the Department for costs exceeding \$2,359,118 on the Construction Certification and Reimbursement Request (CCRR) form (Attachment G). Reimbursement requests should be submitted, at minimum, every three (3) months and not more than once per month.
- o. Provide construction engineering and inspection services, including associated costs, for the Project.
- p. Attach LPA Report of Daily Work Performed (Attachment H) for all days that correspond with each CCRR submittal.
- q. Prior to executing the work, submit construction contract change orders to the Department's Resident Engineer in charge of reimbursements for review and approval.
- r. Be responsible for any increased costs resulting from desired revisions in project scope, whether during the design phase or during construction as a change order.
- s. Upon completion of the Project, hold a final acceptance meeting for the Project and submit the LPA Final Acceptance Report form certifying that the Project was accomplished in accordance with the plans and specifications (Attachment I). This form must be signed by the engineer performing construction inspection on the Project, the Department's Resident Engineer assigned to the project, the City's full-time employee in responsible charge, and the City's Mayor.
- t. Upon completion of these improvements to Highway 112, accept ownership and responsibility of the portion of Highway 112, Section 0 between Highway 16 (W. 15th Street) and Highway 112 Spur (Wedington Drive).

2. Be responsible for the following in relation to projects scheduled to widen Highway 112 between Poplar Street and Interstate 49:
 - a. Be responsible for hiring a consultant engineering firm(s) in accordance with the Local Agency Consultant Selection Procedures (Attachment K) to provide engineering services which include environmental documentation, preliminary engineering, and construction engineering for the Project. **NOTE: FHWA authorization and Department approval must be given prior to issuing a work order to the consultant for federal funds to be allowed in this phase.**
 - b. Prepare plans, specifications, and a cost estimate for construction. A registered professional engineer must sign the plans and specifications for the Project. (See Attachment C for items to be included in the bid proposal.)
 - c. Understand that **expenditures for work performed by the City's forces (including preliminary and construction engineering, environmental documentation, and right of way acquisition services) are not eligible for reimbursement with federal funds.**
 - d. Make periodic payments to the consultant for preliminary engineering for the Project and request reimbursement from the Department. Reimbursement requests should be submitted, at minimum, every three (3) months and not more than once per month.
 - e. Prepare the necessary environmental documentation as required by FHWA and conduct any required public involvement meetings and public hearings.
 - f. Ensure that the plans and specifications comply with the Americans with Disabilities Act (ADA), the American Association of State Highway and Transportation Officials (AASHTO) design standards, and all other applicable state and federal regulations, including airport clearance when necessary, for the type of work involved.
 - g. Before acquiring property or relocating utilities, contact the Department's Right of Way Division to obtain the procedures for acquiring right-of-way and adjusting utilities in compliance with federal regulations. **NOTE: Failure to notify the Department prior to initiating these phases of work may result in all project expenditures being declared non-participating in federal funds.**
 - h. Acquire property in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (commonly referred to as the "Uniform Act"), and request reimbursement from the Department
 - i. Ensure the preparation of utility adjustment and right-of-way plans are in accordance with Arkansas State Highway Commission Policy.
 - j. Provide a copy of the registered deed or other approved documentation and an appropriate certification stating the City's clear and unencumbered title to any right-of-way to be used for the Project (See Attachment L). **NOTE: Any property that is to become Department right-of-way must be acquired in the Highway Commission's name.**
 - k. Submit plans at 10%, 30%, 60%, and 90% completion stages for Department review.
 - l. Submit a certification letter (Attachment D), including all items noted, to the Department when requesting authority to advertise the Project for construction bids.
 - m. Advertise for bids in accordance with federal procedures as shown in Attachment E. **NOTE: FHWA authorization and Department approval must be given prior to advertising for construction bids.**

- n. Forward a copy of all addenda issued for the Project during the advertisement to the Department.
 - o. After bids are opened and reviewed, submit a Certification Letter Requesting Concurrence in Award (Attachment F), including all items noted, to the Department.
 - p. Prior to issuing the notice to proceed to the Contractor, hold a pre-construction meeting with the Contractor and invite the Department's Resident Engineer assigned to the Project.
 - q. Make periodic payments to the consultant for construction engineering for the Project and request reimbursement from the Department. Reimbursement requests should be submitted, at minimum, every three (3) months and not more than once per month.
 - r. Make payments to the contractor for work accomplished in accordance with the plans and specifications and approved by the Department. Then request reimbursement from the Department on the Construction Certification and Reimbursement Request (CCRR) form (Attachment G). Reimbursement requests should be submitted, at minimum, every three (3) months and not more than once per month.
 - s. Attach LPA Report of Daily Work Performed (Attachment H) for all days that correspond with each CCRR submittal.
 - t. Prior to executing the work, submit construction contract change orders to the Department's Resident Engineer in charge of reimbursements for review and approval.
 - u. Be responsible for any increased costs resulting from desired revisions in project scope that exceed typical highway design criteria, whether during the design phase or during construction as a change order.
 - v. Upon completion of the Project, hold a final acceptance meeting for the Project and submit the LPA Final Acceptance Report form certifying that the Project was accomplished in accordance with the plans and specifications (Attachment I). This form must be signed by the engineer performing construction inspection on the Project, the Department's Resident Engineer assigned to the project, the City's full-time employee in responsible charge, and the City's Mayor.
 - w. Upon completion of these improvements to Highway 112, accept ownership and responsibility of the portion of Highway 112, Section 1 between Highway 112 Spur (Wedington Drive) and the northbound ramps of Interstate 49.
3. Notify the Department in writing who the City designates as its full-time employee to be in responsible charge of the day to day oversight of the Projects (Attachment M). The duties and functions of this person are to:
- Oversee project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;
 - Maintain familiarity of day to day project operations, including project safety issues;
 - Make or participate in decisions about changed conditions or scope changes that require change orders and/or supplemental agreements;
 - During construction, visit and review the project on a daily basis;
 - Review financial processes, transactions and documentation to ensure that safeguards are in place to minimize fraud, waste, and abuse;

- Direct project staff, City or consultant, to carry out project administration and contract oversight, including proper documentation;
 - Be aware of the qualifications, assignments and on-the-job performance of the City and consultant staff at all stages of the project.
4. Maintain accounting records to adequately support reimbursement with Federal-aid funds and be responsible for the inspection, measurement and documentation of pay items, and certification of all work in accordance with the plans and specifications for the Projects and for monitoring the Contractor and subcontractor(s) for compliance with the provisions of FHWA-1273, Required Contract Provisions, Federal-aid Construction Contracts, and Supplements.
 5. Pay all unpaid claims for all materials, labor, and supplies entered into contingent or incidental to the construction of said work or used in the course of said work including but not limited to materials, labor, and supplies described in and provided for in Act Nos. 65 and 368 of 1929, Act No. 82 of 1935, and Acts amendatory thereof.
 6. Assure that its policies and practices with regard to its employees, any part of whose compensation is reimbursed from federal funds, will be without regard to race, color, religion, sex, national origin, age, or disability in compliance with the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, The Americans with Disabilities Act of 1990, as amended, and Title 49 of the Code of Federal Regulations Part 21 (49 CFR 21), Nondiscrimination in Federally-Assisted Programs of the Department of Transportation.
 7. Retain all records relating to inspection and certification, the Contractor's billing statements, and any other files necessary to document the performance and completion of the work in accordance with requirements of 49 CFR 18.42 - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (Attachment N).
 8. Grant the right of access to the City's records pertinent to the Projects and the right to audit by the Department and Federal Highway Administration officials.
 9. Be responsible for 100% of all project costs incurred should the Project not be completed as specified.
 10. Sign and transmit to the Department the Certification for Grants, Loans, and Cooperative Agreements (Attachment O), which is necessary for Project participation.
 11. Repay to the Department the federal share of the cost of any portion of the Projects if, for any reason, federal participation is removed due to actions or inactions of the City, its agents, its employees, or its assigns or the City's consultants or contractors or their agents. Such actions or inactions shall include, but are not limited to, federal non-participation arising from problems with design plans, specifications, construction, change orders, construction inspection, or contractor payment procedures. The City understands and agrees that the Department may cause necessary funds to be withheld from the City's Motor Fuel Tax allotment should the City fail to pay to the Department any required funds, fail to complete the Project as specified, or fail to adequately maintain or operate the Projects.
 12. Be responsible for all costs not provided by the Federal Highway Administration or the Department.
 13. Repay to the Department the federal share of the cost of this project if for any reason the Federal Highway Administration removes federal participation.

14. Retain total, direct control over the Projects throughout the life of all project improvements outside of the Department's right-of-way and **not, without prior approval from the Department:**
 - sell, transfer, or otherwise abandon any portion of the Projects;
 - change the intended use of the Projects;
 - make significant alterations to any improvements constructed with Federal-aid funds; or
 - cease maintenance or operation of a project due to the Project's obsolescence.
15. Be responsible for satisfactory maintenance and operation of all improvements and for adopting regulations and ordinances as necessary to ensure this. Failure to adequately maintain and operate the Projects in accordance with Federal-aid requirements may result in the City's repayment of federal funds and may result in withholding all future Federal-aid.
16. Submit to the Department a Single Audit in accordance with the Office of Management and Budget (OMB) Circular A-133 each fiscal year that the City expends more than \$500,000 of Federal-aid from any federal source including, but not limited to, the U.S. Department of Transportation. The fiscal year used for the reporting is based on the City's fiscal year. The \$500,000 threshold is subject to change after OMB periodic reviews.
17. Complete and transmit to the Department both pages of the Federal Funding Accountability and Transparency Act (FFATA) Reporting Requirements (Attachment P).
18. Agree to promptly refund to the Department in full any and all revenue paid by the Department based upon claims adjudicated by the Arkansas Claims Commission or other legal forum sustained on account of the operations or actions of the City, including any act of omission, neglect or misconduct of the City. This obligation survives the termination or expiration of this Agreement.

THE DEPARTMENT WILL:

1. Be responsible for the following in relation to Job 040582, Razorback Rd.-Garland Ave. (Hwy. 112) (Fayetteville) (S) and overlays on Highway 112 from Maple Street to North Street and from Leroy Pond Drive to the beginning of Job 040582:
 - a. Be responsible for all funding beyond the City's share of Job 040582, except for any increases in cost resulting from changes in project scope proposed by the City.
 - b. Provide the funding necessary to overlay the segments of Highway 112. Costs will be limited to those associated with the Department's typical overlay design.
 - c. Maintain an administrative file for the project and be responsible for administering Federal-aid funds.
 - d. Provide environmental clearance for Highway 112 overlays.
 - e. Review final plans and specifications submitted by the City.
 - f. Ensure substantial compliance with federal contracting requirements through review of the bidding proposal for inclusion of required federal forms, review of the administration of the DBE program provisions, and general compliance with 23 CFR 635.
 - g. Advise the City when to proceed with advertisement of the Project for construction bids.
 - h. Review and concur in award of the construction contract for the Project.

- i. Ensure that the City and the City's consultant provide adequate supervision and inspection of the Project by performing periodic inspections with the City's representatives and their consultant to verify that the work being performed by the City's contractor, and documented and certified by the City, meets the requirements of the Project plans, specifications, and all applicable FHWA and Department procedures. The Department intends to perform these inspections, at a minimum, when the construction work is approximately 10% and 50% completed. The Department will also participate in the final inspection of the Project.
 - j. Review and approve any necessary change orders for project/program eligibility.
 - k. Be responsible for increases in project costs due to change orders for normal bid item adjustments.
 - l. Reimburse the City 100% for eligible construction costs approved in the CCRR form (Attachment I). This reimbursement will be limited to the funding available at the time payment is requested. If the payment requested exceeds the funding available at the time, the difference will be reimbursed as additional funds for the Project become available.
 - m. Subject to the availability of funding allocated for the Project, pay the City the remaining amount due upon completion of the Project and submittal of the certified LPA Final Acceptance Report form (Attachment K).
 - n. Upon completion of these improvements to Highway 112, remove the portion of Highway 112, Section 0 between Highway 16 (W. 15th Street) and Highway 112 Spur (Wedington Drive) from the State Highway System and transfer ownership and responsibility to the City.
2. Be responsible for the following in relation to projects scheduled to widen Highway 112 between Poplar Street and Interstate 49:
- a. Provide the City the amount of funding necessary for all phases of work to develop and construct the typical design section for an urban state highway, as shown on Attachment J, for this portion of Highway 112.
 - b. Evaluate the proposed typical design section versus the typical design section for an urban state highway, as shown on Attachment J, and determine how any changes will affect the estimated cost. City-requested changes to the typical design section that are determined to be budget-neutral will not require additional funding from the City.
 - c. Maintain an administrative file for the project and be responsible for administering Federal-aid funds.
 - d. Coordinate with the City to procure required professional services such as design consultants, construction engineering and inspection consultants, and right of way consultants.
 - e. Review environmental documentation as prepared by the City.
 - f. Review plans and specifications submitted by the City.
 - g. Reimburse the City 100% for eligible professional services, procured using Department-approved procedures, upon review and approval of reimbursement requests.

- h. Notify the City when right-of-way and/or utility plans are approved and the City may proceed with right-of-way acquisition and/or utility adjustments.
- i. Ensure substantial compliance with federal contracting requirements through review of the bidding proposal for inclusion of required federal forms, review of the administration of the DBE program provisions, and general compliance with 23 CFR 635.
- j. Advise the City when to proceed with advertisement of the Project for construction bids.
- k. Review and concur in award of the construction contract for the Project.
- l. Ensure that the City and the City's consultant provide adequate supervision and inspection of the Project by performing periodic inspections with the City's representatives and their consultant to verify that the work being performed by the City's contractor, and documented and certified by the City, meets the requirements of the Project plans, specifications, and all applicable FHWA and Department procedures. The Department intends to perform these inspections, at a minimum, when the construction work is approximately 10% and 50% completed. The Department will also participate in the final inspection of the Project.
- m. Review and approve any necessary change orders for project/program eligibility.
- n. Be responsible for increases in project costs due to change orders for normal bid item adjustments.
- o. Reimburse the City 100% for eligible construction costs approved in the CCRR form (Attachment G). This reimbursement will be limited to the funding available at the time payment is requested. If the payment requested exceeds the funding available at the time, the difference will be reimbursed as additional funds for the Project become available.
- p. Subject to the availability of funding allocated for the Project, pay the City the remaining amount due upon completion of the Project and submittal of the certified LPA Final Acceptance Report form (Attachment I).
- q. Upon completion of these improvements to Highway 112, remove the portion of Highway 112, Section 1 between Highway 112 Spur (Wedington Drive) and Interstate 49 from the State Highway System and transfer ownership and responsibility to the City.

IT IS FURTHER AGREED that should the City fail to fulfill its responsibilities and assigned duties as related in this Agreement, such failure may disqualify the City from receiving future Federal-aid highway funds.

IT IS FURTHER AGREED, that should the City fail to pay to the Department any required funds due for project implementation or fail to complete the Project as specified in this Agreement, or fail to adequately maintain or operate the Project, the Department may cause such funds as may be required to be withheld from the City's Motor Fuel Tax allotment.

IN WITNESS WHEREOF, the parties thereto have executed this Agreement this 19th day of September, 2017.

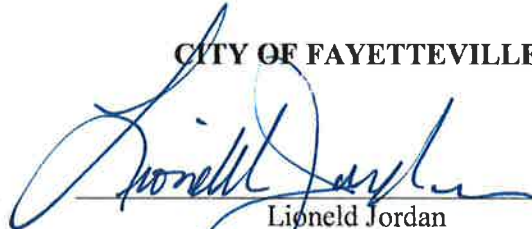
**ARKANSAS DEPARTMENT OF
TRANSPORTATION**



Scott E. Bennett, P.E.
Director

Handwritten note:
KAT MRS
Hut

CITY OF FAYETTEVILLE



Lioneld Jordan
Mayor



Kit Williams
City Attorney

ARKANSAS DEPARTMENT OF TRANSPORTATION

NOTICE OF NONDISCRIMINATION

The Arkansas Department of Transportation (Department) complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. Therefore, the Department does not discriminate on the basis of race, sex, color, age, national origin, religion (not applicable as a protected group under the Federal Motor Carrier Safety Administration Title VI Program), disability, Limited English Proficiency (LEP), or low-income status in the admission, access to and treatment in the Department's programs and activities, as well as the Department's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the Department's nondiscrimination policies may be directed to Joanna P. McFadden Section Head - EEO/DBE (ADA/504/Title VI Coordinator), P. O. Box 2261, Little Rock, AR 72203, (501) 569-2298, (Voice/TTY 711), or the following email address: joanna.mcfadden@ardot.gov

Free language assistance for Limited English Proficient individuals is available upon request.

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.

GENERAL REQUIREMENTS
FOR
RECIPIENTS AND SUB-RECIPIENTS
CONCERNING DISADVANTAGED BUSINESS ENTERPRISES

It is the policy of the U. S. Department of Transportation that disadvantaged business enterprises (DBEs) as defined in 49 CFR Part 26 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this Agreement. Consequently, the DBE requirements of 49 CFR Part 26 apply to this Agreement.

The recipient or its contractor agrees to ensure that DBEs as defined in 49 CFR Part 26 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this Agreement. In this regard all recipients or contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 26 to ensure that DBEs have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of DOT-assisted contracts.

If as a condition of assistance the recipient has submitted and the Department has approved a disadvantaged business enterprise affirmative action program, which the recipient agrees to carry out, this program is incorporated into this financial assistance agreement by reference. This program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of this financial assistance agreement. Upon notification to the recipient of its failure to carry out the approved program, the Department shall impose such sanctions as noted in 49 CFR Part 26, Subpart F, which sanctions may include termination of the Agreement or other measures that may affect the ability of the recipient to obtain future DOT financial assistance.

The recipient shall advise each sub-recipient, contractor or subcontractor that failure to carry out the requirements set forth in 49 CFR Part 26, Subsections 26.101 and 26.107 shall substitute a breach of contract and after the notification of the Department, may result in termination of the agreement or contract by the recipient or such remedy as the recipient deems appropriate.

(NOTE: Where appropriate, the term "recipient" may be modified to mean "sub-recipient", and the term "contractor" modified to include "subcontractor".)

**Arkansas State Highway and Transportation Department
City of Fayetteville / Washington County
Highway 112
December 12, 2016**

Project Information

Project Information				
Job Number	Description	Length (miles)	Phase	Total Cost
	Maple Street - North Street	0.47	Const + CENG	247,500
040582	Razorback Road - Garland Avenue	0.37	Utilities	640,882
			Construction	4,250,000
			CENG (10%)	425,000
Sub-Total				5,315,882
	Leroy Pond Drive - North	0.54	Const + CENG	192,500
Total		1.38		5,755,882

City Funds

STP-A	Match	Total
512,706	128,176	640,882
1,887,294	471,824	2,359,118
	358,600	358,600
2,400,000	958,600	3,358,600
2,400,000	958,600	3,358,600

ESTIMATED ADDITIONAL STATE FUNDS

Additional Federal and State funding made available for improvements if the City agrees to assume ownership and maintenance of Hwy. 112. This amount will either be increased or decreased based on the lowest responsive bid received that is awarded to contract. This amount does not represent a minimum or maximum of funding made available for the project.

Federal	Match	Total
198,000	49,500	247,500
1,512,706	378,177	1,890,883
53,120	13,280	66,400
1,565,826	391,457	1,957,283
154,000	38,500	192,500
1,917,826	479,457	2,397,283

Note: Job 040582's construction cost estimate is based on the current design. City funds are capped at \$3,358,600 in STP-A and matching funds. AHTD is committed to providing the full amount of gap funding necessary for Job 040582, contingent upon receiving a responsive bid that is within an acceptable range of the engineer's estimate. The City of Fayetteville will revise the current design to incorporate some desired changes. Funding for any increases in scope will be the responsibility of the City and will be added to the \$3,358,600 cap amount. Once the project is let to contract, an increase in cost due to added scope will be the responsibility of the City. An increase in cost due to normal change in conditions will be the responsibility of the Department.

AHTD is committed to providing funds for the overlay projects using our basic design standards. Funding for any increases in scope will be the responsibility of the City and be added to the \$3,358,600 cap amount.

REQUIRED CONTENTS OF BIDDING PROPOSALS FEDERAL-AID SURFACE TRANSPORTATION PROGRAM PROJECTS

1) **FHWA-1273**

Each set of contract documents shall include FHWA-1273, "Required Contract Provisions, Federal-aid Construction Contracts," and such supplements that may modify the FHWA-1273. Copies of FHWA-1273 and supplements will be provided by the Department.

2) **Anti-Collusion and Debarment Certification**

The certification shall either be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the State to administer oaths or in the form of an unsworn declaration executed under penalty of perjury of the law of the United States. The required form for the Anti-Collusion and Debarment Certification will be provided by the Department. The certification includes:

- Anti-collusion - A statement executed by, or on behalf of the person, firm, association, or corporation submitting the bid certifying that such person, firm, association, or corporation has not, either directly or in-directly, entered into any agreement, participated in any collusion, or otherwise taken any action, in restraint of free competitive bidding in connection with the submitted bid.
- Debarment - A statement regarding debarment, suspension, ineligibility and voluntary exclusion as required by Title 49 of the Code of Federal Regulations, Part 29 (49 CFR 29).

Failure to submit the executed Certification as part of the bidding documents will make the bid nonresponsive and not eligible for award consideration.

3) **Lobbying Certification**

This certification is required by 49 CFR 20. The form for this certification will be provided by the Department.

4) **Davis-Bacon Pre-determined Minimum Wage Rates**

Davis-Bacon requirements apply to all projects greater than \$2,000 that are physically located within the existing right-of-way of a functionally classified city street. The Davis-Bacon wage rates will be provided by the Department.

CERTIFICATION LETTER
REQUESTING AUTHORITY TO ADVERTISE FOR BIDS

DATE

Mr. Emanuel Banks
Deputy Director and Chief Engineer
Arkansas Department of Transportation
P. O. Box 2261
Little Rock, AR 72203

Re: Job #
Job Name
County

Dear Mr. Banks:

The following documents are submitted concerning the referenced project:

1. One reproducible set of plans and specifications.
2. A copy of the engineer's estimate of cost.
3. Copies of any technical specifications or special provisions.

I certify that the plans, specifications and estimate were prepared by or under the direct supervision of a Professional Engineer licensed to practice in the State of Arkansas and that the plans and specifications comply with the Americans with Disabilities Act (ADA), the American Association of State Highway and Transportation Officials (AASHTO) design standards, and all other applicable state and federal regulations, including airport clearance when necessary, for the type of work involved.

I understand that if any project items are declared non-participating in federal funds due to failure to comply with any State or federal requirements, the City will promptly repay such funds to the Arkansas Department of Transportation (ArDOT). Further, I hereby authorize the Director of the Arkansas State Department of Finance and Administration to transfer such funds from the City's gasoline tax allotment to the ArDOT's RRA Fund upon notification by the Director that such funds are due ArDOT and have not been paid by the City.

Approval to proceed with advertisement of the project for bids is requested.

Sincerely,

NAME & OFFICE
(City's CEO)

Enclosures

GUIDELINES FOR ADVERTISING AND OPENING BIDS FEDERAL-AID PROJECTS

Upon receipt of written authorization from the Arkansas Department of Transportation, the project may be advertised for bids. The following minimum guidelines for advertising must be met:

- The minimum advertising period is three weeks.
- In addition to meeting the State requirements for advertising for construction projects, the project must be advertised a minimum of two times in a statewide newspaper.
- The notice must contain: (1) the time, date, and place that sealed bids are to be accepted, opened, and publicly read; (2) a brief description of the kind or type of work contemplated; and (3) the place at which prospective bidders may obtain plans and specifications.
- The City will include the following language in the solicitation for bids:

“The City hereby notifies all bidders that this contract is subject to applicable labor laws, non-discrimination provisions, wage rate laws and other federal laws including the Fair Labor Standards Acts of 1938. The Work Hours Act of 1962 and Title VI of the Civil Rights Act of 1964 also apply.”
- All bids received in accordance with the terms of the advertisement shall be publicly opened and at a minimum, the total amount bid must be read (the City may choose to read the bids item by item).
- If any bid received is not read aloud, the name of the bidder and the reason for not reading the bid aloud shall be publicly announced at the letting.
- In accordance with 23 CFR 635.110, any procedures and requirements for qualifying and licensing contractors must be approved by the Federal Highway Administration.
- **Negotiation with contractors during the period following the opening of bids and before the award of the contract is not permitted.**

CERTIFICATION LETTER
REQUESTING CONCURRENCE IN AWARD OF THE CONTRACT

DATE

Mr. Emanuel Banks
Deputy Director and Chief Engineer
Arkansas Department of Transportation
P. O. Box 2261
Little Rock, AR 72203

Re: Job #
Job Name
County

Dear Mr. Banks:

The following documents are submitted concerning the referenced project:

1. One set of bid tabulations.
2. Justification of award (if low bid amount is greater than 10% over the estimate).

I certify that the referenced project was advertised and bids were received in accordance with the regulations governing Federal-aid projects and all other applicable state and federal regulations, and that this process has been reviewed and approved by the City Attorney. Additionally, I certify that the bid is being awarded to the lowest responsive and qualified bidder and that there has not been, nor will there be, any negotiations with the contractor or other bidders regarding the amount bid.

Your concurrence in the award of this contract to CONTRACTOR is requested.

Sincerely,

Mayor

City Attorney

Enclosures

CONSTRUCTION CERTIFICATION AND REIMBURSEMENT REQUEST

Revised: 7/25/17

PAGE 1 OF 2 PAGES

Job No.: _____	Payee/City: _____	DATE: _____
FAP: _____	address _____	
County: _____	_____	PAY REQUEST # _____
Job Name: _____	Federal Tax ID No.: _____	FROM: _____ TO: _____

CITY'S REQUEST FOR PAYMENT

1 Original Contract Amount	_____
2 Net Changes by Change Orders	_____
3 Present Contract Total	_____
4 Work Completed to Date	_____
5 Previous Reimbursements	_____
6 Amount Due this Estimate (subtract Line 5 from Line 4)	

Designated Full Time Employee In Responsible Charge

The information provided in this document is true and correct and I recommend that payment be made to the Contractor for this work.

By: _____ Date: _____

Title: _____

CHANGE ORDER SUMMARY

ADDITIONS

DEDUCTIONS

Total changes previously approved

Total approved this Request Period

TOTALS

NET CHANGES by Change Order
(Line 2 above)

City's CEO

Payment is requested from the Arkansas Department of Transportation for the Amount Due. I certify that the Contractor and/or subcontractor(s) are complying with the provisions of FHWA-1273, Required Contract Provisions, Federal-aid Construction Contracts, and Supplements; that the work has been completed by the Contractor in accordance with the plans and specifications; and that the Contractor has been paid for this work.

By: _____ Date: _____

Title: _____

DEPARTMENT USE ONLY

Recommended for Payment in
Accordance with Project Agreement

Approved for Payment

PAID

Voucher No. _____

Resident Engineer

State Construction Engineer

Date: _____

Attachment G

DETAIL ESTIMATE

PAGE 2 OF 2 PAGES

REQUEST NO: _____ DATE: _____
FROM: _____ TO: _____
CONTRACTOR: _____

[illegible]

COPY OF CITY'S PAYMENT CHECK FOR THIS ESTIMATE MUST BE ATTACHED TO THIS FORM

CITY
LPA Report of Daily Work Performed

Job Name: _____	Job No.: _____
FAP No.: _____	Contractor: _____
Date: _____	Hours Worked: _____ - _____
Report No.: _____	

Project Conditions		
<u>Site Conditions</u> _____ Useable _____ Partly Useable _____ Not Useable Min Temp. (F) _____ Max Temp. (F) _____	<u>Weather</u> _____ Sunny _____ Partly Cloudy _____ Rain Rainfall Amt. (in.) _____	<u>Number of Contractor's Personnel</u> _____ Laborers _____ Carpenters _____ Concrete Laborers _____ Equip. Operators _____ Electricians _____ Plumbers _____ Foreman _____ Other _____ _____ Other _____
<u>Comments</u>		

Location and Description of Work Performed

Special Instructions and/or Conversations

Signed: _____ Designated Full-time Employee

CITY
LPA Final Acceptance Report

Job Name:		Date:
Job No:	FAP No:	
County:	Route:	
Contractor:		
Date Work Began:	Date Work Completed:	
Attendees:		
Remarks:		
Project Completed in Substantial Compliance with Plans and Specifications and Recommended for Final Acceptance by City		Recommended for Acceptance in Accordance with Project Agreement
Engineer	ArDOT Resident Engineer	

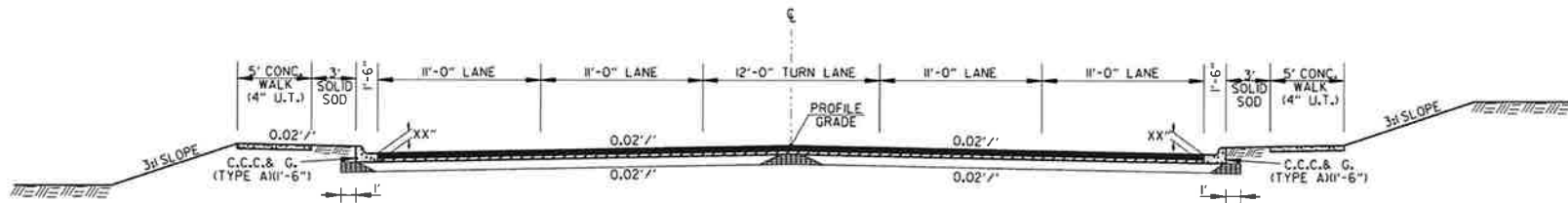
Project Recommended for Acceptance

Designated Full-time Employee: _____

I certify that the Contractor and/or subcontractor(s) have complied with the provisions of FHWA-1273, Required Contract Provisions, Federal-aid Construction Contracts, and Supplements; that the project has been completed by the Contractor in accordance with the plans and specifications; that the Contractor has been paid for this work, and the project is hereby accepted.

CITY's CEO

DATE REVISED	DATE FILMED	DATE REVISED	DATE FILMED	FIGURE DATE	STATE	FIGURE PROJECT	SHEET NO.	TOTAL SHEETS
				6	ARK.			
				JOB NO.	XXXXXX			
2 TYPICAL SECTIONS OF IMPROVEMENT								



HWY. XXX-FULL DEPTH
C.C.C. & G. LT. & RT.

TYPICAL SECTIONS OF IMPROVEMENT

LOCAL AGENCY

CONSULTANT SELECTION PROCEDURES

Section I – Application

These procedures apply to federally funded contracts for engineering and design services for projects. The federal laws and regulations that govern the procurement of engineering and design related services with Federal-aid highway funds are:

- 23 U.S.C. 112 “Letting of contracts”.
- 23 CFR 172 “Administration of Engineering and Design Related Service Contracts”,
- 49 CFR 18 “Uniform Administration Requirements for Grants and Cooperative Agreements to State and Local Governments” or more commonly known as the “Common Rule”,
- 40 U.S.C. Chapter 10 Subchapter VI, paragraphs 541-544 or commonly called the “Brooks Act”.

In accordance with the above federal laws and regulations, the Arkansas Department of Transportation (ArDOT) has approved these procedures for use by the Local Agency for the “competitive negotiation” method of procurement as defined in 23 CFR 172.5, Methods of Procurement.

The Local Agency will use these procedures for Federal-aid contracts and may elect to use them for non-Federal-aid contracts.

These procedures do not apply to design-build Contracts.

Section II – Advertisement for Letters of Interest (LOIs).

The Local Agency may employ a consultant engineering firm when a need exists for engineering services and it is in the Local Agency's best interest to employ an engineer or engineering firm.

As a minimum, the Local Agency will advertise in a statewide newspaper, the ArDOT's website and the Local Agency's website (if available), advising that consultant engineering services are being sought. In addition, the Local Agency may advertise in appropriate national trade magazines or websites for specialized services. Interested firms must furnish a Letter of Interest with primary contact information and Architect-Engineer Qualifications Standard Form 330 Parts I and II. The advertisement will be for either a specific single project, a group of projects, or for an indefinite delivery of projects to be determined at a later date with specific task orders issued for each project.

When the Local Agency advertises a specific project, the advertisement will describe the work in general terms so that firms may evaluate their interest in performing the desired services.

When the Local Agency advertises a group of projects, a general description of work will be furnished. Firms will be asked to specify the projects they are interested in performing. When the Local Agency decides to proceed with a certain project, those firms having expressed interest in that project will be considered for selection.

When the Local Agency advertises for an indefinite delivery of projects with later specified task orders, the advertisement will include a general description of work for the project tasks.

Section III – Selection Committee.

The Local Agency will designate a Selection Committee (Committee) to evaluate and analyze the LOIs and Proposals.

Section IV – Evaluation of LOIs.

The Committee will evaluate each consultant firm based on the following:

No.	Evaluation Factors for LOIs	Maximum Points Possible
1	Professional staff including the education, experience, number of personnel available, and any partnerships with sub-consultants	10
2	General and professional reputation, including responsiveness to civil rights and equal employment opportunity requirements and opportunities	10
3	Past work performance	10
4	Experience with projects of a similar nature as those advertised	10
	Total Points for LOI	40

Following their review, the selection committee will prepare a short list of engineering firms and recommend to the Local Agency that these firms submit detailed proposals for further evaluation.

Section V – Request for Proposal (RFP).

The Local Agency will prepare a scope of work statement and request proposals from the engineering firms on the short list. For projects with FHWA oversight, the Local Agency will forward the scope of work statement to ArDOT to forward to FHWA for review and approval before soliciting RFPs. A Local Agency's scope of work will typically include the following:

1. A detailed description of the work
2. Services that will be furnished by the Local Agency
3. Services expected of the consultant
4. Project conditions of the work
5. Special conditions of the work
6. Assurance of participation of Disadvantaged Business Enterprises (DBE) in Federal-aid projects. The Local Agency may establish a DBE goal of a certain percentage of the work for DBE's to assure DBE's participation in Federal-aid projects. When a DBE goal is specified, the Local Agency will ensure that a certified DBE(s) performs the identified engineering work and that the payments to the DBE(s) verify that the goal was reached. The establishment of a DBE goal does not preclude a DBE from being the prime consultant for the project.

The short-listed firms should submit proposals that contain the following:

1. A cover letter with primary contact information
2. A detailed work plan that identifies the major tasks of work
3. A list of major concerns associated with completing the work
4. A detailed work schedule for specific projects as requested
5. A manpower estimate for specific projects as requested
6. Updated Standard Form 330 Parts I and II if necessary

The Committee will review the proposals with particular attention to the following evaluation factors and the consideration of Section IV. The evaluation factors and their relative importance will be listed in the RFP if any of the factors are different from the list below.

No.	Evaluation Factors for Proposals	Maximum Points Possible
1	Obvious indication that the scope of work is clearly understood	10
2	Comprehensive, coherent, and detailed work plan	10
3	Realistic work schedule when applicable	10
4	Proposed working office location, need for a local office, and any local representative*	5
5	Identification of sub-consultants and responsiveness to DBE goals and opportunities	5
6	Total Points for LOI	40
	Total Points for Proposals	80

*Locality preference may be used on a project by project basis where it is not based on political boundaries.

Based on these various items, the Committee will rank the firms in order of preference and submit the list to the Local Agency who will either:

1. Select one firm to enter negotiations with;

2. Select multiple firms for an indefinite delivery contract; or
3. Select two or more firms to interview (a firm may present additional information concerning their proposal at the interview). After the interviews, the Committee will re-evaluate the firms based on the interview and the same evaluation factors as noted previously. The ranked list will be submitted to the Local Agency for review and final selection.

The contract file will contain records of the rankings and supporting data; however, the rankings will not be public information. Copies of the LOI advertisement, the rankings, and supporting data shall be submitted to ArDOT for the contract file.

Section VI – Negotiation and Contract Preparation.

Once a firm is selected for negotiation for a specific job or a group of projects, it will prepare a draft contract including a cost estimate for the project. The other firms on the short list will be advised of the firm selected, subject to successful negotiations.

More than one firm may be selected for an indefinite delivery contract. The contract will establish a maximum cost for the contract as well as an expiration date. As individual task orders are issued, individual task order cost estimates will be negotiated.

The selected firm will prepare a draft contract based on a sample contract furnished by the ArDOT. In accordance with the principles of 23 CFR 172, the draft contract must include an overhead rate that is approved by the ArDOT. The overhead rate shall be verified by an audit by a certified public accountant on behalf of the consultant if the contract exceeds \$250,000. If the contract is less than \$250,000, the overhead rate shall also be verified by an audit by a certified public accountant on behalf of the consultant if at least one of the following conditions applies:

1. when there is insufficient knowledge of the consultant's accounting system;
2. when there is previous unfavorable experience regarding the reliability of the consultant's accounting system; or
3. when the contract involves procurement of new equipment or supplies for which cost experience is lacking.

Pursuant to this requirement, the ArDOT will notify the Local Agency if an audit by a certified public accountant for the selected firm is necessary. The certified audit needs to be provided by the selected firm prior to the submission of the final draft contract.

The Local Agency will review the draft contract proposal and either approve it as submitted or enter into negotiations with the selected firm to establish a contract and contract amount that the Local Agency deems is fair and reasonable. If a satisfactory contract cannot be negotiated with the selected firm, negotiations will be formally terminated. The Local Agency will then enter into negotiations with the second ranked firm. If negotiations with that firm fail, the Local Agency will formally terminate those

negotiations and begin to negotiate with the third ranked firm, and so on. If the Local Agency cannot negotiate a satisfactory contract with any of the firms on the short list, the Local Agency shall either:

1. Request proposals from additional firms who have submitted LOIs and are considered competent and qualified; evaluate and rank the firms based on the criteria described in Section V; and continue the negotiation process, or
2. Terminate all negotiations and begin the selection process again.

When the Local Agency and the consultant agree on a negotiated contract, the consultant will prepare a final draft and submit it to the Local Agency and ArDOT for review. After review and a determination that it is acceptable, the consultant will sign the contract. The Local Agency will then execute the contract. The contract will subsequently be submitted to ArDOT for final review and approval. When approved, copies of the signed contract will be distributed within the Local Agency and to the consultant.

For projects with FHWA oversight and for indefinite delivery contracts utilizing federal funds, the ArDOT will forward the initial and final drafts of the contract to FHWA for review and comment. The FHWA approves the final executed contract by stamp and signature and retains a copy.

After the Local Agency executes an indefinite delivery contract, it will assign specific projects by task order for the duration of the contract period. The consultant will prepare each task order based on the scope of work furnished by the Local Agency. The task order will include a manpower estimate and cost. The Local Agency will review the task order and approve it as submitted or negotiate with the consultant to establish a task order and task order amount that the Local Agency deems is fair and reasonable. After review and a determination that the task order is acceptable, the consultant will sign the task order. The Local Agency will execute the task order. The task order will subsequently be submitted to ArDOT for final review and approval. When approved, copies of the signed task order will be distributed within the Local Agency and to the consultant. For projects with FHWA oversight, the ArDOT will forward the initial and final drafts of the task order to FHWA for review and comment. The FHWA approves the final executed task order by stamp and signature and retains a copy.

Section VII – Monitoring the Contract.

The Local Agency may identify staff members as key liaisons for specific projects or for technical matters during the administration of the contract period.

The Local Agency will:

1. Maintain the contract files.
2. Arrange and attend periodic progress meetings.
3. Coordinate reviews and approval actions with other agencies when necessary.

4. Review progress payments.
5. Coordinate questions from the consultant.
6. Negotiate any change or amendment to the contract and submit to ArDOT for review and approval.
7. Prepare an evaluation of the consultant's performance after completion of the contract. A copy of the evaluation shall be submitted to the ArDOT.

Section VIII – Consultant Liability

The Local Agency will include a contract requirement that the consultant will warrant that all services and work products provided as part of the contract are free from defects in workmanship at the time of acceptance and that the work conforms to the requirements of the contract. This warrant is effective regardless of the degree of inspection and acceptance by the Local Agency or others.

If the consultant is required to correct or re-perform any work or services, the work will be performed at no cost to the Local Agency, and any work or services corrected or re-performed by the consultant shall also be warranted that it is free from defects in workmanship. If the consultant fails or refuses to correct or re-perform, the Local Agency may, by contract or otherwise, correct or replace the deficient items or services with similar work or services, and charge the cost to the consultant or make an equitable adjustment in the consultant's reimbursement.

Acceptance is an act of an authorized representative of the Local Agency by which the Local Agency approves specific services, as partial or complete performance of the contract. Correction is the elimination of a defect.

CITY LETTERHEAD

JOB NUMBER
JOB DESCRIPTION
COUNTY

Title to the right of way necessary for the construction of this project has been acquired, *or will be acquired*, in accordance with applicable Federal Highway Administration procedures.

↓ indicate total number in each category here. Delete any categories not used in this job.

- ___ Tract(s)
___ Options(s)
___ Paid
___ Donation(s)
___ Negotiation Pending* - include tract number(s) and statement: "It is anticipated that this/these tract(s) will be acquired by (date)."
___ Condemnation(s) – (include Order of Possession date or date the Court Order was filed)
___ Condemnation(s) Pending* - include tract number(s) and anticipated filing date
* If applicable

↓ delete the statement in each pair that does not apply

There are no displacees on this project.

-Or-

Relocation Assistance has been provided in accordance with applicable Federal Highway Administration procedures and all displacees have moved from this project. There was/were # displaced (residence(s)/business(es)/personal property/etc) on the project.

There are no structures located within the right of way area.

-Or-

All structures have been removed from this project, except for those to be included as demolition items in the highway contract.

No conflicting utilities are known to exist in the right of way area.

-Or-

Necessary utility relocation has been, or will be, completed as shown in the attached Utility Status Report.

There are no railroads involved on this project

-OR-

Tract(s) # ___ shown above include(s) # ___ (Permanent/Temporary Construction Easements) for ___ Railroad.

No right of way in excess of that needed for construction or future maintenance of this project was acquired.

Certified by: _____
(Type name)
(Type title)

Date: _____

City Letterhead

*(Designating Full-Time Employee
in Responsible Charge)*

DATE

Mr. Jared D. Wiley
Division Engineer – Program Management
Arkansas Department of Transportation
P. O. Box 2261
Little Rock, AR 72203

Re: **Job Name**
County

Dear Mr. Wiley:

The full-time employee in responsible charge of the day to day oversight for the referenced project will be (insert employee's name). This letter certifies that the employee is aware of the duties and functions they are in charge of as outlined in the Agreement of Understanding. They can be contacted at (insert phone number) or at (insert email address).

Sincerely,

NAME & OFFICE
(City's CEO)

49 CFR 18.42

UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Post-Award Requirements

Retention and access requirements for records.

(a) *Applicability.* (1) This section applies to all financial and programmatic records, supporting documents, statistical records, and other records of grantees or subgrantees which are:

(i) Required to be maintained by the terms of this part, program regulations or the grant agreement, or

(ii) Otherwise reasonably considered as pertinent to program regulations or the grant agreement.

(2) This section does not apply to records maintained by contractors or subcontractors. For a requirement to place a provision concerning records in certain kinds of contracts, see Sec. 18.36(i)(10).

(b) *Length of retention period.* (1) Except as otherwise provided, records must be retained for three years from the starting date specified in paragraph (c) of this section.

(2) If any litigation, claim, negotiation, audit or other action involving the records has been started before the expiration of the 3-year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular 3-year period, whichever is later.

(3) To avoid duplicate recordkeeping, awarding agencies may make special arrangements with grantees and subgrantees to retain any records which are continuously needed for joint use. The awarding agency will request transfer of records to its custody when it determines that the records possess long-term retention value. When the records are transferred to or maintained by the Federal agency, the 3-year retention requirement is not applicable to the grantee or subgrantee.

(c) *Starting date of retention period--*(1) *General.* When grant support is continued or renewed at annual or other intervals, the retention period for the records of each funding period starts on the day the grantee or subgrantee submits to the awarding agency its single or last expenditure report for that period. However, if grant support is continued or renewed quarterly, the retention period for each year's records starts on the day the grantee submits its expenditure report for the last quarter of the Federal fiscal year. In all other cases, the retention period starts on the day the grantee submits its final expenditure report. If an expenditure report has been waived, the retention period starts on the day the report would have been due.

(2) *Real property and equipment records.* The retention period for real property and equipment records starts from the date of the disposition or replacement or transfer at the direction of the awarding agency.

(3) *Records for income transactions after grant or subgrant support.* In some cases grantees must report income after the period of grant support. Where there is such a requirement, the retention period for the records pertaining to the earning of the income starts from the

end of the grantee's fiscal year in which the income is earned.

(4) *Indirect cost rate proposals, cost allocations plans, etc.* This paragraph applies to the following types of documents, and their supporting records: indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).

(i) *If submitted for negotiation.* If the proposal, plan, or other computation is required to be submitted to the Federal Government (or to the grantee) to form the basis for negotiation of the rate, then the 3-year retention period for its supporting records starts from the date of such submission.

(ii) *If not submitted for negotiation.* If the proposal, plan, or other computation is not required to be submitted to the Federal Government (or to the grantee) for negotiation purposes, then the 3-year retention period for the proposal plan, or computation and its supporting records starts from the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.

(d) *Substitution of microfilm.* Copies made by microfilming, photocopying, or similar methods may be substituted for the original records.

(e) *Access to records--*(1) *Records of grantees and subgrantees.* The awarding agency and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of grantees and subgrantees which are pertinent to the grant, in order to make audits, examinations, excerpts, and transcripts.

(2) *Expiration of right of access.* The right of access in this section must not be limited to the required retention period but shall last as long as the records are retained.

(f) *Restrictions on public access.* The Federal Freedom of Information Act (5 U.S.C. 552) does not apply to records unless required by Federal, State, or local law, grantees and subgrantees are not required to permit public access to their records.

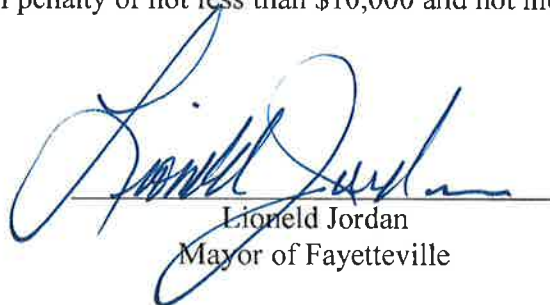
[Revised as of October 1, 1997]

CERTIFICATION FOR GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

The undersigned certifies to the best of his knowledge and belief that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including sub grants, and contracts and subcontracts under grants, sub grants, loans and cooperative agreements) which exceed \$100,000, and that all such sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.



Lioneld Jordan
Mayor of Fayetteville

Federal Funding Accountability and Transparency Act (FFATA)

Reporting Requirements

(For more information go to <https://www.fsrs.gov/>)

FFATA was signed on September 26, 2006. The intent is to empower every American with the ability to hold the government accountable for each spending decision. The end result is to reduce wasteful spending in the government. The FFATA legislation requires information on federal awards (federal financial assistance and expenditures) be made available to the public via a single, searchable website, which is www.USASpending.gov.

A Prime Grant Recipient (hereinafter called ArDOT (the Arkansas Department of Transportation)) awarded a new Federal grant greater than or equal to \$25,000 as of October 1, 2010 is subject to FFATA sub-award reporting requirements as outlined in the Office of Management and Budget guidance issued August 27, 2010. **ArDOT is required to file a FFATA sub-award report for any sub-grant awarded to a sub-awardee greater than or equal to \$25,000.** As a sub-awardee, CITY OF FAYETTEVILLE shall provide the following information to ArDOT in order to fulfill FFATA reporting requirements:

- ✓ A unique identifier (Dun & Bradstreet DUNS Number) of the sub-awardee receiving the award and the parent entity of the recipient, should the sub-awardee be owned by another entity;
- ✓ The names and total compensation of the five most highly compensated officers of the sub-awardee **if** the sub-awardee in the preceding Federal fiscal year received 80 percent or more of its annual gross revenues in Federal awards; and \$25,000,000 or more in annual gross revenues from Federal awards; and the public does not have access to information about the compensation of the senior executives of the sub-awardee through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. See FFATA § 2(b)(1).

Required Sub-Awardee Information(A) Sub-Awardee – DUNS Number: 075657742

Parent (if applicable) – DUNS Number: _____

- (B) In the preceding completed Federal fiscal year, did your business or organization (the legal entity to which the DUNS number entered above belongs) receive (1) 80 percent or more of its annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements; and (2) \$25,000,000 or more in annual gross revenues from U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements?

Yes / No (Circle one)*If "Yes" is selected, answer (C).*

- (C) Does the public have access to information about the compensation of the executives in your business or organization (the legal entity to which the DUNS number entered above belongs) through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986?

Yes / No (Circle one)

*If "Yes" is selected, visit <http://www.sec.gov/edgar.shtml> for reference.**If "No" is selected, answer (D).*

- (D) **If "No" was selected in Question "C"**, complete the following information for the five (5) most highly compensated executives in your business or organization (the legal entity to which the DUNS number entered above belongs). Amount should reflect the Total Compensation Amount in the preceding completed Federal fiscal year in U.S. whole dollars.

Sub-Awardee Names and Compensation of Most Highly Compensated Officers

1. Name: _____ Amount: \$ _____
2. Name: _____ Amount: \$ _____
3. Name: _____ Amount: \$ _____
4. Name: _____ Amount: \$ _____
5. Name: _____ Amount: \$ _____



MEETING OF APRIL 25, 2023

TO: Mayor Jordan and City Council
THRU:
FROM: Mike Reynolds, Police Chief
DATE: April 12, 2023
SUBJECT: Purchase of School Resource Officer Vehicles

RECOMMENDATION:

Approve a budget adjustment and purchase of new motor pool expansion vehicles from Superior Chevrolet for the School Resource Officer (SRO) program in the amount of \$621,000. This purchase was reviewed and approved by the Equipment Committee on April 11, 2023.

BACKGROUND:

Since 2008, Superior Auto Group has provided at no charge, vehicles for use by our School Resource Officers (SROs) assigned to the Fayetteville Public Schools. This partnership has been very beneficial for Superior Auto Group, the Fayetteville Police Department, and the Fayetteville Public Schools. The latest SRO vehicle lease agreement signed on November 24, 2020, provided for six (6) SRO vehicles for seven (7) SRO positions. Superior Auto Group terminated our vehicle lease agreement with notification on April 3, 2023.

DISCUSSION:

Our SROs will no longer have transportation available to them due to the vehicle lease agreement termination by the Superior Auto Group. The presence of a marked police vehicle in front of school facilities provides additional visibility and crime deterrence. Transportation for SROs to, from, and between the Fayetteville Public Schools is paramount to the safety and security of students, faculty, and parents. Within the approved 2023 Annual Operating Budget, nine (9) full-time equivalent positions are allocated for assignment as SROs within the police department. To fully address the transportation and equipment needs of the SRO Program, it is recommended by Fleet Division to purchase nine (9) Chevrolet Tahoes with minimal up-fitting.

By purchasing Chevrolet Tahoes, the Fleet Division will be able to maintain a standardized inventory of police vehicles. Minimal up-fitting will include police markings, emergency lights and siren, and a mobile radio.

These minimally equipped police units will be used for special events, traffic control, and community engagement when not in use by our SROs.

In an effort to minimize the financial impact of purchasing nine (9) SRO vehicles, we have proposed a fifty-fifty cost share between the police department and the Fayetteville Public Schools for the initial purchase and outfitting of these vehicles. If agreed to by the Fayetteville Public Schools, \$283,860 would be reimbursed to the general fund.

BUDGET/STAFF IMPACT:

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

Approval of a budget adjustment in the amount of \$621,000 from use of fund balance will provide for the purchase of nine (9) police vehicles at a cost of \$567,720 and motor pool/replacement charges in the amount of \$53,280. This purchase and budget adjustment has no impact on staffing.

ATTACHMENTS: SRF&M - 2023 SRO Vehicles, BA - Police SRO vehicles, Back-up - 2023 SRO Vehicles, FPS - SRO Vehicles Cost Share Letter, GM Ordering Window Shut off, Ordinance 6491 - Bid Waving



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2023-679

Purchase of School Resource Officer Vehicles

A RESOLUTION TO APPROVE THE PURCHASE OF NINE CHEVROLET TAHOES FROM SUPERIOR CHEVROLET IN THE TOTAL AMOUNT OF \$621,000.00 FOR USE BY SCHOOL RESOURCE OFFICERS, TO AUTHORIZE A COST SHARE AGREEMENT WITH FAYETTEVILLE PUBLIC SCHOOLS, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, on April 3, 2023 the City was notified by Superior Auto Group that the School Resource Officer vehicle lease agreement was terminated; and

WHEREAS, by purchasing Chevrolet Tahoes, which will be minimally upfitted to include police markings, emergency lights and siren, and a mobile radio, the Fleet Division will be able to maintain a standardized inventory of police vehicles; and

WHEREAS, in an effort to minimize the financial impact of purchasing the vehicles, Chief Reynolds has proposed a cost share between the Police Department and the Fayetteville Public School District for reimbursement of a portion of the costs to the general fund.

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 the purchase of nine Chevrolet Tahoes from Superior Chevrolet in the total amount of \$621,000.00, for use by the School Resource Officers assigned to Fayetteville Public Schools.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to enter into a cost-share agreement with Fayetteville Public Schools for the reimbursement of costs associated with the vehicles.

Section 3: 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

2023-679

Item ID

5/2/2023

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

Mike Reynolds

4/10/2023

POLICE (200)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approve a budget adjustment and purchase of new motor pool expansion vehicles from Superior Chevrolet for the School Resource Officer (SRO) Program in the amount of \$621,000. This purchase was reviewed and approved by the Equipment Committee on April 11, 2023.

Budget Impact:

1010.200.2940-various / 9700.770.1920-
various

General / Shop

Account Number

Fund

02081-2023

Police Passenger Vehicles

Project Number

Project Title

Budgeted Item? Yes

Total Amended Budget

\$ 634,000.00

Expenses (Actual+Encum)

\$ 187,518.00

Available Budget

\$ 446,482.00

Does item have a direct cost? Yes

Item Cost

\$ 621,000.00

Is a Budget Adjustment attached? Yes

Budget Adjustment

\$ 621,000.00

Remaining Budget

\$ 446,482.00

Purchase Order Number:

Previous Ordinance or Resolution #

V20221130

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



MEETING OF MAY 2, 2023

TO: Mayor and City Council

FROM: Mike Reynolds, Chief of Police

A handwritten signature in black ink, appearing to read "Mike Reynolds".

DATE: April 12, 2023

SUBJECT: Purchase of School Resource Officer Vehicles

RECOMMENDATION:

Approve a budget adjustment and purchase of new motor pool expansion vehicles from Superior Chevrolet for the School Resource Officer (SRO) program in the amount of \$621,000. This purchase was reviewed and approved by the Equipment Committee on April 11, 2023.

BACKGROUND:

Since 2008, Superior Auto Group has provided at no charge, vehicles for use by our School Resource Officers (SROs) assigned to the Fayetteville Public Schools. This partnership has been very beneficial for Superior Auto Group, the Fayetteville Police Department, and the Fayetteville Public Schools. The latest SRO vehicle lease agreement signed on November 24, 2020, provided for six (6) SRO vehicles for seven (7) SRO positions. Superior Auto Group terminated our vehicle lease agreement with notification on April 3, 2023.

DISCUSSION:

Our SROs will no longer have transportation available to them due to the vehicle lease agreement termination by the Superior Auto Group. The presence of a marked police vehicle in front of school facilities provides additional visibility and crime deterrence. Transportation for SROs to, from, and between the Fayetteville Public Schools is paramount to the safety and security of students, faculty, and parents. Within the approved 2023 Annual Operating Budget, nine (9) full-time equivalent positions are allocated for assignment as SROs within the police department. To fully address the transportation and equipment needs of the SRO Program, it is recommended by Fleet Division to purchase nine (9) Chevrolet Tahoes with minimal up-fitting.

By purchasing Chevrolet Tahoes, the Fleet Division will be able to maintain a standardized inventory of police vehicles. Minimal up-fitting will include police markings, emergency lights and siren, and a mobile radio. These minimally equipped police units will be used for special events, traffic control, and community engagement when not in use by our SROs.

In an effort to minimize the financial impact of purchasing nine (9) SRO vehicles, we have proposed a fifty-fifty cost share between the police department and the Fayetteville Public Schools for the initial purchase and outfitting of these vehicles. If agreed to by the Fayetteville Public Schools, \$283,860 would be reimbursed to the general fund.

BUDGET/STAFF IMPACT:

Approval of a budget adjustment in the amount of \$621,000 from use of fund balance will provide for the purchase of nine (9) police vehicles at a cost of \$567,720 and motor pool/replacement charges in the amount of \$53,280. This purchase and budget adjustment has no impact on staffing.

Attachments:

Budget Adjustment

Quote

Request for Cost Share – Fayetteville Public Schools

City of Fayetteville, Arkansas - Budget Adjustment (Agenda)

Budget Year	Division /Org2	Adjustment Number
2023	POLICE (200)	
	Requestor: Mike Reynolds	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Use of fund balance to purchase nine (9) Chevrolet Tahoes for use in the police department's School Resource Officer Program.

	COUNCIL DATE: 5/2/2023
	ITEM ID#: 2023-679
	<i>Holly Black</i>
	<i>4/12/2023 1:46 PM</i>
	Budget Division Date
	D - (City Council)
	TYPE:
	JOURNAL #:
	GLDATE:
	CHKD/POSTED: /
RESOLUTION/ORDINANCE	

TOTAL	1,188,720	1,188,720					v.2023323
	Increase / (Decrease)		Project.Sub#				
Account Number	Expense	Revenue	Project	Sub.Detl	AT	Account Name	
9700.770.1920-5802.00	567,720	-	02081	2023	EX	Vehicles & Equipment - base	
9700.770.1920-6602.01	-	567,720	02081	2023	RE	Transfer from Fund - General	
1010.090.6600-7602.70	567,720	-	59700	1010	EX	Transfers To Funds - Shop	
1010.200.2940-5331.00	20,385	-			EX	Motorpool Charges - Maintenance	
1010.200.2940-5331.01	27,765	-			EX	Motorpool Charges - Replacement	
1010.200.2940-5331.02	3,735	-			EX	Motorpool Charges - Shop Overhead	
1010.200.2940-5331.03	1,395	-			EX	Motorpool Charges - Shop OH Insurance	
1010.001.0001-4999.99	-	621,000			RE	Use Fund Balance - Current	
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					

Supplier	Per Unit	Total per Supplier
Wrapology	\$ 714.31	\$ 6,428.79
Quality Colision	847.13	7,624.17
Bouchards Tint	83.33	749.97
Parts Purchase	15,958.23	143,624.07
Labor Cost est. 145 hrs	1,160.00	10,440.00
2023 Tahoe from Superior	44,317.00	398,853.00
Total	\$ 63,080.00	\$ 567,720.00

Motor Pool Charges	Per Unit	Total Motor Pool Charges
Maintenance	2,265.00	20,385.00
Replacement	3,085.00	27,765.00
Overhead	415.00	3,735.00
Insurance	155.00	1,395.00



CHEVROLET

2023 TAHOE 2WD POLICE VEHICLE

EXTERIOR: BLACK
INTERIOR: JET BLACK

ENGINE: 5.3L ECOTEC V8
TRANSMISSION: 10-SPEED AUTO

← PULL THIS STRIP TO EXPOSE ADHESIVE

STANDARD EQUIPMENT

TEAMS EQUIPPED DELIVERY ARE INCLUDED AT NO EXTRA CHARGE IN THE STANDARD VEHICLE PRICE SHOWN

OWNER BENEFITS

- 3 YEAR/36,000 MILE* BUMPER-TO-BUMPER LIMITED WARRANTY
 - 5 YEAR/60,000 MILE* POWERTRAIN LIMITED WARRANTY, ROADSIDE ASSISTANCE & COURTESY TRANSPORTATION
 - FIRST MAINTENANCE VISIT
 - *WHICHEVER COMES FIRST SEE CHEVROLET.COM OR DEALER FOR TERMS, DETAILS & LIMITS
- #### PERFORMANCE & MECHANICAL
- MECHANICAL LIMITED SLIP DIFFERENTIAL
 - FRONT SKID PLATE
 - ELECTRONIC PRECISION SHIFT
 - TRAILERING EQUIPMENT
 - AIR CLEANER, HIGH CAPACITY

CONNECTIVITY & TECHNOLOGY

- CHEVROLET INFOTAINMENT 3, 8" DIAG COLOR TOUCHSCREEN, ADDITIONAL FEATURES FOR COMPATIBLE PHONES INCLUDE: BLUETOOTH AUDIO STREAMING, VOICE COMMAND PASS-THROUGH TO PHONE, WIRELESS ANDROID AUTO & WIRELESS APPLE CARPLAY CAPABLE
 - 2 POWER OUTLETS, 120 VOLT
 - KEYLESS OPEN INCLUDING EXT. RANGE REMOTE KEYLESS ENTRY
 - KEYLESS START
 - ONSTAR (R) SERVICES & WI-FI (R) HOTSPOT CAPABLE; SEE ONSTAR.COM FOR TERMS
- #### INTERIOR
- AIR CONDITIONING, TRI ZONE AUTO CLIMATE CONTROL
 - SEATS, FRONT 40/20/40 SPLIT BENCH (DELETES CENTER

CONSOLE/USB DATA PORT(S)

- SEATS, SECOND ROW 60/40 SPLIT FOLDING BENCH
- FLOOR COVERING, RUBBERIZED-VINYL

EXTERIOR

- HEADLAMPS, LED
- POWER DUAL OUTSIDE MIRRORS, HEATED
- FRONT WINDSHIELD WIPERS, RAIN SENSING

SAFETY & SECURITY

- FRONT AND REAR PARK ASSIST
- HD REAR VISION CAMERA
- THEFT DETERRENT SYSTEM, UNAUTHORIZED ENTRY

MANUFACTURER'S SUGGESTED RETAIL PRICE

STANDARD VEHICLE PRICE \$46,250.00

OPTIONS & PRICING

Visit us at www.chevy.com

OPTIONS INSTALLED BY THE MANUFACTURER MAY REPLACE STANDARD EQUIPMENT SHOWN

PILLAR MOUNTED SPOTLAMP, LEFT	800.00
REMOTE VEHICLE STARTER SYSTEM	300.00
WIRING, GRILLE LAMPS/SPEAKERS	92.00
REMOTE KEYLESS ENTRY FLT PKG	75.00
WIRING, HORN/SIRENS CIRCUIT	55.00
AUTO DOOR LOCK DISABLE	50.00
FRONT RECOVERY HOOKS	50.00

TOTAL OPTIONS	\$1,422.00
TOTAL VEHICLE & OPTIONS	\$47,672.00
DESTINATION CHARGE	1,795.00

TOTAL VEHICLE PRICE* \$49,467.00

\$44,317.00

04/04/2023

EPA Fuel Economy and Environment

TAHOE 2WD

16 MPG
combined city/hwy

6.2 gallons per 100 miles

You spend \$5,750 more in fuel costs over 5 years compared to the average new vehicle.

Standard SUVs range from 14 to 102 MPG. The best vehicle rates 132 MPG.

Annual fuel cost \$2,750

Fuel Economy & Greenhouse Gas Rating (tailpipe only)



This vehicle emits 150 grams CO₂ per mile. The best emits 9 grams per mile (tailpipe only). Producing and distributing fuel also create emissions; learn more at fuelconomy.gov.

Actual results will vary for many reasons, including driving conditions and how you drive and maintain your vehicle. Average new vehicle spend 28 MPG and cost \$8,000 to fuel over 5 years. Cost estimates vary by vehicle. 15,000 miles per year at \$2.35 per gallon. (tailpipe) is miles per gallon equivalent. Vehicle emissions are a significant cause of climate change and smog.

fuelconomy.gov

Calculate personalized estimates and compare vehicles.

Gasoline Vehicle



GOVERNMENT 5-STAR SAFETY RATINGS

Overall Vehicle Score ★★★★★

Based on the combined ratings of frontal, side and rollover. Should ONLY be compared to other vehicles of similar size and weight.

Frontal Crash ★★★★★

Based on the risk of injury in a frontal impact. Should ONLY be compared to other vehicles of similar size and weight.

Side Crash ★★★★★

Based on the risk of injury in a side impact.

Rollover ★★★★★

Based on the risk of rollover in a single-vehicle crash.

Star ratings range from 1 to 5 stars (★★★★★) with 5 being the highest. Source: National Highway Traffic Safety Administration (NHTSA)

www.safercar.gov or 1-888-327-4236



Smartphone QR Code



Equipped with the safety and security of OnStar:

Visit onstar.com for details

PARTS CONTENT INFORMATION

FOR VEHICLES IN THIS CARLINE:
U.S./CANADIAN PARTS CONTENT: 33%
MAJOR SOURCES OF FOREIGN PARTS CONTENT: MEXICO 38%

NOTE: PARTS CONTENT DOES NOT INCLUDE FINAL ASSEMBLY, DISTRIBUTION, OR OTHER NON-PARTS COSTS.

FOR THIS VEHICLE:
FINAL ASSEMBLY POINT:
ARLINGTON, TX U.S.A.
COUNTRY OF ORIGIN:
ENGINE: MEXICO
TRANSMISSION: UNITED STATES

This label has been applied pursuant to Federal law - Do not remove. Manufacturer's Recommended Retail Price (MSRP) includes dealer installed options and accessories not listed above. Actual dealer or factory price.

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GMC, PROUDLY - 10/19/2022



ORDER NO 804027 SALES CODE R

DEALER NO 03310

ARLINGTON, TX U.S.A.

VIN 1GNSCLEDXP202760 REISSUE

DEALER TO WHOM DELIVERED

SUPERIOR CHEVROLET BUICK GMC

490 HWY 412 E

SILVAM SPRINGS, AR 72761-4701



BID EXPRESS REPORT

Transaction Details															
Transaction #: 250957															
Bid #:															
ITEM #	FAN #	FAN NAME	YEAR	MODEL CODE	MODEL_DESC	P.E.DATE	OPT1	OPT2	OPT3	OPT4	OPT5	OPT6	AMOUNT	STATUS	EMAIL
1	000802983	CITY OF FAYETTEVILLE (AR)	2023	CC10706	Tahoe 2WD Police Vehicle	01/01/2022	9C1						\$5150	Act- Pending	jlee@drivesuperior.com

April 2023 Equipment Committee

Unit#	Year/Make/Model	Points out of 15	Purchase Price	Replacement Item	Vendor	Sufficient funds Collected	Sufficient funds Budgeted
1422	Expansion	NA	\$ 44,317.00	2023 Chevrolet Tahoe PPV 2WD	Superior Chevrolet	NA	BA
Fayetteville PD is looking to purchase expansion units for their Student Resource Officers. The current replacements will also help us to maintain a standardized fleet. The vehicles are currently in stock and available.							
1423	Expansion	NA	\$ 44,317.00	2023 Chevrolet Tahoe PPV 2WD	Superior Chevrolet	NA	BA
Fayetteville PD is looking to purchase expansion units for their Student Resource Officers. The current replacements will also help us to maintain a standardized fleet. The vehicles are currently in stock and available.							
1424	Expansion	NA	\$ 44,317.00	2023 Chevrolet Tahoe PPV 2WD	Superior Chevrolet	NA	BA
Fayetteville PD is looking to purchase expansion units for their Student Resource Officers. The current replacements will also help us to maintain a standardized fleet. The vehicles are currently in stock and available.							
1425	Expansion	NA	\$ 44,317.00	2023 Chevrolet Tahoe PPV 2WD	Superior Chevrolet	NA	BA
Fayetteville PD is looking to purchase expansion units for their Student Resource Officers. The current replacements will also help us to maintain a standardized fleet. The vehicles are currently in stock and available.							
1426	Expansion	NA	\$ 44,317.00	2023 Chevrolet Tahoe PPV 2WD	Superior Chevrolet	NA	BA
Fayetteville PD is looking to purchase expansion units for their Student Resource Officers. The current replacements will also help us to maintain a standardized fleet. The vehicles are currently in stock and available.							
1427	Expansion	NA	\$ 44,317.00	2023 Chevrolet Tahoe PPV 2WD	Superior Chevrolet	NA	BA
Fayetteville PD is looking to purchase expansion units for their Student Resource Officers. The current replacements will also help us to maintain a standardized fleet. The vehicles are currently in stock and available.							
1428	Expansion	NA	\$ 44,317.00	2023 Chevrolet Tahoe PPV 2WD	Superior Chevrolet	NA	BA
Fayetteville PD is looking to purchase expansion units for their Student Resource Officers. The current replacements will also help us to maintain a standardized fleet. The vehicles are currently in stock and available.							
1429	Expansion	NA	\$ 44,317.00	2023 Chevrolet Tahoe PPV 2WD	Superior Chevrolet	NA	BA
Fayetteville PD is looking to purchase expansion units for their Student Resource Officers. The current replacements will also help us to maintain a standardized fleet. The vehicles are currently in stock and available.							
1430	Expansion	NA	\$ 44,317.00	2023 Chevrolet Tahoe PPV 2WD	Superior Chevrolet	NA	BA
Fayetteville PD is looking to purchase expansion units for their Student Resource Officers. The current replacements will also help us to maintain a standardized fleet. The vehicles are currently in stock and available.							
Please remember that the Purchasing Policy has changed and any item under \$35,000 is for information only. All items below fall into this or other categories.							
9333	2022 Load Trailer 72x12 Utility Trailer folding gate	NA	\$ 2,400.00	NA	Haul Supply	Y	Y
Airport has an approved expansion request for a 72 x 12 utility trailer to be used for luggage transport from the terminal to the charter aircraft. Sufficient funds will have been budgeted for this item.							



CITY OF
FAYETTEVILLE
ARKANSAS



April 10, 2023

Dr. John L Colbert
1000 W. Bulldog Blvd.
Fayetteville, AR 72701

Dear Dr. Colbert:

Since 2008, the Superior Auto Group has provided School Resource Officer (SRO) vehicles assigned to the Fayetteville Public Schools at no charge; the City of Fayetteville has paid for the fuel, maintenance, repairs, and insurance for the SRO vehicles. This 15-year partnership has been very beneficial for the Superior Auto Group, the Fayetteville Police Department, and Fayetteville Public Schools. Unfortunately, on April 3, 2023, the Superior Auto Group terminated the SRO vehicle lease agreement.

The presence of a marked police vehicle in front of the schools provides additional visibility and deterrence. We often receive appreciative calls and emails from parents and faculty who have noticed these vehicles in front of their student's schools. Transportation for SROs to, from, and between Fayetteville Public Schools is paramount to the safety and security of students, faculty and parents.

Nine (9) vehicles will be needed to provide transportation for the current school resource officers, and the proposed addition of two (2) SROs for the 2023-2024 school year. To purchase, mark, and equip the vehicles, the total cost will be \$567,720. I would like to propose a fifty-fifty cost share (\$283,860 each) between the police department and the school district for the initial purchase and outfitting of these vehicles. A cost breakdown is enclosed with this letter.

Once the vehicles are in service, the police department would continue to pay the monthly fuel, operating, and maintenance costs, as well as insurance and replacement charges. When a SRO vehicle is scheduled to be replaced, the replacement charges cover the cost of a new vehicle.

Please feel free to call me should you need further clarification and/or have any questions.

Sincerely,

Mike Reynolds
Chief of Police

Enclosure: Proposed SRO Vehicle Cost Share Breakdown
MR/wb

SRO Vehicle Costs

Initial vehilce costs to be split between the City and FPS

Supplier	Per Unit	Total per Supplier
Wrapology	\$ 714.31	\$ 6,428.79
Quality Colision	847.13	7,624.17
Bouchards Tint	83.33	749.97
Parts Purchase	15,958.23	143,624.07
Labor Cost est. 145 hrs	1,160.00	10,440.00
2023 Tahoe from Superior	44,317.00	398,853.00
Total	\$ 63,080.00	\$ 567,720.00

City of Fayetteville \$ 283,860.00

Fayetteville Public Schools \$ 283,860.00

Yearly operational, maintenance and replacement costs to be paid by the City of Fayetteville

Motor Pool Charges	Per Unit	Total Motor Pool Charges for nine (9) vehicles
Maintenance	2,265.00	20,385.00
Replacement	3,085.00	27,765.00
Overhead	415.00	3,735.00
Insurance	155.00	1,395.00
Total	\$ 5,920.00	\$ 53,280.00

McGaugh, Les

From: Bolinger,Chuck <CBolinger@penskeautomotive.com>
Sent: Friday, May 20, 2022 9:07 AM
To: McGaugh, Les
Subject: FW: Immediate 2023MY Fleet Order Cutoff for Select Vehicle Lines

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.

Well not good news

Thanks

Chuck Bolinger

From: Robert E. Wheeler <robert.e.wheeler@gm.com>
Sent: Friday, May 20, 2022 8:29 AM
Subject: Immediate 2023MY Fleet Order Cutoff for Select Vehicle Lines

WARNING: This is from an **EXTERNAL** source. Please exercise caution opening attachments or clicking links and forward suspicious emails with the PhishAlarm button or emailing itssecurity@penskeautomotive.com

Immediate 2023MY Order Cutoff for all fleet order types for the following select vehicle lines and all models:

- Cadillac CT5
- Cadillac Escalade ESC
- Cadillac Escalade ESV
- Buick Enclave
- Chevrolet Tahoe
- Chevrolet PPV
- Chevrolet Suburban

Orders placed today, May 20, 2022 are at risk of cancellation.

Please contact your Customer Support Representative or 800-FLEET-OP if you have questions or concerns.

Don Kaiser
Manager- Customer Support Team

Nothing in this message is intended to constitute an electronic signature unless a specific statement to the contrary is

included in this message.

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2555 Telegraph Road, Bloomfield Hills, MI 48302.

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

Ordinance: 6491

File Number: 2021-0718

BID WAIVER FOR FLEET VEHICLES:

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF NEW VEHICLES THROUGH VARIOUS MANUFACTURERS' AUTHORIZED DEALER NETWORKS, BUT TO REQUIRE INFORMAL QUOTES OR BIDS FOR SIMILAR VEHICLES, AND TO AUTHORIZE THE MAYOR TO EXECUTE ANY AGREEMENTS NECESSARY TO PARTICIPATE IN GOVERNMENT FLEET PROGRAMS

WHEREAS, new vehicles are available at a discounted rate directly from various manufacturers' authorized dealer networks through government fleet programs; and

WHEREAS, not all dealers are part of an authorized dealer network and using the government fleet programs ensures consistent pricing and includes other benefits like technician training, access to available inventories statewide, increased standard warranties, and discounts on diagnostic software and parts; and

WHEREAS, dealers do not have pricing prior to an ordering window, which is often not open long enough to complete the full bidding process, and the pricing that would be submitted in the bidding process will be the same as through a government fleet program; and

WHEREAS, authorizing purchases through government fleet programs without competitive bidding will allow the Fleet Division to place orders within short ordering windows, purchase existing inventory when available, obtain quotes quickly from different manufacturers based on the specific needs of a division or department, and ensure staff has the equipment needed to maintain a high level of service to Fayetteville residents and businesses.

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 finds the above circumstances make competitive bidding not feasible or practical and therefore waives the requirements of formal competitive bidding and authorizes the purchase of new vehicles through the various vehicle manufacturers' authorized dealer networks, and further authorizes the Fleet Division to solicit informal bids or quotes prior to the purchase of vehicles without the need for further approval by the City Council.

Section 2: that the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign any agreements or documents necessary to participate in the government fleet programs.

PASSED and APPROVED on 10/5/2021

Approved:


Lioneld Jordan, Mayor

Attest:


Kara Paxton, City Clerk Treasurer





City of Fayetteville, Arkansas

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

Text File

File Number: 2021-0718

Agenda Date: 10/5/2021

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C.4

BID WAIVER FOR FLEET VEHICLES:

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF NEW VEHICLES THROUGH VARIOUS MANUFACTURERS' AUTHORIZED DEALER NETWORKS, BUT TO REQUIRE INFORMAL QUOTES OR BIDS FOR SIMILAR VEHICLES, AND TO AUTHORIZE THE MAYOR TO EXECUTE ANY AGREEMENTS NECESSARY TO PARTICIPATE IN GOVERNMENT FLEET PROGRAMS

WHEREAS, new vehicles are available at a discounted rate directly from various manufacturers' authorized dealer networks through government fleet programs; and

WHEREAS, not all dealers are part of an authorized dealer network and using the government fleet programs ensures consistent pricing and includes other benefits like technician training, access to available inventories statewide, increased standard warranties, and discounts on diagnostic software and parts; and

WHEREAS, dealers do not have pricing prior to an ordering window, which is often not open long enough to complete the full bidding process, and the pricing that would be submitted in the bidding process will be the same as through a government fleet program; and

WHEREAS, authorizing purchases through government fleet programs without competitive bidding will allow the Fleet Division to place orders within short ordering windows, purchase existing inventory when available, obtain quotes quickly from different manufacturers based on the specific needs of a division or department, and ensure staff has the equipment needed to maintain a high level of service to Fayetteville residents and businesses.

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 finds the above circumstances make competitive bidding not feasible or practical and therefore waives the requirements of formal competitive bidding and authorizes the purchase of new vehicles through the various vehicle manufacturers' authorized dealer networks, and further authorizes the Fleet Division to solicit informal bids or quotes prior to the purchase of vehicles without the need for further approval by the City Council.

Section 2: that the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign any agreements or documents necessary to participate in the government fleet programs.



MEETING OF APRIL 25, 2023

TO: Mayor Jordan and City Council
THRU:
FROM: Mike Reynolds, Police Chief
DATE: April 10, 2023
SUBJECT: **Approval of FY23 COPS Hiring Program Grant Application**

RECOMMENDATION:

Approval of the 2023 Community Oriented Policing Services (COPS) Hiring Program grant application to fund two (2) police officers to be assigned as School Resource Officers (SRO) to the Fayetteville Public Schools for a period of four (4) years with a total project amount of \$746,100. The COPS Hiring Grant will fund \$250,000 while local expenses will be \$496,100. Local match requirements will be split proportionately with the Fayetteville Public Schools contributing \$339,710 and the City of Fayetteville contributing \$156,390.

BACKGROUND:

The COPS Hiring Program is a competitive grant program that provides funding for three (3) years directly to law enforcement agencies to create and preserve jobs and to increase their community policing capacity and crime prevention efforts. Each grant recipient is afforded five (5) years to complete three (3) years of grant funded activity. Year 1 is structured for recruitment and certification for new officers awarded COPS funds, Years 2-4 are grant funded activities specified in the grant application, and Year 5 requires the recipient to 100% fund the position for 1-year. Funding will be based on our current entry-level salaries and benefits for sworn officer positions plus annual step increases per our current pay plan policy. Any additional costs for positions, hired under the COPS Hiring Program beyond salaries and benefits must be paid for with local matching funds.

Furthermore, Resolution #190-22 (see attached) approved by City Council on August 16, 2022 expresses the intent of the City Council to add two (2) new School Resource Officer positions each budget year, until every school in the district is able to have an officer on site each school day. This COPS Hiring Program grant application, if awarded, will provide federal funding to mitigate future general fund expenses necessary to meet City Council's goal of Resolution #190-22.

DISCUSSION:

The Fayetteville Police Department will utilize the COPS Hiring Program Grant funding to hire two (2) police officer positions. Fayetteville Public Schools has previously requested additional SROs for each school within their district, but our staffing and budget levels have not allowed for these positions. Fayetteville Public Schools will have 17 schools within their district beginning with the 2023-2024 academic year. Our SRO Program currently has nine (9) positions budgeted within the 2023 Approved Operating Budget. Seven (7) of these positions are active while two (2) recently added positions are vacant pending recruitment and

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

certification of new officers. This grant application, if awarded, will be used to add two (2) officers to our SRO Program bringing our total approved SRO positions to eleven (11) at the start of the 2024-2025 academic year.

Fayetteville Public Schools has agreed to pay their proportionate share of the \$496,100 local match requirements, if awarded. The attached spreadsheet shows the total cost for two new officers throughout the four (4) year grant period to be \$746,100. Grant funds in the amount of \$250,000 will result in the City's local match requirements to be \$496,100 with the Fayetteville Public Schools reimbursing \$339,710. The City's net expense over the grant period is projected to be \$156,390.

In addition to Resolution #190-22, letters of support (see attached) from Fayetteville Public Schools, U.S. Senator John Boozman, U. S. Senator Tom Cotton, and U. S. Representative Steve Womack have been submitted pledging their support of the expansion of SROs within our public school system.

BUDGET/STAFF IMPACT:

There is no budget or staff impact for applying for the 2023 COPS Hiring Program Grant. If the grant were awarded to us, the City Council would be asked to accept the grant award, approve a budget adjustment to appropriate funding for the grant's local match requirement, and approve an agreement with the Fayetteville Public Schools to cost-share the SRO expenses.

ATTACHMENTS: SR&M - 2023 COPS Hiring Grant Application, Letters of Support, 190-22 RESOLUTION, 2023 COPS Hiring Grant Application

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 #: 2023-673

Approval of FY23 COPS Hiring Program Grant Application

A RESOLUTION APPROVING AN APPLICATION FOR A 2023 COPS HIRING PROGRAM MATCHING GRANT IN THE AMOUNT OF \$250,000.00 TO FUND TWO SCHOOL RESOURCE OFFICERS FOR A PERIOD OF FOUR YEARS WITH THE \$496,100.00 MATCHING REQUIREMENT SPLIT PROPORTIONALLY BETWEEN THE CITY AND FAYETTEVILLE PUBLIC SCHOOLS

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 an application for a 2023 COPS Hiring Program matching grant in the amount of \$250,000.00 to fund two police officers to be assigned as school resource officers to the Fayetteville Public Schools for a period of four years with the \$496,100.00 matching requirement to be paid by the City in the amount of \$156,390.00 and by the Fayetteville Public Schools in the amount of \$339,710.00.

City of Fayetteville Staff Review Form

2023-0673

Item ID

5/2/2023

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

Mike Reynolds

4/5/2023

POLICE (200)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of the 2023 Community Oriented Policing Services (COPS) Hiring Program grant application to fund two (2) police officers to be assigned as School Resource Officers (SRO) to the Fayetteville Public Schools for a period of four (4) years with a total project amount of \$746,100. The COPS Hiring Grant will fund \$250,000 while local expenses will be \$496,100. Local match requirements will be split proportionately with the Fayetteville Public Schools contributing \$339,710 and the City of Fayetteville contributing \$156,390.

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

\$

-

Purchase Order Number:

Previous Ordinance or Resolution #

V20221130

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



MEETING OF MAY 2, 2023

TO: Mayor and City Council

FROM: Mike Reynolds, Chief of Police

DATE: April 5, 2023

SUBJECT: Approval of FY23 COPS Hiring Program Grant Application

A handwritten signature in black ink, appearing to read "Mike Reynolds".

RECOMMENDATION:

Approval of the 2023 Community Oriented Policing Services (COPS) Hiring Program grant application to fund two (2) police officers to be assigned as School Resource Officers (SRO) to the Fayetteville Public Schools for a period of four (4) years with a total project amount of \$746,100. The COPS Hiring Grant will fund \$250,000 while local expenses will be \$496,100. Local match requirements will be split proportionately with the Fayetteville Public Schools contributing \$339,710 and the City of Fayetteville contributing \$156,390.

BACKGROUND:

The COPS Hiring Program is a competitive grant program that provides funding for three (3) years directly to law enforcement agencies to create and preserve jobs and to increase their community policing capacity and crime prevention efforts. Each grant recipient is afforded five (5) years to complete three (3) years of grant funded activity. Year 1 is structured for recruitment and certification for new officers awarded COPS funds, Years 2-4 are grant funded activities specified in the grant application, and Year 5 requires the recipient to 100% fund the position for 1-year. Funding will be based on our current entry-level salaries and benefits for sworn officer positions plus annual step increases per our current pay plan policy. Any additional costs for positions, hired under the COPS Hiring Program beyond salaries and benefits must be paid for with local matching funds.

Furthermore, Resolution #190-22 (see attached) approved by City Council on August 16, 2022 expresses the intent of the City Council to add two (2) new School Resource Officer positions each budget year, until every school in the district is able to have an officer on site each school day. This COPS Hiring Program grant application, if awarded, will provide federal funding to mitigate future general fund expenses necessary to meet City Council's goal of Resolution #190-22.

DISCUSSION:

The Fayetteville Police Department will utilize the COPS Hiring Program Grant funding to hire two (2) police officer positions. Fayetteville Public Schools has previously requested additional SROs for each school within their district, but our staffing and budget levels have not allowed for these positions. Fayetteville Public Schools will have 17 schools within their district beginning with the 2023-2024 academic year. Our SRO Program currently has nine (9)

positions budgeted within the 2023 Approved Operating Budget. Seven (7) of these positions are active while two (2) recently added positions are vacant pending recruitment and certification of new officers. This grant application, if awarded, will be used to add two (2) officers to our SRO Program bringing our total approved SRO positions to eleven (11) at the start of the 2024-2025 academic year.

Fayetteville Public Schools has agreed to pay their proportionate share of the \$496,100 local match requirements, if awarded. The attached spreadsheet shows the total cost for two new officers throughout the four (4) year grant period to be \$746,100. Grant funds in the amount of \$250,000 will result in the City's local match requirements to be \$496,100 with the Fayetteville Public Schools reimbursing \$339,710. The City's net expense over the grant period is projected to be \$156,390.

In addition to Resolution #190-22, letters of support (see attached) from Fayetteville Public Schools, U.S. Senator John Boozman, U. S. Senator Tom Cotton, and U. S. Representative Steve Womack have been submitted pledging their support of the expansion of SROs within our public school system.

BUDGET/STAFF IMPACT:

There is no budget or staff impact for applying for the 2023 COPS Hiring Program Grant. If the grant were awarded to us, the City Council would be asked to accept the grant award, approve a budget adjustment to appropriate funding for the grant's local match requirement, and approve an agreement with the Fayetteville Public Schools to cost-share the SRO expenses.

Attachments:

- Letters of Support
- Resolution #190-22
- FY23 CHP Budget Summary
- FY23 CHP Grant Application



FAYETTEVILLE
PUBLIC SCHOOLS
Since 1871

April 4, 2023

Fayetteville Public Schools
1000 W. Bulldog Blvd.
Fayetteville, AR 72701

Dear Committee:

I am writing to express my full support for the Fayetteville COPS Hiring Grant application in partnership with Fayetteville Public Schools. As a member of this community, I strongly believe that this partnership will provide an invaluable benefit to both our local law enforcement and our public school system.

The safety of our students and the security of our community is of the utmost importance. The Fayetteville COPS Hiring Grant application seeks to bolster the number of police officers on our streets and in our schools, which will not only increase public safety and also improve the relationship between law enforcement and our community. This partnership will create a safer and more secure environment for our children to learn and grow.

Additionally, the partnership with Fayetteville Public Schools will provide law enforcement with the opportunity to engage with students in a positive and proactive manner. Police officers will be able to serve as mentors, role models, and educators, helping to foster positive relationships between law enforcement and the community. This partnership will increase safety and security and promote positive community engagement and trust.

Overall, I believe the Fayetteville COPS Hiring Grant application partnership with Fayetteville Public Schools is an excellent opportunity to promote public safety, build community trust, and create a more positive and supportive environment for our children to learn and grow. I fully endorse this partnership and urge you to give it your strongest consideration.

Sincerely,

Dr. Megan Duncan
Deputy Superintendent
Fayetteville Public Schools

JOHN BOOZMAN
ARKANSAS
141 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510
202-224-4843

United States Senate

WASHINGTON, DC 20510

COMMITTEES:
AGRICULTURE, NUTRITION, AND FORESTRY
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CHAIR, HOMELAND SECURITY

ENVIRONMENT AND PUBLIC WORKS
CHAIR, FISHERIES, WATER, AND WILDLIFE

VETERANS' AFFAIRS

BUDGET

March 27, 2023

Director Hugh T. Clements, Jr.
U.S. Department of Justice Office of Community Oriented Policing Services
145 N Street NE
Washington, DC 20002-3393

Dear Director Clements,

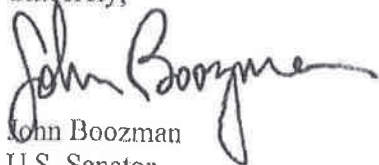
I am pleased to express my support for the Fayetteville Police Department to receive funding through the COPS Hiring Program Grant. The department will use funds received to increase school-based policing.

The population of Fayetteville and its school district has doubled in over the last 30 years, including adding more than twenty thousand residents since 2010 alone. The city proposes to partner with the Fayetteville Public Schools to add two full time police officers to its School Resource Officer program. This will allow the police department to provide better assistance with a growing student population and increased calls for service on school campuses.

I hope you will share my belief that this project will benefit many Arkansans by providing a safe and secure learning environment for teachers, staff, and students. I ask that you give the application all due consideration as it moves through the process.

Thank you in advance for your time and consideration of this matter, and please keep me informed of the status of this funding request. I am grateful for the help your office provides to the people of Arkansas.

Sincerely,



John Boozman
U.S. Senator

JB: hh

106 W. MAIN ST.
SUITE 104
EL DORADO, AR 71730
870-863-4641

1120 GARRISON AVE.
SUITE 2B
FORT SMITH, AR 72901
479-573-0189

300 S. CHURCH ST.
SUITE 400
JONESBORO, AR 72401
870-268-6925

1401 W. CAPITOL AVE.
SUITE 155
LITTLE ROCK, AR 72201
501-372-7153

213 W. MONROE
SUITE N
LOWELL, AR 72745
479-725-0400

1001 HWY. 62 E.
SUITE 11
MOUNTAIN HOME, AR 72653
870-424-0129

620 E. 22ND ST.
SUITE 204
STUTTGART, AR 72160
870-672-6941

TOM COTTON
ARKANSAS

SUITE SR-124
RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510
PHONE: (202) 224-2353
FAX: (202) 228-0908

United States Senate

COMMITTEES
ARMED SERVICES
BANKING, HOUSING, AND
URBAN AFFAIRS
JOINT ECONOMIC COMMITTEE
SELECT COMMITTEE ON INTELLIGENCE
SPECIAL COMMITTEE ON AGING

April 4, 2023

Director Phil Keith
U.S. Department of Justice
Office of Community Oriented Policing Services
145 N Street NE
Washington, DC 20530

Dear Mr. Keith,

I am pleased to express my support of the Fayetteville Police Department's application to request funding through the Department of Justice's Community Oriented Policing Services (COPS) Grant. Funds received will be used to add two fulltime police officers.

Fayetteville Police Department is currently in agreement to work in unison with Fayetteville Public Schools to add two full-time police officers to their School Resource Officer program. These officers would adequately provide safety and service to the growing student population. The city of Fayetteville previously expanded their School Resource Officer unit through COPS funding.

I hope you will share my belief that this project will benefit the people and communities in the area. Thank you, in advance for your time and consideration on this matter. Please keep me informed of the status of this funding request.

Sincerely,



Tom Cotton
U.S. Senator

JONESBORO
300 SOUTH CHURCH, SUITE 338
JONESBORO, AR 72401
PHONE: (870) 933-8223
FAX: (870) 933-6596

SPRINGDALE
1108 SOUTH OLD MISSOURI ROAD
SUITE B
SPRINGDALE, AR 72764
PHONE: (479) 751-0879
FAX: (479) 927-1092

LITTLE ROCK
11809 HINSON ROAD
SUITE 100
LITTLE ROCK, AR 72212
PHONE: (501) 223-9081
FAX: (501) 223-9105

EL DORADO
106 WEST MAIN STREET, SUITE 410
EL DORADO, AR 71730
PHONE: (870) 864-8582
FAX: (870) 864-8571

STEPHEN A. WOMACK
THIRD DISTRICT, ARKANSAS

Website — womack.house.gov

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEE ON FINANCIAL SERVICES
AND GENERAL GOVERNMENT—
CHAIRMAN

SUBCOMMITTEE ON DEFENSE

SUBCOMMITTEE ON TRANSPORTATION,
HOUSING AND URBAN DEVELOPMENT, AND
RELATED AGENCIES

Congress of the United States
House of Representatives
Washington, DC 20515-0403

March 23, 2023

Mr. Hugh T. Clements, Jr.
Director
U.S. Department of Justice
Office of Community Oriented Policing Services
145 N Street NE
Washington, DC 20002-3393

Dear Mr. Clements,

I am honored to provide this letter in support of the Fayetteville Police Department (Fayetteville PD) 2023 COPS Hiring Program (CHP) grant application. I understand this selection process is quite competitive, and I request that all due consideration be afforded to the Fayetteville PD proposal. If awarded, I believe this grant will have many positive benefits for the students attending Fayetteville Public Schools (FPS).

Fayetteville is requesting CHP funding so it can add two full-time officers to its School Resource Officer (SRO) program. Fayetteville's population continues to grow, and as of the 2020 Census it became the second largest city in Arkansas. This growth has had a direct influence on an increase in calls for service by FPS. In 2013, Fayetteville PD successfully implemented a CHP grant award that added three officers to the SRO program. An opportunity now exists for the program to expand again, and the proposed addition of two new officers to Fayetteville PD's SRO program will help provide better coverage to FPS and enhance community engagement with law enforcement.

For these reasons, I am pleased to support the Fayetteville PD CHP grant proposal. Thank you for ensuring the full and fair consideration of their application. You may keep my office informed application's status through my Projects Director Kyle Weaver at 479-464-0446 or kyle.weaver@mail.house.gov.

Sincerely,

Steve Womack
Member of Congress

WASHINGTON, DC
2412 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225 - 4301

ROGERS
3333 PINNACLE HILLS PARKWAY, SUITE 120
ROGERS, AR 72758
(479) 464 - 0446

FORT SMITH
6101 PHOENIX AVENUE, SUITE 4
FORT SMITH, AR 72903
(479) 424 - 1146

PRINTED ON RECYCLED PAPER



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

Resolution: 190-22

File Number: 2022-0707

SCHOOL RESOURCE OFFICER:

A RESOLUTION TO APPROVE THE ADDITION OF A NEW FULL TIME EQUIVALENT POLICE OFFICER POSITION TO BE ASSIGNED TO THE FAYETTEVILLE PUBLIC SCHOOL DISTRICT AS A SCHOOL RESOURCE OFFICER BEGINNING IN THE 2022-2023 SCHOOL YEAR, TO APPROVE UP TO \$3,000.00 FOR EACH SCHOOL RESOURCE OFFICER FOR SOCIAL WORK OR COUNSELING EDUCATION FOR THE 2022-2023 SCHOOL YEAR, TO EXPRESS THE INTENT OF THE CITY COUNCIL TO ADD TWO NEW SCHOOL RESOURCE OFFICER POSITIONS EACH YEAR THEREAFTER UNTIL EVERY SCHOOL IN THE DISTRICT IS ABLE TO HAVE AN OFFICER ON SITE EACH SCHOOL DAY, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, pursuant to Ark. Code Ann. § 6-10-128, the City of Fayetteville and the Fayetteville Public School District must enter into a memorandum of understanding regarding the assignment of school resource officers (SROs) to the Fayetteville Public School District including the financial responsibilities of each party, chain of command, the roles and responsibilities of the school resource officers, training requirements, hours of assignment, the provision of benefits, and other matters; and

WHEREAS, the City currently has six school resource officers assigned to the Fayetteville Public School District which has fifteen schools in operation and a sixteenth under construction; and

WHEREAS, the District has requested that the City assign another school resource officer to the District beginning in the 2022-2023 school year; and

WHEREAS, the District has also requested that the City assign additional officers in the future to ensure that each school is able to have a school resource officer on site; and

WHEREAS, the additional school resource officer positions will be new full time equivalent officers

and will not reduce the Police Department's current staffing levels; and

WHEREAS, on August 2, 2022, the Arkansas School Safety Commission released its Interim Report with findings and recommendations including the following from the Law Enforcement and Security Subcommittee which is chaired by Washington County Sheriff Tim Helder:

- Recommendation 1: No campus should ever be without an armed presence "AT ALL TIMES" when staff and children are attending class or a major extracurricular activity.
- Recommendation 2: If financially practicable, school should ideally have at least one SRO for each campus.
- Recommendation 3: School districts should execute a Memorandum of Understanding (MOU) with their partnering law-enforcement agencies that identify the roles and responsibilities of SROs and other critical elements.
- Recommendation 4: SROs whose primary assignment is within the school should receive specialized training.

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 the addition of a new full time equivalent officer position for the Police Department to be assigned to the Fayetteville Public School District in accordance with the memorandum of understanding required by Ark. Code Ann. § 6-10-128.

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, to fund the new position.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby expresses its intent to approve the addition of two new full time equivalent officer positions every year beginning in 2023 and authorize those positions to be assigned to the Fayetteville Public School District as school resource officers until each school is able to have an officer on site.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby approves up to \$3,000.00 for each School Resource Officer for the 2022-2023 school year to be used for tuition or education costs to enable that School Resource Officer to obtain a Social Work Certification or for college level classes toward earning a degree in Social Work or Counseling.

PASSED and APPROVED on 8/16/2022

Resolution: 190-22

File Number: 2022-0707

Approved:


Lioneld Jordan, Mayor

Attest:


Kara Paxton, City Clerk Treasurer





City of Fayetteville, Arkansas

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

Text File

File Number: 2022-0707

Agenda Date: 8/16/2022

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C.5

SCHOOL RESOURCE OFFICER:

A RESOLUTION TO APPROVE THE ADDITION OF A NEW FULL TIME EQUIVALENT POLICE OFFICER POSITION TO BE ASSIGNED TO THE FAYETTEVILLE PUBLIC SCHOOL DISTRICT AS A SCHOOL RESOURCE OFFICER BEGINNING IN THE 2022-2023 SCHOOL YEAR, TO APPROVE UP TO \$3,000.00 FOR EACH SCHOOL RESOURCE OFFICER FOR SOCIAL WORK OR COUNSELING EDUCATION FOR THE 2022-2023 SCHOOL YEAR, TO EXPRESS THE INTENT OF THE CITY COUNCIL TO ADD TWO NEW SCHOOL RESOURCE OFFICER POSITIONS EACH YEAR THEREAFTER UNTIL EVERY SCHOOL IN THE DISTRICT IS ABLE TO HAVE AN OFFICER ON SITE EACH SCHOOL DAY, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, pursuant to Ark. Code Ann. § 6-10-128, the City of Fayetteville and the Fayetteville Public School District must enter into a memorandum of understanding regarding the assignment of school resource officers (SROs) to the Fayetteville Public School District including the financial responsibilities of each party, chain of command, the roles and responsibilities of the school resource officers, training requirements, hours of assignment, the provision of benefits, and other matters; and

WHEREAS, the City currently has six school resource officers assigned to the Fayetteville Public School District which has fifteen schools in operation and a sixteenth under construction; and

WHEREAS, the District has requested that the City assign another school resource officer to the District beginning in the 2022-2023 school year; and

WHEREAS, the District has also requested that the City assign additional officers in the future to ensure that each school is able to have a school resource officer on site; and

WHEREAS, the additional school resource officer positions will be new full time equivalent officers and will not reduce the Police Department's current staffing levels; and

WHEREAS, on August 2, 2022, the Arkansas School Safety Commission released its Interim Report with findings and recommendations including the following from the Law Enforcement and Security Subcommittee which is chaired by Washington County Sheriff Tim Helder:

- Recommendation 1: No campus should ever be without an armed presence "AT ALL TIMES" when staff and children are attending class or a major extracurricular activity.

- Recommendation 2: If financially practicable, school should ideally have at least one SRO for each campus.
- Recommendation 3: School districts should execute a Memorandum of Understanding (MOU) with their partnering law-enforcement agencies that identify the roles and responsibilities of SROs and other critical elements.
- Recommendation 4: SROs whose primary assignment is within the school should receive specialized training.

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

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Section 3: That the City Council of the City of Fayetteville, Arkansas hereby expresses its intent to approve the addition of two new full time equivalent officer positions every year beginning in 2023 and authorize those positions to be assigned to the Fayetteville Public School District as school resource officers until each school is able to have an officer on site.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby approves up to \$3,000.00 for each School Resource Officer for the 2022-2023 school year to be used for tuition or education costs to enable that School Resource Officer to obtain a Social Work Certification or for college level classes toward earning a degree in Social Work or Counseling.

AGENDA REQUEST FORM

FOR: Council Meeting of August 16, 2022

FROM: Council Member Holly Hertzberg

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION TO APPROVE THE ADDITION OF A NEW FULL TIME EQUIVALENT POLICE OFFICER POSITION TO BE ASSIGNED TO THE FAYETTEVILLE PUBLIC SCHOOL DISTRICT AS A SCHOOL RESOURCE OFFICER BEGINNING IN THE 2022-2023 SCHOOL YEAR, AND TO EXPRESS THE INTENT OF THE CITY COUNCIL TO ADD TWO NEW SCHOOL RESOURCE OFFICER POSITIONS EACH YEAR THEREAFTER UNTIL EVERY SCHOOL IN THE DISTRICT IS ABLE TO HAVE AN OFFICER ON SITE EACH SCHOOL DAY

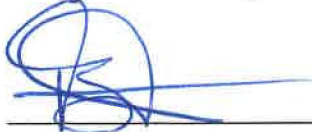
APPROVED FOR AGENDA:



City Council Member
Holly Hertzberg

8/2/22

Date



Asst. City Attorney Blake Pennington
Approved as to form

8/2/22

Date

Pennington, Blake

From: Hertzberg, Holly
Sent: Tuesday, August 2, 2022 1:12 PM
To: Pennington, Blake
Subject: Re: Agenda Request - SROs

Thank you Blake! I am attaching my memo below. Let me know if you would prefer this as a word pdf on letterhead.

I am bringing forward this ordinance in order to ensure the safety and security of students, faculty, and staff within the Fayetteville Public Schools. As we were tragically reminded on May 24th, school violence is a prominent threat that needs to be taken seriously; the City of Fayetteville has a responsibility to ensure all possible measures are in place to prevent and defend against this type of evil. According to the Arkansas School Safety Commission, "No campus should ever be without an armed presence "AT ALL TIMES" when staff and children are attending class or a major extracurricular activity." Fayetteville Public School District has six school resource officers covering fifteen schools which means we are severely behind in meeting the recommendations of the Arkansas School Safety Commission; this ordinance will bring us one step closer to meeting these important safety goals.

Thank you for all your work on this!

Holly Hertzberg

From: Pennington, Blake <bpennington@fayetteville-ar.gov>
Sent: Tuesday, August 2, 2022 9:03 AM
To: Hertzberg, Holly <holly.hertzberg@fayetteville-ar.gov>
Subject: RE: Agenda Request - SROs

Holly, I meant to send the draft recommendations to you as well in case it will help with your email/memo.

Thanks,

Blake

--

Blake E. Pennington
Assistant City Attorney
Tele: (479) 575-8313
bpennington@fayetteville-ar.gov

From: Pennington, Blake
Sent: Monday, August 1, 2022 1:41 PM
To: Hertzberg, Holly <holly.hertzberg@fayetteville-ar.gov>
Subject: Agenda Request - SROs

Holly,

Attached is a revised draft of the resolution for your review. I'll have an agenda request form for you once we finalize everything.

Please let me know if you need anything else in the meantime.

Thanks,

Blake

--

Blake E. Pennington

Assistant City Attorney
113 W. Mountain St., Suite 302
Fayetteville, Arkansas 72701
Telephone: (479) 575-8313
bpennington@fayetteville-ar.gov



OFFICE OF THE
CITY ATTORNEY



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Law Enforcement and Security Subcommittee Interim Report:

Recommendation 1: No campus should ever be without an armed presence “AT ALL TIMES” when staff and children are attending class or a major extracurricular activity.

We anticipate recommending the addition, “AT ALL TIMES”, to the full Commission.

While 84% of school districts indicated they have armed presence on all campuses in the 2019 School Safety Assessment, discussion pertaining to the accuracy of this survey question generated the need to clarify what a “campus” is. In 2018, the intent of our subcommittee was to have armed security within each building, i.e. Elementary School, Middle School, Junior High School and High Schools. This subcommittee is of the opinion school districts did not fully understand our intent. Consequently, a more descriptive question was included in the 2022 School Safety Assessment and the results will provide more meaningful information. With initial reports and anecdotal evidence, we believe that most school districts do not have an armed presence in every school. Either districts could not afford the cost of School Resource Officers (SROs) or Commissioned School Security Officers (CSSOs) or the district was opposed to arming additional personnel (SROs or CSSOs). In the 2019 School Safety Assessment, while 79% of districts indicated having at least one SRO, only 20% of the districts indicated they had an SRO on all campuses. Only 20 districts indicated that they have established CSSO programs. Compounding this issue further, if there is an armed presence, it is periodically interrupted due to the SRO (if only one) having responsibilities elsewhere in the district, or other responsibilities within the community that remove them from the school. There will be questions on the 2022 School Safety Assessment that will provide additional data to better determine the scope of this issue and help direct any additional recommendations.

When reflecting upon the Uvalde, Texas school shooting, it is possible that had armed security been inside the school when the attack began, the shooter may have been thwarted, perhaps before ever entering the school. This subcommittee believes very strongly that an armed presence in every school within a district is a must. The committee gave several options for school districts to explore in their efforts to provide their students with armed security. These options will be reviewed in this report.

Recommendation 2: If financially practicable, schools should ideally have at least one SRO for each campus.

Progress Made. Based on data from the Arkansas Center for School Safety, there are now 460 SROs throughout the state, with 223 total districts using SROs. The number of SROs (315) has increased significantly since the initial survey conducted by the Commission. However, at the time of the initial school safety assessment, only 20% of districts indicated they had SROs on all campuses. The financial practicability of having an SRO on each

“campus” should be better answered in upcoming survey after the definition of “campus” was clarified.

This recommendation dovetails with the first requiring armed security on every school campus within a district. Because this recommendation states, if financially practicable, the committee is signaling that this is an important goal, but it is not as crucial as having some form of armed security in every school. Obviously having a school resource officer on a campus does provide armed security, but it also provides the campus with a valuable tool. When properly trained a SRO can build bridges between students and the police that can be incredibly beneficial in helping to provide and increase the level of security for the school. We recognize that a SRO can be a powerful mentor and role model for the students they serve. They can also play an important role when schools are training staff to recognize and react to security threats. If funding can be found, placing a SRO in every school is recommended.

Recommendation 3: School districts should execute a Memorandum of Understanding (MOU) with their partnering law-enforcement agencies that identify the roles and responsibilities of SROs and other critical elements.

This recommendation became law with the passing of Acts 551 and 622 of the 2021 regular session and requires a school district that accepts a SRO to enter into a memorandum of understanding with the law enforcement agency having jurisdiction. The University of Arkansas System’s Criminal Justice Institute and Arkansas Center for School Safety (the Center) in collaboration with other key stakeholders including DESE’s Safe Schools Committee developed a model MOU that must be used by school districts when obtaining the services of a SRO from a local or county law enforcement agency. School districts that form an institutional police department must use this model MOU to develop mirroring policies and procedures for any sworn police officers on campus during the instructional day (SROs). A copy of the model SRO MOU can be found at www.arsafeschools.com.

Recommendation 4: SROs whose primary assignment is within the school should receive specialized training.

Acts 551 and 622 also include training requirement for all SROs. These include, a 40-hour basic SRO course, Youth Mental Health First Aid certification every four years, a SRO refresher course every five years after completing the basic SRO course and 12 hours of continuing education in school safety annually. In addition, superintendents and administrators with direct supervision responsibilities of a SRO must take a course on SRO roles and responsibilities. The Arkansas Center for School Safety (the Center) provides all needed courses (in-person and online) for SROs or administrators (www.arsafeschools.com) to meet these requirements. The Center is responsible for ensuring compliance in these laws and a district can lose the ability to use a SRO if these training requirements are not met.

We anticipate recommending a requirement that at least all SROs and CSSOs participate in regular Active Shooter training (i.e. ALERRT).

Advanced Law Enforcement Rapid Response Training (ALERRT)

The ALERRT Center at Texas State University is one of the most widely accepted active attack programs in the nation. ALERRT was created at Texas State University in 2002 as a partnership between Texas State University, the San Marcos, Texas Police Department and Hays County, Texas. BY 2013, ALLERT at Texas State was named as the National Standard in Active Shooter Response Training by the FBI.

Since 2002, ALERRT has been awarded more than \$72 million in state and federal grant funding. The program has trained more than 130,000 law enforcement and fire personnel nationwide in force-on-force scenario-based training. The ALERRT program is also responsible for training over 200,000 in the Civilian Response to Active Shooter Events (CRASE) Avoid-Deny-Defend awareness program. Please note many schools in Arkansas have received CRASE training from the Arkansas Center for School Safety and local and county law enforcement personnel across the state.

The ALERRT program is data driven and research based. The staff uses in-depth after-action lessons learned through partnerships with agencies who have been involved in some of the most highly published events related to active shooter situations. ALERRT established a criminal justice research department to evaluate and enhance the overall understanding of active attack events and assist in improving best practices.

Numerous state and federal agencies have accepted the ALERRT curriculum as their standard active shooter training. These states include, Texas, Mississippi, Alabama, Oklahoma, Iowa, Louisiana, Maryland, Georgia and Virginia. In addition, the New York Police Department, San Antonio Police Department, Miami Police Department, Memphis Police Department and the Atlanta Police Department are some of the major cities to adopt ALERRT as their standard. (Information obtained from [the ALERRT website.](#))

Based on the Uvalde event as described in the Robb School Report, the ALERRT training program addresses most of the leadership and tactical failures identified.

The Level 1 basic course is the backbone of the law enforcement instruction and designed to prepare the law enforcement officer to isolate, distract and neutralize an active shooter. The course covers shooting and moving, threshold evaluation, concepts and principles on team movement, setting up for and conducting room entries, approach and breaching areas, improvised explosive devices, and post engagement priorities of work. The course utilizes force-on-force scenarios as proof of instruction concepts. If these principles had been used in the Robb Elementary School shooting incident the outcome may have been much different.

In 2018, ALERRT merged the three primary first responder disciplines (Police, Fire, and EMS), and developed an integrated response that includes emergency medicine,

coordinated command centers, stronger local, regional, state and national response preparedness and processes. With the addition of the integrated response system the ALERRT program is now a three-prong approach in providing active shooter event survival skills. They teach law enforcement the approach of stop the threat prior to anything else, they provide a civilian response course that teaches our civilian populace the skills to survive from the time the active attack starts until law enforcement officers neutralize the threat and the integrated response system that allows for immediate on-site lifesaving procedures.

Additionally, ALERRT provides specific training in the following areas:

1. **Active Shooter Incident Management:** The course provides an overview of the incident command systems and the specific way to use the processes to integrate various stakeholders in the first hour of response to an active attack.
2. **CRASE:** This training platform focuses on civilians and is frequently requested by schools, businesses and hospitals. The civilian response to active shooter events provides resources in how to act if they are confronted with an active shooter event.
3. **Civilian Response and Casualty Care:** This course combines the civilian response to an active shooter with the Stop the Bleed Campaign, which empowers civilians to provide life saving medical aid before first responders ever arrive.
4. **Breaching:** The training provides hands on training to aid the first responder in approaching and breaching crisis site using traditional and non-traditional methods. The class discusses manual and ballistic breaching tools to gain immediate entry into a structure under extreme circumstances that demand immediate entry to save and protect lives.
5. **Exterior Response to Active Shooters Events:** The course is designed to prepare law enforcement for an open-air active attack encounter. It addresses tactics and techniques to be used in an exterior environment with an armed aggressor.
6. **First Responder Medical:** This is a train the trainer course that delivers a Tactical Medical for Patrol Officers course of study. This is a critical component in immediate life saving measures.
7. **Solo Officer Rapid Deployment:** The course provides the solo officer with knowledge, skills and mind set on how to isolate, distract, or neutralize an armed threat like an active shooter.

ALERRT provides the most comprehensive instructional approach to the active attack event as any program in the nation. ALERRT is funded through the Department of Justice Bureau of Justice Assistance and is the most widely accepted active shooter program in our region and on a national platform. The State of Arkansas currently has over 400 certified ALERRT trainers who can provide immediate instruction in the majority of the eight ALERRT platforms. Furthermore, ALERRT is the active shooter standard curriculum for Arkansas

Commission on Law Enforcement Standards and Training academies in NW and Central Arkansas and ALETA in Camden.

Recommendation 5: If a school district authorizes the use of the CSSO program, that policies, protocols, training, and selection go above the minimum standards required, to include standard psychological exams, random drug screening, extensive firearms handling training, and regular training with local law-enforcement.

The CSSO program was authorized legislatively through Act 393 of 2015. We believe since the 2018 Commission's recommendation there has been a significant increase in the use of these programs. We are hopeful the latest survey will give us a much clearer picture. It will also let us know how many districts utilize enhanced requirements (such as psychological testing and random drug screening, etc.) that are above the Arkansas State Police (ASP) certification.

The ASP is the regulatory agency that manages the Commission School Security Officer (CSSO) program. The ASP require new CSSOs to complete 60 hours of training encompassing active shooter training, live fire training, medical, and weapon retention. The ASP requires CSSOs to receive 24 hours of annual training encompassing the same curriculum as required in the initial 60-hour training. A background check is required every other year because CSSOs are required to renew their credentials on a biannual basis. The survey will ask districts if they are psychologically testing their new CSSOs and if they are using random drug testing.

The subcommittee believes it is important for local law enforcement agencies to train with their public school and the school's CSSOs. We hope to gain a better understating through the survey, but based on anecdotal information it appears the CSSO program is being used by more districts every year. The subcommittee believes the Commission's CSSO model with enhanced requirements is an economical way of placing armed security within every school, in all of Arkansas's school districts and urges school leaders to consider a hybrid approach using CSSOs and SROs in order to provide every school with armed security redundancy.

Recommendation 6: Schools should consider strategies that layer and build redundancy for optimal security.

Much discussion has taken place as to the intent of this recommendation. Our subcommittee will likely recommend changing the word "consider" to "implement". We further believe, as it pertains to our mission, layering and redundancy are critical.

This recommendation is meant to stress the importance of designing into a district's plan for armed security, a method of insuring that, in the event the individual(s) providing armed security are absent, there is another person available to provide the armed security detail for the day. The original Commission's reason for Recommendation 6 was also to point out that, when possible, a school should have multiple people assigned to armed security on any given day. For our subcommittee, layering and redundancy speak to the critical need to

not only have armed, trained personnel (SROs and/or CSSOs) present in each building, but to have multiple in each building for “layering”. When utilizing SROs redundancy means having plans in place to have “substitutes” step in when they are absent, just like when a teacher calls in sick.

The subcommittee believes schools are best served with law enforcement providing security, but this may be a struggle to accomplish given the level of funding necessary to provide every school with a resource officer and the current retention and recruitment issues facing law enforcement agencies across the state.

We anticipate recommending additional training for CSSOs, primarily Active Shooter (similar to SROs). This serves two purposes. One, it provides for redundancy; two, it assists the responders in a psychological way. Knowing others on the scene are going to react consistently.

Recommendation 7: Arkansas’s Commission on Law Enforcement Standards and Training (CLEST) should study the feasibility of school districts being allowed to establish their own law enforcement agencies.

Act 629 of the 2019 regular session gave school districts the ability to appoint an institutional law enforcement officer, thereby creating a school police department. Since that time, at least **16 school districts have developed their own police departments**. When the commission was gathering information to develop the 2018 report, Commission members heard from several school leaders that believed this model would best serve their districts. The 2022 Commission will use the 2022 School Safety Assessment to determine the number of districts that have since adopted this method of providing SROs for their schools. There have been several successful agencies thus far that have been established in larger school districts throughout the state.

The survey will determine how many (SROs and CSSOs) are furnished “Go Bag” and if so, what equipment is furnished. We anticipate recommending the Commission add this vital equipment as a recommendation to our overall report.

City of Fayetteville, Arkansas - Budget Adjustment Form (Legistar)

Budget Year 2022	Division /Org2 POLICE (200) Requestor: April Melton	Adjustment Number
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BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

A RESOLUTION TO APPROVE THE ADDITION OF A NEW FULL TIME EQUIVALENT POLICE OFFICER POSITION TO BE ASSIGNED TO THE FAYETTEVILLE PUBLIC SCHOOL DISTRICT AS A SCHOOL RESOURCE OFFICER BEGINNING IN THE 2022-2023 SCHOOL YEAR, AND TO EXPRESS THE INTENT OF THE CITY COUNCIL TO ADD TWO NEW SCHOOL RESOURCE OFFICER POSITIONS EACH YEAR THEREAFTER UNTIL EVERY SCHOOL IN THE DISTRICT IS ABLE TO HAVE AN OFFICER ON SITE EACH SCHOOL DAY. AND APPROVAL OF A BUDGET ADJUSTMENT.

RESOLUTION/ORDINANCE	COUNCIL DATE:	8/16/2022
	LEGISTAR FILE ID#:	2022-0707
	<i>Kevin Springer</i> 8/4/2022 12:06 PM	
	Budget Director	Date
	TYPE:	D - (City Council)
	JOURNAL #:	
	GLDATE:	8/16/2022
	CHKD/POSTED:	/

TOTAL	40,000	40,000	v.20220718			
Account Number	Increase / (Decrease)		Project.Sub#		AT	Account Name
	Expense	Revenue	Project	Sub.Detl		
1010.200.2940-5102.10	14,715	-			EX	Uniformed Salaries - Uniformed
1010.200.2940-5103.10	337	-			EX	Uniformed Overtime - Uniformed
1010.200.2940-5105.01	219	-			EX	Payroll Taxes - Medicare
1010.200.2940-5108.00	2,842	-			EX	Emp Insurance - Health
1010.200.2940-5108.01	47	-			EX	Emp Insurance - LTD
1010.200.2940-5108.02	3	-			EX	Emp Insurance - ADD
1010.200.2940-5108.03	51	-			EX	Emp Insurance - Life
1010.200.2940-5109.03	3,914	-			EX	Pension - LOPFI Police
1010.200.2940-5302.00	17,872	-			EX	Uniforms/Personal - Equipment
1010.200.2940-4401.05	-	23,400			RE	Reimbursements - SRO Salary
1010.001.0001-4999.99	-	16,600			RE	Use Fund Balance - Current
	-	-				
	-	-				
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	-	-				



TO: Mayor Lioneld Jordan
Fayetteville City Council Members

FROM: Chief Mike Reynolds

A handwritten signature in black ink that reads "Mike Reynolds".

DATE: August 15, 2022

SUBJECT: School Resource Officer Arrest/Citation Statistics and Budget

The foremost duty of a School Resource Officer is to protect the students and staff of the Fayetteville Public Schools. School Resource Officers collaborate with educators on issues of discipline when those matters endanger the lives of the students or involve criminal offenses. As outlined in the Memorandum of Understanding between the Fayetteville Police Department and the Fayetteville Public Schools, School Resource Officers are not disciplinarians and do not involve themselves in routine matters of school discipline. They are instructors and informal counselors, and they perform law enforcement functions as needed. The mere presence of a School Resource Officer in deterring both violent and non-violent crimes is immeasurable. While School Resource Officers attempt to detect and prevent unlawful actions, they do not involve themselves with disciplinary matters related to infractions of school rules. When School Resource Officers do become involved in issues of discipline that could endanger the lives of students or involve criminal offenses, they earnestly attempt to seek alternatives to arrest by working with school administrators, counselors, social workers, and family members. The goal of the juvenile justice system is to rehabilitate rather than to incarcerate.

SCHOOL RESOURCE OFFICER ARREST DATA FOR THE FAYETTEVILLE PUBLIC SCHOOL DISTRICT FOR THE 2021-2022 SCHOOL YEAR

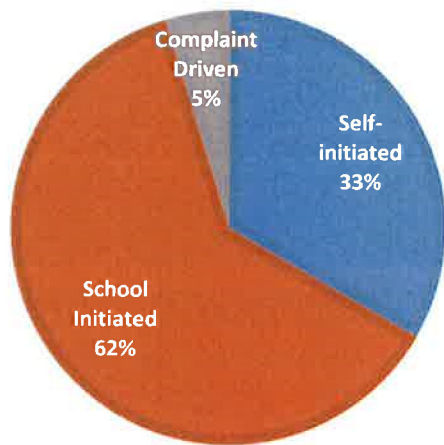
The tables and graphs on the following pages break down juvenile arrests and citations by:

- How the contact with the School Resource Officer was initiated;
- Post Arrest Disposition;
- Criminal Offense Types;
- Race; and
- Age

The final page explains the program cost breakdown between the City of Fayetteville and the Fayetteville Public Schools. A copy of the proposed 2022-2023 Memorandum of Understanding between the Fayetteville Police Department and the Fayetteville Public Schools is attached with this document.

REASON FOR SRO CONTACT 2021-2022 CITATION/ARREST

■ Self-initiated ■ School Initiated ■ Complaint Driven

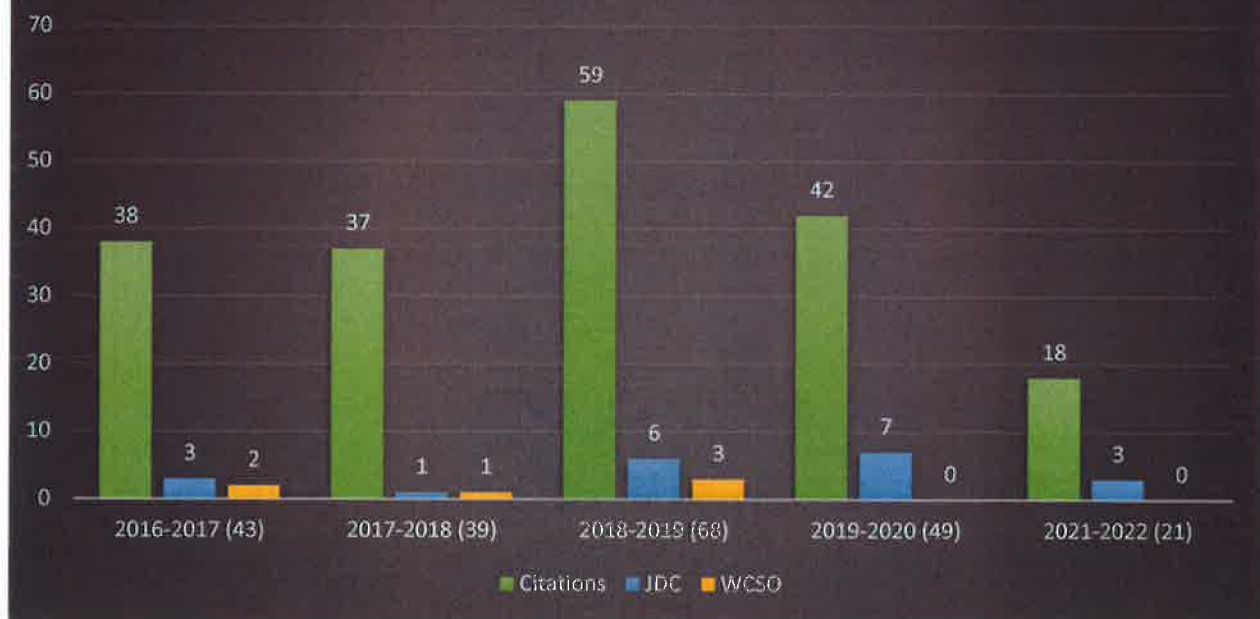


Self-initiated	School Initiated	Complaint Driven
7	13	1

Origin of Contact with Student (2021-2022)

- **School Initiated** – The contact was initiated by the school via an administrator, teacher, counselor, social worker, or other school employee.
- **Self-initiated** – An SRO witnessed a fight in the hallways or other criminal act in progress.
- **Complaint Driven** - The complaint driven contact was made through some other person, such as a parent, student, witness, or victim.

SRO Physical Arrests and Citations 2016-2022



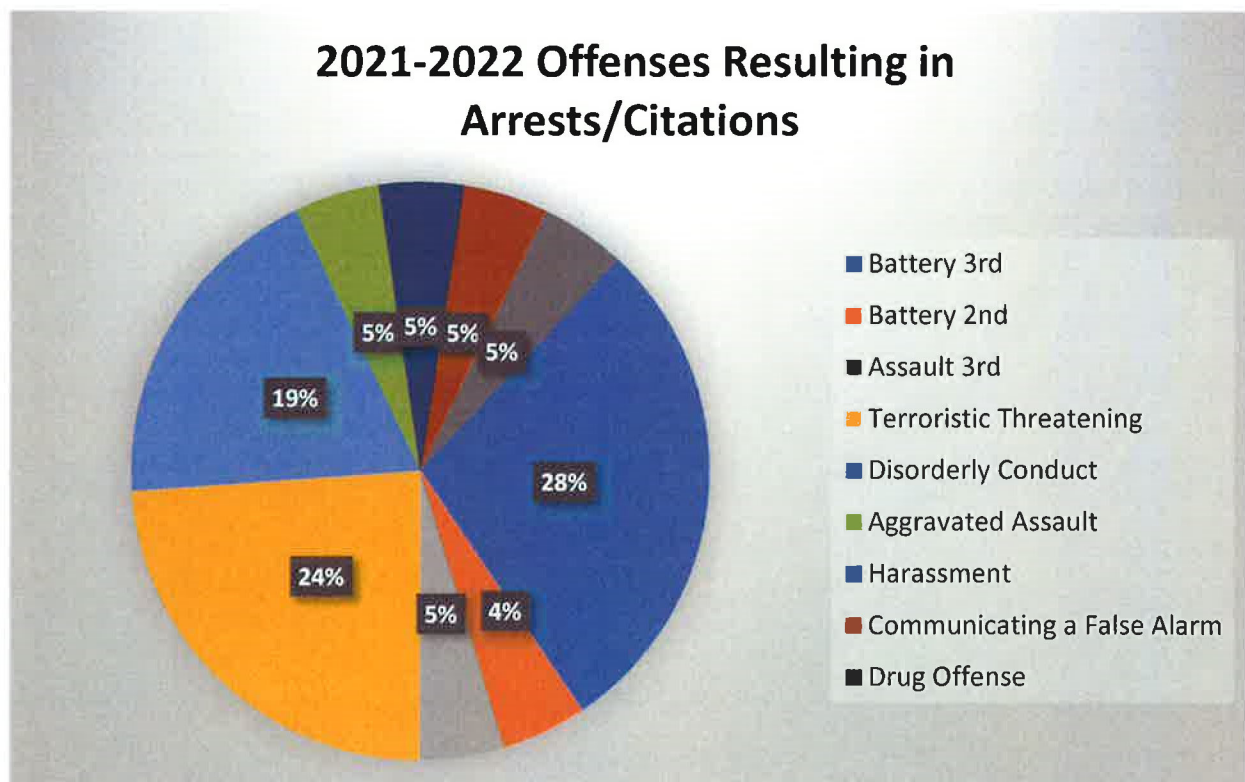
*excludes the 2020-2021 school year due to COVID-19 pandemic.

Post Arrest Dispositions

This decision is made by the Juvenile Intake Officer at the Juvenile Detention Center (JDC). Three options are available:

- The juvenile is taken into physical custody and taken to JDC,
- The juvenile is released via citation to the custody of their parent or guardian, or
- If the student is an adult, and it is warranted, then they are transferred to the custody of the Washington County Detention Center.

- School Resource Officers made three (3) **arrests** and issued **eighteen (18) citations** as result of eighteen (18) **incidents** during the 2021-2022 school year.
- Three (3) of the twenty-one (21) arrests or citations occurred during one incident in September 2021. The incident involved numerous students involved in a large physical disturbance at Fayetteville High School. The incident required a response from multiple School Resource Officers, school administrators, Fayetteville Police Department patrol officers, and deputies from the Washington County Sheriff's Office to bring under control.
- During a four-year period from 2016 to 2020, the School Resource Officers averaged nearly fifty (50) arrests or citations per year. The 2021-2022 school year resulted in **58% fewer arrests and citations than the four-year average**.
- Three (3) Terroristic Threatening arrests/citations and One (1) Disorderly Conduct arrest/citation were a result of threats made to Fayetteville Public Schools or Fayetteville Public School students. Three (3) BB guns with a realistic firearm appearance were seized during these arrests.
- The only drug related citation was for simultaneous possession of opium and marijuana.
- One (1) student was cited for Communicating a False Alarm after pulling a fire alarm during school.



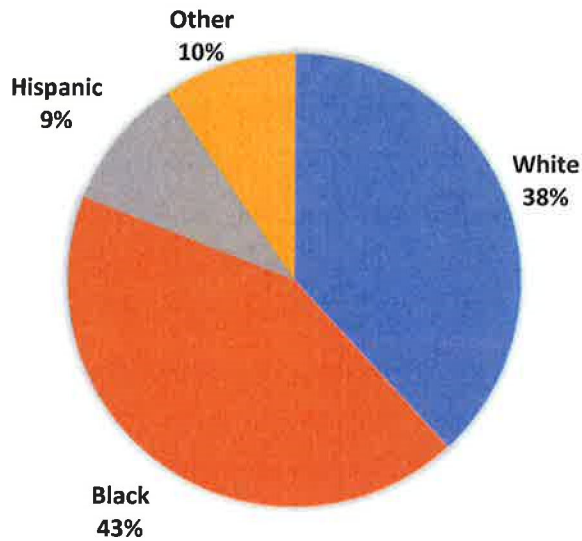
*This chart contains the primary offense for an arrest or citation. Some individuals may have been involved in multiple criminal acts resulting in an arrest or citation.

Aggravated Assault	1
Terroristic Threat	5
Battery 2 nd	1
Battery 3 rd	6
Assault 3 rd	1

Harassment	1
Drug Offense	1
Disorderly Conduct	4
Communicating a False Alarm	1

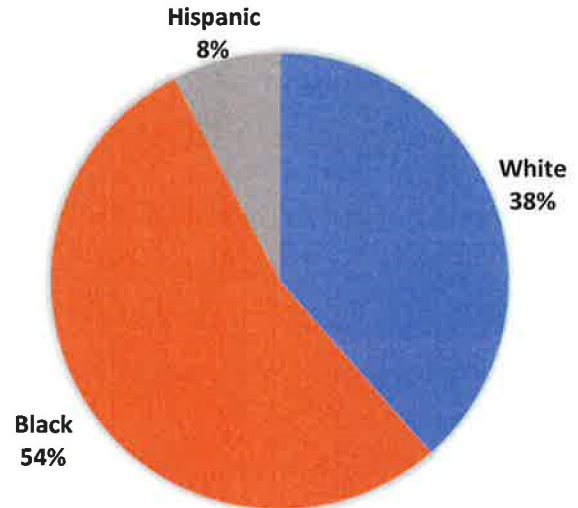
Misdemeanor	Felony
16	5

**RACE OF OFFENDER
2021-2022 ARRESTS/CITATIONS**



White	Black	Hispanic	Other
8	9	2	2

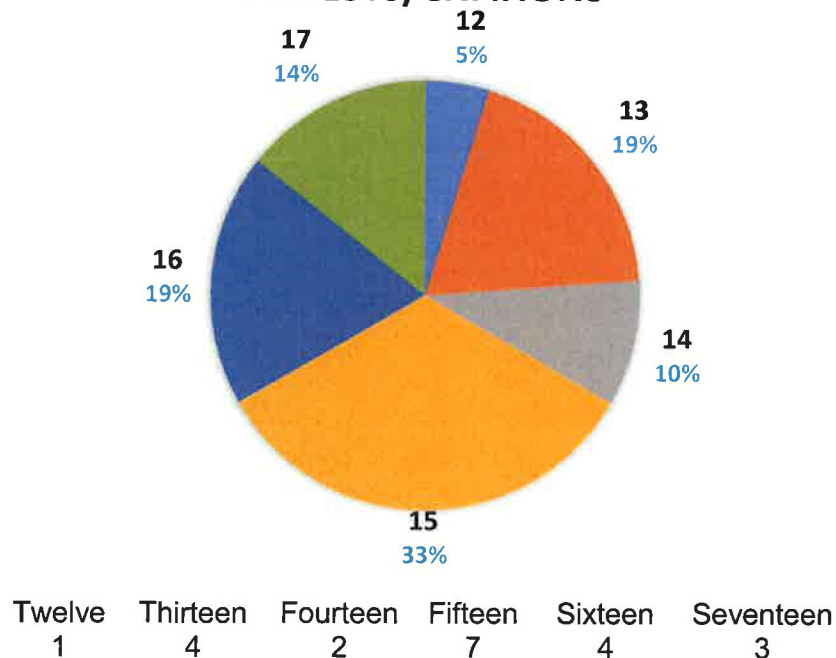
**RACE OF VICTIM
2021-2022 ARRESTS/CITATIONS**



White	Black	Hispanic	Other
5	7	1	0

**The number of victims does not equate to the number of arrests because some crimes are considered offenses against the state. Examples might include threats against the school, drug offenses, and disorderly conduct.*

**AGE OF OFFENDER 2021-2022
ARRESTS/CITATIONS**



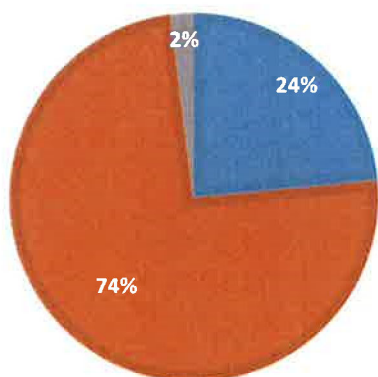
7 students were arrested or cited who were fourteen-years-of-age or younger. The following summarizes the details resulting in each arrest or citation:

- A twelve-year-old student was cited and released to their parent for Terroristic Threatening after making a verbal threat to “shoot up the school and saying, “I’m going to kill people.”
- A thirteen-year-old student was cited and released to their parent for Disorderly Conduct after bringing a fake firearm to school. The replica firearm was tucked into the student’s waistband.
- A thirteen-year-old student was cited and released to their parent for Terroristic Threatening after sending electronic communications to another student saying they were going to “kill them.” The student also sent a picture while holding a gun to another student.
- A thirteen-year-old student was cited and released to their parent for Harassment after having a pocketknife at school and chasing students with it. The student also damaged a school computer with the pocketknife.
- A thirteen-year-old student was cited and released to their parent for Battery 3rd after a physical assault of a teacher resulting in injury.
- A fourteen-year-old student was cited and released to their parent for Battery 3rd after repeatedly striking another student in the face with a closed fist. The student also grabbed a pair of scissors during the incident and swung them at the victim multiple times.
- A fourteen-year-old-student was cited and released to a parent for Disorderly Conduct after a large disturbance at the school. The student refused to comply with any direction from school administration or law enforcement during a very chaotic large disturbance. The student repeatedly attempted to access locked school doors to assault another student involved in the original disturbance. In order to control the student’s behavior and render the school safe, the student was arrested.

Beginning with the 2021-2022 school year, School Resource Officers assigned to Fayetteville Public Schools implemented a new practice of Student Referrals to reduce the number of students arrested or cited in schools. School Resource Officers utilize Student Referrals in lieu of an arrest or citation when a criminal offense has been committed. Instead of an arrest or citation, the student offender is referred to FPS administration for possible school discipline. These Student Referrals are for criminal offenses only and do not include traffic tickets, parking tickets, or status offenses. During the 2021-2022 school year the School Resource Officers referred **102** student offenders back to school administration in lieu of arrests.

REASON FOR SRO CONTACT 2021-2022 STUDENT REFERRALS

■ Self-initiated ■ School Initiated ■ Complaint Driven

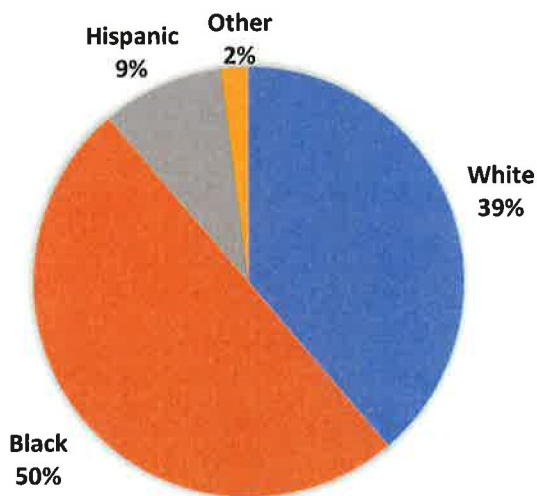


Self-initiated	School Initiated	Complaint Driven
24	76	2

Origin of Contact with Student (2021-2022)

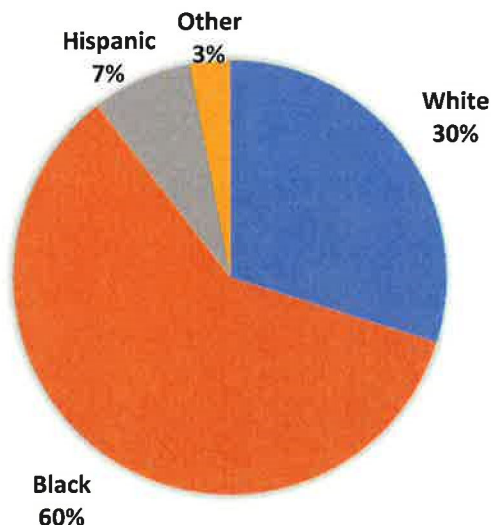
- **School Initiated** – The contact was initiated by the school via an administrator, teacher, counselor, social worker, or other school employee.
- **Self-initiated** – An SRO witnessed a fight in the hallways or other criminal act in progress.
- **Complaint Driven** - The complaint driven contact was made through some other person, such as a parent, student, witness, or victim.

RACE OF OFFENDER 2021-2022 STUDENT REFERRAL



White	Black	Hispanic	Other
38	49	9	6

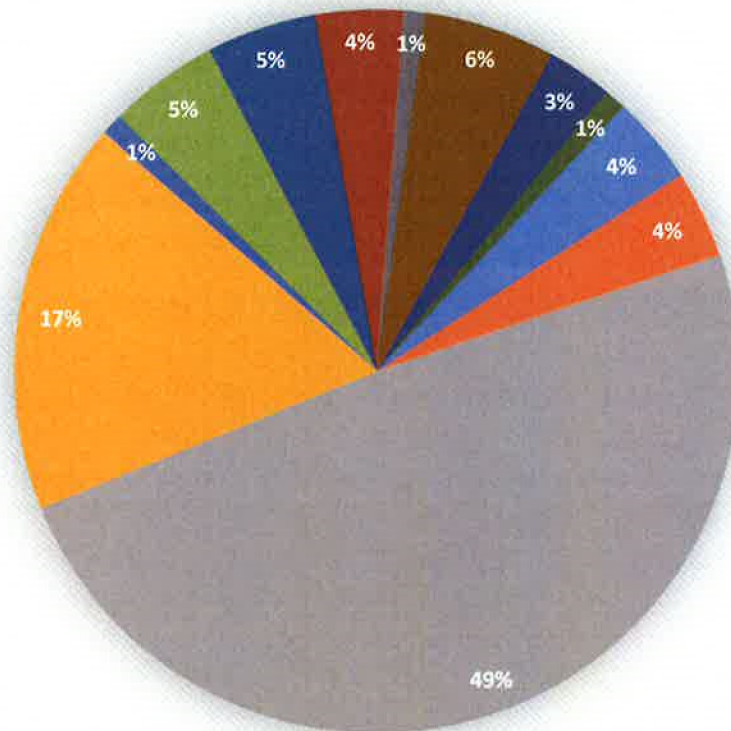
RACE OF VICTIM 2021-2022 STUDENT REFERRAL



White	Black	Hispanic	Other
20	40	5	2

*The number of victims does not equate to the number of referrals because some crimes are considered offenses against the state. Examples might include threats against the school, drug offenses, and disorderly conduct.

2021-2022 Offenses Resulting in Student Referrals



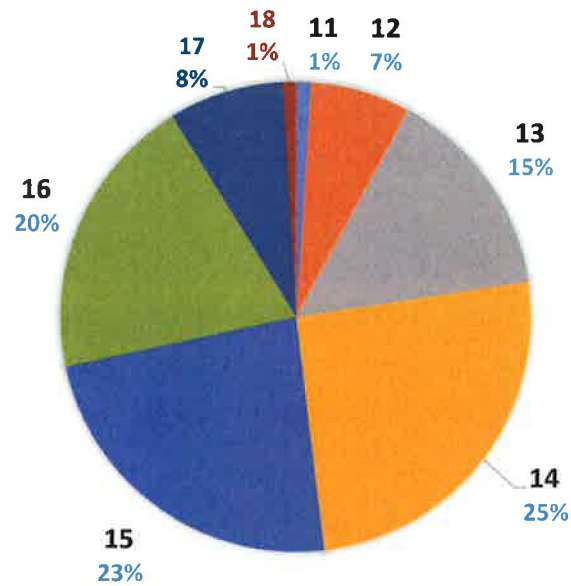
- Terroristic Threatening
- Burglary
- Battery 3rd
- Assault 3rd
- Carrying a Weapon
- Theft of Property
- Drug Offenses
- Criminal Mischief
- Sexual Indecency
- Disorderly Conduct
- Public Intoxication
- Trespassing

*This chart contains the primary offense for a referral. Some individuals may have been involved in multiple criminal acts during a student referral.

Terroristic Threat	4
Burglary	4
Battery 3 rd	50
Assault 3 rd	18
Carrying a Weapon	1
Theft of Property	5
Drug Offense	5

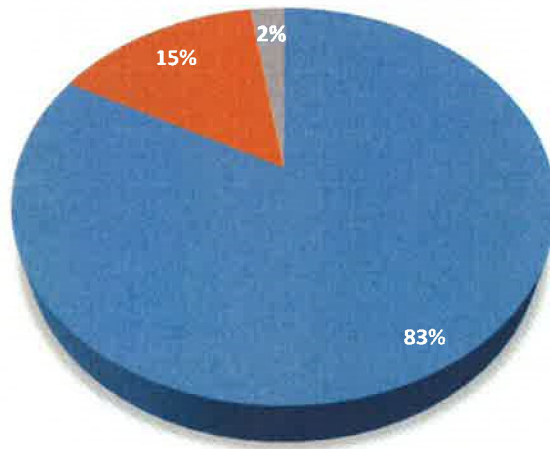
Criminal Mischief	4
Sexual Indecency	1
Disorderly Conduct	6
Public Intoxication	3
Trespassing	1

AGE OF OFFENDER 2021-2022 STUDENT REFERRALS



Eleven	Twelve	Thirteen	Fourteen	Fifteen	Sixteen	Seventeen	Eighteen
1	7	15	26	24	20	8	1

Total SRO Student Contacts 2021-2022



■ Student Referrals
 ■ Citations
 ■ Arrests

Student Referrals	Citations	Arrests
102	18	3

SRO Expenses and FPS Reimbursement							
	2016	2017	2018	2019	2020	2021	2022 - YTD
City Expense	\$463,675.00	\$464,828.00	\$524,613.00	\$540,327.00	\$664,255.00	\$612,115.00	\$422,893.69
FPS Reimbursement	\$168,884.00	\$181,734.00	\$219,368.00	\$255,721.00	\$289,986.00	\$338,433.95	\$189,851.14
Net City Expense	\$294,791.00	\$283,094.00	\$305,245.00	\$284,606.00	\$374,269.00	\$273,681.05	\$233,042.55

As specified in our agreement with Fayetteville Public Schools, School Resource Officers are assigned to work on Fayetteville Public School campuses for 178 days of the school calendar with the remaining 82 workdays scheduled with the Fayetteville Police Department. Any hours worked by School Resource Officers on Fayetteville Public School campuses or Fayetteville Public School related activities in excess of eight hours per day is reimbursed at the officers' overtime rate.



School Resource Officer (SRO) Memorandum of Understanding

This Memorandum of Understanding (MOU) between Fayetteville Public Schools (FPS) and the Fayetteville Police Department (FPD) is executed when signed by all necessary parties.

This MOU establishes the needed commitment and support from both institutions. It provides guidelines and policies relevant to the performance of the School Resource Officer (SRO). An SRO is a sworn law enforcement professional assigned to a public school campus during the instructional day or employed by a school district/open enrollment charter school. This MOU will serve as a document that SROs, school administration, the law enforcement agency, students, parents and/or caregivers may refer to for structure and accountability. This MOU shall be reviewed, updated, and signed annually by the administrations of the school district/open enrollment charter school and the law enforcement agency. The school administration welcomes recommendations from all community stakeholders, including parents/caregivers, students, teachers, the assigned SRO, other law enforcement personnel, and members of the community. Nothing in this MOU should be construed as limiting or impeding the basic spirit of cooperation that exists between the school district/open enrollment charter school, the law enforcement agency, and the local community.

I. Purpose

The purpose of the MOU is to establish the mission of the School Resource Officer program (SRO program), and provide for an understanding between the school district/open enrollment charter school and the law enforcement agency that the success of the SRO program is a cooperative effort. Additionally, the MOU clarifies roles and expectations of the SRO and formalizes the relationship between the school district/open enrollment charter school and the law enforcement agency. Following the guidelines as established within the MOU will help in building a positive relationship between law enforcement officers, school staff, and students; support a safe and positive learning environment; and potentially decrease the number of youth formally referred to the juvenile justice system.

II. Mission

The mission of the School Resource Officer program is to promote school safety by establishing a safe, supportive, and orderly environment that maximizes collaboration for the enhancement of student learning and success.

III. Goals of the SRO Program

The SRO, SRO supervisor(s), and school officials will collaborate to reduce school violence by:

- a) Ensuring a safe learning environment for students, teachers, and staff.
- b) Fostering a positive school climate based on respect for all children and adults in the school.
- c) Creating partnerships with community stakeholders and other care providers in the community for the benefit of students, staff, and families.
- d) Reducing crime committed by and against youth on campus or in the community
- e) Establishing a trusted channel of communication with students, parents, and teachers through observation and engagement.
- f) Ensuring SROs serve as a positive role model to instill in students:
 1. Good ethical standards,
 2. Respect for others, and
 3. Sincere concern for the school and community.

IV. Chain of Command

- a) A SRO shall be assigned to a school, or multiple schools, during the instructional day. During the hours that school is in regular session, the SRO may also be assigned additional responsibilities by the law enforcement agency in emergency type/critical incident situations that may require the SRO to leave campus. The law enforcement agency recognizes that removing an officer from the school campus causes difficulty in the school and will only do so when absolutely needed.
- b) The SRO operates under the supervision of the law enforcement agency. When a situation arises within the school that is determined to be criminal in nature, the SRO will notify his/her law enforcement agency supervisor and school administration.
- c) Minor offenses committed on school property can and often should be handled internally within the school without filing criminal charges. Each situation will have unique factors to consider. When practical, the SRO should consult with a member of the school administration (superintendent or principal) concerning arrests for minor offenses. Offenses, such as fighting or vulgar language, that do not involve physical injury may be considered school discipline issues and often handled internally by school officials rather than law enforcement.

V. Roles and Responsibilities

This SRO program is intended to be unique to the community, based on input from the school district/open enrollment charter school administration, teachers, faculty, students, families and community members.

- a) **SRO Roles** – The SRO Program is designed for the SRO to fulfill three overall roles: 1) Law

Enforcement Officer; 2) Mentor/ Informal Counselor; (3) Educational Resource.

1. Law Enforcement Officer Role

The SRO in this role provides public safety within the established school boundaries through motorized and foot patrol. The SRO collaborates with the school district/open enrollment charter school administration in developing or updating emergency crisis/critical incident response plans as well as plans for the training of students and staff on various issues. The SRO should establish himself/herself as a resource for students, teachers, parents, and other school staff, while maintaining his/her status as a law enforcement officer.

SROs are certified law enforcement officers and shall carry a firearm at all times. When working at the school, or extra-curricular activities and events, officers will be in the approved FPD uniform. All officers will take law enforcement action when appropriate, which may include warnings, citations, or arrests. SROs will follow FPD policies and procedures regarding the use of force. A copy of FPD's applicable policies and general orders are attached to this MOU and incorporated by reference.

2. Mentor/Informal Counselor Role

One of the primary roles the SRO will fulfill is fostering a positive school climate through relationship building and crime prevention. The SRO will engage in various activities, in consultation with school administration, teachers, and students. He or she should strive to build a school culture of open communication and trust between and among students, law enforcement, and school staff. The SRO should focus on getting to know students at the school, serving as a role model, and working with teachers and administrators to identify students who may be facing challenges at school (such as bullying), at home, or both, and need additional resources or attention to be successful in school.

3. Educational Resource

In this role, the SRO should participate in the school community by becoming a member of the educational team. This will provide the SRO a method to build positive relationships with students, their families, and school staff. Whether talking to students in the hallway, in the lunchroom, or delivering a presentation in the classroom, the SRO should become embedded in the education fabric within the school. Presentation materials to be used in the classroom must first be approved in accordance with the districts selection of instructional materials policy.

4. Clarifications of the SRO's role in:

- Responding to Criminal Activity

A role of the SRO, as a law enforcement professional, is to enforce criminal and traffic laws. The SRO will have the authority under Arkansas law to issue warnings and use alternatives to arrest at their discretion.

- School Policy Violations

School faculty and staff, not the SRO, should always handle violations of the school student code of conduct or rules that are not criminal matters. SROs are not school disciplinarians, but rather licensed peace officers charged with enforcement of all applicable local, state and federal laws within their jurisdiction. The SRO should not directly intervene in disciplinary incidents unless the situation directly affects an imminent threat to the health, safety, and security of the student or another person in the school. When intervening, the SRO will employ de-escalation techniques as appropriate. All school staff should receive training on the roles and responsibility of the SRO so there is a clear understanding that school discipline is the responsibility of the appropriate school staff. The SRO will report school policy violations through the proper channels to be handled by school administration. In this regard, it is the responsibility of the SRO to become familiar with the Student Handbook or Student Code of Conduct, but it is not the responsibility of the SRO to enforce the rules in these documents.

- Transportation of students

Officers will not transport a sick or injured child for medical assistance or provide escorts with police vehicles for school personnel.

- Locker, Vehicle, Personal, and Other Searches

The SRO may conduct a search of a student's person, possessions, locker, or vehicle only where there is probable cause to believe the search will result in evidence that the student has committed or is committing a criminal offense.

The SRO will not ask a school employee to conduct a search for law enforcement purposes. The SRO may perform searches independent of the school administration only during emergency situations and where criminal activity is suspected.

b) Primary Responsibilities

The primary responsibilities of the SRO in an SRO Program include, but are not limited to

1. Patrolling the campus by vehicle if necessary but primarily on foot to reduce/prevent crime and help to provide a safe and secure learning environment.
2. Serving as an educational resource, and as a liaison between the school and the law enforcement agency.
3. Developing and maintaining mutually respectful relationships with students and staff to support a positive school climate.
4. Preparing for and providing classroom instruction on a variety of relevant topics.
5. Being proactive in creating and taking advantage of educational situations. (Note: school administrators are encouraged to leverage this resource.)
6. Preparing initial police reports of crimes committed on campus.
7. Taking enforcement action on criminal matters involving students, when appropriate.
8. Advocating for students and staff who are victims of crime
9. Attending school special events as needed.
10. Collecting and maintaining data on SRO activities (arrests, citations, educational programs, etc.)
11. Assisting the school safety coordinator or designated staff member in developing emergency response plans as well as strategies (such as training students and staff) to prevent and/or minimize dangerous events, such as an armed person(s) or active shooter on campus, hostage situations, student disturbances, and natural/man-made disasters.
12. Taking appropriate law enforcement action against individuals or unwanted guests who are at the school or a school function in accordance with the SRO's law enforcement authority.
13. Each day, the SRO supervisor or his or her designee, will communicate daily SRO staffing and absences to the school safety coordinator. If there are no SRO absences or staffing changes for the day, no daily report is necessary.
14. Each day, the SRO supervisor or his or her designee, will communicate a daily report of activity to the school safety coordinator. If there is no SRO activity for a day, no daily report is necessary.
15. Weekly the SRO supervisor, or his or her designee, will meet in-person with the school safety coordinator.

VI. Physical Restraint, Conducted Energy Weapons, or use of Chemical Aerosol Sprays

Except in the case of a clearly unavoidable emergency in which a trained member of school personnel is not immediately available due to the unforeseeable nature of the situation, the physical restraint of a student shall only be used by a member of school personnel who is appropriately trained to administer physical restraint.

- a) The SRO should not be involved in the physical restraint of a student unless:
 - 1. An officer makes a physical arrest, or
 - 2. There is imminent danger of serious physical harm to the student or others; or
 - 3. The SRO has received the appropriate training on the use of physical restraint in accordance with Ark. Code Ann. § 6-18-2401 et seq. As a sworn law enforcement officer, the SRO may intervene to de-escalate situations
- b) Physical intervention, including use of conducted energy weapons and aerosol sprays, by the SRO will be undertaken in accordance with the law enforcement agency protocol and policies for the use of force. A SRO acting in the role of a school's behavioral intervention team member will respond in accordance with Ark. Code Ann. § 6-18-2401 et seq.
- c) Any use of force must be reported to the school administration and the SRO law enforcement supervisor. The rationale for the action must be fully documented by use of established reporting procedures, such as use of physical force to affect an arrest, or control a combative person.

VII. Limits on Interrogations and Arrests

- a) A SRO may participate in the questioning of a student about conduct that could result in criminal charges. In accordance with established law enforcement procedure, a student must be informed of their Miranda rights in age-appropriate language before being questioned; this must be done in the presence of a parent or guardian if the student is under the age of 18. The student's parent(s) or guardian(s) should be allowed sufficient time to arrive at the school to be present for this process. Students under the age of eighteen (18) shall not be interrogated without a parent or guardian present.
- b) The Superintendent or other member of the school administration shall be notified if possible prior to an arrest of a student. The student's parent(s) or guardian(s) shall be notified of their

student's arrest as soon as practical but always in a timely manner in accordance with Arkansas Law, including Ark. Code Ann. § 6-18-513.

VIII. Role in Truancy Issues

The SRO will not take an active role in truancy matters or in the tracking of truants. The SRO will act as a liaison between the school and law enforcement personnel should law enforcement involvement become necessary due to safety concerns and may assist in performing a safety or well-being check.

IX. Student Educational Records and FERPA

The school district/open enrollment charter school and the law enforcement agency acknowledge the benefit of appropriate information sharing for improving the health and safety of students but also the importance of limits on the sharing of certain types of student information by school personnel. The school district/open enrollment charter school and the law enforcement agency also acknowledge that there is a distinction between student information shared for law enforcement purposes and student information shared to support students and connect them with necessary mental health, community-based, and related services.

Both parties agree to follow the Family Educational Rights and Privacy Act (FERPA). SROs are not deemed school officials by FPS and are, therefore, not entitled access to student information unless a proper FERPA release is signed, there is a subpoena, court order, statute, or other legal mechanism specifically granting the SRO access to student information.

In emergency situations, it may be necessary to disclose protected student information to address a health or safety emergency. Such disclosure is permitted when required to protect the health or safety of the student or other individuals. This exception is limited to the period of the emergency and does not allow a blanket release of student educational records. Rather, these disclosures must be related to an actual, impending, or imminent emergency.

X. Program Structure

The SRO Program will consist of a law enforcement officer certified within the state of Arkansas who is an employee of FPD. The SRO will be assigned by the head of the law enforcement agency to work within FPS and will meet all requirements as set forth by FPS.

XI. Selection and Financial Consideration

- a) The school district/open enrollment charter school administration and the head of the law enforcement agency may establish specific procedures governing the selection of the SRO.

The school district/open enrollment charter school administration and the head of the law enforcement agency shall collaboratively establish the financial agreement necessary for the SRO program, including but not limited to salary, fringe benefits, training costs, and other foreseeable expenses. The specific financial agreements for each SRO shall be identified in Appendix A.

XII. Supplies/Equipment

In order to implement an effective SRO program and create a safe learning environment for students, the school district/open enrollment charter school and law enforcement agency will work in partnership to provide necessary supplies and equipment specified in Appendix A, including but not limited to:

- a) A designated private office (at least one per program/campus);
- b) Standard office equipment (i.e. computer, phone, internet connection, etc.);
- c) Standard law enforcement equipment (i.e. radio, transportation, lethal/non-lethal weapon, etc.); and
- d) Additional supplies, resources, and equipment as needed (i.e. uniforms, safety/first aid supplies, instructional resources, etc.).

XIII. Training Requirements

- a) The SRO shall complete:
 - 1) The forty (40) hour Basic School Resource Officer course within eighteen (18) months of being assigned to the public school district/open enrollment charter school. This course must be developed and provided, or approved, by the Arkansas Center for School Safety.
 - 2) Within five (5) years of receiving the initial Basic School Resource Officer training, a sixteen (16) hour School Resource Officer Refresher training developed and provided, or approved, by the Arkansas Center for School Safety.
 - 3) Certification in Youth Mental Health First Aid, which must be maintained and renewed every four (4) years if the SRO remains assigned to a school district/open enrollment charter school.

4) Twelve (12) hours annually of public school-specific continuing education developed and provided, or approved, by the Arkansas Center for School Safety. Other training required shall include, without limitation:

- the roles and responsibilities of school resource officers in school districts/open enrollment charter schools;
- laws that are specific to school districts/open enrollment charter schools; and
- adolescent behavior and development.

5) A SRO who fails to complete any required training shall be unable to serve as a SRO until the training is completed.

b) School District/Open Enrollment Charter School staff

1) A superintendent and principal who accept a SRO shall complete a one (1) hour School Resource Officer Roles and Responsibilities training developed and provided, or approved, by the Arkansas Center for School Safety, within nine (9) months of accepting the SRO.

2) A SRO shall not be assigned to a school district/open enrollment charter school where the superintendent and/or principal have not completed the required training, unless such assignment is short-term coverage for a SRO who is unavailable due to illness, training, vacation, or other similar short-term absence.

c) Police Supervisor

1) Personnel directly responsible for supervising a SRO shall complete a one (1) hour School Resource Officer Roles and Responsibilities training developed and provided, or approved, by the Arkansas Center for School Safety within one (1) year of accepting the SRO and every two (2) years thereafter

XIV. Program Review

The school administration and the assigned law enforcement agency administration will meet before the beginning of each school year to determine the goals and objectives of the SRO program for the school district. The SRO Supervisor will provide monthly activity reports, and an annual written review of the SRO Program to the Fayetteville Public School Administration and to the Chief of Police or his/her designee.

Appendix A

School Resource Officer (SRO) Financial Agreements

The Fayetteville Public School District will pay expenses of assigned full-time police officers based on the following pay rate table:

Positions	Officer Name	Basis	Hourly Rate		Overtime	
1	Sergeant Shawn Allen	Salary Only	\$	35.80	\$	53.70
2	Corporal Chris Clardy	Salary Only	\$	32.89	\$	49.34
3	Corporal Matt Belk	Salary Only	\$	32.89	\$	49.34
4	Corporal Dane Hutsell	Salary Only	\$	32.89	\$	49.34
5	Corporal Malik Freeman	Salary Only	\$	24.63	\$	36.95
6	Officer Joseph Hall	Salary Only	\$	22.13	\$	33.20
	Any 2021-2022 additions (Officer and/or Sergeant)	Salary Only	Min	Max	Min	Max
			\$19.25	\$36.89	\$28.88	\$55.34

All rates are based on the officer and supervisor actual hourly rates of pay. Rates of pay will be revaluated annually, and any salary adjustments must be mutually agreed upon prior to implementation.

1. In cases where an officer assignment changes during the school calendar year, pay rates will automatically adjust to the newly assigned officer's pay rate.
2. The City of Fayetteville will bill the Fayetteville Public School District monthly for hours worked by each officer.
3. The officers will work 8 hours per day for the 178 days that school is in session. The school administrator will assign hours after consultation with the Chief of Police (or his designee).
4. The school district will pay the hourly rate per officer for the initial 8-hour work day and the overtime rate for additional hours worked for FPS outside of the initial 8-hour work day.
5. The City of Fayetteville will provide all other benefits for the officers, including, but not limited to, uniform, vehicle, workers compensation, insurance (if applicable), additional salary (if applicable), weapon and radio.

FY23 COPS Hiring Program Grant

Budget Summary

2024-2027

	<u>Year 1 - Step A</u>	<u>Year 2 - Step B</u>	<u>Year 3 - Step C</u>	<u>Year 4 - Step D</u>	<u>Total</u>
Base Annual Pay	\$ 53,102	\$ 55,682	\$ 58,261	\$ 60,840	\$ 227,885
Premium Holiday Pay	2,655	2,784	2,913	3,042	11,394
Sign-on Pay	5,000	-	-	-	5,000
Longevity Pay	-	-	-	-	-
Education Pay	1,593	1,670	1,748	1,825	6,837
Specialized Pay	-	-	-	-	-
Certificate Pay	-	300	300	300	900
Shift Differential	-	-	-	-	-
Academy Training - OT	3,115	-	-	-	3,115
Total Base Pay	\$ 65,466	\$ 60,436	\$ 63,222	\$ 66,007	\$ 255,131
Fringe Benefits per Officer					
Medicare	\$ 949	\$ 876	\$ 917	\$ 957	\$ 3,699
Health Insurance	4,709	4,977	5,211	5,211	20,108
Life Insurance	134	142	148	156	580
LTD Insurance	78	82	86	90	336
Retirement	16,023	16,016	16,754	17,492	66,285
Workers Comp	1,290	1,191	1,245	1,300	5,026
Professional Liability Insurance	300	300	300	300	1,200
Total Fringe Benefits per Officer	\$ 23,483	\$ 23,583	\$ 24,661	\$ 25,507	\$ 97,234
Total Salary & Fringe per Officer	\$ 88,949	\$ 84,020	\$ 87,883	\$ 91,514	\$ 352,365
Uniform, Equipment, & Training Per Officer					
Uniform	\$ 6,126	\$ 600	\$ 600	\$ 600	\$ 7,926
Bulletproof Vest	1,810	-	-	-	1,810
Axon Officer Safety Plan	3,620	-	-	-	3,620
Duty Weapon	680	-	-	-	680
Radio APX6000	5,324	-	-	-	5,324
Academy Training - Per Diem	365	-	-	-	365
FTO Trainer	960.00	-	-	-	960
Total Equip & Training per Officer	\$ 18,885	\$ 600	\$ 600	\$ 600	\$ 20,685
Total Operating Expense per Officer	\$ 107,834	\$ 84,620	\$ 88,483	\$ 92,114	\$ 373,050
Total Expenses - 2 New Officers	\$ 215,668	\$ 169,239	\$ 176,965	\$ 184,228	\$ 746,100
Cost Share - 2 School Resource Officers					
Grant Program (\$125,000 max per position over 3 years)	\$ 130,740.00	\$ 84,312.00	\$ 34,948.00	\$ -	\$ 250,000.00
City's General Fund	0.43	(0.33)	57,089.80	99,300.34	156,390.25
Fayetteville Public Schools SRO Reimbursement	84,927.36	84,927.36	84,927.36	84,927.36	339,709.44
Total Revenue	\$ 215,667.79	\$ 169,239.03	\$ 176,965.16	\$ 184,227.70	\$ 746,099.69

Standard Applicant Information

Project Information

Project Title	Proposed Project Start Date	Proposed Project End Date
FY2023 COPS Hiring Grant	10/1/23	9/30/28
Federal Estimated Funding (Federal Share)	Applicant Estimated Funding (Non-Federal Share)	Program Income Estimated Funding
250000.0	198844.0	0.0
Total Estimated Funding		
448844.0		

Areas Affected by Project (Cities, Counties, States, etc.)

Fayetteville, AR

Type Of Applicant

Type of Applicant 1: Select Applicant Type:

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

Other (specify):

Application Submitter Contact Information

Application POC Prefix
Name

Application POC First Name Willie	Application POC Middle Name Name	Application POC Last Name Newman
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Application POC Suffix Name
Name

Organizational Affiliation Fayetteville Police Department	Title Support Services Manager	Email ID wnewman@fayetteville-ar.gov
Phone Number 479-587-3581	Fax Number 479-587-3570	

ORINumber

Executive Order and Delinquent Debt Information

Is Application Subject to Review by State Under Executive Order 12372? *

a. This application was made available to the State under the Executive Order 12372 Process for review on:

State Review Available Date

03/21/2023

Is the Applicant Delinquent on Federal Debt?

No

SF424 Attachments (4)

	Name manifest.txt	Date Added 3/14/23
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	Name	Date Added
---	-------------	-------------------



Form SF424_4_0-V4.0.pdf

3/14/23



Name
Form SFLLL_2_0-V2.0.pdf

Date Added
3/14/23



Name
GrantApplication.xml

Date Added
3/14/23

Authorized Representative

Law Enforcement Executive Information Title

Chief of Police

Prefix Name

First Name Middle Name

Mike _____

Last Name

Reynolds

Suffix Name

Government Executive Information Title

Mayor

Prefix Name

First Name Middle Name

Lioneld _____

Last Name

Jordan

Suffix Name

Verify Legal Name, Doing Business As, and Legal Address

Legal Name

FAYETTEVILLE, CITY OF

Doing Business As

FAYETTEVILLE POLICE DEPARTMENT

UEI

ZGAZNS4HKFY3

Legal Address

Street 1

100 W ROCK ST

Street 2

City

FAYETTEVILLE

State

AR

Zip/Postal Code

72701

Congressional District

Country

Certification

The legal name + Doing Business As (DBA) and legal address define a unique entity in the system as represented in its entity profile. The profile legal name and address is applicable to ALL applications and awards associated to this fiscal agent.

1. If this information is correct confirm/acknowledge to continue with completion of this application.

I confirm this is the correct entity.

Signer Name

WILLIE NEWMAN

Certification Date / Time

03/14/2023 11:37 AM

2. If the information displayed does not accurately represent the legal entity applying for federal assistance:
- Contact your Entity Administrator.
 - Contact the System for Award Management (SAM.gov) to update the entity legal name/address.

3. If the above information is not the entity for which this application is being submitted, Withdraw/Delete this application. Please initiate a new application in Grants.gov with using the correct UEI/SAM profile.

Proposal Abstract**Data Requested with Application****✓ CHP Solicitation FY2023****AGENCY ELIGIBILITY INFORMATION**

1. Type of Agency (select one)

Law Enforcement

2. From the list below, please select the type of agency which best describes the applicant.

Municipal Government

(Please specify)

3. Please indicate if your jurisdiction is primarily considered rural, urban or suburban.

Rural

Instructions: We will ask you several questions about your law enforcement agency operations and authority to determine your eligibility to apply for a COPS Hiring Program (CHP) award. Please note that CHP applicants must have a law enforcement agency that is operational by the close of this solicitation, or receive services through an existing contract for law enforcement services or a new contract for law enforcement services that is in place by the close of this solicitation. Applicants must also maintain primary law enforcement authority for the population to be served. In addition, if funds under this program are to be used as part of a written contracting arrangement for law enforcement services (e.g., a town which contracts with a neighboring sheriff's office to receive services), the government agency wishing to receive law enforcement services must be the legal applicant in this application. A law enforcement agency is established and operational if the jurisdiction has passed authorizing legislation and it has a current operating budget.

4. Is your agency established and currently operational?

Yes

4a. Which of the following best describes your law enforcement agency (check one)?

4b. Will your law enforcement agency be operational as of the closing date of this solicitation?

4c. Has your jurisdiction passed legislation which authorizes the creation of a new law enforcement agency?

5. If awarded, does your agency plan to use funds awarded under this award to establish or supplement a written contract for law enforcement services (e.g., a town contracting for services with a nearby sheriff's office)?

No

Instructions: A jurisdiction may apply for funds under this program to be used as part of a written contracting arrangement for law enforcement services (e.g., a town which contracts with a neighboring sheriff's office to receive services). However, the jurisdiction wishing to receive law enforcement services must be the legal applicant in this application. Important Note: Two entities involved in a contracting relationship may not separately apply for funding to support the same officer position(s).

5a. Is the legal applicant listed in this COPS Hiring Program (CHP) application and on the SF-424 the entity that will be receiving law enforcement services?

5b. What is the legal name of the law enforcement agency that will be providing law enforcement services to your jurisdiction?

Instructions: An agency with primary law enforcement authority is defined as the first responder to calls for service for all types of criminal incidents within its jurisdiction. Agencies are not considered to have primary law enforcement authority if they only: respond to or investigate specific type(s) of crime(s), respond to or investigate crimes within a correctional institution, serve warrants, provide courthouse security, transport prisoners, have cases referred to them for investigation or investigational support or only some combination of these.

6. Based on the definition above, does your agency have primary law enforcement authority? [Or, if contracting to receive services, does the agency that will be providing law enforcement services have primary law enforcement authority for the population to be served?]

Yes

7. Please select your U.S. Attorney's District Office from the below drop-down options.

Arkansas, Western

EXECUTIVE AND CONTACT INFORMATION

Please provide the name and contact information for the highest-ranking Law Enforcement or Program Official and Government Executive or Financial Official for your agency or organization, please see instructions below. **LAW ENFORCEMENT EXECUTIVE/PROGRAM OFFICIAL** This position will ultimately be responsible for the programmatic management of the award. Instructions for Law Enforcement Agencies: For law enforcement agencies, the Law Enforcement Executive is the highest ranking official in the jurisdiction (Chief of Police, Sheriff, or equivalent). Before this application can be submitted, the Entity Administrator in JustGrants must invite this individual to apply for a JustGrants account with the role of Authorized Representative, and this individual must log in to JustGrants to review the application. Instructions for Non-Law Enforcement Agencies: For non-law enforcement agencies (e.g., institutions of higher education, school districts, private organizations, etc.), the Program Official is the highest-ranking official in the jurisdiction (e.g., executive director, chief executive officer, or equivalent). Please note that information for non-executive positions (e.g., clerks, trustees) is not acceptable. Before this application can be submitted, the Entity Administrator in JustGrants must invite this individual to apply for a JustGrants account with the role of Authorized Representative, and this individual must log in to JustGrants to review the application. 8a. Title:

Chief of Police

8b. First Name:

Mike

8c. Last Name:

Reynolds

8d. Phone:

479-587-3500

8e. Email Address:

mreynolds@fayetteville-ar.gov

GOVERNMENT EXECUTIVE/FINANCIAL OFFICIAL This position will ultimately be responsible for the financial management of the award. Instructions for Government Agencies: For law enforcement

agencies, this is the highest-ranking government official within your jurisdiction (e.g., Superintendent, Mayor, City Administrator, or equivalent). Before this application can be submitted, the Entity Administrator

in JustGrants must invite this individual to apply for a JustGrants account with the role of Authorized Representative, and this individual must log in to JustGrants to review the application. Instructions for Non-Government Agencies: For non-law enforcement agencies, this is the financial official who has the authority to apply for this award on behalf of the applicant agency (e.g., Chief Financial Officer, Treasurer, or equivalent). Please note that information for non-executive positions (e.g., clerks, trustees) is not acceptable. Before this application can be submitted, the Entity Administrator in JustGrants must invite this individual to apply for a JustGrants account with the role of Authorized Representative, and this

Mayor

9b. First Name:

Lioneld

9c. Last Name:

Jordan

9d. Phone:

479-575-8331

9e. Email Address:

mayor@fayetteville-ar.gov

Instructions for Application Submitter Contact: Enter the application contact's name and contact information. 10a. Title:

Support Services Manager

10b. First Name:

Willie

10c. Last Name:

Newman

10d. Phone:

479-587-3581

10e. Email Address:

wnewman@fayetteville-ar.gov

COPS HIRING PROGRAM OFFICER REQUEST

Instructions:

Please enter the actual number of sworn officers employed by your agency as of the date of this application. Do not include funded but currently vacant positions or unpaid positions.

11a. Full-Time:

130

11b. Part-Time:
0

Instructions: Enter the Budgeted Sworn Force Strength for the date of application (the current fiscal year) below. The budgeted number of sworn officer positions is the number of sworn positions funded in your agency's budget, including funded but frozen positions, as well as state, Bureau of Indian Affairs, or locally funded vacancies. Do not include unfunded vacancies or unpaid/reserve officers. Do not include non-sworn personnel such as dispatch, court personnel, correctional officers, police technicians. For agencies with previous COPS-funded active awards, do not include in your budgeted force strength any COPS-funded officers whose salaries are currently being covered by the 36-months of COPS funding. Number of budgeted sworn officers as of the date of this application, using instructions above.

12a. Full-Time:
149

12b. Part-Time:
0

Instructions: Number of budgeted civilian positions as of the date of this application, using instructions above.

13a. Full-Time:
51

13b. Part-Time:

Instructions: The following section will ask about the "population served" by your jurisdiction. The crime data you will enter in this application will be based on crimes occurring among the "actual population served". Population served counts must not be adjusted upward to account for daytime business/shopping visitors, highway traffic passing through a jurisdiction, nor should it include annual visitor totals. Parks and transit agencies should report average daily visitors/riders rather than annual totals. This may or may not be the same as your census population. For example, a service population may be the census population minus incorporated towns and cities that have their own law enforcement agency within your geographic boundaries. An agency with primary law enforcement authority is defined as having first responder responsibility to calls for service for all types of criminal incidents within its jurisdiction.

14. What is the actual population your department serves as the primary law enforcement entity?
93949

15. Enter the total population of the government entity applying for this award using the latest census estimate available at <https://data.census.gov>. If the population of the entity applying for this award is not represented by census figures (e.g. colleges, specials agencies, school police departments), please indicate the size of the population as of the latest available estimate.
93949

15a. Please explain why the "population served" differs from the population of the government entity (from census figures or other estimates). [Please limit your response to a maximum of 125 words.]

Instructions: Agencies should apply for the number of officer positions necessary to support their proposed community policing strategy. CHP awards cover up to 75 percent of the entry-level salary and fringe benefits for each approved position up to a maximum of \$125,000 total for each position over three years. Note: this is NOT \$125,000 per year, it is \$125,000 spread over three years for each position. There is a minimum 25 percent local cash match (cost share) requirement unless a waiver is approved. Any additional costs for higher than entry-level salaries and fringe benefits will be the responsibility of the recipient agency. Please keep in mind that there is a 12-month retention requirement for each officer position funded. See solicitation document for full details. The number of officers you request cannot exceed 20% of your agency's current actual sworn force, with a maximum of 50 officers for any agency. Agencies with fewer than 10 officers may request one officer. The COPS Office will fund as many positions as possible for successful applicants; however, the number of officer positions requested by an agency may be reduced based on the availability of funding and other programmatic considerations.

16. How many entry-level, full-time officer positions is your agency requesting in this application?

2

17. In question 11a, you entered your agency's actual full-time sworn force levels. Please confirm that you are not asking for more than the 20% cap. For example, if you have 1-9 officers on staff, request 1 COPS Office-funded officer. If you have 10-14 officers, you may request a maximum of 2 officers. If you have 50 officers, you may request a maximum of 10.

I confirm, not asking for more than the 20% cap.

IMPORTANT: Please ensure this number matches the number of sworn positions you requested in the detailed budget section of JustGrants.

18. Referencing the web-based budget in this solicitation, please indicate if there was an increase in sworn officer base salary in years 2 and 3. If so, indicate why (check all that apply).

COLA

Step Raises

Yes

Change in Benefit Costs

Not Applicable

Instructions: **IMPORTANT:** Next, your agency must allocate the number of positions requested under each of the three hiring categories described below based on your agency's current needs at the time of this application. Be mindful of your agency's ability to fill and retain the officer positions awarded, while following your agency's established hiring policies and procedures. CHP awards will be made for officer

positions requested in each of the three hiring categories, and recipients are required to use awarded funds for the specific categories awarded. It is imperative that your agency understand that the COPS Office statutory nonsupplanting requirement mandates that award funds may only be used to supplement (increase) a recipient's law enforcement budget for sworn officer positions and may not supplant (replace) state, local, or tribal funds that a recipient otherwise would have spent on officer positions if it had not received an award. This means that if your agency plans to: (a) Hire new officer positions (including filling existing vacancies that are no longer funded in your agency's budget): Your agency must hire these new additional positions on or after the official award start date, above its current budgeted (funded) level of sworn officer positions, and otherwise comply with the nonsupplanting requirement as described in detail in the award owner's manual. (b) Rehire officers who have been laid off by any jurisdiction as a result of state, local, or tribal budget reductions: Your agency must rehire the officers on or after the official award start date, maintain documentation showing the date(s) that the positions were laid off and rehired, and otherwise comply with the nonsupplanting requirement as described in the solicitation documents. (c) Rehire officers who are (at the time of application) currently scheduled to be laid off (by your jurisdiction) on a specific future date as a result of state, local, or tribal budget reductions: Your agency must continue to fund the officers with its own funds from the award start date until the date of the scheduled lay-off (for example, if the CHP award start date is September 1 and the lay-offs are scheduled for November 1, then the CHP funds may not be used to fund the officers until November 1, the date of the scheduled lay-off); identify the number and date(s) of the scheduled lay-off(s) in this application (see below); maintain documentation showing the date(s) and reason(s) for the lay-off; and otherwise comply with the nonsupplanting requirement as described in detail in the award owner's manual. [Please note that as long as your agency can document the date that the lay-off(s) would occur if CHP funds were not available, it may transfer the officers to the CHP funding on or immediately after the date of the lay-off without formally completing the administrative steps associated with a lay-off for each individual officer.] Documentation that may be used to prove that the scheduled lay-offs are occurring for local economic reasons that are unrelated to the availability of CHP award funds may include (but are not limited to) council or departmental meeting minutes, memoranda, notices, or orders discussing the lay-offs; notices provided to the individual officer(s) regarding the date(s) of the lay-offs; or budget documents ordering departmental or jurisdiction-wide budget reductions. These records must be maintained with your agency's CHP award records during the award period and for a minimum of three years following the date of the submission of the final expenditure report in the event of an audit, monitoring, or other evaluation of your award compliance. If your agency's request is funded, your agency will have the opportunity after the award announcement to request an award modification to move awarded funding into the category or categories that meet your agency's law enforcement needs at that time (including updating the dates of future scheduled lay-offs).

Category A: New, additional officer positions (including filling existing vacancies no longer funded in your agency's budget).

19a. Category A Request:

2

Category B: Rehire officers laid off (from any jurisdiction) as a result of state or local budget reductions.

19b. Category B Request:

0

Category C: Rehire officers scheduled to be laid off (at the time of the application) on a specific future date as a result of state or local budget reductions.

19c. Category C Request:

0

Instructions: We also need some information about when the layoff of officers in this category is scheduled to occur. In the space below, please indicate when the officer(s) specified in this category are scheduled to be laid off.

20a. Number of Officers:

20b. Date these officers are scheduled to be laid off:

20c. Number of Officers:

20d. Date these officers are scheduled to be laid off:

20e. Number of Officers:

20f. Date these officers are scheduled to be laid off:

20g. Number of Officers:

20h. Date these officers are scheduled to be laid off:

Since your agency plans to use CHP funds to rehire officers who are currently scheduled to be laid off on a future date (under Category C above), please certify (by checking the appropriate boxes) to the following Certification:

21a. My agency has and will maintain documentation showing the date(s) of the scheduled lay-off(s) and demonstrating that the scheduled lay-off(s) is/are occurring for fiscal reasons that are unrelated to the availability or receipt of CHP award funds.

21b. My agency will use its own funds to continue funding these officers until the scheduled date(s) of the lay-off(s) and will use CHP funds to rehire these officers only on or after the scheduled date of the lay-off(s).

21c. My agency recognizes that the CHP program provides funding based on our entry-level salary and benefits package and that any additional costs for rehired officers beyond entry-level are our responsibility to pay with other sources of funding.

Instructions: Although hiring military veterans as new hires is not an award requirement, applicants who commit to hiring or rehiring at least one military veteran will receive additional consideration for CHP funding. If your agency checks "yes" to the question below, your agency will be required to maintain documentation that it made every effort possible (consistent with your internal procedures and policies) to hire at least one military veteran. Under this solicitation, a military veteran is defined as a person who served in the active military, naval, or air service, and who was discharged or released there from under conditions other than dishonorable.

22. Does your agency commit to hire and/or rehire at least one military veteran as defined above for the officer position(s) you have requested?

No

22a. If Yes, how many position(s)?

23. Is your agency requesting that all or some of the officer positions requested be deployed as school resource officers (SROs)?

Yes

SRO Instructions: If your agency requests officers to be deployed as school resource officers (SRO), please do not request more officer positions than your agency can expect to deploy in this capacity. According to the COPS Office statute, a school resource officer is "a career law enforcement officer, with sworn authority, deployed in community-oriented policing, and assigned by the employing police department or agency to work in collaboration with schools and community-based organizations— (A) to address crime and disorder problems, gangs, and drug activities affecting or occurring in or around an elementary or secondary school; (B) to develop or expand crime prevention efforts for students; (C) to educate likely school-age victims in crime prevention and safety; (D) to develop or expand community justice initiatives for students; (E) to train students in conflict resolution, restorative justice, and crime awareness; (F) to assist in the identification of physical changes in the environment that may reduce crime in or around the school; and (G) to assist in developing school policy that addresses crime and to recommend procedural changes." 34 U.S.C. 10389(4). There must be an increase in the level of community policing activities performed in and around primary or secondary schools in the agency's jurisdiction as a result of the award. The time commitment of the funded officers must be above and beyond the amount of time that the agency devoted to the schools before receiving the award. The COPS Office recommends that an SRO have a minimum of three years of experience as a police officer. Because COPS Office funds must be used for entry level positions, you may deploy experienced police officers to serve as SROs and implement the community policing strategy after hiring the additional entry-level officers with COPS Office award funds. The COPS Office award funds must be used for the newly hired/rehired/scheduled to be laid off position and not that of the veteran/experienced officer. Recipients using CHP funding to hire or deploy SROs into schools must submit to the COPS Office a signed memorandum of understanding (MOU) between the law enforcement agency and the school partner(s) before obligating or drawing down funds under this award. An MOU is not required at the time of application; however, if the law enforcement agency already has an MOU in place that is applicable to the partnership, the MOU can be uploaded as an attachment in the section of the application titled "MOUs and other Supporting Documents". The MOU must contain the following: the purpose of the MOU; clearly defined roles and responsibilities of the school district and the law enforcement agency focusing officers' roles on safety, information sharing, supervision responsibility; chain of command for the SRO; and signatures. If awarded, a recipient must submit an MOU to the COPS Office within 90 days from the date shown on the award congratulatory letter. Implementation of the CHP award without submission and

shown on the award congratulatory letter. Implementation of the CJP award without submission and acceptance of the required MOU may result in expenditures not being reimbursed by the COPS Office and/or award de-obligation.

23a. If Yes, how many of your requested positions in this application will be deployed as school resource officers (SROs)?

2

23b. If Yes, has your agency reviewed principles presented in the SRO Guiding Principles document?

Yes

24. For tribal applicants in Alaska only: Check the box below if you are requesting funds for an entry-level career law enforcement Village Police Officer or entry-level career law enforcement Tribal Police Officer.

false

Instructions: The following questions will help Congress and the U.S. Department of Justice identify potential gaps in training, as well as eligibility for priority consideration, if applicable. On average how many hours of IN-SERVICE (non-recruit) training (e.g. FTO, continuing professional education, roll call, standard) are required annually for each of your agency's officers/deputies in the following categories (if none, please indicate 0 hours)?

25. Use of force (hours):

1

26. De-escalation of conflict (hours):

12

27. Evidence-based cultural sensitivity training (hours):

1

28. Racial and ethnic bias that includes elements of implicit/unconscious bias (hours):

1

29. Gender bias in response to domestic violence and sexual assault (hours):

1

30. Bias towards lesbian, gay, bisexual, and transgender (LGBT) individuals (hours):

1

31. Community engagement (e.g., community policing and problem solving) (hours):

1

32. Does your agency administer a police training academy?

No

Instructions: How many total hours of basic/recruit ACADEMY training are required for each of your agency's officer/deputy recruits in the following categories (if none, please indicate 0 hours)?

33. Use of force (hours):

144

34. De-escalation of conflict (hours):

60

35. Evidence-based cultural sensitivity training (hours):

16

36. Racial and ethnic bias that includes elements of implicit/unconscious bias (hours):

8

37. Gender bias in response to domestic violence and sexual assault (hours):

8

38. Bias towards lesbian, gay, bisexual, and transgender (LGBT) individuals (hours):

8

39. Community engagement (e.g., community policing and problem solving) (hours):

24

LAW ENFORCEMENT AND COMMUNITY POLICING STRATEGY SECTION 1

Instructions for Community Policing Strategy: COPS Office funding must be used to reorient the mission and activities of law enforcement agencies through initiating community policing or enhancing their involvement in community policing with the officers hired under this award program or an equal number of experienced officers who have been redeployed to implement this plan after hiring the entry-level COPS Office-funded officers. If awarded funds, your narrative responses in the text boxes below will constitute your agency's community policing strategy under this award. Your organization may be audited or monitored to ensure that it is initiating or enhancing community policing in accordance with this strategy. The COPS Office may also use this information to understand the needs of the field, and potentially provide for training, technical assistance, problem solving, and community policing implementation tools. Please note that the COPS Office recognizes that your COPS Office-funded officer(s) (or an equal number of veteran officers who are redeployed after hiring the entry-level COPS Office funded officers) will engage in a variety of community policing activities and strategies, including participating in some or all aspects of your identified community policing strategy. Your community-policing strategy may be influenced and impacted by others within and outside of your organization, as this is considered beneficial to your community policing efforts. At any time during your award period, you should be prepared to demonstrate (1) the community policing activities engaged in prior to the award that are detailed in this application and (2) how the award funds and award-funded officers (or an equal number of redeployed veteran officers) were specifically used to enhance (increase) or initiate community policing activities according to your community policing strategy contained in this application. Community policing needs may change during the life of your award. Minor changes to this strategy may be made without prior approval of the COPS Office; however, the recipient will be required to report on progress or changes to the community policing strategy (if any) through the required performance reports. If your agency's community policing strategy changes significantly, you must submit those changes to the COPS Office for approval. Changes are significant if they deviate from the specific crime problems originally identified and approved in the community policing strategy submitted with the application. In some cases, in reviewing performance reports, the COPS Office may identify significant changes in community policing strategies that require

explanation and request for approval. Applicants that choose problem areas that receive additional priority consideration will not be able to change from these problem/focus areas if awarded CHP funding.

The following is the COPS Office definition of community policing that emphasizes the primary components of community partnerships, organizational transformation, and problem solving. Please refer to the COPS Office web site (<https://cops.usdoj.gov>) for further information regarding this definition. Community policing is a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem solving techniques to proactively address the immediate conditions that give rise to public safety issues, such as violent crime, non-violent crime, and fear of crime. The COPS Office has developed the following list of primary sub-elements of community policing. Please refer to the COPS Office Community Policing Defined publication for further information regarding these sub-elements. Community Partnerships: Collaborative partnerships between the law enforcement agency and the individuals and organizations they serve to both develop solutions to problems and increase trust in police. Other Government Agencies Community Members/Groups Non-Profits/Service Providers Private Businesses Media Organizational Transformation: The alignment of organizational management, structure, personnel, and information systems to support community partnerships and proactive problem-solving efforts. Agency Management Climate and culture Leadership Labor relations Decision-making Strategic planning Policies Organizational evaluations Transparency Organizational Structure Geographic assignment of officers Despecialization Resources and finances Personnel Recruitment, hiring and selection Personnel supervision/evaluations Training Information Systems (Technology) Communication/access to data Quality and accuracy of data Problem Solving: The process of engaging in the proactive and systematic examination of identified problems to develop effective responses that are rigorously evaluated. Scanning: Identifying and prioritizing problems Analysis: Analyzing problems Response: Responding to problems Assessment: Assessing problem-solving initiatives Using the Crime Triangle to focus on immediate conditions (Victim/Offender/Location)

Instructions for Current Organizational Commitment to Community Policing: For each of the following statements, please answer in terms of existing agency policies and practices as they relate to collaborative partnerships and problem-solving activities. (Check all that apply.)

40. The agency mission statement, vision, or goals includes references to:

Community Partnerships

Yes

Problem Solving

Yes

41. The agency strategic plan includes specific goals or objectives relating to:

Community Partnerships

Yes

Problem Solving

Yes

42. The agency recruitment, selection and hiring processes include elements relating to:

Community Partnerships

Yes

Problem Solving

Yes

43. Performance evaluations of line officers assess performance in:

Community Partnerships

Yes

Problem Solving

Yes

44. Line officers receive regular (at least once every two years) training in:

Community Partnerships

Yes

Problem Solving

Yes

45. Which of the following internal management practices does your agency currently employ? (check all that apply)

Assignment of officers to specific neighborhoods or areas for longer periods of time to enhance customer service and facilitate more contact between police and citizens.

Yes

Assignment of officers to geographic hot spots that are defined statistically by creating incident maps to identify geographic clustering of crime and disorder.

Yes

Early Intervention Systems that help identify officers who may be showing signs of stress, personal problem, and questionable work conduct.

Yes

None of the above.

46. Which of the following do you count/measure to annually assess your agency's overall performance?

46. Which of the following do you currently measure to annually assess your agency's overall performance? (check all that apply)

Response times

Yes

Problem solving outcomes

Department employee satisfaction

Yes

Reduction of crime in identified hot spots

Yes

Social disorder/nuisance problems (e.g., graffiti, panhandling, loitering)

Satisfaction with police services

Yes

Fear of crime

Victimization (i.e., non-reported crime)

Community meetings held/attended

Yes

Use of force incidents

Yes

Meeting the priorities as identified in your agency strategic plan

My agency does not conduct annual assessments of overall performance

47. Through which of the following does your agency routinely share information with community members? (check all that apply)

Neighborhood, beat, and/or school meetings

Yes

Local media outlets

Yes

Agency newsletter

Neighborhood newsletters

Agency website

Yes

Social networking (Blogs, Twitter feeds, Facebook pages, etc.)

Yes

Citizen alert system (telephone, email, text, etc.)

Yes

Citizen alert system that is geographically targeted, based on updated hot spots

Yes

Public access television/radio

Yes

Community organization board membership

Public forums with chief/sheriff/command staff

Posters, billboards, flyers

Yes

None of the above

48. Through which of the following ways does your agency formally involve community members in influencing agency practices and operations? (check all that apply)

Citizen police academies

Yes

Volunteer activities

Auxiliary police programs

Civilian review boards (i.e. disciplinary review boards)

Citizen advisory groups (i.e. informal advisory function)

Yes

Involvement in hiring decisions (interview panels, selection boards, etc.)

Yes

Involvement in contributing to annual line officer performance reviews

Representation on promotional boards

Yes

Participation in accountability and performance reporting and tracking meetings

Participation in complaint resolution process (formal mediation, disciplinary boards, etc.)

None of the above

Instructions for Proposed Community Policing Strategy: Problem Solving and Partnerships COPS Office awards must be used to initiate or enhance community policing activities with either the newly hired officers funded by this award program or an equivalent number of veteran officers who are redeployed to implement this community policing strategy after hiring the additional entry-level officers with COPS Office award funds. In this section, you will be asked to identify the crime and disorder problem or a focus area and the partners to be engaged through your requested COPS Office funding. Identifying the specific problem/focus area and partnerships that your agency plans to focus on is important to ensure that you satisfy the requirements for COPS Office funding under this program and to ensure that ultimately the additional award-funded officers (or equivalent number of redeployed veteran officers) will initiate or enhance your agency's capacity to implement community policing strategies and approaches. Using the following list, select a problem/focus area that will be addressed by the officer(s) requested in this application. Please choose the option that best fits your problem area. You may only select one problem/focus area to address through this award funding. When identifying a problem, it is important to think about the nature of similar incidents that taken together comprise the problem and accordingly describe it in precise, specific terms (e.g. "robbery of retail establishments", rather than just "robbery"). In doing this, it can be helpful to consider all aspects of the problem, including the likely offenders, the suitable targets/victims, and how these come together in time and space. Additional consideration will be given to applicants who propose a community-based approach to one of the four following problem/ focus areas. Applicants who choose one of the community policing problems or priority focus areas listed here must devote 100% of their funded positions to that focus area and will not be allowed to change their choice once the award has been issued. Building Legitimacy and Trust – Applicant will deploy officers to partner and engage community stakeholders including residents, businesses, and faith-based organizations to prioritize and collectively strengthen a community's response to crime and criminal activity, and focus on enhancing and maintaining community trust and legitimacy between law enforcement and the communities they serve – to include building trust in immigrant communities. Efforts could include deploying or redeploying officers to support officer recruitment and retention efforts, with an emphasis on promoting diversity. Violent Crime/Gun Violence – Applicant will employ community policing

strategies to address a range of violent crime problems. Community-based approaches to combatting gun violence that build trust in underserved communities suffering from high incidents of gun crime will receive additional consideration. Applicants requesting additional consideration for gun violence issues will be asked to describe their holistic, community-based approach. Applicants may wish to review the COPS Office web page on Community Violence Interventions for ideas on strategies. Combating Hate and Domestic Extremism – Applicant will focus on community-based strategies that combat bias-motivated acts of violence that divide our communities, intimidate our most vulnerable citizens, and erode trust in the rule of law. Police-based Response to Persons in Crisis – Applicant will focus on deploying officers in crisis intervention teams, participating in crisis intervention teams, improving response and interaction with persons in crisis – to include efforts focused on the education, prevention, addiction and interventions related to the abuse of opioids and other substances in communities.

49. Problem/Focus Area

LE_CPSPSPLegitTrust

49a. Describe the problem/focus area you have selected above (i.e. location, severity, type of crime [if applicable], impact of issue on community). [Please limit your response to a maximum of 125 words.]

In 2002, the Fayetteville Police Department had eight (8) School Resource Officers (SROs) covering six (6) schools. That number was reduced to two (2) during the later 2000s. In 2013, we obtained a COPS Hiring grant for three (3) additional officers for a total of five (5) SROs. During the 2019 fiscal year, we were able to add one (1) sergeant and one (1) officer to our SRO Program for a total of seven (7) SROs. Adding two (2) SROs through the FY23 COPS Hiring Program would result in nine (9) SROs and get us just above our 2002 SRO coverage within our public school system. The number of schools and our student population has significantly increased in the last 20 years. The two (2) SROs requested within this grant application would reduce the burden of police related calls within our middle and junior high schools.

Our SROs are true model of the community policing concept. SROs are able to reach a student population that is underserved and are able to breakdown stereotypical barriers that young people have about police officers. Once a level of trust is established, crimes that often go unreported will not be addressed.

49b. Please include the number of aggravated assaults with a firearm that occurred in your jurisdiction during the last calendar year (2022).

Please include the number of reported shootings that occurred in your jurisdiction during the last two years (2021 and 2022).

49c. Number of Reported Shootings (2022):

Fayetteville Public Schools

49d. Number of Reported Shootings (2021):

49e. Please also describe how you will address this issue using a holistic, community-based approach that builds trust in underserved communities suffering from high incidents of gun crime. Applicants may review the COPS Office web page on Community Violence Interventions for ideas on strategies. [Please limit your response to a maximum of 250 words.]

50. Which of the following information sources did you use to prioritize this problem/focus area as a

problem/focus area to address through this award program (check all that apply):

Police department data (e.g. police reports, calls for service, crime data, citizen complaints)

Yes

Agency personnel (e.g. officer feedback, command staff priorities)

Yes

Other local non-law enforcement government agency data

Yes

Community based organizations (e.g. faith based, non-profits, social service providers)

Yes

Local businesses

Individual community members/community meetings

Community survey

Local government officials

Yes

None of the above

51. If awarded funds, my agency will improve our understanding of this problem/focus area by examining (check all that apply):

Routinely collected law enforcement data/information related to the problem (e.g. arrest, incident reports, calls for service)

Yes

The location and/or time aspects of the problem/focus area (e.g. mapping)

Yes

The conditions and environmental factors related to the problem/focus area

Yes

The strengths and limitations of current responses to the problem/focus area

Yes

Non-law enforcement data/information related to the problem/focus area (e.g. insurance crash data, other government agency data, census data, survey data)

Existing research and best practices related to the problem/focus area

Yes

Data/information from the community related to the problem/focus area (e.g. resident associations, business groups, non-profit community service organizations)

Yes

Information about offenders contributing to the problem/focus area (e.g. offender interview, arrest records)

Yes

Information about victims affected by the problem/focus area (e.g. crime reports, victim interviews)

Yes

Strengths and weaknesses of previous responses to the problem/focus area

Yes

None of the above

52. If awarded funds, my agency will use the following information sources to assess our response to this problem/focus area to determine whether the response was implemented and achieved the desired outcomes (check all that apply):

Routinely collected law enforcement data/information related to the problem/focus area (e.g. arrests, incident reports, calls for service)

Yes

Data/information regarding whether the response was implemented as planned

Yes

Police data collected for this specific problem/focus area (e.g. problem-specific surveys, field interview contact cards)

Yes

Non-police data/information related to the problem/focus area (e.g. insurance crash data, other government agency data, census data, survey data)

Data/information from the community related to the problem/focus area (e.g. resident associations, business groups, non-profit community service organizations)

Information about offenders contributing to the problem/focus area (e.g. offender interview, arrest records, probation/parole data)

Yes

Information about victims and/or stake holders affected by the problem/focus area (e.g. crime reports, victim interviews)

Yes

None of the above

53. To the best of your ability at this time, please select from the below list what your primary goals are in responding to your selected problem/focus area (select up to 3):

Reducing the number of incidents

Yes

Increasing public trust in your agency

Yes

Reducing the seriousness of the incidents or the amount of harm

Yes

Reducing the number of victims and repeat victims

Yes

Reducing the number of offenders and repeat offenders

Yes

Getting other agencies and stake holders to assume responsibility for the problem/focus area

Improving the response to the problem/focus area (i.e. more comprehensive and coordinated way of dealing with the problem/focus area, providing better services to victims, or greater efficiency in dealing with the problem/focus area)

Improving citizen perceptions of the problem/focus area

Yes

None of the above

54. An important part of a comprehensive community policing strategy is the formation of partnerships, such as working with other public agencies, private organizations, or participation in regional law enforcement partnerships. If awarded funds, will your agency and the award funded officers (or an equivalent number of redeployed veteran officers) initiate or enhance a partnership with an external group/organization to develop responses to this problem/focus area?

Yes

54a. If yes, how many external groups/organizations will your agency initiate or enhance a partnership with to develop responses to this problem/focus area?

1

Name the most important external groups/organizations that your agency will initiate or enhance a partnership with to develop responses to this problem/focus area (maximum of three partners). Note: you may attach optional letters of this support from any or all of these prospective partners in the section titled Memoranda of Understanding (MOU) and Other Supportive Documents. You will be limited to listing no more than three partners per public safety problem/focus area.

55. Partner Name1:

Fayetteville Public Schools

55a. For this partner, please indicate the statement that best characterizes this partner:

Local educational institution (schools/colleges/universities)

56. Partner Name2:

56a. For this partner, please indicate the statement that best characterizes this partner:

57. Partner Name3:

57a. For this partner, please indicate the statement that best characterizes this partner:

LAW ENFORCEMENT AND COMMUNITY POLICING STRATEGY SECTION 2

Instructions for Proposed Community Policing Strategy: Organizational Transformation COPS Office awards must be used to initiate or enhance community policing activities. In this section, you will be asked to identify the organizational change(s) that your agency plans to focus on through your requested COPS Office funding. Identifying the specific organizational change(s) that your agency plans to focus on is important to ensure that you satisfy the requirements for COPS Office funding under this program, and to ensure that ultimately the use of these funds will initiate or enhance your agency's capacity to implement community policing approaches. If awarded funds, will your agency initiate or enhance any of the following internal changes to personnel management? (Select no more than 2 internal changes to personnel management that will be addressed with these award funds.)

58. Flexibility in officer shift assignments to facilitate addressing specific problems.

true

58a. Please explain.

The addition of two SROs will greatly enhance our ability to provide police service to schools in the

Fayetteville Public Schools District that currently have no police or security personnel in place. If awarded this grant, the Fayetteville Police Department will have the ability to assign an officer to schools that have never had the opportunity to have an officer present during the school day. Currently, one SRO responds to calls for service for several schools. An additional officer awarded under this grant would double our assigned officers to these underserved schools. The school day at Fayetteville High School, a school with an estimated enrollment of 3,000, spans more than 9 hours. Traditionally, the school experiences more problems and issues requiring SRO assistance at the beginning and at the end of the school day. It is difficult to cover all the hours needed without incurring overtime expenses. If awarded, the grant will allow the Fayetteville Police Department to assign one additional officer to the high school to ensure adequate police coverage during the peak activity.

59. Assignment of officers to specific neighborhoods or areas for longer periods of time to enhance customer service and facilitate more contact between police and citizens.

true

59a. Please explain.

These two SROs would be assigned to work at underserved schools. They would interact with students, staff, parents, and community leaders at school functions and community events. They would also be used for community policing projects during the summer when school is on summer break. Some of the events they will cover are neighborhood meetings and events, youth citizen police academies, graffiti removal, and child safety seat installations. These officers will also teach classes at the local Boys and Girls Club and complete Crime Prevention Through Environmental Design (CPTED) security surveys at local businesses, churches, schools, and multi-family housing.

60. Recruitment and hiring practices that reflect an orientation towards problem solving and community engagement.

false

60a. Please explain.

61. In-service training for officers on basic and advanced community policing principles.

false

61a. Please explain.

62. Field training officer (FTO) programs that teach and test problem solving, community engagement, and critical thinking skills.

false

62a. Please explain.

63. Measure and include non-enforcement proactive community engagement efforts as part of officer performance evaluations.

false

63a. Please explain.

64. Provide de-escalation training to sworn personnel and promote de-escalation as an important strategy to diffuse potentially volatile situations.

false

64a. Please explain.

65. Early intervention systems that help identify officers who may be showing early signs of stress, personal problems, and questionable work conduct.

false

65a. Please explain.

66. Career development and/or promotional processes (i.e. sergeant exams) that reinforce problem solving and community engagement.

false

66a. Please explain.

67. Implement specific programs to improve the safety and wellness of personnel throughout your organization.

false

67a. Please explain.

68. None of the above.

false

69. If awarded funds, in addition to the internal changes proposed above, will your agency initiate or enhance screening and counseling programs to identify and prevent the radicalization of applicants and personnel who endorse violent and hateful extremist movements?

No

69a. If Yes, please explain.

If awarded funds, will your agency initiate or enhance any of the following internal changes to agency management? (Select up to 2 internal changes to agency management that will be addressed with these award funds.)

70. Agency strategic plan that outlines the goals and objectives around community policing and other departmental priorities.

false

70a. Please explain.

71. Organizational performance measurement systems that include community policing metrics, and
false

71a. Please explain.

72. Technology systems that provide officers, analysts, and the community better and more timely access to data and information.
false

72a. Please explain.

73. Mediation strategies to resolve citizen complaints.
false

73a. Please explain.

74. Collection, analysis, and use of crime data and information in support of problem-solving goals.
true

74a. Please explain.

We will enhance usage of software with crime mapping and data analysis ability. The data collected will be sent to patrol supervisors, criminal investigators, and SROs to increase efficiency in detecting and responding to crime and traffic related problems. Administrative personnel will encourage community policing goals on a departmental level.

75. Formal accreditation process.
true

75a. Please explain.

These grant funds, if awarded, will enhance the Department's ability to maintain standards for our accreditation through the Commission on Accreditation for Law Enforcement Agencies (CALEA). The increased SRO staffing will help us be more proactive with juvenile crime prevention.

76. System to capture and track problem solving and partnership efforts and activities.
false

76a. Please explain.

77. An organizational assessment of community policing.
false

77a. Please explain.

78. None of the above.

false

79. Did your agency consult with any of the following groups/organizations on the development of this community policing strategy? (check all that apply)

Local government agencies (non-law enforcement, e.g. probation/parole, parks and recreation, code enforcement)

Yes

Community based organizations (e.g. faith based, community redevelopment groups, social service providers, resident associations)

Yes

Businesses operating in the community

Yes

Tribal law enforcement agencies (outside your jurisdiction)

Other Federal, state, or local law enforcement agencies

Multi-jurisdictional or regional task forces/partnerships

Local educational institutions (schools/colleges/universities)

Yes

Local government officials

Yes

Individual stakeholders residing, working or with an interest in the community and/or problem

Yes

None of the above

Yes

80. To what extent are there related governmental and/or community initiatives that complement your agency's proposed community policing strategy?

There are a moderate number of related initiatives

81. To what extent is there community support in your jurisdiction for implementing the proposed community policing strategy?

High level of support

82. If awarded funds, to what extent will the community policing strategy impact the other components of the criminal justice system in your jurisdiction?

Potentially increased impact

COMMUNITY POLICING - PROBLEM AREA NARRATIVE

83. Describe how your agency will use award funds to address the problem/focus area you selected in Section 4, Question 49. Describe your approach, including a long-term strategy and detailed implementation plan that reflects consultation with community groups and appropriate private and public agencies. Explain how the grant will be utilized to reorient your law enforcement agency's mission toward community-oriented policing or enhance its involvement in or commitment to community-oriented policing. [Please limit your response to a maximum of 500 words.]

Community Policing is at the heart of our organization. In 2022, the Fayetteville Police Department Community Policing (COP) Division hosted approximately 200 community events. Most events were geared toward educating the community. We expect to host in excess of 200 community events in 2023. We believe through education and inclusion, we can combat crimes in our city.

The COP is comprised of specially trained officers whose focus is presenting information to media outlets, neighborhood associations, social media platforms, businesses, churches, and other groups. These presentations can include information on safety, crime prevention, drug abuse, gun crimes and numerous other topics. The COP Division has had recent success with community engagement by partnering with our local food pantry and delivering food baskets to an apartment complex in an area identified as a hot spot for shooting and violent crime. The calls for service in this area have noticeably decreased as this outreach continues. Our Community Oriented Policing Division will be tasked with the following: 1. The COP Division, with the partnership of local stake holders, will create community outreach events in high crime areas as well as youth centers to help educate the community on violent crime and gun violence, 2. The COP Division will create curriculum for local business owners, specifically apartment complexes and hotel/motels to educate employees on how to identify possible criminal activity and what to do when it is identified, and 3. The COP Division will run an educational campaign using the Fayetteville Police Department's very robust following on social media to educate followers on the dangers of violent crimes.

DATA COLLECTION AND REPORTING

84. Does your agency collect data on the number of officer suicides in your agency?

Yes

84a. In the past 12 months, how many officer suicides have you recorded in your agency?

0

85. Does your agency have a suicide prevention training program?

Yes

86. Does your agency track officers that have been exposed to 'critical incidents' such as murder, suicide, and domestic violence?

Yes

87. Does your community experience high rates of youth suicide (For the purposes of this question, high is defined as 10 suicides per 100,000 residents aged 10-19)?

No

88. Does your law enforcement agency have a written policy that requires new officers/deputies to reside within the jurisdiction they serve?

No

89. Does your law enforcement agency have a written policy that encourages new or existing officers to relocate to areas characterized by fragmented relationships between police and residents of the community, or where there are high incidents of crime?

No

89a. Check all that apply:

Reimbursed for moving expenses

Sign-on bonus

Consideration for choice of shift or district

Other – Please specify

Other

90. Using UCR crime definitions, does your agency regularly (i.e., daily, weekly, monthly, or quarterly) post crime data on a publicly accessible website?

Yes

90a. If yes, please provide the website address:

<https://www.fayetteville-ar.gov/3797/Weekly-Summary-Reports>

Instructions: To support Executive Order 14074, Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety, the following questions will help the U.S. Department of Justice determine eligibility for priority consideration, if applicable, and identify potential gaps in training and technical assistance.

91. Does your agency collect and report data on law enforcement use of force to the FBI's National Use-of-Force Data Collection (including deaths in custody incident to an official use of force)?

Yes

92. Does your agency collect and report data on officer suicides to the FBI's Law Enforcement Suicide Data Collection?

Yes

93. Does your agency collect and report data on officers killed and assaulted to the FBI's Law

Enforcement Officers Killed and Assaulted Data Collection?

Yes

94. Does your agency prohibit the use of chokeholds and carotid restraints except in those situations where the use of deadly force is authorized by law?

Yes

95. Does your agency limit the use of unannounced entries, often referred to as "no knock entries," except where knocking and announcing an officer's presence would create an imminent threat of physical violence to the officer and/or another person?

Yes

96. Does your agency possess and use any of the following military equipment obtained via property transfer contracts or grants with the Federal government acquired through property transfers or purchases with federal funds or from federal agencies or contractors? Applicable military equipment includes: (i) firearms of .50 or greater caliber; (ii) ammunition of .50 or greater caliber; (iii) firearm silencers, as defined in 18 U.S.C. 921(a)(24); (iv) bayonets; (v) grenade launchers; (vi) grenades (including stun and flash-bang); (vii) explosives (except for explosives and percussion actuated non-electric disruptors used for accredited bomb squads and explosive detection canine training); (viii) any vehicles that do not have a commercial application, including all tracked and armored vehicles (except for vehicles used exclusively for disaster-related emergencies; active shooter scenarios; hostage or other search and rescue operations; or anti-terrorism preparedness, protection, prevention, response, recovery, or relief); (ix) weaponized drones and weapons systems covered by DOD Directive 3000.09 of November 21, 2012, as amended (Autonomy in Weapon Systems); (x) aircraft that are combat-configured or combat-coded, have no established commercial flight application, or have no application for disaster-related emergencies; active shooter scenarios; hostage or other search and rescue operations; or antiterrorism preparedness, protection, prevention, response, recovery, or relief; and (xi) long-range acoustic devices that do not have a commercial application.

No

DUPLICATION OF FUNDING

97. Do you have any current, active non-COPS Office award with any other federal funding source (e.g., direct federal funding or indirect federal funding through state subawarded federal funds) that supports the same or similar activities or services as being proposed in this COPS Office application?

No

97a. If Yes, for each potentially duplicative non-COPS Office award, provide the following detailed information: name of federal awarding agency, or state agency for subawarded federal funding; award number; program name; award start and end dates; award amount; and description of how this project differs from the application for COPS Office funding.

98. Do you have any pending non-COPS Office grant applications with any other federal funding source (e.g., direct federal funding or indirect federal funding through state subawarded federal funds) that support the same or similar activities or services as being proposed in this COPS Office application?

No

98a. If Yes, for each potentially duplicative non-COPS Office grant application, provide the following

90a. If yes, for each potentially duplicative non-COPS Office grant application, provide the following detailed information: application number (if known); program name; project length; total requested amount; items requested; and describe how this project differs from the application for COPS Office

FISCAL HEALTH AND UCR/NIBRS DATA

NEED FOR FEDERAL ASSISTANCE

99. All applicants are required to explain their inability to address the need for this award without federal assistance. Please do so in the space below. [Please limit your response to a maximum of 500 words.]

A review of SRO activity and the Arkansas School Safety Commission Report has resulted in the need and recommendation for at least .2 additional SROs assigned to the Fayetteville Public Schools; however, there are currently no local funding sources available for this expansion. The Fayetteville Police Department has demonstrated its' ability to use CHP grant funds to sustain long-term SRO positions as demonstrated with the use of our 2013 CHP funds. It is our intent to use a majority of CHP funds in the first grant year to ease our local financial burden, and incrementally increasing local funding sources over three years to permanently sustain these SRO positions in year 4 and beyond. Without these grant funds, our SRO Program will not expand to meet our identified needs with the foreseeable future.

Please refer to the U.S. Census Bureau's, Historical County Level Poverty Estimates Tool. This Excel-based tool accesses county-level poverty rates from the 1960-2000 Decennial Census as well as estimates from 2010 based on 5-year data from the ACS. Please enter your county's poverty rate for 1990, 2000, and 2010. If your agency does not service counties, please enter the state average. All figures must be rounded to the nearest whole percent.

100. Does your law enforcement agency service a county that has had 20 percent or more of its population living in poverty over the past 30 years?

No

Please enter your county's poverty rate for 1990, 2000, and 2010. If your agency does not service counties, please enter the state average. All figures must be rounded to the nearest whole percent.

100a. Poverty Rate (1990):

100b. Poverty Rate (2000):

100c. Poverty Rate (2010):

FISCAL HEALTH Instructions: Enter your law enforcement agency's total operating budget for the current AND the previous fiscal year. Note this is the operating budget that your locality sets aside specifically for law enforcement and does not include other city/county/state services. The operating budget generally includes salaries as well as operations. Please note: All figures must be rounded to the nearest whole

dollar.

101. CURRENT FISCAL YEAR:

21652772

102. PREVIOUS FISCAL YEAR:

20541395

Instructions: The U.S. Census Bureau American Community Survey (ACS) provides multi-year poverty rate estimates for communities. Please go to the U.S. Census Bureau (<https://data.census.gov>) to determine the percentage of individuals in poverty in your jurisdiction. For jurisdictions not included in the census (e.g., schools, universities, transit, parks), please check the box for "Not Applicable." Please note: All figures must be rounded to the nearest whole percent.

103. Percentage of individuals in poverty %:

18

103a. Not Applicable

false

Instructions: The Bureau of Labor Statistics' Local Area Unemployment Statistics (LAUS) program provides monthly estimates of unemployment for communities. Please go to the Bureau of Labor Statistics' LAUS website (<http://www.bls.gov/lau/data.htm>) to find detailed instructions for looking up your local area's unemployment rate. It may be necessary to select the nearest best match to your jurisdiction (for example, a city of fewer than 25,000 people may report their county level rate). For jurisdictions not included in the census (e.g., schools, universities, transit, parks), please check the box for "Not Applicable". Please note: All figures must be rounded to the nearest whole percent.

104. Percentage (%) unemployed for October 2022:

6

104a. Not Applicable.

false

105. Since January 1, 2023, has your agency taken on additional law enforcement duties and responsibilities resulting from an agency merger or the disbanding of a neighboring law enforcement agency (which did not result in a new or supplemented funded contract to provide these law enforcement services)?

No

Instructions: If your agency has faced an unanticipated catastrophic event that had a significant impact on the delivery of law enforcement services or have experienced an unusually large increase in the number of homicides in the past year, please check the box below. Examples of unanticipated catastrophic events includes mass shootings, terrorist attacks, natural disasters, or other events leading to mass casualties that would not necessarily be reflected in the UCR/NBIRS crime statistics previously reported. Please note that if your jurisdiction is faced with an unanticipated catastrophic event (e.g., mass shooting, terrorist attack, other mass casualty event) after submission of this application, but before the application closing date, you should contact the COPS Office immediately at 800-421-6770 to update your application to

include this information.

106. If your agency experienced a major disaster or catastrophic event in the time period from January 1, 2022 to present, check this box.

false

Please describe the major disaster or catastrophic event and include the following bulleted information.
Description of event (including number of casualties) Type of event (major disaster, mass shooting, bombing, etc.) Impact of the event on delivery of law enforcement services Duration of the event (how long will law enforcement services be impacted by the event until recovery) Law enforcement response and recovery efforts

106a. Please specify: (Please limit your response to a maximum of 125 words)

CRIME DATA Instructions: Using UCR/NIBRS crime definitions, enter the actual number of incidents reported to your agency in the previous two calendar years (2022 and 2021) for the following crime types. Note that only those incidents for which your agency had primary response authority should be provided. Please enter 0 (zero) to indicate no incidents in a particular year/type. Do not enter N/A if no incidents were reported -- enter 0 (zero). Do not enter N/A if data is not available -- enter an estimate based on historical data.

107. Criminal Homicide (2022):

3

108. Criminal Homicide (2021):

5

109. Forcible Rape (2022):

78

110. Forcible Rape (2021):

88

111. Robbery (2022):

41

112. Robbery (2021):

70

113. Burglary (2022):

362

114. Burglary (2021):

400

115. Aggravated Assault (2022):

352

116. Aggravated Assault (2021):

393

117. Motor Vehicle Theft (2022):

400

118. Motor Vehicle Theft (2021):

610

119. Larceny (except motor vehicle theft) (2022):

3224

120. Larceny (except motor vehicle theft) (2021):

3581

121. If awarded funds, will your agency commit to regularly collecting, analyzing, and reporting incidents of hate crimes to the FBI as part of their annual Uniform Crime Reporting/NIBRS reporting?

Yes

Instructions: Agency Profile Questions (these questions are for informational purposes only and will not be scored).

122. Does your agency have a wellness policy or program for officers?

Yes

122a. If yes, which groups does it cover: (check all that apply)

Sworn Officers/Deputies

Yes

Civilian Staff

Yes

Retired Officers/Deputies

Retired Staff

Correctional Officers/Staff

Family Members/Significant Others

Yes

Other

123. Does your agency report crime data to the National Incident-Based Reporting System (NIBRS)?

Yes

124. Does your agency utilize the National Integrated Ballistic Information Network (NIBIN)?

No

125. Does your agency have a dedicated or specific investigator to investigate reported hate crimes, or a unit dedicated to investigating bias-motivated incidents/hate crimes?

No

CONTINUATION OF PROJECT AFTER FEDERAL FUNDING ENDS

Instructions for the Continuation of Project after Federal Funding Ends: Applicants must plan to retain all sworn officer positions awarded under your COPS Office hiring award for a minimum of 12 months at the conclusion of 36 months of federal funding for each position. The retained COPS Office-funded positions should be added to your agency's law enforcement budget with state and/or local funds at the end of award funding, over and above the number of locally-funded sworn officer positions that would have existed in the absence of the award. These additional position(s) must be retained using state, local, or other nonfederal funding only. The retention period may begin during the five-year period of performance of the award and may extend beyond the end date of the award. You may not use funds awarded by other federal awards to cover the costs of retention. At the time of award application, applicants must affirm that they plan to retain the positions and identify the planned source(s) of retention funding. We understand that your agency's source(s) of retention funding may change during the life of the award. Your agency should maintain proper documentation of any changes in the event of an audit, monitoring or other evaluation of your award compliance. Please refer to the frequently asked questions on retention which can be found here <https://cops.usdoj.gov/chp>. Note: Agencies that do not plan to retain all the positions awarded under this award are ineligible to receive CHP funding.

126. Will your agency plan to retain any additional positions awarded under this award for a minimum of 12 months at the conclusion of federal funding for each position?

Yes

126a. Please identify the source(s) of funding that your agency plans to utilize to cover the costs of retention: (check all that apply)

General funds

Yes

Raise bond/tax issue

Private sources/donations

Nonfederal asset forfeiture funds (subject to approval from the state or local oversight agency)

Fundraising efforts

State, local, or other nonfederal award funding

Other

126b. If other, please provide a brief description of the source(s) of funding. (Please limit your response to a maximum of 125 words)

127. If your agency received CHP funding prior to October 1, 2018, please certify that your agency has or is retaining any CHP-funded officers for the required 12 month retention period.

Has or Is Retaining

OFFICIAL PARTNER(S) CONTACT INFORMATION

Instructions: An official "partner" under the award may be a governmental, private, school district, or other applicable entity that has established a legal, contractual, or other agreement with the applicant for the purpose of supporting and working together for mutual benefits of the award.

Partner 1 128a. Title:

Assistant Superintendent

128b. First Name:

Megan

128c. Last Name:

Duncan

128d. Name of Partner Agency (e.g., Smithville Community Center):

Fayetteville Public Schools

128e. Type of Partner Agency (e.g., School District):

School District

128f. Street1:

1000 West Bulldog Blvd

128g. Street2:

128h. City:

Fayetteville

128i. State:

AR

128j. Zip/Postal Code:

2701

128k. Phone:

479-444-3000

128l. Email Address:

megan.duncan@g.fayar.net

Partner 2 129a. Title:

129b. First Name:

129c. Last Name:

129d. Name of Partner Agency (e.g., Smithville Community Center):

129e. Type of Partner Agency (e.g., School District):

129f. Street1:

129g. Street2:

129h. City:

129i. State:

129j. Zip/Postal Code:

129k. Phone:

129l. Email Address:

Partner 3 130a. Title:

130b. First Name:

130c. Last Name:

130d. Name of Partner Agency (e.g., Smithville Community Center):

130e. Type of Partner Agency (e.g., School District):

130f. Street1:

130g. Street2:

130h. City:

130i. State:

130j. Zip/Postal Code:

130k. Phone:

130l. Email Address:

28 CFR PART 23 (CRIMINAL INTELLIGENCE)

REVIEWS AND CERTIFICATIONS Certification of Review of 28 C.F.R. Part 23/Criminal Intelligence
Systems: If your agency is requesting COPS Office funds for equipment or technology that will be used to

operate an interjurisdictional criminal intelligence system that receives, stores, analyzes, exchanges, or disseminates data regarding ongoing criminal activities, you must agree to comply with the operating principles at 28 C.F.R Part 23. If you are requesting COPS Office funds to operate a single agency database (or other unrelated forms of technology) and will not share criminal intelligence data with other jurisdictions, 28 C.F.R. Part 23 does not apply.

131. Please check one of the following, as applicable to your agency's intended use of COPS Office funds:

No, my agency will not use these COPS Office funds (if awarded) to operate an interjurisdictional criminal intelligence system.

CERTIFICATION OF REVIEW AND REPRESENTATION

132. By checking the box, the applicant indicates he or she understands that the signatures of the Law Enforcement Executive /Program Official, Government Executive / Financial Official, and the Person Submitting this Application on the Reviews and Certifications represent to the COPS Office that: 1. the applicant will comply with all legal, administrative, and programmatic requirements that govern the applicant for acceptance and use of federal funds as outlined in the applicable COPS Office Grant Application Resource Guide, the COPS Office award owner's manual, the DOJ Grants Financial Guide, Assurances, Certifications and all other applicable program regulations, laws, orders, and circulars; 2. the applicant understands that as a general rule COPS Office funding may not be used for the same item or service funded through another funding source; and 3. the applicant and any required or identified official partner(s) listed in this application mutually agreed to this partnership prior to submission.

true

133. By checking the box, the applicant indicates he or she provide a certification that: 1. the programs to be funded by the grant meet all the requirements of the COPS Office statute (34 U.S.C. § 10381, et seq.); 2. all the information contained in the application is correct; and 3. the applicant will comply with all provisions of the COPS Office statute (34 U.S.C. § 10381, et seq.) and all other applicable Federal laws.

true

ACKNOWLEDGEMENT OF ELECTRONIC SIGNATURE

134. By checking the box, the applicant indicates that he or she understands that the use of typed names in this application and the required forms, including the Assurances, Certifications, and Disclosure of Lobbying Activities form, constitute electronic signatures and that the electronic signatures are the legal equivalent of handwritten signatures. I understand.

true

Proposal Narrative

Budget and Associated Documentation

Budget Summary

Budget Category	Total Cost	
Sworn Officer Positions	\$448,844.00	
Civilian or Non-Sworn Personnel	\$0.00	
Travel	\$0.00	
Equipment	\$0.00	
Supplies	\$0.00	
SubAwards	\$0.00	
Procurement Contracts	\$0.00	
Other Costs	\$0.00	
Indirect Costs	\$0.00	
Total Project Costs	\$448,844.00	
Federal Funds:	\$250,000.00	55.70%
Match Amount:	\$198,844.00	44.30%
Program Income:	\$0.00	0.00%

Local Match Details

Local Match Progression Table

As part of the local match requirement for the COPS Hiring Program, grantees must assume a progressively larger share of the cost of the grant with local funds over the three-year grant period. This means that your local match must increase each year, while the federal share must decrease.

Please project in the chart below how your agency plans to assume a progressively larger share of the grant cost during each year of the program. The chart is only a projection of your plans. While your agency may deviate from these specific projects during the grant period, it must still ensure that the federal share decreases and the local share increases.

	Year 1	Year 2	Year 3	Total	Total from Budget
Local Match	\$10,684	\$59,614	\$128,546	\$198,844	\$198,844
Federal Share	\$132,000	\$90,000	\$28,000	\$250,000	\$250,000

Total	\$142,684.00	\$149,614.00	\$156,546.00	\$448,844	\$448,844
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Waiver of Local Match

The COPS Office may waive some or all of a grantee's local match requirement based on severe fiscal distress. During the application review process, your agency's waiver request will be evaluated based on the availability of funding, a demonstration of severe fiscal distress as reflected through the fiscal health data provided in the application, and a comparison of your fiscal health data with that of the overall applicant pool.

No

Budget / Financial Attachments

Additional Attachments

No documents have been uploaded for Additional Attachments

Budget and Associated Documentation

DOES THIS BUDGET CONTAIN CONFERENCE COSTS WHICH IS DEFINED BROADLY TO INCLUDE MEETINGS, RETREATS, SEMINARS, SYMPOSIA, AND TRAINING ACTIVITIES?

Base Salary and Fringe Benefits for Sworn Officer

Sworn Officer

Position

Position Title

Sworn Officer

Position Description

School Resource Officer

Number of Positions

2

Salary per Officer

Salary

Year 1

\$55,758.00

Year 2

\$58,466.00

Year 3

\$61,174.00

Fringe Benefits per Officer

Year
1

Year 2

Year 3

Social Security

Exempt

\$0.00

\$0.00

\$0.00

0.00%

Medicare

1.45%	\$808.49	\$847.76	\$887.02
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1.45%			
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Health Insurance

Exempt	\$0.00	\$0.00	\$0.00
--------	--------	--------	--------

Life Insurance

Exempt	\$0.00	\$0.00	\$0.00
--------	--------	--------	--------

Vacation

Included in Salary?	Hours			
Yes	0	\$0.00	\$0.00	\$0.00

Sick Leave

Included in Salary?	Hours			
Yes	0	\$0.00	\$0.00	\$0.00

Retirement

Fixed Rate	\$14,775.87	\$15,493.49	\$16,211.11
	26.50%	26.50%	26.50%

Workers Compensation

Exempt	\$0.00	\$0.00	\$0.00
--------	--------	--------	--------

Unemployment Insurance

Exempt	\$0.00	\$0.00	\$0.00
--------	--------	--------	--------

Other Benefit

None			
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Other Benefit

None

Other Benefit

None

Summary Totals

	Year 1	Year 2	Year 3
Benefits per Officer	\$15,584	\$16,341	\$17,098
Salary per Officer	\$55,758	\$58,466	\$61,174
Total per Officer	.00	.00	.00
	\$71,342	\$74,807	\$78,272
Total per Officer All Years			
\$224,422			
Total Salary and Benefits			
\$448,844			

Personnel**Instructions**

List each position by title and name of employee, if available. Show the annual salary rate and the percentage of time to be devoted to the project. Compensation paid for employees engaged in grant activities must be consistent with that paid

for similar work within the applicant organization. In the narrative section, please provide a specific description of the

responsibilities and duties for each position, and explain how the responsibilities and duties support the project goals and objectives outlined in your application.

Fringe Benefits

Instructions

Fringe benefits should be based on the actual known costs or an approved negotiated rate by a Federal Agency. If not based on an approved negotiated rate, list the composition of the fringe benefit package. Fringe benefits are for the personnel listed in Personnel budget category listed and only for the percentage of time devoted to the project. In the narrative section, please provide a specific description for each item

Travel

Instructions

Itemize travel expenses of staff personnel (e.g. staff to training, field interviews, advisory group meeting, etc.). Describe the purpose of each travel expenditure in reference to the project objectives. Show the basis of computation (e.g., six people to 3-day training at \$X airfare, \$X lodging, \$X subsistence). In training projects, travel and meals for trainees should be listed separately. Show the number of trainees and the unit costs involved. Identify the location of travel, if known; or if unknown, indicate "location to be determined." Indicate whether applicant's formal written travel policy or the Federal Travel Regulations are followed. Note: Travel expenses for consultants should be included in the "Consultant Travel" data fields under the "Subawards (Subgrants)/Procurement Contracts" category. For each Purpose Area applied for, the budget should include the estimated cost for travel and accommodations for two staff to attend two three-day long meetings, with one in Washington D.C. and one in their region, with the exception of Purpose Area 1, which should budget for one meeting in Washington D.C, and Purpose Areas 6 and 7, which should budget for 3 meetings within a 3 year period, with 2 in Washington D.C, and 1 within their region. All requested information must be included in the budget detail worksheet and budget narrative.

Equipment

Instructions

List non-expendable items that are to be purchased (Note: Organization's own capitalization policy for classification of equipment should be used). Expendable items should be included in the "Supplies" category Applications should analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technological advances. Rented or leased equipment costs should be listed in the "Contracts" data fields under the "Sub awards" (Sub grants)/Procurement Contracts" category. In the budget narrative, explain how the equipment is necessary for the success In the budget narrative, explain how the equipment is necessary for the success of the project, and describe the procurement method to be used. All requested information must be included in the budget detail worksheet and budget narrative.

Supply Items

Instructions

List items by type (office supplies, postage, training materials, copy paper, and expendable equipment items costing less than \$5,000, such as books, hand held tape recorders) and show the basis for computation. Generally, supplies include any materials that are expendable or consumed during the course of the project. All requested information must be included in the budget detail worksheet and budget narrative.

Construction

Instructions

As a rule, construction costs are not allowable. In some cases, minor repairs or renovations may be allowable. Consult with the DOJ grant-making component before budgeting funds in this category. In the narrative section, please provide a specific description for each item, and explain how the item supports the project goals and objectives outlined in your application.

Subawards

Instructions

Subawards (see "Subaward" definition at 2 CFR 200.92) : Provide a description of the Federal Award activities proposed to be carried out by any subrecipient and an estimate of the cost (include the cost per subrecipient, to the extent known prior to the application submission). For each subrecipient, enter the subrecipient entity name, if known. Please indicate any subaward information included under budget category Subawards (Subgrants) Contracts by including the label "(subaward)" with each subaward category.

Procurement contracts (see "Contract" definition at 2 CFR 200.22): Provide a description of the product or service to be procured by contract and an estimate of the cost. Indicate whether the applicant's formal, written Procurement Policy or the Federal Acquisition Regulation is followed. Applicants are encouraged to promote free and open competition in awarding procurement contracts. A separate justification must be provided for sole source procurements in excess of the Simplified Acquisition Threshold set in accordance with 41 U.S.C. 1908 (currently set at \$250,000) for prior approval. Please provide a specific description for each item, and explain how the item supports the project goals and objectives outlined in your application. **Consultant Fees:** For each consultant enter the name, if known, service to be

provided, hourly or daily fee (8-hour day), and estimated time on the project. Unless otherwise approved by the COPS Office, approved consultant rates will be based on the salary a consultant receives from his or her primary employer. Consultant fees in excess of \$650 per day require additional written justification, and must be pre-approved in writing by the COPS Office if the consultant is hired via a noncompetitive bidding process. Please provide a specific description for each item, and explain how the item supports the project goals and objectives outlined in your application. Please visit <https://cops.usdoj.gov/grants> for a list of allowable and unallowable costs for this program.

Instructions

Procurement contracts (see "Contract" definition at 2 CFR 200.1): Provide a description of the product or service to be procured by contract and an estimate of the cost. Indicate whether the applicant's formal, written Procurement Policy or the Federal Acquisition Regulation is followed. Applicants are encouraged to promote free and open competition in awarding procurement contracts. A separate justification must be provided for noncompetitive procurements in excess of the Simplified Acquisition Threshold set in accordance with 41 U.S.C. 1908 (currently set at \$250,000).

Consultant Fees: For each consultant enter the name, if known, service to be provided, hourly or daily fee (8-hour day), and estimated time on the project. Written prior approval and additional justification is required for consultant fees in excess of the DOJ grant-making component's threshold for an 8-hour day.

In the narrative section, please provide a specific description for each item, and explain how the item supports the project goals and objectives outlined in your application.

Other Direct Costs

Instructions

List items (e.g., rent, reproduction, telephone, janitorial or security services, and investigative or confidential funds) by type and the basis of the computation. For example, provide the square footage and the cost per square foot for rent, or provide a monthly rental cost and how many months to rent. All requested information must be included in the budget detail worksheet and budget narrative.

Indirect Costs

Instructions

Indirect costs are allowed only if: a) the applicant has a current, federally approved indirect cost rate; or b) the applicant is eligible to use and elects to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f). (See paragraph D.1.b. in Appendix VII to Part 200—States and Local Government and Indian Tribe Indirect Cost Proposals for a description of entities that may not elect to use the "de minimis" rate.) An applicant with a current, federally approved indirect cost rate must attach a copy of the rate approval, (a fully-executed, negotiated agreement). If the applicant does not have an approved rate, one can be requested by contacting the applicant's cognizant Federal agency, which will review all documentation and approve a rate for the applicant organization, or if the applicant's accounting system permits, costs may be allocated in the direct costs categories. (Applicant Indian tribal

governments, in particular, should review Appendix VII to Part 200—States and Local Government and Indian Tribe Indirect Cost Proposals regarding submission and documentation of indirect cost proposals.) All requested information must be included in the budget detail worksheet and budget narrative. In order to use the “de minimis” indirect rate an applicant would need to attach written documentation to the application that advises DOJ of both the applicant’s eligibility (to use the “de minimis” rate) and its election. If the applicant elects the de minimis method, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. In addition, if this method is chosen then it must be used consistently for all federal awards until such time as the applicant entity chooses to negotiate a federally approved indirect cost rate.

Memoranda of Understanding (MOUs) and Other Supportive Documents

Memoranda of Understanding (MOUs) and Other Supportive Documents

Upload

The recommended files to upload are PDF, Microsoft Word and Excel.



Name

2022-2023 FPS
MOU - signed.pdf

Category

Memoranda of
Understanding
(MOUs) and Other
Supportive
Documents

Created by

WILLIE NEWMAN

Applicati on Number

Date Added

03/22/202
3

Additional Application Components

Letters of Support

No documents have been uploaded for Letters of Support

Additional Attachments

No documents have been uploaded for Additional Attachments

Disclosures and Assurances

Disclosure of Lobbying Activities

	Name	Category	Created by	Application Number
	Form SFLLL_2_0-V2.0.pdf	LobbyingActivities Disclosure	_____	_____

DOJ Certified Standard Assurances

OMB APPROVAL NUMBER 1121-0140

EXPIRES 05/31/2019

U.S. DEPARTMENT OF JUSTICE

CERTIFIED STANDARD ASSURANCES

On behalf of the Applicant, and in support of this application for a grant or cooperative agreement, I certify under penalty of perjury to the U.S. Department of Justice ("Department"), that all of the following are true and correct:

- (1) I have the authority to make the following representations on behalf of myself and the Applicant. I understand that these representations will be relied upon as material in any Department decision to make an award to the Applicant based on its application.
- (2) I certify that the Applicant has the legal authority to apply for the federal assistance sought by the application, and that it has the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project costs) to plan, manage, and complete the project described in the application properly.
- (3) I assure that, throughout the period of performance for the award (if any) made by the Department based on the application--
 - a. the Applicant will comply with all award requirements and all federal statutes and regulations applicable to the award;
 - b. the Applicant will require all subrecipients to comply with all applicable award requirements and all applicable federal statutes and regulations; and
 - c. the Applicant will maintain safeguards to address and prevent any organizational conflict of interest, and also to prohibit employees from using their positions in any manner that poses, or appears to pose, a personal or financial conflict of interest.

- (4) The Applicant understands that the federal statutes and regulations applicable to the award (if any) made by the Department based on the application specifically include statutes and regulations

pertaining to civil rights and nondiscrimination, and, in addition--

- a. the Applicant understands that the applicable statutes pertaining to civil rights will include section 601 of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); section 901 of the Education Amendments of 1972 (20 U.S.C. § 1681); and section 303 of the Age Discrimination Act of 1975 (42 U.S.C. § 6102);
- b. the Applicant understands that the applicable statutes pertaining to nondiscrimination may include section 809(c) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. § 10228(c)); section 1407(e) of the Victims of Crime Act of 1984 (34 U.S.C. § 20110(e)); section 299A(b) of the Juvenile Justice and Delinquency Prevention Act of 2002 (34 U.S.C. § 11182(b)); and that the grant condition set out at section 40002(b)(13) of the Violence Against Women Act (34 U.S.C. § 12291(b)(13)), which will apply to all awards made by the Office on Violence Against Women, also may apply to an award made otherwise;
- c. the Applicant understands that it must require any subrecipient to comply with all such applicable statutes (and associated regulations); and
- d. on behalf of the Applicant, I make the specific assurances set out in 28 C.F.R. §§ 42.105 and 42.204.

(5) The Applicant also understands that (in addition to any applicable program-specific regulations and to applicable federal regulations that pertain to civil rights and nondiscrimination) the federal regulations applicable to the award (if any) made by the Department based on the application may include, but are not limited to, 2 C.F.R. Part 2800 (the DOJ "Part 200 Uniform Requirements") and 28 C.F.R. Parts 22 (confidentiality - research and statistical information), 23 (criminal intelligence systems), 38 (regarding faith-based or religious organizations participating in federal financial assistance programs), and 46 (human subjects protection).

(6) I assure that the Applicant will assist the Department as necessary (and will require subrecipients and contractors to assist as necessary) with the Department's compliance with section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108), the Archeological and Historical Preservation Act of 1974 (54 U.S.C. §§ 312501-312508), and the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4335), and 28 C.F.R. Parts 61 (NEPA) and 63 (floodplains and wetlands).

(7) I assure that the Applicant will give the Department and the Government Accountability Office, through any authorized representative, access to, and opportunity to examine, all paper or electronic records related to the award (if any) made by the Department based on the application.

(8) If this application is for an award from the National Institute of Justice or the Bureau of Justice Statistics pursuant to which award funds may be made available (whether by the award directly or by any subaward at any tier) to an institution of higher education (as defined at 34 U.S.C. § 10251(a) (17)), I assure that, if any award funds actually are made available to such an institution, the Applicant will require that, throughout the period of performance--

- a. each such institution comply with any requirements that are imposed on it by the First Amendment to the Constitution of the United States; and
- b. subject to par. a, each such institution comply with its own representations, if any, concerning academic freedom, freedom of inquiry and debate, research independence, and research integrity, at the institution, that are included in promotional materials, in official statements, in formal policies, in applications for grants (including this award application), for accreditation, or for licensing, or in submissions relating to such grants, accreditation, or licensing, or that otherwise are made or disseminated to students, to faculty, or to the general public.

(9) I assure that, if the Applicant is a governmental entity, with respect to the award (if any) made by the Department based on the application--

- a. it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655), which govern the treatment of persons

- displaced as a result of federal and federally-assisted programs; and
- b. it will comply with requirements of 5 U.S.C. §§ 1501-1508 and 7324-7328, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

(10) If the Applicant applies for and receives an award from the Office of Community Oriented Policing Services (COPS Office), I assure that as required by 34 U.S.C. § 10382(c)(11), it will, to the extent practicable and consistent with applicable law—including, but not limited to, the Indian Self-Determination and Education Assistance Act—seek, recruit, and hire qualified members of racial and ethnic minority groups and qualified women in order to further effective law enforcement by increasing their ranks within the sworn positions, as provided under 34 U.S.C. § 10382(c)(11).

(11) If the Applicant applies for and receives a DOJ award under the STOP School Violence Act program, I assure as required by 34 U.S.C. § 10552(a)(3), that it will maintain and report such data, records, and information (programmatic and financial) as DOJ may reasonably require.

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the Applicant to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and 3801-3812). I also acknowledge that the Department's awards, including certifications provided in connection with such awards, are subject to review by the Department, including by its Office of the Inspector General.

Please Acknowledge *

Not Signed

SignerID

Signing Date / Time

DOJ Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements; Law Enforcement and Community Policing



U.S. DEPARTMENT OF JUSTICE

**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS;
DRUG-FREE WORKPLACE REQUIREMENTS; LAW ENFORCEMENT AND COMMUNITY POLICING**

Applicants should refer to the regulations and other requirements cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations or other cited requirements before completing this form. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the U.S. Department of Justice ("Department") determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by 31 U.S.C. § 1352, as implemented by 28 C.F.R. Part 69, the Applicant certifies and assures (to the extent applicable) the following:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Applicant, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If the Applicant's request for Federal funds is in excess of \$100,000, and any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal grant or cooperative agreement, the Applicant shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities" in accordance with its (and any DOJ awarding agency's) instructions; and

(c) The Applicant shall require that the language of this certification be included in the award documents for all subgrants and procurement contracts (and their subcontracts) funded with Federal award funds and shall ensure that any certifications or lobbying disclosures required of recipients of such subgrants and procurement contracts (or their subcontractors) are made and filed in accordance with 31 U.S.C. § 1352.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

A. Pursuant to Department regulations on nonprocurement debarment and suspension implemented at 2 C.F.R. Part 2867, and to other related requirements, the Applicant certifies, with respect to prospective participants in a primary tier "covered transaction," as defined at 2 C.F.R. § 2867.20(a), that neither it nor any of its principals--

(a) is presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) has within a three-year period preceding this application been convicted of a felony criminal violation under any Federal law, or been convicted or had a civil judgment rendered against it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, tribal, or local) transaction or private agreement or transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion or receiving stolen property, making false claims, or obstruction of justice, or commission of any offense indicating a lack of business integrity or business honesty that seriously and directly affects its (or its principals') present responsibility;

(c) is presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, tribal, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and/or

(d) has within a three-year period preceding this application had one or more public transactions (Federal, State, tribal, or local) terminated for cause or default.

B. Where the Applicant is unable to certify to any of the statements in this certification, it shall attach an explanation to this application. Where the Applicant or any of its principals was convicted, within a three-year period preceding this application, of a felony criminal violation under any Federal law, the Applicant also must

disclose such felony criminal conviction in writing to the Department (for OJP Applicants, to OJP at

Ojpcompliancereporting@usdoj.gov; for OVW Applicants, to OVW at OVW.GFMD@usdoj.gov; or for COPS Applicants, to COPS at AskCOPSRC@usdoj.gov), unless such disclosure has already been made.

3. FEDERAL TAXES

A. If the Applicant is a corporation, it certifies either that (1) the corporation has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, or (2) the corporation has provided written notice of such an unpaid tax liability (or liabilities) to the Department (for OJP Applicants, to OJP at Ojpcompliancereporting@usdoj.gov; for OVW Applicants, to OVW at OVW.GFMD@usdoj.gov; or for COPS Applicants, to COPS at AskCOPSRC@usdoj.gov).

B. Where the Applicant is unable to certify to any of the statements in this certification, it shall attach an explanation to this application.

4. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, as implemented at 28 C.F.R. Part 83, Subpart F, for grantees, as defined at 28 C.F.R. §§ 83.620 and 83.650:

A. The Applicant certifies and assures that it will, or will continue to, provide a drug-free workplace by--

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in its workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about--

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the award be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the award, the employee will--

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of the employee's conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the Department, in writing, within 10 calendar days after receiving notice under subparagraph (d)

(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title of any such convicted employee to the Department, as follows:

For COPS award recipients - COPS Office, 145 N Street, NE, Washington, DC, 20530;

For OJP and OVW award recipients - U.S. Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 7th Street, N.W., Washington, D.C. 20531.

Notice shall include the identification number(s) of each affected award;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent

with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency; and

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

5. LAW ENFORCEMENT AGENCY CERTIFICATION REQUIRED UNDER DEPARTMENT OF JUSTICE DISCRETIONARY GRANT PROGRAMS ("SAFE POLICING CERTIFICATION")

If this application is for a discretionary award pursuant to which award funds may be made available (whether by the award directly or by any subaward at any tier) to a State, local, college, or university law enforcement agency, the Applicant certifies that any such law enforcement agency to which funds will be made available has been certified by an approved independent credentialing body or has started the certification process. To become certified, a law enforcement agency must meet two mandatory conditions:

(a) the agency's use of force policies adhere to all applicable federal, State, and local laws; and

(b) the agency's use of force policies prohibit chokeholds except in situations where use of deadly force is allowed by law.

For detailed information on this certification requirement, see <https://cops.usdoj.gov/SafePolicingEO>.

The Applicant acknowledges that compliance with this safe policing certification requirement does not ensure compliance with federal, state, or local law, and that such certification shall not constitute a defense in any federal lawsuit. Nothing in the safe policing certification process or safe policing requirement is intended to be (or may be) used by third parties to create liability by or against the United States or any of its officials, officers, agents or employees under any federal law. Neither the safe policing certification process nor the safe policing certification requirement is intended to (or does) confer any right on any third-person or entity seeking relief against the United States or any officer or employee thereof. No person or entity is intended to be (or is) a third-party beneficiary of the safe policing certification process, or, with respect to the safe policing certification requirement, such a beneficiary for purposes of any civil, criminal, or administrative action.

6. COORDINATION REQUIRED UNDER PUBLIC SAFETY AND COMMUNITY POLICING PROGRAMS

As required by the Public Safety Partnership and Community Policing Act of 1994, at 34 U.S.C. § 10382(c)(5), if this application is for a COPS award, the Applicant certifies that there has been appropriate coordination with all agencies that may be affected by its award. Affected agencies may include, among others, Offices of the United States Attorneys; State, local, or tribal prosecutors; or correctional agencies.

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the Applicant to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and 3801-3812). I also acknowledge that the Department's awards, including certifications provided in connection with such awards, are subject to review by the Department, including by its Office of the Inspector General.

Please Acknowledge ★

Not Certified

SignerID

Signing Date / Time

Other Disclosures and Assurances

No documents have been uploaded for Other Disclosures and Assurances

Declaration and Certification to the U.S. Department of Justice as to this Application Submission

By [taking this action], I --

1. Declare the following to the U.S. Department of Justice (DOJ), under penalty of perjury: (1) I have authority to make this declaration and certification on behalf of the applicant; (2) I have conducted or there was conducted (including by the applicant's legal counsel as appropriate, and made available to me) a diligent review of all requirements pertinent to and all matters encompassed by this declaration and certification.
2. Certify to DOJ, under penalty of perjury, on behalf of myself and the applicant, to the best of my knowledge and belief, that the following are true as of the date of this application submission: (1) I have reviewed this application and all supporting materials submitted in connection therewith (including anything submitted in support of this application by any person on behalf of the applicant before or at the time of the application submission and any materials that accompany this declaration and certification); (2) The information in this application and in all supporting materials is accurate, true, and complete information as of the date of this request; and (3) I have the authority to submit this application on behalf of the applicant.
3. Declare the following to DOJ, under penalty of perjury, on behalf of myself and the applicant: (1) I understand that, in taking (or not taking) any action pursuant to this declaration and certification, DOJ will rely upon this declaration and certification as a material representation; and (2) I understand that any materially false, fictitious, or fraudulent information or statement in this declaration and certification (or concealment or omission of a material fact as to either) may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the applicant to civil penalties and administrative remedies under the federal False Claims Act (including under 31 U.S.C. §§ 3729-3730 and/or §§ 3801-3812) or otherwise.

Not Signed

SignerID

Signing Date / Time

Other

No documents have been uploaded for Other

Not Certified



MEETING OF APRIL 25, 2023

TO: Mayor Jordan and City Council
THRU: Susan Norton, Chief of Staff
FROM: Alison Jumper, Director of Parks, Natural Resources and Cultural Affairs
DATE:
SUBJECT: Walmart and AND1 Paint the court event at Walker Park

RECOMMENDATION:

A resolution to approve Walmart and AND1 to refurbish and paint Walker Park Basketball court, and to host a back to school backpack and shoe giveaway

BACKGROUND:

AND1 is a basketball footwear and clothing company specializing in basketball shoes, clothing and goods. Founded in 1993 as a graduate school project, the brand aimed to appeal to street ballers. Since then the company has grown to sponsor NBA players, numerous tournaments around the country. In 2020 AND1 began investing to refurbish basketball courts across the country. Each project included a community celebration with star performances and gear donations.

DISCUSSION:

AND1 is sold in Walmart Stores. This year marks the 30th anniversary of AND1's beginnings. As part of the celebration of the culture of the game, AND1 and Walmart are proposing to refurbish and paint the courts at Walker Park and provide a back to school shoe and backpack giveaway.

Working with their team of artists, and a local artist, the event would include custom artwork tailored to Fayetteville, product and back to school supplies giveaway, and entertainment. The total investment in the court and the event is approximately \$200,000. The exact design of the court will be finalized once the artists are engaged. Both Walmart and AND1 logos or marks are expected to be painted on the court. Donor recognition is allowed by the park donation policy and city council approval.

This will be presented to the Parks and Recreation Advisory Board for approval on April 3rd.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS: 2023 AND1 Paint the Court SRF, Examples, Fayetteville, AR Code of Ordinances



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2023-651

Walmart and AND1 Paint the court event at Walker Park

A RESOLUTION TO APPROVE A PROPOSAL BY WALMART AND AND1 TO REFURBISH AND PAINT THE WALKER PARK BASKETBALL COURTS AND HOST A BACK TO SCHOOL BACKPACK AND SHOE GIVEAWAY, AND TO APPROVE THE RECOGNITION OF WALMART AND AND1 FOR THEIR SIGNIFICANT CONTRIBUTIONS AT THE REFURBISHED COURTS

WHEREAS, AND1 is a basketball footwear and clothing company founded in 1993 that sells basketball shoes, clothing and goods at Walmart Stores; and

WHEREAS, in 2020 AND1 began a program to refurbish basketball courts across the country with each project including a community celebration with star performances and gear donations; and

WHEREAS, to mark the 30th anniversary of AND1's beginnings, AND1 and Walmart are proposing to fund the refurbishment and painting of the courts at Walker Park and host a back to school shoe and backpack giveaway; and

WHEREAS, working with their team of artists, and a local artist, the event would include custom artwork tailored to Fayetteville, product and back to school supplies giveaway, and entertainment. The total investment in the court and the event is approximately \$200,000; and

WHEREAS, § 97.088(B)(2) of the Fayetteville City Code provides that signs recognizing significant donors or contributors must meet certain conditions, including approval by the City Council if the proposed recognition does not explicitly conform to the Operations Policy for Donor Recognition Signs; and

WHEREAS, on April 3, 2023, the Parks and Recreation Advisory Board recommended that the City Council approve a resolution authorizing the recognition of AND1 and Walmart on the refurbished basketball courts.

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 the proposal by Walmart and AND1 to refurbish and paint the Walker Park Basketball Courts and sponsor a school backpack and shoe giveaway, and, pursuant to §97.088(B)(2) of the City Code, authorizes Mayor Jordan to approve the form in which AND1 and Walmart are recognized for their significant donation and contribution to our community at the refurbished basketball courts, which may include the incorporation

of the AND1 and Walmart names and logos in the basketball court artwork.

City of Fayetteville Staff Review Form

2023-651

Item ID

4/18/2023

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

Alison Jumper

3/29/2023

PARKS & RECREATION (520)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to approve Walmart and AND1 to resurface and paint the existing basketball courts and to host a back to school backpack and shoe giveaway at Walker Park.

Budget Impact:

N/A

N/A

Account Number

Fund

N/A

N/A

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:

AND1 Paint the Court Examples



Cordelia Park Charlotte, NC



DeFremery Park Oakland, CA

97.088 - Signs Prohibited

- (A) No person in a park shall paste, glue, tack, or otherwise post any sign, placards, advertisement, or inscription whatsoever, nor shall any person erect or cause to be erected any sign whatsoever on any public lands or highways or roads adjacent to a park, except as set forth herein below.
- (B) *Exceptions.*
- (1) *Athletic Field Signage.* Signs shall be permitted on softball/baseball outfield fences and scoreboards at locations and in sizes designated by the Parks and Recreation Director. Uniform fees shall be charged dependent upon placement and size of the permitted signs. The content of the sign and whether it is commercial or non-commercial may not be considered. Designated spaces shall be sold at the established price on a first come basis. The owner of a sign at a designated location shall have first right to renew before others can purchase the size/location for a new or replacement sign.
- (2) *Recognition Signs.* Signs located in city parks or on city trails that are used for the purpose of memorializing a person or family through naming, recognition of significant donors, or recognition of contributions to the facility or amenity on which the sign is installed shall meet the following conditions:
- (a) *Maximum Number of Recognition Signs.* Most donor or honoree recognition signs shall be limited to one for the facility financed by the donor or memorializing the honoree. For a park or a major facility with more than one major entrance, a second recognition sign may be recommended by the Parks and Recreation Advisory Board and approved by the City Council.
- (b) *Maximum Size of Recognition Signs.*
- (i) Donor recognition signs in city parks shall be sized in accordance with Exhibit "A", Donor Recognition Signs, unless otherwise determined by City Council resolution.
- (ii) Trail Recognition Signs shall not exceed four square feet for trailhead facilities. Recognition signs along the trail for park benches, etc., shall not exceed 1.5 square feet and should be incorporated within or attached to the bench or amenity sponsored by the donor.
- (c) *Design Requirements.* All recognition signs must comply with the following requirements and shall adhere to the aesthetic values and design of the park or trail.
- (i) The recognition sign shall include only the name of the person memorialized or the name of the organization, person or business which has donated significant funds to the park facility. A company or organization logo (without company colors, any advertising or slogans) may be used on the sign.
- (ii) The design of the sign shall be incorporated into the park facility and shall be approved by the Director of Parks and Recreation who shall ensure the signs' high quality and durable construction and its consistency with other recognition signs within the park.
- (iii) Recognition signs shall comply with the Donor Operational Policy unless exempted by the City Council.
- (d) *Facility Naming.* The naming of facilities is permitted so long as the donor or honoree has made a significant contribution to the city, the facility or the Parks and Recreation Department in terms of financial donations, voluntarism or dedicated public service. Final naming of facility may be as recommended by the Parks and Recreation Advisory Board with final selection and approval by the City Council. Naming of the facilities should meet the Naming Park Facilities Policy attached as Exhibit "B", unless otherwise determined by City Council resolution.
- (e) Adopt-A-Park or trail groups may post a sign while they are actively working on a park project that provides information about their organization or group. The sign must be approved in advance by the Parks and Recreation staff.

Exhibit "A"

	Parks and Recreation Department Policies and Procedures Manual		SUBJECT: OPERATIONS POLICY FOR DONOR RECOGNITION SIGNS	
	NUMBER:	REVISIONS:	EFFECTIVE DATE: 6-16-2015	PAGE: 1 OF 1
	SUPERSEDES:	APPROVED BY:		

DONOR RECOGNITION SIGNS**PURPOSE**

The purpose of this directive is to provide policies which will govern the naming of park facilities currently owned or acquired by the City of Fayetteville. This policy statement takes precedence over any previous policies and guidelines which may have governed the naming of these facilities.

POLICY

In order to provide important capital facilities in Fayetteville Parks, it is pragmatic in a time of shrinking public dollars to seek outside funding. It is essential to have specific boundaries and criteria in establishing fair and proper recognition of significant facility donations. This policy sets guidelines for donations within parks as well as on trails. All sign and plaque designs must be incorporated into the design of the facility. Donor recognition signs shall adhere to the aesthetic values and design of the park.

Donor recognition in parks is based upon the type of facility donated. Donor recognition on trails is limited on the trailheads unless there is an educational and/or art feature that is appropriate to be displayed along the trail. Recognition signs may not be predominant within the educational and/or art component.

Recognition for each donation will be determined pursuant to the Recognition for Parks and Trails Facilities Policy. Any exceptions to this policy must be approved by City Council. Park Planners have the latitude to design signs recognizing donations based on site location and donor specific criteria. Naming of facilities donated must meet the Naming Park Facilities Operational Policy unless accepted under City Council resolution. The naming proposal will be presented to the Parks and Recreation Advisory Board for their recommendation to City Council. City Council has final approval of the park facility name, including the right to approve a different name. The option for naming facilities is only permitted under the Park Facility Diamond, Platinum, Gold and Silver categories. Minor items such as trash receptacles and flower beds cannot be named.

	Parks and Recreation Department Policies and Procedures Manual		SUBJECT: RECOGNITION FOR PARKS AND TRAILS FACILITIES POLICY	
	NUMBER: PRK-	REVISIONS:	EFFECTIVE DATE: 6-16-2015	PAGE: 1 OF 3
	SUPERSEDES:	APPROVED BY:		

RECOGNITION FOR PARKS AND TRAILS FACILITIES POLICY

Bronze Category: Recognition on Donor Wall for 25 year period

Donation of \$25,000 up to \$250,000 for park amenities. Examples include:

3/29/23, 2:11 PM		Fayetteville, AR Code of Ordinances	
Bleachers		Picnic Table and Grill	
Batting Cages		Art Sculpture	
Bike Racks		Single Playground Apparatus (climbing	
Lighting		rocks/swing set)	
Drinking Fountain with Dog Bowl		Landscape Feature	
Prefabricated Pavilion			
Size of donor wall and names to be approved by the City Council.			

Silver Category: Naming Rights for 10 year period

Donation of 75% cost of new facility over \$250,000. Examples include:

Soccer Field	One Mile Asphalt/Concrete Park Trail
Baseball Field	Small Amphitheater (seating for 150)
Tennis Court	Water Feature
Basketball Court	Parking Lot (25 cars)
Disc Golf Course	Greenhouse
Concession Stand/Restroom	Playground
Park Restroom	

Gold Category: Naming Rights for a Field/Court/Facility for 25 year period

Donation of 100% cost of new facility over \$250,000. Examples include:	
Soccer Field	One Mile Asphalt/Concrete Park Trail
Baseball Field	Small Amphitheater (seating for 150)
Tennis Court	Water Feature
Basketball Court	Parking Lot (25 cars)
Disc Golf Course	Greenhouse
Concession Stand/Restroom	Playground
Park Restroom	Dog Park

Platinum Category: Naming Rights of a Complex for 30 year period

Donation of \$1 million up to \$5 million to name a complete complex. Examples include:	
Sport Complex: 4—6 field lighted	Aquatic center
complex such as softball, baseball,	Amphitheater- seating for 1,200
soccer, tennis	Development of a new park

Diamond Category: Naming Rights of a Park

Donation over \$5 million to name a park.

RECOGNITION FOR EXISTING PARK FACILITIES	
\$200,000 per baseball or softball field for 10 years, or \$350,000 for two fields	
\$150,000 per soccer field for 10 years or \$250,000 for two fields	
TRAIL FACILITIES	

Silver Category receives donor recognition of a press release, ribbon cutting ceremony, plaque constructed of high quality durable materials up to 1.5 sq ft.

Trail Facilities donated in the Silver Category may only be located along trails for educational purposes or as an integral part of an art feature.	

Gold Category receives donor recognition of a press release, ribbon cutting ceremony, sign constructed of high quality durable materials up to 4 sq ft.

Trail Facilities donated in the Gold Category may only be located at trailheads for a 25 year period and include the following:	
Parking Lot	Restroom
Pavilion	One Mile Asphalt/Concrete Trail

City Process

1. Parks and Recreation Staff or the Friends of Parks Board meets with donor to discuss donation including amount of donation, development of facility/amenity, recognition operational policy, naming rights (if applicable), sign appearance/style/construction, time requirements and other pertinent topics. Donor must meet the Operational Policy

for Donor Recognition Signs.

2. Request is presented for approval from Parks and Recreation Advisory Board. If the facility donated is granted the option to name the facility, the name must meet Park Naming Facility Operational Policy.
3. Request presented to Planning Office for approval.
4. Request presented to City Council for final park name selection and approval.
5. All donors will have first right to re-new their naming rights for an appropriate donation upon conclusion of the time period.
6. The city will reserve the right to remove a donor's name from the facility if the City Council determines by resolution that a donor would otherwise cause undue embarrassment or other issues for the City or its citizens.

Exhibit "B"

	Parks and Recreation Department Policies and Procedures Manual		SUBJECT: OPERATIONS POLICY FOR NAMING PARK FACILITIES	
	NUMBER: PRK-	REVISIONS:	EFFECTIVE DATE:	PAGE: 1 OF 1
	SUPERSEDES:	APPROVED BY:		

NAMING PARK FACILITIES

PURPOSE

The purpose of this directive is to provide policies which will govern the naming of park facilities currently owned or acquired by the City of Fayetteville. This policy statement takes precedence over any previous policies and guidelines which may have governed the naming of these facilities.

POLICY

Upon acquisition of a new park, the Director of Parks and Recreation will assign a nondescript temporary working name or subdivision name for the park facility to be used until park development begins.

Once park development begins, the Parks and Recreation Department will receive and forward park facility name suggestions to the Parks and Recreation Advisory Board for review. The Parks and Recreation Advisory Board will discuss and approve the recommendations at their monthly meeting. Once a recommended name has been selected, the Parks and Recreation staff will forward the name to the City Council for its final park name selection including a potentially different name.

The following items should be considered when proposing names for any park facilities:

- Geographic location of the facility
- Outstanding features of the facility
- Commonly recognized historical event, group, or individual
- Individual or group who contributed significantly to the acquisition or development of a facility
- Individual who provided an exceptional service in the interest of the park system

For an individual to be considered, the recommended name must be accompanied by a biographical sketch which provides evidence of historical significance or contributions to the Parks and Recreation Department or City of Fayetteville.

The naming of plaques, markers, and memorials within park facilities must follow the policies as stated above.

Note: A name recommendation from the Active Transportation Committee for trail facilities will be required prior to forwarding to the Parks and Recreation Advisory Board.

(Code 1965, §17A-31; Ord. No. 3677, §2, 3-2-93; Code 1991, §97.088; Ord. No. 5335, 7-20-10; Ord. No. 5778, 6-16-15; >Ord. No. 5828,
§1(Exh. A), 12-15-15)



MEETING OF APRIL 25, 2023

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Chris Brown, Public Works Director

FROM: Justin Clay, Parking Manager

DATE: April 6, 2023

SUBJECT: **AN ORDINANCE TO AMEND PARKING REGULATIONS AND TO AUTHORIZE THE MAYOR TO SET PARKING RATES AND REGULATIONS SUBJECT TO LIMITATIONS ESTABLISHED BY THE CITY COUNCIL**

RECOMMENDATION:

Staff recommends amending the parking code to authorize the Mayor to establish and alter parking rates, regulations, and parking permitting programs subject to limitations established by the City Council.

BACKGROUND:

Currently, parking rates and regulations are set forth by the City Council and may only be altered by ordinance. While this framework has worked well to establish rates, regulations, and permitting options for defined parking districts, a nimbler approach may be desired to more effectively manage the City's parking supply.

DISCUSSION:

Analysis of downtown parking inventory and utilization shows opportunities where changes to our rate and regulatory structure may create greater parking availability and enhance the customer/visitor experience within our downtown.

One objective of parking management is to create an environment where some degree of available parking can always be found - block-by-block and facility-by-facility. There are many strategies that can be deployed to help achieve this objective (pricing according to demand, time-limits, permit restrictions, discounted employee options, etc.), however alterations to any one of those strategies must currently be approved via ordinance.

Staff recommends that greater administrative decision-making authority be given so that different strategies may be utilized to achieve desired outcomes. As we continue to transition from a rate and regulatory structure that was established to fund parking facility construction to one that best manages our parking supply, flexibility should exist in order to respond to new developments or behavioral patterns associated with those who visit, enjoy, work, and reside in our downtown.

Staff envisions implementing policies that encourage turnover within the core areas of our downtown, offer long-term and reduced price (or even free) options within less-utilized parking areas, and provide for permitting options that balance user convenience while preventing vehicle storage within the downtown core.

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

To arrive at this data-driven, results-focused approach to parking management, staff recommends that the Mayor be authorized to establish the on-street and off-street locations within established parking district zones whereby parking fees are required, to set the parking fees and associated permitting options for such locations, and to set the days and times when payment shall be required. The Mayor would also have the authority to suspend parking regulations within established parking district zones during city holidays. Similar authority was established in 2019 with the creation of the Wilson Park South Neighborhood Parking District and has been effective in achieving desired results.

The Mayor may also adjust the paid parking rates within already established parking districts, subject to the following limitations:

- The paid parking rates shall not be increased within six months of the initial establishment of a parking district zone or within six months of any previous increase.
- The Parking Division shall conduct a utilization assessment based on peak hours and days prior to any rate adjustment.
- The Parking Division shall report to the City Council or a committee thereof annually on the current status of its programs.
- Rate and hour adjustments shall be based on deviation from ideal utilization rate between 75% and 85% of the paid parking spaces as determined by the Parking Division. The Parking Division shall implement any increase or decrease to the paid parking rates as necessary to achieve the goal of reaching the ideal utilization rate.
- Hourly rate increases shall not exceed \$2.00 per hour per adjustment period.
- Adjustments to the paid parking rates or times shall be communicated through signage within the district for fourteen (14) days prior to the enforcement of any new rates.

BUDGET/STAFF IMPACT:

NONE

ATTACHMENTS: EXHIBITS A, B & C - Amend Ch. 72 Parking Regulations, SRF 2023-674_Parking Reg Authority_4.6.2023, REDLINE - CHAPTER_72___PARKING_REGULATIONS_Ordinance Revisions

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 #: 2023-674

AN ORDINANCE TO AMEND PARKING REGULATIONS AND TO AUTHORIZE THE MAYOR TO SET PARKING RATES AND REGULATIONS SUBJECT TO LIMITATIONS ESTABLISHED BY THE CITY COUNCIL

AN ORDINANCE TO AMEND CHAPTER 72 PARKING REGULATIONS OF THE FAYETTEVILLE CITY CODE TO AUTHORIZE THE MAYOR TO ESTABLISH AND ADMINISTER RULES REGULATING PARKING FEES IN ESTABLISHED PARKING ZONES, AND TO MAKE TECHNICAL REVISIONS

WHEREAS, analysis of downtown parking inventory and utilization shows opportunities in which changes to the City's rate and regulatory structure may create greater parking availability and enhance the customer and visitor experience within our downtown and entertainment district areas; and

WHEREAS, a major objective of parking management is to create an environment in which some degree of available parking can always be found; and

WHEREAS, there are many strategies that can be deployed to help achieve this objective including pricing according to demand, time-limits, permit restrictions, and discounted employee options but alterations to any of those strategies currently require the passage of an ordinance by the City Council; and

WHEREAS, staff recommends that greater administrative decision-making authority be provided so that different strategies may be utilized to achieve desired outcomes; and

WHEREAS, staff recommends providing flexibility for the Mayor and the Parking Division to establish locations, fees, and times requiring the payment of parking fees and rates and to create parking permit programs in established parking district zones within certain parameters set by the City Council.

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 repeals § 72.18 **Residential Parking Permit Program For The Entertainment District Parking Zone** of the Fayetteville City Code and enacts a replacement § 72.18 as shown in Exhibit A attached which shall have the effect of authorizing the Mayor or the Mayor's designee to establish timeframes for parking restrictions for the Residential Parking Permit Program in the Entertainment District Parking Zone.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends § 72.21 **Residential Parking Permit Program For The Downtown Business District Parking Zone** of the Fayetteville City Code by repealing subsection (E) *Cost of Program* and enacting a replacement (E) as follows:

“Cost of Program. The Parking Division is authorized to assess permit fees to cover the actual costs of administration of the Downtown Business District Parking program.”

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends § 72.50 **Definitions** of the Fayetteville City Code by repealing the definitions of “Electronic payment stations” and “Employee parking card” and enacting replacement definitions as follows:

“Electronic payment stations. A place where a person who has parked his or her vehicle in a Downtown Business District or Entertainment District Parking Zone paid parking space may pay the appropriate fee for the paid parking space. Electronic payment stations may include physical payment stations, mobile applications, or other technologies used by the City as part of its parking management system.

Employee parking card. A card or code issued by the Parking Division for use only by employees of businesses operating in an established parking district zone which may be discounted by the Mayor up to 90% of normal parking rates for certain paid parking spaces within the zone.”

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby amends § 72.51 **Presumption As To Unlawful Parking In Metered Space And Paid Parking Space Or Lot Serviced By An Electronic Payment Station** of the Fayetteville City Code by changing both instances of the term “lot” to “facility”.

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 72.52 **Purpose of Deposit Or Electronic Payment Requirement** of the Fayetteville City Code enacts a replacement § 72.52 as follows:

“The coins required to be deposited in parking meters or the electronic payment required to be made at electronic payment stations by this article are for the purpose of regulating parking, to cover part of the cost of such necessary regulation for the convenience and protection of the public, and to accumulate revenues to use for the construction of additional parking facilities including parking decks.”

Section 6: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 72.55 **Collections From Meters And Electronic Payment Stations** of the Fayetteville City Code enacts a replacement § 72.55 as follows:

“The Parking Manager shall be responsible for the collection all deposits or electronic transactions from parking meters and electronic payment stations installed under this article and deliver them to the Accounting Department or as directed by the Mayor.”

Section 7: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 72.57 **Parking Meter Zones** and enacts a replacement § 72.57 as shown on Exhibit B attached hereto and made a part

hereof which shall have the effect of authorizing the Mayor to establish the locations, dates, and times payment is required at parking meters within established parking zones.

Section 8: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 72.58 **Off-Street Parking Facilities; Rules And Rates** and enacts a replacement § 72.58 as shown on Exhibit C attached hereto and made a part hereof which shall have the effect of authorizing the Mayor to establish the locations, dates, and times payment is required in off-street parking facilities within established parking zones.

Section 9: Section 9: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 72.59 **Dickson Street Entertainment District Annual Parking Pass Program** and enacts a replacement § 72.59 **Establishment of Parking Permit Programs** as follows:

“72.59 Establishment of Parking Permit Programs

The Mayor or the Mayor’s designee is authorized to create parking permit programs within established parking districts, set the permit fees, and establish the locations, dates and times a permit may be valid. Permit fees may not be increased more than one time each calendar year.”

Section 10: That the City Council of the City of Fayetteville, Arkansas hereby enacts § 72.60 **Establishment and Adjustment of Paid Parking Rates within Parking District Zones** as follows:

“72.60 Establishment and Adjustment of Paid Parking Rates within Parking District Zones

(A) The Mayor or the Mayor’s designee is authorized to establish on-street and off-street locations within established parking district zones in which parking fees are required; to establish the parking rates for such locations; and to establish the days and times when payment shall be required to be paid by the owner or operator of any vehicle parked in those parking spaces or facilities. The Mayor or the Mayor’s designee may suspend parking regulations within established parking district zones during city holidays.

(B) The Mayor or the Mayor’s designee is authorized to adjust paid parking rates subject to the following limitations:

1. Paid parking rates shall not be increased within six months of the initial establishment of a parking district zone or within six months of any previous rate adjustment. Hourly rate adjustments shall not be increased by more than \$2.00 per hour per adjustment.
2. The Parking Division shall conduct a utilization assessment based on peak hours and days prior to any adjustment.
3. Rate and hour adjustments shall be based on deviation from ideal utilization rate between 75% and 85% of the paid parking spaces as determined by the Parking Division. The Mayor or the Mayor’s designee may increase or decrease paid parking rates as necessary to achieve the goal of reaching the ideal utilization rate.
4. Adjustments to the paid parking rates or times shall be communicated through signage within the district for at least fourteen (14) days prior to the implementation of the adjustment.
5. Any proposed paid parking rate reductions shall be reviewed by the Chief Financial Officer who will advise the Mayor on the net revenue impact prior to the approval and implementation of the

rate reduction to ensure compliance with bond covenants.”

Section 11: That the City Council of the City of Fayetteville, Arkansas hereby amends § 72.70 **Application** by replacing “the Entertainment District Parking Zone shown on Exhibit A” with “established parking district zones” in subsections (A) and (B).

Section 12: That the City Council of the City of Fayetteville, Arkansas hereby amends § 72.71 **Requirements For Proper Signage Before Nonconsensual Towing From Private Parking Lots Is Permitted Within The Entertainment District Parking Zone** by repealing the title of the section and replacing it with the following title:

“72.71 Requirements For Proper Signage Before Nonconsensual Towing From Private Parking Lots Is Permitted Within Established Parking District Zones.”

Section 13: That the City Council of the City of Fayetteville, Arkansas hereby amends § 72.72 **Regulations Of Towing And Storage Companies** by replacing “the Entertainment District Parking Zone” with “established parking district zones” in subsection (B).

EXHIBIT A

72.18 Residential Parking Permit Program For The Entertainment District Parking Zone

- (A) *Applicability:* This Residential Parking Permit Program shall be applicable within the Entertainment District Parking Zone as shown and described on Exhibit A attached to the enacting ordinance. This parking zone will be further divided by Dickson Street into the North Zone for included residents living north of Dickson Street and the South Zone for included residents living south of Dickson Street.
- (B) *Definitions:*
- Fuel efficient scooter or bicycle* means bicycles, gas powered scooters not exceeding 70 cubic centimeters and electric powered bicycles and scooters.
- Guest pass* means the pass or authorization to park within the appropriate on-street parking zone pursuant to this section.
- Registered vehicle* means a motorized, validly state licensed and insured vehicle kept at the residence owned or leased by the resident within the Entertainment District Parking Zone. The Arkansas Vehicle Registration Certificate for the vehicle should list the residence within the Entertainment District. The Parking Division may accept other reliable documentation of ownership or occupancy of a residence within the Zone to justify issuance of a residential parking permit for a resident's vehicle.
- Resident* means a natural person residing within a dwelling that the resident owns, leases or rents within the Entertainment District Parking Zone.
- Residential parking permit* means the currently valid permit issued by Parking Division which allows the resident to park the permitted resident's vehicle in an authorized on-street parking zone pursuant to the terms of this section.
- (C) *Restricted Parking Periods:* The Mayor or Mayor's designee shall have the authority to set the timeframes by which designated on-street parking spaces within the Entertainment District Parking Zone North and South shall be restricted to properly permitted vehicles. The owner of any vehicle improperly parked during this period shall be subject to the penalties set forth in §72.99.
- (D) *On-street Parking Restrictions for Most Vehicles in the Entertainment District Parking Zone:* As authorized by the Mayor or Mayor's designee and where designated by signs only residents of the Entertainment District Parking Zone North shall be permitted to park their properly permitted vehicles in the designated on-street parking areas of the Residential Parking Zone North of Dickson Street during the restricted parking period and only residents of the Entertainment District Parking Zone South shall be permitted to park their properly permitted vehicles in the designated on-street parking areas of the Residential Parking Zone South of Dickson Street during the restricted parking period.
- (E) *Special Regulations for Oversized Vehicles, Motorcycles, Motor Scooters and Bicycles:* No vehicle that cannot fit within a standard on-street parking space may be parked on-street in the Entertainment District Parking Zone unless its owner or operator has obtained a special limited time and location permit pursuant to (1).
- (1) An operator or owner of a moving van or other oversized vehicle that needs to park on-street in a designated area for a limited time to serve a residence, business or office within the Entertainment District Parking Zone may be issued a special, limited time and location parking permit by the Parking Division.
 - (2) A resident of the Entertainment District Parking Zone who owns a motorcycle or motor scooter with over 70 cubic centimeters displacement may be issued a residential permit which shall allow free parking only in specially designed motorcycle/motor scooter on-street parking spaces and is prohibited from parking in standard on-street parking spaces reserved for residents' cars. Operators of

motorcycles and motor scooters may park in paid parking spaces at the standard parking rate. No motorcycle nor any motor scooters may be parked on a sidewalk.

- (3) Operators of fuel efficient scooters and bicycles may park for free in specially designated parking spaces, but must pay the standard parking rate if parked in a normal paid parking space. No bicycle may be parked on a sidewalk unless it is utilizing a permanently installed and permitted bicycle rack.
- (F) *Mixed Use Parking.* The mayor or designee shall have the authority to establish mixed-use parking spaces and locations which shall be available to the public for paid parking and to residents of the corresponding Entertainment District Parking Zone for properly permitted vehicles.
- (G) *Permit Fees.* The Parking Division is authorized to assess permit fees to cover the actual costs of administration of its residential parking permit program.
- (H) *Temporary Guest Passes:* An Entertainment District Parking Zone resident may request the city to issue temporary guest passes for visitors to their residence. The Mayor or designee shall administer a guest pass program with the goal of accommodating the needs of both residents and businesses within the Entertainment District Parking Zone. Use of a guest pass in a manner not authorized by the guest pass program shall be a violation of this section for the vehicle's owner.
- (I) *Residential Parking Permits May Not Be Loaned, Transferred, Sold or Used Except on the Designated Registered Vehicle:* Any resident who attempts to or does loan, transfer, sell or give a residential parking permit to another person or entity, or who facilitates the use of the permit obtained for his registered vehicle on a nonregistered vehicle shall, in addition to the general penalty provisions in this chapter, immediately forfeit all permits issued to the resident and the right to apply for any future permits for three (3) years.
- (J) *Penalty:* The owner of any vehicle parked in violation of any term or requirement of this section shall be guilty of a violation and shall be subject to the penalties set forth in §72.99.

EXHIBIT B

72.57 Parking Meter Zones

- (A) The Mayor or the Mayor's designee is authorized to describe, establish and alter parking meter zones.
- (B) Parking meters shall be installed not more than 2 feet from the curb nor more than 4 feet from the front line of the parking space. Spaces shall be marked out as individual parking meter spaces for vehicles and kept clearly marked at all times. No parking meter authorized herein shall be so installed or a parking space so established that it will obstruct the convenient egress and ingress to any property butting on any street.
- (C) Each parking meter installed under this section, shall be set to operate upon the deposit therein of the prescribed payment for the period of time prescribed as parking time limits in subsection (F) below. Each of such meters shall be so arranged so as to show or display a signal, which shall clearly indicate whether the time limit during which parking in that space is permitted has expired.
- (D) Any person parking a vehicle within a parking meter zone established by this section shall park the same wholly within the lines of the parking space marked as provided in subsection (B), and it shall be unlawful for any person to park or leave a vehicle in any such zone, unless it is wholly within such space. Where the parking meters are placed in front of parking spaces, the radiator shall be as near as possible to the parking meter controlling the space; where the parking meters are placed alongside the parking spaces, the front fender or front wheels of the vehicle shall be as near as possible to the parking meter controlling the space; and for back-in parking spaces, the rear license plate or rear bumper of the vehicle shall be as near as possible to the parking meter controlling the space.
- (E) *Regulated Hours for Parking Meters.*
 - (1) The Mayor or the Mayor's designee is authorized to establish dates and times within established parking district zones whereby the owner or driver of a vehicle upon parking the vehicle in a parking meter space shall immediately deposit into the parking meter or electronic payment station sufficient money or other authorized payment.
 - (2) The Mayor or the Mayor's designee is authorized to establish grace periods within the Entertainment and Downtown Business Parking Zones whereby the parking rate may be waived for a limited amount of time upon the arrival of a vehicle into a paid parking space.
- (F) *Unlawful to Leave Vehicle Parked in Excess of Allowed Time.* Upon the expiration of the legal parking time paid for and allowed pursuant to this chapter during the period that paid parking is required, it is unlawful for the owner or driver to leave the vehicle in the parking space. Violation of such overtime parking shall be punished pursuant to §72.99.

Exhibit C

72.58 Off-Street Parking Facilities; Rules And Rates

- (A) *Established.* The following named and described real estate lying within the corporate limits of the city is hereby established as and shall constitute public off-street automobile parking facilities within the Downtown Business District Parking Zone.
- (1) Lots 8 to 15, inclusive, in Block 26 of the original plat of the city, including an alley 10 feet in width and running in an east and west direction and adjoining the southern boundary of Lots 12 to 15, inclusive, and the northern boundary of Lots 8 to 11 inclusive.
 - (2) Lots 8, 9, 10, 11, 12, 13, 14 and 15 of Block 30, in the town (now city), as designated upon the original plat of said town.
 - (3) Lot 9A and a part of Lot 10, in Block 29, of the original plat of the city.
 - (4) Part of the Northwest Quarter of the Southwest Quarter of Section 15, Township 16 North, Range 30 West, described as follows: Beginning at a point 84 feet south and 25 feet east of the northwest corner of the said 40-acre tract, and running thence south 178 feet; thence east 70.3 feet; thence north 178 feet; thence west 70.3 feet to the point of beginning.
 - (5) A part of Block 7, of the original plat of the city, more particularly described as beginning at a point 13 feet and two inches south of the northwest corner of said Block 7, running thence east 50 feet; thence south 267 feet to the point of beginning.
 - (6) Lots 7, 8, 9 and 10 of Block 17 in the town (now city) as designated upon the original plat of said town.
 - (7) Lots 8, 9 and 10 of Block 13 in the town (now city) as designated upon the original plat of said town.
 - (8) Lots 1, 2, Lot 3, less 52.53 feet of equal and uniform width off the south side thereof, and Lot 12, less 50 feet of equal and uniform width off the south side thereof of Block 13 in the town (now city) as designated upon the original plat of said town.
 - (9) Part of Block 25, in the town (now city) as designated upon the original plat of said town, and more particularly described as follows: Beginning at the northeast corner of Lot 1 in said Block 25, thence west 42 feet; thence south 49.3 feet; thence west 58 feet; thence south 58.7 feet to the center of a platted alley; thence east 100 feet; thence north 107 feet to the point of beginning.
 - (10) Part of Block 15, in the original plat of the city, described as follows: Beginning at a point 127 feet west of the northeast corner of Block 15 and running thence south 206 feet to the north line of a 12-foot alley; thence west 177 feet to the east line of an alley; thence north 90 feet; thence east 22 feet; thence north 116 feet to the south line of Meadow Street; thence east 17 feet; thence south 27 feet; thence east 20 feet; thence north 27 feet to the south line of Meadow Street; thence east 118 feet to the point of beginning.
 - (11) Lots numbered 12 and 13 in Block 30 of the original town (now city).
- (B) *Definitions.* For the purpose of this section "public off-street automobile parking facilities" are defined as accommodations procured or provided, or both, by public authority for the parking of motor vehicle off the street or highway, and open to public use with or without charge. Parking facilities may consist of lots, garages, or other structures and accessories; they may be surfaced facilities or facilities above or below ground.

- (C) *Marking of Parking Spaces.* The Mayor or the Mayor's designee is authorized to mark off individual parking spaces in the parking facilities established by this section, such parking spaces to be designated by lines painted or durably marked on the curbing or otherwise.
- (D) *Installation, Location, Mechanical Requirements, and Maintenance of Meters within the Downtown Business District Parking Zone.* In the parking facilities established by this article, the Mayor or the Mayor's designee is authorized to install parking meters. Where parking meters are installed, the Mayor or the Mayor's designee shall cause parking meters to be installed upon the curb immediately adjacent to the parking spaces marked in accord with subsection (C) above, such installation to be placed not more than two feet from the curb or concrete islands as provided, from the front line of the parking space as indicated, and the mayor shall be responsible for the regulation, control, operation, maintenance, and use of such parking meters. Each parking meter installed shall indicate by proper legend the legal parking time established by the city and, when operated, shall at all times indicate the balance of legal parking time, and at the expiration of such period shall indicate illegal or overtime parking.
- (E) *Vehicles to Be Parked Entirely Within Parking Spaces.* At each space marked off in accord with subsection (C) above, it shall be unlawful for any person to park any vehicle across any lines or markings of such space or in such position that the vehicle shall not be entirely within the area designated by such lines or markings.
- (F) *Payment Required.*
- (1) Except in a period of emergency determined by an officer of the Fire or Police Departments, or in compliance with the directions of a police officer or traffic control sign or signal, when any vehicle is parked in any parking space within a parking facility where a parking meter or *electronic payment station* is located in accord with this section, the operator of such vehicle shall, upon entering the parking space, immediately make payment for the applicable parking rate. If paying by coin, the operator of such vehicle shall deposit or cause to be deposited in the meter such proper coin of the United States or other payment as is required for such parking meter or *electronic payment station* and is designated by proper directions on the meter or *electronic payment station*, and when required by the directions on the meter, the operator of such vehicle, after the deposit of the proper coin or coins or other payment, shall also set in operation the timing mechanism on such meter in accordance with directions properly appearing thereon. Failure to deposit such proper coin or other payment, and to set the timing mechanism in operation when so required, shall constitute a violation of this section. Upon proper payment (and the setting of the timing mechanism in operation when so required) the parking space may be lawfully occupied by such vehicle during the period of time which has been prescribed; provided that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit a coin so long as his occupancy of the space does not exceed the indicated unused parking time.
 - (2) The Mayor or the Mayor's designee may suspend parking regulations within established parking district zones during city holidays
- (G) *City Parking Lots and Parking Meters Within the Downtown Business District Parking Zone.* The Mayor or the Mayor's designee is authorized to establish the parking fees for all the parking lots identified in subsection (A) and all parking meters. The established parking fees shall be required to be paid by the owner or operator of any vehicle parked in those spaces or parking facilities:
- (1) Town Center Parking Deck — fees shall be set by the Fayetteville Advertising and Promotion Commission pursuant to the terms of its contract with the City of Fayetteville for the operation and maintenance of the Town Center Parking Deck. If the contract expires or is terminated, fees shall be set at not more than \$70.00 per month nor more than \$4.00 per day if space is available.
 - (2) *Discounted Parking rates for Employees (employee parking cards or coupons).* In order to assist employees working in the Downtown Business District Parking Zone, the Mayor is authorized to sell and issue employee parking cards or codes that can be used for certain more distant parking spaces at a highly discounted rate of up to 90% off the normal parking rate.

- (H) *City Parking Lots, Parking Decks and Paid On-street Parking Spaces Within the Entertainment District Parking Zone.* The Mayor or the Mayor's designee is authorized to establish the on-street and off-street locations within the Entertainment District Parking Zone whereby parking fees are required, to set the parking fees for such locations, and to set the dates and times when payment shall be required to be paid by the owner or operator of any vehicle parked in those spaces or facilities. The Mayor or Mayor's designee may suspend parking regulations within established parking district zones during city holidays
- (1) *Motorcycle and Motor Scooter Parking in Specially Designated Motorcycle/Motor Scooter Paid Parking Spaces.* Parking rates for normal, passenger car sized paid parking spaces shall be reduced by 50% for all specially designated motorcycle/motor scooter paid parking spaces. All motorcycles and motor scooters will have to pay the normal full rate if parked within a normal, passenger car sized parking space.
 - (2) *Discounted Parking rates for Employees (employee parking cards or coupons).* In order to assist employees working in the Entertainment District Parking Zone, the Mayor is authorized to sell and issue employee parking cards or codes that can be used for certain more distant parking spaces at a highly discounted rate of up to 90% off the normal parking rate.
- (I) *Rates for Parking in City Parking Garages.*
- (1) Parking garages shall be rented monthly at a market rate as determined by the Mayor or the Mayor's designee.
 - (2) It shall be unlawful for any person to cause, allow, permit or suffer any vehicle operated by him or registered in his name to be parked in any city parking garage without paying the parking fees prescribed above.
- (J) *Overtime Parking.* If any vehicle remains parked in any metered parking space or within a paid parking facility beyond the period paid for such parking, the owner or operator of such vehicle shall be guilty of overtime parking and be subject to the punishment specified in §72.99.
- (K) *One-way Traffic and Improperly Driving Through or Around Gates on City Parking Lots.*
- (1) The Mayor is hereby authorized to determine and designate specific lanes upon the real estate described in subsection (A) above upon which vehicular traffic shall proceed in one direction only and shall cause to be placed appropriate markings, signs, barriers, or other devices to give notice thereof. The Mayor shall cause to be erected signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the roadway.
 - (2) When signs indicating the direction of traffic are erected and maintained in accord with subsection (1) above, vehicular traffic shall move only in the indicated direction, and it shall be unlawful for any person to operate any vehicle in violation of the markings, signs, barriers, or other devices placed in accordance with subsection (1) above.
 - (3) No driver may attempt to leave a gated city parking lot without paying the amount of parking fees due pursuant to subsections (G) or (H) by driving around the gate, by improperly driving through a gated entry or exit or by damaging or improperly manipulating any part of the gate.
- (L) *Immobilization of Illegally Parked Motor Vehicle.*
- (1) *Immobilization Authorized.* Employees of the Parking Division and officers of the Police Department are authorized to temporarily immobilize any vehicle which is parked in violation of any provision of this chapter and whose owner has been cited for violating these parking regulations at least twice in the preceding thirty days or has outstanding fines and costs from previous parking violations due and owing.
 - (2) *Post-deprivation Hearing.* When any vehicle is immobilized under the provisions of this section, the owner or operator shall have the right to a post-deprivation administrative hearing by filing a written request for such a hearing with the Mayor.

(3) *Conduct of Hearing.*

- (a) A hearing shall be conducted before a hearing officer designated by the Mayor and shall be held within twenty-four (24) hours from receipt of a written demand therefor, unless the right to a speedy hearing is waived in writing. Saturdays, Sundays, and city holidays are to be excluded from calculating said twenty-four (24) hour period. The hearing officer shall not be the person who directed the impounding and storage of the vehicle. The sole issue before the hearing officer shall be whether there was probable cause to immobilize the vehicle in question.
- (b) The hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The city shall carry the burden of establishing that there was probable cause to immobilize the vehicle in question. At the conclusion of the hearing, the hearing officer shall prepare a written decision. A copy of such decision shall be provided to the person demanding the hearing and to the registered owner of the vehicle. The hearing officer's decision shall in no way affect any criminal proceeding in connection with the immobilization. The decision of the hearing officer shall be final. Failure to request a post-immobilization hearing within three (3) days from the date of immobilization, or failure to attend a scheduled post-immobilization hearing shall be deemed a waiver of the right to such hearing; and, the Police Department shall be authorized to have the vehicle towed to and stored at a safe place designated as an official police garage by the Chief of Police. The owner or operator of the vehicle shall be liable for all towing and storage fees.

(4) *Decision of Hearing Officer.*

- (a) The hearing officer shall only determine whether there was probable cause to immobilize the vehicle. If the hearing officer determines that there was no probable cause, the hearing officer shall prepare and date a certificate of no probable cause, a copy of which shall be given to the registered owner of the vehicle or his agent and to the Police Department and Traffic Division. Upon receipt of the owner's copy of such certificate, an employee of the traffic division or an officer of the Police Department shall remove the immobilization device from the vehicle.
- (b) If the hearing officer determines that there was probable cause for immobilizing the vehicle, the registered owner, or his agent, may obtain removal of the immobilization device by posting a bond in a reasonable amount specified by the District Court. The amount of said bond shall be not less than a sum equivalent to the cumulative total of applicable fines, court costs, towing fees and storage fees. Upon presentation of a receipt evidencing the posting of said bond, an employee of the Traffic Division or an officer of the Police Department shall remove the immobilization device from the vehicle.

(M) *Special Event Permits Needed to Use City Owned Parking Lots, Paid On-Street Parking Spaces, or to Close City Streets.*

- (1) *Events Needing the Use of City Owned Parking Lots or Paid Parking Spaces Along City Streets for up to Eight (8) Hours.* The Mayor is empowered by the issuance of a special event permit to assign any and all city owned paid parking lots and some or all on-street paid parking spaces for up to eight (8) consecutive hours, but not more than a total of sixteen (16) days per calendar year.
- (2) *Events Requesting the Use of City Owned Parking Lot or On-street Paid Parking Spaces or to Close City Streets for More Than Eight (8) Consecutive Hours.*
 - (a) When an applicant for a special event permit proposes to use a city paid parking lot or close a city street for more than eight (8) consecutive hours, nearby residents shall be notified and be provided an opportunity to comment. Subject to the overall limit of sixteen (16) days per calendar year, the Mayor may propose to approve or to reject an expanded special event permit which would authorize the special event applicant to use city owned paid parking lots or on-street paid parking for more than eight (8) consecutive hours. The Mayor may also propose to approve or to reject the closure of city streets for more than eight (8) consecutive hours for a special event.

- (b) The Mayor by and through his staff shall notify the City Council Members by email or otherwise of the decision to grant or deny the special event permit and provide the City Council Members the results of the neighbor notification including comments by such citizens. If at least two (2) City Council Members notify the City Clerk's Office in writing within seven (7) days of the Mayor's notification of his or her decision that they wish to appeal such decision, then the issue will be presented on the next City Council meeting in which the Mayor's decision could reasonably be considered. The City Council would then be able to decide by Resolution whether to reverse the Mayor's decision and upon what condition (if any) the permit would be granted.
- (N) *Electric Vehicle Charging Stations.* The Mayor is authorized to designate Electric Vehicle Charging Station parking spaces in city parking facilities to prohibit all non-electric vehicles from parking in these spaces. The owner or operator of an electric vehicle shall only park in this space while charging the vehicle's battery and shall pay normal parking rates while parked in this space.
- (O) *Event Parking.* The Parking Division may implement event parking in city managed parking facilities as deemed necessary by the Mayor or designee. Such event parking will require a person desiring to park a vehicle in a designated event parking facility to pay the event parking fee as established by the Mayor or the Mayor's designee. The City of Fayetteville shall provide sufficient personnel to staff event parking.

City of Fayetteville Staff Review Form

2023-674

Item ID

4/25/2023

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

Justin Clay

4/6/2023

PARKING MANAGEMENT (430)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

AN ORDINANCE TO AMEND PARKING REGULATIONS AND TO AUTHORIZE THE MAYOR TO SET PARKING RATES AND REGULATIONS SUBJECT TO LIMITATIONS ESTABLISHED BY THE CITY COUNCIL

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:

CHAPTER 72 PARKING REGULATIONS

72.18 Residential Parking Permit Program For The Entertainment District Parking Zone

(A) *Applicability:* This Residential Parking Permit Program shall be applicable within the Entertainment District Parking Zone as shown and described on Exhibit A attached to the enacting ordinance. This parking zone will be further divided by Dickson Street into the North Zone for included residents living north of Dickson Street and the South Zone for included residents living south of Dickson Street.

(B) *Definitions:*

Fuel efficient scooter or bicycle means bicycles, gas powered scooters not exceeding 70 cubic centimeters and electric powered bicycles and scooters.

Guest pass means the pass or authorization to park within the appropriate on-street parking zone pursuant to this section.

Registered vehicle means a motorized, validly state licensed and insured vehicle kept at the residence owned or leased by the resident within the Entertainment District Parking Zone. The Arkansas Vehicle Registration Certificate for the vehicle should list the residence within the Entertainment District. The Parking Division may accept other reliable documentation of ownership or occupancy of a residence within the Zone to justify issuance of a residential parking permit for a resident's vehicle.

Resident means a natural person residing within a dwelling that the resident owns, leases or rents within the Entertainment District Parking Zone.

Residential parking permit means the currently valid permit issued by Parking Division which allows the resident to park the permitted resident's vehicle in an authorized on-street parking zone pursuant to the terms of this section.

(C) *Restricted Parking Periods:* ~~From 2:00 p.m. on Sundays and 10:00 a.m. Monday through Saturday until 2:00 a.m. every day.~~ The Mayor or Mayor's designee shall have the authority to set the timeframes by which designated on-street parking spaces within the Entertainment District Parking Zone North and South shall be restricted to properly permitted vehicles. The owner of any vehicle improperly parked during this period shall be subject to the penalties set forth in §72.99.

(D) *On-street Parking Restrictions for Most Vehicles in the Entertainment District Parking Zone:* As authorized by the Mayor or Mayor's designee and w~~here designated by signs and as shown on the exhibits,~~ only residents of the Entertainment District Parking Zone North shall be permitted to park their properly permitted vehicles in the designated on-street parking areas of the Residential Parking Zone North of Dickson Street during the restricted parking period. ~~Where designated by signs and as shown on the exhibits, and~~ only residents of the Entertainment District Parking Zone South shall be permitted to park their properly permitted vehicles in the designated on-street parking areas of the Residential Parking Zone South of Dickson Street during the restricted parking period.

(E) *Special Regulations for Oversized Vehicles, Motorcycles, Motor Scooters and Bicycles:* No vehicle that cannot fit within a standard on-street parking space may be parked on-street in the Entertainment District Parking Zone unless its owner or operator has obtained a special limited time and location permit pursuant to (1).

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- (1) An operator or owner of a moving van or other oversized vehicle that needs to park on-street in a designated area for a limited time to serve a residence, business or office within the Entertainment District Parking Zone may be issued a special, limited time and location parking permit by the Parking Division.
 - (2) A resident of the Entertainment District Parking Zone who owns a motorcycle or motor scooter with over 70 cubic centimeters displacement may be issued a residential permit which shall allow free parking only in specially designed motorcycle/motor scooter on-street parking spaces and is prohibited from parking in standard on-street parking spaces reserved for residents' cars. Operators of motorcycles and motor scooters may park in paid parking spaces at the standard parking rate. No motorcycle nor any motor scooters may be parked on a sidewalk.
 - (3) Operators of fuel efficient scooters and bicycles may park for free in specially designated parking spaces, but must pay the standard parking rate if parked in a normal paid parking space. No bicycle may be parked on a sidewalk unless it is utilizing a permanently installed and permitted bicycle rack.
- (F) *Mixed Use ~~On-Street Parking~~. On-street parking spaces on Spring Street from Block Avenue to West Avenue, on School Avenue from Center Street to Spring Street, on Locust Avenue from Spring Street to Center Street, on Church Avenue from Dickson Street to Meadow Street, on Lafayette Street from West Avenue to Forest Avenue, and on Vandeventer Avenue from Lafayette Street to Maple Street*The mayor or designee shall have the authority to establish mixed-use parking spaces and locations which shall be available to the public for paid parking and to residents of the corresponding Entertainment District Parking Zone for properly permitted vehicles free of charge.
- (G) Free Public Use of Paid On-street Parking. From 2:00 a.m. until 2:00 p.m. every day, all on-street paid parking spaces within the Entertainment District Parking Zone shall be free of charge and available to the public. Permit Fees. The Parking Division is authorized to assess permit fees to cover the actual costs of administration of its residential parking permit program.
- (H) *Temporary Guest Passes:* An Entertainment District Parking Zone resident may request the city to issue temporary guest passes for visitors to their residence. The Mayor or designee shall administer a guest pass program with the goal of accommodating the needs of both residents and businesses within the Entertainment District Parking Zone. Use of a guest pass in a manner not authorized by the guest pass program shall be a violation of this section for the vehicle's owner.
- (I) *Residential Parking Permits May Not Be Loaned, Transferred, Sold or Used Except on the Designated Registered Vehicle:* Any resident who attempts to or does loan, transfer, sell or give a residential parking permit to another person or entity, or who facilitates the use of the permit obtained for his registered vehicle on a nonregistered vehicle shall, in addition to the general penalty provisions in this chapter, immediately forfeit all permits issued to the resident and the right to apply for any future permits for three (3) years.
- (J) *Penalty:* The owner of any vehicle parked in violation of any term or requirement of this section shall be guilty of a violation and shall be subject to the penalties set forth in §72.99.

72.21 Residential Parking Permit Program For The Downtown Business District Parking Zone

(A) *Applicability.* This Downtown Business District Parking Permit Program shall be applicable at certain long-term parking areas as prescribed by the Parking Manager within the Downtown Business District Parking Zone as shown and described on Exhibit B attached to the enacting ordinance.

(B) *Definitions.*

Fuel efficient scooter or bicycle means bicycles, gas powered scooters not exceeding 70 cubic centimeters and electric powered bicycles and scooters.

Guest pass means the pass or authorization to park within the appropriate parking zone pursuant to this section.

Registered vehicle means a motorized, validly state licensed and insured vehicle kept at the residence owned or leased by the resident within the Downtown Business District Parking Zone. The Arkansas Vehicle Registration Certificate for the vehicle should list the residence within the Downtown Business District. The Parking Division may accept other reliable documentation of ownership or occupancy of a residence within the Zone to justify issuance of a residential parking permit for a resident's vehicle.

Residence means a legal residential address and shall exclude business addresses.

Resident means a natural person residing within a dwelling that the resident owns, leases or rents within the Downtown Business District Parking Zone.

Residential parking permit means the currently valid permit issued by Parking Division which allows the resident to park the permitted resident's vehicle in an authorized parking zone pursuant to the terms of this section.

(C) *Special Regulations for Oversized Vehicles, Motorcycles, Motor Scooters and Bicycles.* No vehicle that cannot fit within a standard parking space may be parked in the Downtown Business District Parking Zone unless its owner or operator has obtained a special limited time and location permit pursuant to (C)(1) below.

(1) An operator or owner of a moving van or other oversized vehicle that needs to park on-street or in a designated area for a limited time to serve a residence, business or office within the Downtown Business District Parking Zone may be issued a special, limited time and location parking permit by the Parking Division.

(2) A resident of the Downtown Business District Parking Zone who owns a motorcycle or motor scooter with over 70 cubic centimeters displacement may be issued a residential permit which shall allow free parking only in specially designed motorcycle/motor scooter parking spaces and is prohibited from parking in standard on-street parking spaces reserved for residents' cars. Operators of motorcycles and motor scooters may park in paid parking spaces at the standard parking rate. No motorcycle nor any motor scooters may be parked on a sidewalk.

(3) Operators of fuel-efficient scooters and bicycles may park for free in specially designated parking spaces but must pay the standard parking rate if parked in a normal paid parking space. No bicycle may be parked on a sidewalk unless it is utilizing a permanently installed and permitted bicycle rack.

(D) *Temporary Guest Passes.* A Downtown Business District Parking Zone resident may request the city to issue temporary guest passes for visitors to their residence. The Mayor or designee shall administer a guest pass program with the goal of accommodating the needs of both residents and businesses within the Downtown Business District Parking Zone. Use of a guest pass in a manner not authorized by the guest pass program shall be a violation of this section for the vehicle's owner.

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- (E) *Cost of Program.* The Parking Division is ~~hereby~~ authorized to ~~charge up to \$25.00 annually per resident~~ assess permit fees to cover the actual costs of administration of ~~to participate in~~ the Downtown Business District Parking program.
- (F) *Residential Parking Permits May Not Be Loaned, Transferred, Sold or Used Except on the Designated Registered Vehicle.* Any resident who attempts to or does loan, transfer, sell or give a residential parking permit to another person or entity, or who facilitates the use of the permit obtained for his registered vehicle on a nonregistered vehicle shall, in addition to the general penalty provisions in this chapter, immediately forfeit all permits issued to the resident and the right to apply for any future permits for three (3) years.
- (G) *Penalty.* The owner of any vehicle parked in violation of any term or requirement of this section shall be guilty of a violation and shall be subject to the penalties set forth in §72.99.

ARTICLE III PARKING METERS

72.50 Definitions

For the purpose of this article the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Downtown Business District Parking Zone. The area depicted on the map and described on Exhibit B attached to this enacting ordinance.

Electronic payment stations. A place where a person who has parked his or her vehicle in a Downtown Business District or Entertainment District Parking Zone paid parking space ~~or lot~~ may pay the appropriate fee for the paid parking space. Electronic payment stations may include physical payment stations, mobile applications, or other technologies used by the City as part of its parking management system.

Employee parking card. A card or code issued by the Parking Division for use only by employees of businesses operating in ~~the Entertainment District Parking Zone~~ an established parking district zone which may be discounted by the Mayor up to 90% of normal parking rates for certain paid parking spaces within the zone.

72.51 Presumption As To Unlawful Parking In Metered Space And Paid Parking Space Or Lot Serviced By An Electronic Payment Station.

The indication on the parking meter or within the Electronic Payment Station System that the paid for time has expired shall be presumptive evidence, as to the parked vehicle then found in the parking space or paid parking ~~facility~~ lot regulated by such parking meter or the Electronic Payment Station System, that the owner or driver has failed to pay for all the parking used in such space or ~~facility~~ lot which shall be presumptive evidence of the violation of unlawful parking.

(Code 1965, §19-152; Ord. No. 931, 2-23-48; Ord. No. 1083, 6-6-55; Code 1991, §72.51; Ord. No. 5324, 6-1-10)

72.52 Purpose Of Deposit Or Electronic Payment Requirement

The coins required to be deposited in parking meters or the electronic payment required to be made at electronic payment stations by this article are for the purpose of regulating parking, to cover part of the cost of such necessary regulation for the convenience and protection of the public, and to accumulate revenues to use for the

construction of additional parking facilities including parking decks, ~~and to provide operating revenue for the Walton Arts Center.~~

(Code 1965, §19-153; Ord. No. 931, 2-23-48; Ord. No. 1083, 6-6-55; Code 1991, §72.52; Ord. No. 5324, 6-1-10)

72.55 Collections From Meters And Electronic Payment Stations

The Parking Manager shall be responsible for the collection all deposits or electronic transactions from parking meters and electronic payment stations installed under this article and deliver them to the Accounting Department or as directed by the Mayor.

72.57 Parking Meter Zones

- (A) The Mayor, ~~or his duly authorized representative, or the Mayor's designee~~ is ~~hereby~~ authorized to describe, establish and alter parking meter zones.
- (B) Parking meters shall be installed not more than 2 feet from the curb nor more than 4 feet from the front line of the parking space. Spaces shall be marked out as individual parking meter spaces for vehicles and kept clearly marked at all times. No parking meter authorized herein shall be so installed or a parking space so established that it will obstruct the convenient egress and ingress to any property butting on any street.
- (C) Each parking meter installed under this section, shall be set to operate upon the deposit therein of the prescribed coin or coins payment for the period of time prescribed as parking time limits in subsection (F) below. Each of such meters shall be so arranged so as to show or display a signal, which shall clearly indicate whether the time limit during which parking in that space is permitted has expired.
- (D) Any person parking a vehicle within a parking meter zone established by this section shall park the same wholly within the lines of the parking space marked as provided in subsection (B), and it shall be unlawful for any person to park or leave a vehicle in any such zone, unless it is wholly within such space. Where the parking meters are placed in front of parking spaces, the radiator shall be as near as possible to the parking meter controlling the space; ~~and~~ where the parking meters are placed alongside the parking spaces, the front fender or front wheels of the vehicle shall be as near as possible to the parking meter controlling the space; and for back-in parking spaces, the rear license plate or rear bumper of the vehicle shall be as near as possible to the parking meter controlling the space.
- (E) *Regulated Hours for Parking Meters.*
 - (1) The Mayor or the Mayor's designee ~~mayor or designee~~ is ~~hereby~~ authorized to establish dates and times within established parking district zones ~~Within the Entertainment District Parking Zone between the hours of 2:00 p.m. until 2:00 a.m. every day, whereby~~ the owner or driver of a vehicle upon parking the vehicle in a parking meter space shall immediately deposit into the parking meter or electronic payment station sufficient money or other authorized payment ~~as required in §72.58(H).~~
 - ~~(2) Within the Downtown Business District Parking Zone between the hours of 8:00 a.m. until 6:00 p.m. from Monday through Friday (except city holidays), the owner or driver of a vehicle upon parking the vehicle in a parking meter space shall immediately deposit into the parking meter sufficient money as required in §72.58(G).~~
 - ~~(3)~~ (2) The Mayor or the Mayor's designee is ~~hereby~~ authorized to establish grace periods within the Entertainment and Downtown Business Parking Zones whereby the parking rate may be waived for a limited amount of time upon the arrival of a vehicle into a paid parking space.

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- (F) *Unlawful to Leave Vehicle Parked in Excess of Allowed Time.* Upon the expiration of the legal parking time paid for and allowed pursuant to this chapter during the period that paid parking is required, it is unlawful for the owner or driver to leave the vehicle in the parking space. Violation of such overtime parking shall be punished pursuant to §72.99.

(Code 1965, §§19-169—19-173; Ord. No. 931, 2-23-48; Ord. No. 1196, 4-6-59; Ord. No. 1775, 12-21-70; Ord. No. 2403, 12-6-77; Ord. No. 2410, 1-16-78; Ord. No. 2616, 4-1-80; Ord. No. 2769, 11-3-81; Ord. No. 4222, 2-15-00; Code 1991, §72.57; Ord. No. 5324, 6-1-10; Ord. No. 5598, 7-2-13; Ord. No. 6475, §3, 9-7-21)

72.58 Off-Street Parking Facilities; Rules And Rates

- (A) *Established.* The following named and described real estate lying within the corporate limits of the city is hereby established as and shall constitute ~~public off-street automobile parking facilities parking meter facilities~~ within the Downtown Business District Parking Zone.
- (1) Lots 8 to 15, inclusive, in Block 26 of the original plat of the city, including an alley 10 feet in width and running in an east and west direction and adjoining the southern boundary of Lots 12 to 15, inclusive, and the northern boundary of Lots 8 to 11 inclusive.
 - (2) Lots 8, 9, 10, 11, 12, 13, 14 and 15 of Block 30, in the town (now city), as designated upon the original plat of said town.
 - (3) Lot 9A and a part of Lot 10, in Block 29, of the original plat of the city.
 - (4) Part of the Northwest Quarter of the Southwest Quarter of Section 15, Township 16 North, Range 30 West, described as follows: Beginning at a point 84 feet south and 25 feet east of the northwest corner of the said 40-acre tract, and running thence south 178 feet; thence east 70.3 feet; thence north 178 feet; thence west 70.3 feet to the point of beginning.
 - (5) A part of Block 7, of the original plat of the city, more particularly described as beginning at a point 13 feet and two inches south of the northwest corner of said Block 7, running thence east 50 feet; thence south 267 feet to the point of beginning.
 - (6) Lots 7, 8, 9 and 10 of Block 17 in the town (now city) as designated upon the original plat of said town.
 - (7) Lots 8, 9 and 10 of Block 13 in the town (now city) as designated upon the original plat of said town.
 - (8) Lots 1, 2, Lot 3, less 52.53 feet of equal and uniform width off the south side thereof, and Lot 12, less 50 feet of equal and uniform width off the south side thereof of Block 13 in the town (now city) as designated upon the original plat of said town.
 - (9) Part of Block 25, in the town (now city) as designated upon the original plat of said town, and more particularly described as follows: Beginning at the northeast corner of Lot 1 in said Block 25, thence west 42 feet; thence south 49.3 feet; thence west 58 feet; thence south 58.7 feet to the center of a platted alley; thence east 100 feet; thence north 107 feet to the point of beginning.
 - (10) Part of Block 15, in the original plat of the city, described as follows: Beginning at a point 127 feet west of the northeast corner of Block 15 and running thence south 206 feet to the north line of a 12-foot alley; thence west 177 feet to the east line of an alley; thence north 90 feet; thence east 22 feet; thence north 116 feet to the south line of Meadow Street; thence east 17 feet; thence south 27 feet; thence east 20 feet; thence north 27 feet to the south line of Meadow Street; thence east 118 feet to the point of beginning.
 - (11) Lots numbered 12 and 13 in Block 30 of the original town (now city).
- (B) *Definitions.* For the purpose of this section "public off-street automobile parking facilities" are defined as accommodations procured or provided, or both, by public authority for the parking of motor vehicle off the

street or highway, and open to public use with or without charge. Parking facilities may consist of lots, garages, or other structures and accessories; they may be surfaced facilities or facilities above or below ground.

- (C) *Marking of Parking Spaces.* The Mayor ~~or the Mayor's designee~~ is ~~hereby~~ authorized to mark off individual parking spaces in the parking ~~meter~~ facilities established by this section, such parking spaces to be designated by lines painted or durably marked on the curbing or otherwise.
- (D) *Installation, Location, Mechanical Requirements, and Maintenance of Meters within the Downtown Business District Parking Zone.* In the parking ~~meter~~ facilities established by this article, the Mayor ~~or the Mayor's designee shall be~~ authorized to install parking meters. Where parking meters are installed, the Mayor or the Mayor's designee shall cause parking meters to be installed upon the curb immediately adjacent to the parking spaces marked in accord with subsection (C) above, such installation to be placed not more than two feet from the curb or concrete islands as provided, from the front line of the parking space as indicated, and the mayor shall be responsible for the regulation, control, operation, maintenance, and use of such parking meters. Each parking meter installed shall indicate by proper legend the legal parking time established by the city and, when operated, shall at all times indicate the balance of legal parking time, and at the expiration of such period shall indicate illegal or overtime parking.
- (E) *Vehicles to Be Parked Entirely Within Parking Spaces.* At each space marked off in accord with subsection (C) above, it shall be unlawful for any person to park any vehicle across any lines or markings of such space or in such position that the vehicle shall not be entirely within the area designated by such lines or markings.
- (F) *Payment Required.*
- (1) Except in a period of emergency determined by an officer of the Fire or Police Departments, or in compliance with the directions of a police officer or traffic control sign or signal, when any vehicle is parked in any parking space within a parking facility alongside or next where to which a parking meter or electronic payment station is located in accord with this section, the operator of such vehicle shall, upon entering the parking ~~meter~~ space, immediately make payment for the applicable parking rate. If paying by coin, the operator of such vehicle shall deposit or cause to be deposited in the meter such proper coin of the United States or other payment as is required for such parking meter or electronic payment station and is designated by proper directions on the meter or electronic payment station, and when required by the directions on the meter, the operator of such vehicle, after the deposit of the proper coin or coins or other payment, shall also set in operation the timing mechanism on such meter in accordance with directions properly appearing thereon. Failure to deposit such proper coin or other payment, and to set the timing mechanism in operation when so required, shall constitute a violation of this section. Upon proper payment (and the setting of the timing mechanism in operation when so required) the parking space may be lawfully occupied by such vehicle during the period of time which has been prescribed; provided that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit a coin so long as his occupancy of the space does not exceed the indicated unused parking time.
- (2) This section shall apply between the hours of 8:00 a.m. until 6:00 p.m. from Monday through Friday. The Mayor or the Mayor's designee (except city holidays) may suspend parking regulations within established parking district zones during city holidays.
- (G) *City Parking Lots and Parking Meters Within the Downtown Business District Parking Zone.* The Mayor or the Mayor's designee shall be authorized to set establish the parking fees fFor all the parking lots identified in subsection (A) and all parking meters. The ~~following established~~ parking fees are established and shall be required to be paid by the owner or operator of any vehicle parked in those spaces or parking ~~facilities~~ lots:
- (1) Long term spaces — \$.25 per hour.

~~(2) All other parking meters — \$.50 per hour.~~

~~(3) Gated lot (per space) — \$30.00 per month.~~

~~(4) Long term parking permits (hang tags) for use only at long term spaces — \$30.00 per month.~~

~~(51)~~ Town Center Parking Deck — fees shall be set by the Fayetteville Advertising and Promotion Commission pursuant to the terms of its contract with the City of Fayetteville for the operation and maintenance of the Town Center Parking Deck. If the contract expires or is terminated, fees shall be set at not more than \$70.00 per month nor more than \$4.00 per day if space is available.

~~(62)~~ *Discounted Parking rates for Employees (employee parking cards or coupons).* In order to assist employees working in the Downtown Business District Parking Zone, the Mayor is authorized to sell and issue employee parking cards or codes that can be used for certain more distant parking spaces at a highly discounted rate of up to 90% off the normal parking rate.

(H) *City Parking Lots, Parking Decks and Paid On-street Parking Spaces Within the Entertainment District Parking Zone.* ~~The Mayor or the Mayor's designee shall be authorized to establish the on-street and off-street locations within the Entertainment District Parking Zone whereby parking fees are required, to set the parking fees for such locations, and to set the dates and times.~~ For parking in the West Avenue Lot, South Lot, East Lot, North Lot, Spring Street Parking Deck and all paid on-street parking spaces within the Entertainment District Parking Zone, the following parking fees are established and shall be when payment shall be required to be paid by the owner or operator of any vehicle parked in those spaces or facilities. ~~lots.~~ The Mayor or Mayor's designee may suspend parking regulations within established parking district zones during city holidays

~~(1) Monday Through Friday:~~

~~(a) 2:00 p.m. until 5:00 p.m. — \$.50 per hour~~

~~(b) 5:00 p.m. until 2:00 a.m. the following day — \$1.00 per hour~~

~~(c) 2:00 a.m. until 2:00 p.m. — free parking~~

~~(d) 2:00 p.m. until 2:00 a.m. the following day — the owner or operator of any vehicle shall have the option to choose a maximum day rate of \$5.00~~

~~(2) Saturday and Sunday:~~

~~(a) 2:00 p.m. until 6:00 p.m. — \$.50 per hour~~

~~(b) 6:00 p.m. until 2:00 a.m. the following day — \$1.00 per hour~~

~~(c) 2:00 a.m. until 2:00 p.m. — free parking~~

~~(d) 2:00 p.m. until 2:00 a.m. the following day — the owner or operator of any vehicle shall have the option to choose a maximum day rate of \$5.00~~

~~(31)~~ *Motorcycle and Motor Scooter Parking in Specially Designated Motorcycle/Motor Scooter Paid Parking Spaces.* ~~The above~~ parking rates for normal, passenger car sized paid parking spaces shall be reduced by 50% for all specially designated motorcycle/motor scooter paid parking spaces. All motorcycles and motor scooters will have to pay the normal full rate if parked within a normal, passenger car sized parking space.

~~(42)~~ *Discounted Parking rates for Employees (employee parking cards or coupons).* In order to assist employees working in the Entertainment District Parking Zone, the Mayor is authorized to sell and issue employee parking cards or codes that can be used for certain more distant parking spaces at a highly discounted rate of up to 90% off the normal parking rate.

~~(5) Reserved.~~

~~(6) West Annex Parking Lot 53. For parking in the West Annex Parking Lot 53 located at 346 West Avenue, the parking rates shall apply as follows:~~

~~(a) Monday through Friday:~~

~~5:00 p.m. until 2:00 a.m. the following day — \$1.00 per hour — the owner or operator of any vehicle shall have the option to choose a maximum day rate of \$5.00.~~

~~2:00 a.m. until 7:00 a.m. — free parking~~

~~7:00 a.m. until 5:00 p.m. — University permit parking only (enforced by U of A)~~

~~(b) Saturday:~~

~~2:00 p.m. until 6:00 pm — \$.50 per hour~~

~~6:00 p.m. until 2:00 a.m. the following day — \$1.00 per hour~~

~~2:00 a.m. until 2:00 pm — free parking~~

~~2:00 p.m. until 2:00 a.m. the following day — the owner or operator of any vehicle shall have the option to choose a maximum day rate of \$5.00.~~

~~(c) Sunday:~~

~~2:00 p.m. until 6:00 p.m. — \$.50 per hour~~

~~6:00 p.m. until 2:00 a.m. the following day — \$1.00 per hour~~

~~2:00 a.m. until 7:00 a.m. Monday — free parking~~

~~2:00 p.m. until 2:00 am the following day — the owner or operator of any vehicle shall have the option to choose a maximum day rate of \$5.00.~~

(I) *Rates for Parking in City Parking Garages.*

(1) Parking garages shall be rented monthly at a market rate ~~as authorized by the mayor or designee determined by the Mayor or the Mayor's designee~~ not to exceed the amount of \$70.00 per month/per space.

~~(2) The single entry rate for the city parking garage on Meadow Street shall be set at a rate of \$3.00 per visit on the third level and \$4.00 per visit on the first level, if entry is not restricted.~~

~~(3)~~ It shall be unlawful for any person to cause, allow, permit or suffer any vehicle operated by him or registered in his name to be parked in any city parking garage without paying the parking fees prescribed above.

(J) *Overtime Parking.*

~~(1) If any vehicle remains parked in any metered parking space or within a paid parking facility lot beyond the period paid for such parking, the owner or operator of such vehicle shall be guilty of overtime parking and be subject to the punishment specified in §72.99.~~

~~(2) It is unlawful for any person to cause, allow or permit any vehicle owned or operated by said person to be parked in a gated city lot for more than twenty four (24) continuous hours. Any such illegally parked vehicle is subject to the provisions of §72.99 and to nonconsensual towing at the owner's expense who shall have post-deprivation hearing rights as set for in subsection (L).~~

(K) *One-way Traffic and Improperly Driving Through or Around Gates on City Parking Lots.*

(1) The Mayor is hereby authorized to determine and designate specific lanes upon the real estate described in subsection (A) above upon which vehicular traffic shall proceed in one direction only and

shall cause to be placed appropriate markings, signs, barriers, or other devices to give notice thereof. The Mayor shall cause to be erected signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the roadway.

- (2) When signs indicating the direction of traffic are erected and maintained in accord with subsection (1) above, vehicular traffic shall move only in the indicated direction, and it shall be unlawful for any person to operate any vehicle in violation of the markings, signs, barriers, or other devices placed in accordance with subsection (1) above.
- (3) No driver may attempt to leave a gated city parking lot without paying the amount of parking fees due pursuant to subsections (G) or (H) by driving around the gate, by improperly driving through a gated entry or exit or by damaging or improperly manipulating any part of the gate.

(L) *Immobilization of Illegally Parked Motor Vehicle.*

- (1) *Immobilization Authorized.* Employees of the ~~Traffic~~-Parking Division and officers of the Police Department are ~~hereby~~ authorized to temporarily immobilize any vehicle which is parked in violation of any provision of this chapter and whose owner has been cited for violating these parking regulations at least twice in the preceding thirty days or has outstanding fines and costs from previous parking violations due and owing.
- (2) *Post-deprivation Hearing.* When any vehicle is immobilized under the provisions of this section, the owner or operator shall have the right to a post-deprivation administrative hearing by filing a written request for such a hearing with the Mayor.
- (3) *Conduct of Hearing.*
 - (a) A hearing shall be conducted before a hearing officer designated by the Mayor and shall be held within twenty-four (24) hours from receipt of a written demand therefor, unless the right to a speedy hearing is waived in writing. Saturdays, Sundays, and city holidays are to be excluded from calculating said twenty-four (24) hour period. The hearing officer shall not be the person who directed the impounding and storage of the vehicle. The sole issue before the hearing officer shall be whether there was probable cause to immobilize the vehicle in question.
 - (b) The hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The city shall carry the burden of establishing that there was probable cause to immobilize the vehicle in question. At the conclusion of the hearing, the hearing officer shall prepare a written decision. A copy of such decision shall be provided to the person demanding the hearing and to the registered owner of the vehicle. The hearing officer's decision shall in no way affect any criminal proceeding in connection with the immobilization. The decision of the hearing officer shall be final. Failure to request a post-immobilization hearing within three (3) days from the date of immobilization, or failure to attend a scheduled post-immobilization hearing shall be deemed a waiver of the right to such hearing; and, the Police Department shall be authorized to have the vehicle towed to and stored at a safe place designated as an official police garage by the Chief of Police. The owner or operator of the vehicle shall be liable for all towing and storage fees.
- (4) *Decision of Hearing Officer.*
 - (a) The hearing officer shall only determine whether there was probable cause to immobilize the vehicle. If the hearing officer determines that there was no probable cause, the hearing officer shall prepare and date a certificate of no probable cause, a copy of which shall be given to the registered owner of the vehicle or his agent and to the Police Department and Traffic Division. Upon receipt of the owner's copy of such certificate, an employee of the traffic division or an officer of the Police Department shall remove the immobilization device from the vehicle.

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- (b) If the hearing officer determines that there was probable cause for immobilizing the vehicle, the registered owner, or his agent, may obtain removal of the immobilization device by posting a bond in a reasonable amount specified by the District Court. The amount of said bond shall be not less than a sum equivalent to the cumulative total of applicable fines, court costs, towing fees and storage fees. Upon presentation of a receipt evidencing the posting of said bond, an employee of the Traffic Division or an officer of the Police Department shall remove the immobilization device from the vehicle.
- (M) *Special Event Permits Needed to Use City Owned Parking Lots, Paid On-Street Parking Spaces, or to Close City Streets.*
- (1) *Events Needing the Use of City Owned Parking Lots or Paid Parking Spaces Along City Streets for up to Eight (8) Hours.* The Mayor is empowered by the issuance of a special event permit to assign any and all city owned paid parking lots and some or all on-street paid parking spaces for up to eight (8) consecutive hours, but not more than a total of sixteen (16) days per calendar year.
- (2) *Events Requesting the Use of City Owned Parking Lot or On-street Paid Parking Spaces or to Close City Streets for More Than Eight (8) Consecutive Hours.*
- (a) When an applicant for a special event permit proposes to use a city paid parking lot or close a city street for more than eight (8) consecutive hours, nearby residents shall be notified and be provided an opportunity to comment. Subject to the overall limit of sixteen (16) days per calendar year, the Mayor may propose to approve or to reject an expanded special event permit which would authorize the special event applicant to use city owned paid parking lots or on-street paid parking for more than eight (8) consecutive hours. The Mayor may also propose to approve or to reject the closure of city streets for more than eight (8) consecutive hours for a special event.
- (b) The Mayor by and through his staff shall notify the City Council Members by email or otherwise of the decision to grant or deny the special event permit and provide the City Council Members the results of the neighbor notification including comments by such citizens. If at least two (2) City Council Members notify the City Clerk's Office in writing within seven (7) days of the Mayor's notification of his or her decision that they wish to appeal such decision, then the issue will be presented on the next City Council meeting in which the Mayor's decision could reasonably be considered. The City Council would then be able to decide by Resolution whether to reverse the Mayor's decision and upon what condition (if any) the permit would be granted.
- (N) *Electric Vehicle Charging Stations.* The Mayor is authorized to designate Electric Vehicle Charging Station parking spaces in city parking facilities to prohibit all non-electric vehicles from parking in these spaces. The owner or operator of an electric vehicle shall only park in this space while charging the vehicle's battery and shall pay normal parking rates while parked in this space.
- (O) *Event Parking.* The Parking Division may implement event parking in city managed parking facilities as deemed necessary by the Mayor or ~~his~~ designee. Such event parking will require a person desiring to park a vehicle in a designated event parking facility to pay ~~a fee of \$5.00~~ the event parking fee as established by the Mayor or the Mayor's designee. The City of Fayetteville shall provide sufficient personnel to staff event parking.

(Code 1965, §§19-185—19-195; Ord. No. 1083, 6-6-55; Ord. No. 1197, 4-6-59; Ord. No. 1231, 1-25-60; Ord. No. 1242, 8-8-60; Ord. No. 1576, 11-6-67; Ord. No. 1802, 6-21-71; Ord. No. 1866, 6-5-72; Ord. No. 2613, 3-18-80; Ord. No. 2769, 11-3-81; Ord. No. 2815, 6-15-82; Ord. No. 2875, 11-23-82; Ord. No. 2914, 4-19-83; Ord. No. 2939, 9-12-83; Ord. No. 3995, §1, 9-17-96; Ord. No. 4222, 2-15-00; Code 1991, §72.58; Ord. No. 4889, 06-20-06; Ord. No. 5324, 6-1-10; Ord. No. 5340, 8-3-10; Ord. No. 5369, 12-7-10; Ord. No. 5407, 5-3-11; Ord. No. 5408, 5-3-11; Ord. No. 5597, 07-02-13; Ord. No. 5598, 7-2-13; Ord. No. 5604, 8-6-13; Ord. No. 5881, §1, 6-21-16; Ord. No. 5943, §1, 1-3-17; Ord. No. 5964, §1, 2, 4-4-2017; Ord. No. 6312, §1, 5-5-2020; Ord. No. 6475, §§ 4—6, 9-7-21)

72.59 ~~Dickson Street Entertainment District Annual Parking Pass Program~~ Establishment of Parking Permit Programs

~~The mayor or designee~~ Mayor or the Mayor's designee is hereby authorized to ~~establish~~ create parking permit programs within established parking districts, ~~to include~~ set the permit fees, and establish the locations, dates and times for where and when a permit may be valid. Permit fees may not be increased more than one time each calendar year.

72.60 Establishment and Adjustment of Paid Parking Rates within Parking District Zones

(A) The Mayor or the Mayor's designee is authorized to establish on-street and off-street locations within established parking district zones in which parking fees are required; to establish the parking rates for such locations; and to establish the days and times when payment shall be required to be paid by the owner or operator of any vehicle parked in those parking spaces or facilities. The Mayor or the Mayor's designee may suspend parking regulations within established parking district zones during city holidays.

(B) The Mayor or the Mayor's designee is authorized to adjust paid parking rates subject to the following limitations:

- (1) Paid parking rates shall not be increased within six months of the initial establishment of a parking district zone or within six months of any previous rate adjustment. Hourly rate adjustments shall not be increased by more than \$2.00 per hour per adjustment.
- (2) The Parking Division shall conduct a utilization assessment based on peak hours and days prior to any adjustment.
- (3) Rate and hour adjustments shall be based on deviation from ideal utilization rate between 75% and 85% of the paid parking spaces as determined by the Parking Division. The Mayor or the Mayor's designee may increase or decrease paid parking rates as necessary to achieve the goal of reaching the ideal utilization rate.
- (4) Adjustments to the paid parking rates or times shall be communicated through signage within the district for at least fourteen (14) days prior to the implementation of the adjustment.

~~Notwithstanding any other provision of this Code to the contrary, any person who desires to park a vehicle in the Dickson Street Entertainment District may do so by purchasing a Dickson Street Entertainment District Annual Parking Pass for the vehicle pursuant to the program created herein.~~

~~(A) — Validity and Usage.~~

- ~~(1) — An annual parking pass, valid for use only in the Dickson Street Entertainment District, shall permit the vehicle to which the pass has been issued to park in any valid paid parking space in the district, without the requirement of paying any pay station or meter.~~
- ~~(2) — The annual parking pass shall not be valid for parking in any public gated lots which require payment upon exit.~~

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- ~~(3) The annual parking pass shall not be valid for parking in any residential parking zone.~~
 - ~~(4) The annual parking pass shall not guarantee a parking space to a vehicle with an annual parking pass.~~
 - ~~(5) The annual parking pass shall not be valid for any parking space marked as "No Parking".~~
 - ~~(6) The annual parking pass shall visible from the exterior of the vehicle while it is parked in the district, and it shall display an identifying number.~~

~~(B) Issuance, Transfer and Costs.~~

- ~~(1) An annual parking pass, valid from August 1st through July 31st the following year and issued pursuant to this section, shall cost \$600.00. The total cost shall be reduced if purchased after August 1st but before June 1st the following year by an amount equal to the total annual cost divided by the total number of days remaining before the next August 1st. Any annual parking pass purchased on or after June 1st shall only become valid on the following August 1st.~~
- ~~(2) An annual parking pass is vehicle specific in that it shall be tied to only one vehicle license plate number, and not to any particular person.~~
- ~~(3) An annual parking pass may be transferred to another vehicle upon payment of a \$25.00 processing fee.~~
- ~~(4) No refunds shall be issued for any annual parking pass.~~

(Ord. No. 5371, 12-7-10)

72.60—72.69 Reserved

ARTICLE IV NONCONSENSUAL TOWING REGULATIONS

72.70 Application

- (A) These nonconsensual towing regulations shall apply within ~~the Entertainment District Parking Zone shown on Exhibit A~~established parking district zones for the nonconsensual towing of a vehicle subject to registration under the laws of Arkansas if it is found abandoned, parked without the consent of the property owner or the owners' agent, parked in violation of the time period or location agreed to by the owner or owner's agent, or for whatever reason the owner or owner's agent believes a vehicle, which is not the property of the owner or owner's agent, should be towed. These regulations do not apply to removal of vehicles from publicly owned or leased property, nor to police initiated tows. The sign requirements do not apply to residential driveways or parking lots designed for four or fewer vehicles. These regulations shall apply city-wide where indicated in §72.72.
- (B) ~~Private Pay to Park Lots within the Downtown Business District Parking Zone.~~ Owners/managers of private pay to park lots within ~~the Downtown Business District Parking Zone~~established parking district zones shall follow and obey all requirements set forth in §§ 72.71, 72.72, and 72.73 of the Parking Regulations Chapter. These regulations do not apply to removal of vehicles from publically owned or leased property, to police initiated tows, nor to other than private pay to park lots.

(Ord. No. 5322, 6-1-10; Ord. No. 5611, 9-3-13)

72.71 Requirements For Proper Signage Before Nonconsensual Towing From Private Parking Lots Is Permitted Within ~~The Entertainment District~~ Established Parking ~~District~~ Zones

- (A) *Exemption from the Sign Ordinance.* All signs required by this section shall be exempt from further regulation of the Sign Ordinance pursuant to §174.03(F).
- (B) *Location and Size of Nonconsensual Towing Warning Sign.* Every private parking lot with five (5) or more spaces must have an easily readable nonconsensual towing warning sign that is not more than 16 square feet, devoid of any advertising and prominently placed at each entrance to the parking lot.
- (C) *Contents of Sign for "Paid Parking Lot".* The nonconsensual towing warning sign shall contain only the following information in clearly legible letters at least one inch in height in the following order from the top of the sign for a private parking lot that allows paid parking.
 - (1) The symbol for towing vehicles.
 - (2) "Private Parking Lot."
 - (3) Either "Pay to park at all hours" or "Pay to park during (posted) hours."
 - (4) At the owner's option, the sign may show the hourly rate and any maximum day or evening rate for parking in the lot.
 - (5) "Parking in violation of posted restrictions will result in towing of vehicle at owner's expense, up to \$60.00, plus storage of up to \$10.00 per day."
 - (6) Name, address (including physical address of storage lot), and telephone number of towing and storage firm authorized to tow vehicles from this private lot.
- (D) *Contents of sign for "Customers Only" or "Residents Only" Parking Lot.* The Nonconsensual Towing Warning Sign shall contain only the following information in clearly legible letters at least 1 inch in height in the following order from the top of the sign for a private parking lot that prohibits public parking and allows only residents or customers to park.
 - (1) The symbol for towing vehicles.
 - (2) "Private Parking Lot."
 - (3) "Customers Only" or "Residents Only." The owner may denote the business or residential complex.
 - (4) "Parking of unauthorized vehicle will result in towing of vehicle at owner's expense, up to \$80.00, plus storage of up to \$10.00 per day."
 - (5) Name, address (including physical address of storage lot), and telephone number of towing and storage firm authorized to tow vehicles from this private lot.

(Ord. No. 5322, 6-1-10)

72.72 Regulations Of Towing And Storage Companies

- (A) *Valid Licenses Required.* Any towing and storage company operating anywhere in the City of Fayetteville must be in full compliance with all state and local license requirements, A.C.A. §27-50-1101, the Fayetteville Code, and be in good standing with the Arkansas Towing and Recovery Board.
- (B) *Allowed Charges for Nonconsensual Towing and Storage.* Within ~~the Entertainment District~~ established Parking ~~District~~ Zones, no Towing and Storage Company may charge a nonconsensually towed vehicle's

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(Supp. No. 27)

owner/driver more than \$60.00 if the vehicle is towed from a "Paid Parking Lot", \$80.00 if the vehicle is towed from a "Customers Only" or "Residents Only" Parking Lot, and \$100.00 if the vehicle is towed from private property not classified as a "Paid Parking Lot" or "Customers Only" or "Residents Only" Parking Lot. In addition, the towing and storage company may charge up to \$10.00 per day for storage beginning twelve (12) hours after the nonconsensually towed vehicle is placed in the storage lot and available to be reclaimed by its owner or driver. The maximum \$100.00 towing fee and \$10.00 per day storage fee for a nonconsensual tow from private property that is not police initiated is applicable everywhere within the entire city limits. The above fees are the total amount that can be charged to the owner/operator. No administrative, special equipment or other fee can be charged to the owner/operator of the vehicle.

- (C) *Payments by Owner/Operator for Towing and Storage Charges.* The towing and storage company must accept valid credit and debit cards for payment of towing and storage fees and may accept any other form of payment.
- (D) *Location of Storage Yard.* The towing and storage company may not charge mileage or transportation fees for towing the vehicle to its storage lot which must either be located within Fayetteville or not more than 8 miles from the place from which the vehicle was towed.
- (E) *Company Must Answer Telephone.* The towing and storage company shall answer every telephone call for the number displayed upon the nonconsensual towing warning sign during every twelve (12) hour period immediately after a vehicle has been towed if such vehicle remains in the towing and storage company's possession.

(Ord. No. 5322, 6-1-10)



MEETING OF APRIL 25, 2023

TO: Mayor Jordan and City Council
THRU:
FROM: Blake Pennington, Assistant City Attorney
DATE: April 7, 2023
SUBJECT: **Apple Seeds ARPA Funding**

RECOMMENDATION:

Council Member Wiederkehr is sponsoring a resolution to provide ARPA funds in the amount of \$71,000 to Apple Seeds, Inc. for programs to address childhood food insecurity.

BACKGROUND:

DISCUSSION:

BUDGET/STAFF IMPACT:

Budget adjustment in the amount of \$71,000 attached.

ATTACHMENTS: AGENDA REQUEST APPLE SEEDS ARPA FUNDING - Council Member Wiederkehr, 2023-677 BA ARPA Apple Seeds, Apple Seeds - SecState Letter of Good Standing



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2023-677

Apple Seeds ARPA Funding

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A SUBRECIPIENT AGREEMENT WITH APPLE SEEDS, INC. TO PROVIDE FUNDING FOR PROGRAMS TO ADDRESS CHILDHOOD FOOD INSECURITY UTILIZING AMERICAN RESCUE PLAN ACT FUNDS IN THE AMOUNT OF \$71,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, the City of Fayetteville has received funding from the American Rescue Plan Act (ARPA) and invited non-profit organizations to submit proposals for projects to fund with the available ARPA funding; and

WHEREAS, Apple Seeds, Inc. submitted an application requesting \$71,000.00 in American Rescue Plan Act funds to assist with their efforts to address childhood food insecurity in the City of Fayetteville; and

WHEREAS, the services provided by Apple Seeds includes growing and distributing fresh produce with recipes and links to cooking demonstrations, as well as providing cooking class sessions and nutrition education to food-insecure children which is expected to benefit approximately 1,725 Fayetteville residents.

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 Jordan to sign a Subrecipient Agreement with Apple Seeds, Inc. to provide the amount of \$71,000.00 in American Rescue Plan Act funds for programs to address childhood food insecurity in the City of Fayetteville.

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.

AGENDA REQUEST FORM

FOR: Council Meeting of May 2, 2023

FROM: Council Member Mike Wiederkehr

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A SUBRECIPIENT AGREEMENT WITH APPLE SEEDS, INC. TO PROVIDE FUNDING FOR EFFORTS TO ADDRESS CHILDHOOD FOOD INSECURITY UTILIZING AMERICAN RESCUE PLAN ACT FUNDS IN THE AMOUNT OF \$71,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

APPROVED FOR AGENDA:

Approved by email
City Council Member
Mike Wiederkehr

4/7/23
Date

/s/ Blake Pennington
Asst. City Attorney Blake Pennington
Approved as to form

4/7/23
Date

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A SUBRECIPIENT AGREEMENT WITH APPLE SEEDS, INC. TO PROVIDE FUNDING FOR PROGRAMS TO ADDRESS CHILDHOOD FOOD INSECURITY UTILIZING AMERICAN RESCUE PLAN ACT FUNDS IN THE AMOUNT OF \$71,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, the City of Fayetteville has received funding from the American Rescue Plan Act (ARPA) and invited non-profit organizations to submit proposals for projects to fund with the available ARPA funding; and

WHEREAS, Apple Seeds, Inc. submitted an application requesting \$71,000.00 in American Rescue Plan Act funds to assist with their efforts to address childhood food insecurity in the City of Fayetteville; and

WHEREAS, the services provided by Apple Seeds includes growing and distributing fresh produce with recipes and links to cooking demonstrations, as well as providing cooking class sessions and nutrition education to food-insecure children which is expected to benefit approximately 1,725 Fayetteville residents.

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 Jordan to sign a Subrecipient Agreement with Apple Seeds, Inc. to provide the amount of \$71,000.00 in American Rescue Plan Act funds for programs to address childhood food insecurity in the City of Fayetteville.

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.

PASSED and APPROVED this 2nd day of May, 2023.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
KARA PAXTON, City Clerk/Treasurer

Budget Year	Division	Adjustment Number
2023	Non-Departmental (800)	
	Requestor: Council Member Wiederkehr	

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A SUBRECIPIENT AGREEMENT WITH APPLE SEEDS, INC. TO PROVIDE FUNDING FOR PROGRAMS TO ADDRESS CHILDHOOD FOOD INSECURITY UTILIZING AMERICAN RESCUE PLAN ACT FUNDS IN THE AMOUNT OF \$71,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

[illegible]



OFFICE OF THE ARKANSAS SECRETARY OF STATE

April 10, 2023

Mary Thompson
Apple Seeds, Inc.
2648 Old Wire Rd
Fayetteville, AR 72703

Re: Letter of Good Standing for Apple Seeds, Inc.

Dear Mary Thompson,

This letter is to confirm that Apple Seeds, Inc. Charitable Registration is in good standing with the Secretary of State Office. The charity's Annual Financial Report is due on or before 6/30/2023 .

Please contact a Charities Registration Specialist in our office at (501) 683-0094 or charities@sos.arkansas.gov, if you have any questions.

Sincerely,

Charities Division

Arkansas Secretary of State



MEETING OF APRIL 25, 2023

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director
Britin Bostick, Long Range Planning/Special Projects Manager

FROM: Sherry Smith, Long Range and Preservation Planner

DATE: April 13, 2023

SUBJECT: **ADM-2023-0001: Administrative Item (Amend UDC Chapter 151 Definitions, Chapter 161 - Zoning Regulations, and Chapter 166 - Urban Design Standards): Submitted by CITY OF FAYETTEVILLE STAFF. The request is to amend Chapter 151 - Definitions, Chapter 161 - Zoning Regulations, and Chapter 166 – Development, 166.08 Street Design And Access Management Standards and 166.23 Urban Residential Design Standards to be consistent with Chapter 162 – Use Units. The purpose of the proposed amendment is to provide consistent and clear language for two-family, three- and four-family, and multi-family dwellings.**

RECOMMENDATION:

City staff and the Planning Commission recommend approval of an amendment to the Unified Development Code amending:

- § 151.01, Definitions to remove overlap in definitions between three- and four-family dwellings and multi-family dwelling;
- § 161.11 and § 161.13-18 to establish consistent use of “two (2) family” and “three (3) family” in the zoning standards; and
- § 166.08 and § 166.23 to add four (4) family where missing from the text and to remove unnecessary text characters.

BACKGROUND:

Conversations about housing affordability, attainability, and diversity are consistently at the forefront of municipal policy discussions locally, regionally, and nationally. As a subset of this conversation, zoning requirements are consistently highlighted as a policy change that may positively affect the production of housing. With this in mind, Long Range Planning staff assessed Fayetteville’s Unified Development Code (UDC) for zoning requirements related to housing broadly and “Missing Middle Housing” specifically.

“Missing Middle Housing” is a term coined by Daniel Paroleck of Opticos Design, Inc. that has since entered the housing policy lexicon. The term describes housing types that were commonly built before the 1950s and now tend to be missing in new developments across the United States. These are housing types that fill the

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

gap between single-family dwellings and large multi-family buildings, ranging from duplexes and cottage courts to medium density multi-family apartments with numbers of units in the teens or twenties, as well as housing above small retail stores. Three- and four- family dwellings as well as small to medium multi-family dwellings fit within this definition. According to utility account information for the City of Fayetteville, there are approximately 1,400 three and four family housing units with meters. While this housing type represents a small portion of the city's total housing stock, the type does typically represent housing that could help achieve at least one of the goals of City Plan 2040. Goal 1 is: "We will make appropriate infill and revitalization our highest priority." Three and four family structures are often designed with building forms similar to single-family structures while providing an incremental increase in housing density. Daniel Parolek has additionally stated that, "Missing middle housing tends to provide a range of price points that are not readily seen in single family or large multi-family dwellings. These housing types can fit into single family neighborhoods more easily, as they can appear to be single family homes when viewed from the street." Despite the potential for Missing Middle Housing to complement existing neighborhoods and supplement citywide housing options, these housing types are prohibited from areas zoned exclusively for single-family housing. In Fayetteville this constitutes over one third of the City.

While reviewing zoning district requirements, staff noted that the UDC does not define all of the housing types which have their own use unit – the portion of the code that is set up to categorize the uses allowed in each zoning district – and that some of the definitions overlap. Additionally, some of the zoning district requirements did not include four-family dwellings in the text even though four-family requirements are often paired with three-family requirements. This presented an opportunity for code language clean up while staff works with the Planning Commissioners on additional opportunities to revisit zoning requirements to meet the city's goals.

DISCUSSION:

The purpose of the proposed amendments is to clarify UDC definitions for multi-family as well as three- and four- family dwellings and to provide more consistent language and terms throughout the UDC. Multiple text edits were identified concurrently that would provide for greater consistency in the use of text and punctuation and to clean up or copy edit inconsistencies and abbreviations not in use.

In Summary:

- The proposed amendments would not change any current policies or zoning entitlements.
- A definition for *dwelling, three-family or four-family* would be added to chapter 151.01.
- The definition for *dwelling, multi-family* would change from defining residences for three or more families to defining five or more families, consistent with the use units in Chapter 162.
- Four-family would be added to 161.11(D) 166.08(F)(2) and 166.23(B)(2) with the same zoning regulations as three-family consistent with their grouping in Use Unit 10.
- Additional edits would be made for consistent text and clarity such as adding in "(2)" where two-family is inconsistently used which would result in "two (2) family" or adding in the word "family" where existing tables list "three or more" in reference to three-family or greater density dwellings.

The Planning Commission considered the proposed amendment in both their February and March Long Range Committee meetings, discussing various aspects of the proposed text amendment, including whether to look at additional changes to use units, definitions, zoning requirements, or parking standards. The Commissioners decided in their March Long Range Committee meeting to forward a portion for code cleanup that would add four-family where missing and make other consistency edits to the full Commission. The Commissioners did note an expectation at the closing of their discussion that additional discussion and consideration would be needed regarding zoning requirements and how zoning requirements can help or hinder the construction of

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additional missing middle housing.

When the Planning Commission considered the item in their March 27, 2023 meeting there was unanimous support for the item without discussion. Commissioner Johnson made the motion to recommend approval of the item, seconded by Commissioner Garlock. A vote of 9-0-0 followed. No public comment was received either prior to or during the public hearing.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: EXHIBITS A-G - AMENDMENTS TO 151 AND 161 - TWO, THREE, FOUR AND MULTIFAMILY, ADM-2023-0001 SRF, Proposed Ordinance - Clean, Proposed Ordinance - Strikethrough

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113 W. Mountain Street
Fayetteville, AR 72701

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City of Fayetteville, Arkansas

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

Legislation Text

File #: 2023-678

ADM-2023-0001: Administrative Item (Amend UDC Chapter 151 Definitions, Chapter 161 - Zoning Regulations, and Chapter 166 - Urban Design Standards): Submitted by CITY OF FAYETTEVILLE STAFF. The request is to amend Chapter 151 - Definitions, Chapter 161 - Zoning Regulations, and Chapter 166 – Development, 166.08 Street Design And Access Management Standards and 166.23 Urban Residential Design Standards to be consistent with Chapter 162 – Use Units. The purpose of the proposed amendment is to provide consistent and clear language for two-family, three- and four-family, and multi-family dwellings.

AN ORDINANCE TO AMEND CHAPTER 151 DEFINITIONS, CHAPTER 161 ZONING REGULATIONS, AND CHAPTER 166 URBAN DESIGN STANDARDS OF THE UNIFIED DEVELOPMENT CODE TO PROVIDE CONSISTENT AND CLEAR LANGUAGE FOR TWO, THREE, FOUR AND MULTI FAMILY DWELLINGS

WHEREAS, staff noted several inconsistencies in the language used to regulate two, three, and four family dwellings in Chapters 161 and 166; the definition for multi-family dwellings in Chapter 151 conflicts with the description of multi-family in Chapter 162; and there is also no definition for three and four family dwellings in § 151.01; and

WHEREAS, both City staff and the Planning Commission recommend amending the Unified Development Code to provide consistent and clear language for these types of dwellings.

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 amends §151.01 **Definitions** by amending the definition of “Dwelling, multi-family (zoning)” and enacting a new definition of “Dwelling, three-family or four-family (zoning)” to read as follows:

“Dwelling, multi-family (zoning). A residential building designed for or occupied by five (5) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, three-family or four-family (zoning). A residential building designed for or occupied by three (3) or four (4) families, with the number of families in residence not exceeding the number of dwelling units provided.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends (D) *Bulk and Area Regulations* of §161.11 **District RI-12, Residential Intermediate-Twelve (12) Units Per Acre** in Chapter 161 **Zoning Regulations** as shown in Exhibit A attached hereto.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends (B)(1) *Permitted Uses*; (D)(1) *Lot Width Minimum*; and (D)(2) *Lot Area Minimum* of §161.13 **District RMF-6, Residential Multi-Family-Six (6) Units Per Acre** in Chapter 161 **Zoning Regulations** as shown in Exhibit B attached hereto.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby amends (B)(1) *Permitted Uses*; (D)(1) *Lot Width Minimum*; and (D)(2) *Lot Area Minimum* of §161.14 **District RMF-12, Residential Multi-Family - Twelve (12) Units Per Acre** in Chapter 161 **Zoning Regulations** as shown in Exhibit C attached hereto.

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby amends (B)(1) *Permitted Uses*; (D)(1) *Lot Width Minimum*; and (D)(2) *Lot Area Minimum* of §161.15 **District RMF-18, Residential Multi-Family — Eighteen (18) Units Per Acre** in Chapter 161 **Zoning Regulations** as shown in Exhibit D attached hereto.

Section 6: That the City Council of the City of Fayetteville, Arkansas hereby amends (B)(1) *Permitted Uses*; (D)(1) *Lot Width Minimum*; and (D)(2) *Lot Area Minimum* of §161.16 **District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre** in Chapter 161 **Zoning Regulations** as shown in Exhibit E attached hereto.

Section 7: That the City Council of the City of Fayetteville, Arkansas hereby amends (B)(1) *Permitted Uses*; (D)(1) *Lot Width Minimum*; and (D)(2) *Lot Area Minimum* of §161.17 **District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre** in Chapter 161 **Zoning Regulations** as shown in Exhibit F attached hereto.

Section 8: That the City Council of the City of Fayetteville, Arkansas hereby amends (D)(1) *Lot Width Minimum* of §161.18 **NS-L, Neighborhood Services - Limited** in Chapter 161 **Zoning Regulations** by adding “family” to (2) Lot Area Minimum, as shown in Exhibit G attached hereto.

Section 9: That the City Council of the City of Fayetteville, Arkansas hereby amends (F)(2) of § 166.08 **Street Design and Access Management Standards** by adding “and four (4) family” so that it reads as follows:

“(2) Separation for two (2) family, three (3) and four (4) family, multi-family and nonresidential development.”

Section 9: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 166.23(B) *Applicability* and enacts a replacement § 166.23(B) as follow:

“(B) Applicability. All references to urban residential design standards shall include the following uses as permitted by right or conditional use in all zoning districts:

- (1) Two (2) family dwellings
- (2) Three (3) and four (4) family dwellings
- (3) Multi-family dwellings”

EXHIBIT A

161.11 District RI-12, Residential Intermediate- Twelve (12) Units Per Acre

(D) *Bulk and Area Regulations.*

	Single-family	Two (2) family	Three (3) and four (4) family
Lot width minimum	50 feet	50 feet	90 feet
Lot area minimum	5,000 square feet	7,260 square feet	10,890 square feet.

EXHIBIT B

161.13 District RMF-6, Residential Multi-Family—Six (6) Units Per Acre

(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

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single-family	50 feet
Two (2) family	50 feet
Three (3) family or more	90 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a Manufactured home park	4,200 square feet
Townhouse: Individual lot	2,500 square feet
Single-family	6,000 square feet
Two (2) family	7,000 square feet
Three (3) family or more	9,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acre

EXHIBIT C

161.14 District RMF-12, Residential Multi-Family - Twelve (12) Units Per Acre

(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

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single family	45 feet
Two (2) family	45 feet
Three (3) family or more	80 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 square feet
Townhouse: Individual lot	2,500 square feet
Single-family	4,500 square feet
Two (2) family	6,000 square feet
Three (3) family or more	9,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acre

EXHIBIT D

161.15 District RMF-18, Residential Multi-Family — Eighteen (18) Units Per Acre

(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

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single-family	40 feet
Two (2) family	40 feet
Three (3) family or more	75 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 square feet
Townhouse: Individual lot	2,500 square feet
Single-family	4,000 square feet
Two (2) family	5,000 square feet
Three (3) family or more	7,500 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acre

EXHIBIT E

161.16 District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre

(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

(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

EXHIBIT F

161.17 District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre

(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

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	30 feet
Two (2) family	30 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	2,500 square feet
Two (2) family	3,000 square feet
Three (3) family or more	7,000 square feet
Fraternity or Sorority	1 acre

EXHIBIT G

161.18 NS-L, Neighborhood Services - Limited

(D) *Bulk and Area.*

(1) *Lot Width Minimum.*

Single-family	35 feet
Two (2) family or more	35 feet
All other uses	None

City of Fayetteville Staff Review Form

2023-678

Item ID

5/2/2023

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

Sherry Marie Smith

4/14/2023

LONG RANGE PLANNING (634)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

ADM-2023-0001: Administrative Item (Amend UDC Chapter 151 Definitions, Chapter 161 - Zoning Regulations, and Chapter 166 - Urban Design Standards): Submitted by CITY OF FAYETTEVILLE STAFF. The request is to amend Chapter 151 - Definitions, Chapter 161 - Zoning Regulations, and Chapter 166 – Development, 166.08 Street Design And Access Management Standards and 166.23 Urban Residential Design Standards to be consistent with Chapter 162 – Use Units. The purpose of the proposed amendment is to provide consistent and clear language for two-family, three- and four-family, and multi-family dwellings.

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:

151.01 Definitions

Dwelling, multi-family (zoning). A residential building designed for or occupied by five (5) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, three-family or four-family (zoning). A residential building designed for or occupied by three (3) or four (4) families, with the number of families in residence not exceeding the number of dwelling units provided.

161.11 District RI-12, Residential Intermediate- Twelve (12) Units Per Acre**(D) Bulk and Area Regulations.**

	Single-family	Two (2) family	Three (3) and four (4) family
Lot width minimum	50 feet	50 feet	90 feet
Lot area minimum	5,000 square feet	7,260 square feet	10,890 square feet.

161.13 District RMF-6, Residential Multi-Family—Six (6) Units Per Acre**(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

(D) Bulk and Area Regulations.**(1) Lot Width Minimum.**

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single-family	50 feet
Two (2) family	50 feet
Three (3) family or more	90 feet
Professional offices	100 feet

(2) Lot Area Minimum.

Manufactured home park	3 acres
Lot within a Manufactured home park	4,200 square feet
Townhouse: Individual lot	2,500 square feet
Single-family	6,000 square feet
Two (2) family	7,000 square feet

Three (3) family or more	9,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acre

161.14 District RMF-12, Residential Multi-Family - Twelve (12) Units Per Acre

(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

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single family	45 feet
Two (2) family	45 feet
Three (3) family or more	80 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 square feet
Townhouse: Individual lot	2,500 square feet
Single-family	4,500 square feet
Two (2) family	6,000 square feet
Three (3) family or more	9,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acre

161.15 District RMF-18, Residential Multi-Family — Eighteen (18) Units Per Acre

(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

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single-family	40 feet
Two (2) family	40 feet
Three (3) family or more	75 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 square feet
Townhouse: Individual lot	2,500 square feet
Single-family	4,000 square feet
Two (2) family	5,000 square feet
Three (3) family or more	7,500 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acre

161.16 District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre

(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

(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

161.17 District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre

(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

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	30 feet
Two (2) family	30 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	2,500 square feet
Two (2) family	3,000 square feet
Three (3) family or more	7,000 square feet
Fraternity or Sorority	1 acre

161.18 NS-L, Neighborhood Services - Limited

(D) *Bulk and Area.*

(1) *Lot Width Minimum.*

Single-family	35 feet
Two (2) family or more	35 feet
All other uses	None

166.08 Street Design And Access Management Standards

- (F) *Access Management.* Safe and adequate vehicular, bicycle, and pedestrian access shall be provided to all parcels. Residential link streets and driveways shall not detract from the safety and efficiency of bordering arterial routes. Property that fronts onto more than one (1) public street shall place a higher priority on accessing the street with the lowest functional classification, e.g., residential and neighborhood links. In a case where the streets have the same classification, access shall be from the lower volume street, or as determined by the City Engineer.
- (1) *Curb Cut Separation.* For purposes of determining curb cut or street access separation, the separation distance shall be measured along the curb line from the edge of curb cut to the edge of curb cut/intersection. The measurement begins at the point where the curb cut and intersecting street create a right angle, i.e., the intersection of lines drawn from the face-of-curb to face-of-curb. The measurement ends at the point along the street where the closest curb cut or street intersection occurs; again, measured to the point where the curb cut or intersecting streets create a right angle at the intersection of face-of-curb. In all cases curb cuts shall be a minimum of 5 feet from the adjoining property line, unless shared.
- (2) Separation for two (2) family, three (3) and four (4) family, multi-family and nonresidential development.
- (a) *Regional and Regional High Activity Links.* Where a street with a lower functional classification exists that can be accessed, curb cuts shall access onto those streets. When necessary, curb cuts along regional links shall be shared between two (2) or more lots. Where a curb cut must access the regional link, it shall be located a minimum of 250 feet from an intersection or driveway.
- (b) *Neighborhood Links.* Curb cuts shall be located a minimum of 100 feet from an intersection or driveway. When necessary, curb cuts along neighborhood links shall be shared between two (2) or more lots.
- (c) *Residential Links.* Curb cuts shall be located a minimum of 50 feet from an intersection or driveway. In no case shall a curb cut be located within the radius return of an adjacent curb cut or intersection.

166.23 Urban Residential Design Standards

(B) *Applicability.* All references to urban residential design standards shall include the following uses as permitted by right or conditional use in all zoning districts:

- (1) Two (2) family dwellings
- (2) Three (3) and four (4) family dwellings
- (3) Multi-family dwellings

151.01 Definitions

Dwelling, multi-family (zoning). A residential building designed for or occupied by ~~three~~ five (53) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, three-family or four-family (zoning). A residential building designed for or occupied by three (3) or four (4) families, with the number of families in residence not exceeding the number of dwelling units provided.

161.11 District RI-12, Residential Intermediate~~r~~ Twelve (12) Units Per Acre**(D) Bulk and Area Regulations.**

	Single-family	Two (2) family	Three (3) and four (4) family
Lot width minimum	50 feet	50 feet	90 feet
Lot area minimum	5,000 square feet	7,260 square feet	10,890 square feet.

161.13 District RMF-6, Residential Multi-Family—Six (6) Units Per Acre**(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

(D) Bulk and Area Regulations.**(1) Lot Width Minimum.**

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single-family	50 feet
Two (2) family	50 feet
Three and (3) family or more	90 feet
Professional offices	100 feet

(2) Lot Area Minimum.

Manufactured home park	3 acres
Lot within a Manufactured home park	4,200 square feet
Townhouse: Individual lot	2,500 square feet
Single-family	6,000 square feet
Two (2) -family	7,000 square feet

Three (3) family or more	9,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acre

161.14 District RMF-12, Residential Multi-Family - Twelve (12) Units Per Acre

(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

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single family	45 feet
Two (2) family	45 feet
Three (3) and family or more	80 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 square feet
Townhouse: Individual lot	2,500 square feet
Single-family	4,500 square feet
Two (2) family	6,000 square feet
Three (3) family or more	9,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acre

161.15 District RMF-18, Residential Multi-Family — Eighteen (18) Units Per Acre

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two <u>(2)</u> -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

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single-family	40 feet
Two (2) family	40 feet
Three (3) <u>and-family or</u> more	75 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 square feet
Townhouse: Individual lot	2,500 square feet
Single-family	4,000 square feet
Two (2) family	5,000 square feet
Three (3) <u>family</u> or more	7,500 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acre

161.16 District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two <u>(2)</u> -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

(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

161.17 District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre

(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

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	30 feet
Two (2) family	30 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	2,500 square feet
Two (2) family	3,000 square feet
Three (3) family or more	7,000 square feet
Fraternity or Sorority	1 acre

161.18 NS-L, Neighborhood Services - Limited

(D) *Bulk and Area.*

(1) *Lot Width Minimum.*

Single-family	35 feet
Two (2) family <u>or more</u>	35 feet
Three or more	35 feet
All other uses	None

166.08 Street Design And Access Management Standards

- (F) *Access Management.* Safe and adequate vehicular, bicycle, and pedestrian access shall be provided to all parcels. Residential link streets and driveways shall not detract from the safety and efficiency of bordering arterial routes. Property that fronts onto more than one (1) public street shall place a higher priority on accessing the street with the lowest functional classification, e.g., residential and neighborhood links. In a case where the streets have the same classification, access shall be from the lower volume street, or as determined by the City Engineer.
- (1) *Curb Cut Separation.* For purposes of determining curb cut or street access separation, the separation distance shall be measured along the curb line from the edge of curb cut to the edge of curb cut/intersection. The measurement begins at the point where the curb cut and intersecting street create a right angle, i.e., the intersection of lines drawn from the face-of-curb to face-of-curb. The measurement ends at the point along the street where the closest curb cut or street intersection occurs; again, measured to the point where the curb cut or intersecting streets create a right angle at the intersection of face-of-curb. In all cases curb cuts shall be a minimum of 5 feet from the adjoining property line, unless shared.
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- (1) ~~2-F,~~Two (2) family dwellings
- (2) ~~3-F,~~Three (3) and four (4) family dwellings
- (3) ~~MF,~~Multi-family dwellings



MEETING OF APRIL 25, 2023

TO: Mayor Jordan and City Council
THRU:
FROM: Blake Pennington, Assistant City Attorney
DATE: April 13, 2023
SUBJECT: **Ordinance to Establish Definitions and Regulations for Camping as a Conditional Use**

RECOMMENDATION:

On April 5, 2023, the Ordinance Review Committee voted 3-1 to recommend approval of an ordinance defining campgrounds and camping and establishing regulations for camping citywide as a conditional use.

BACKGROUND:

DISCUSSION:

BUDGET/STAFF IMPACT:

ATTACHMENTS: AGENDA REQUEST CAMPGROUNDS CONDITIONAL USE - Council Members Hertzberg and Berna, Memo - Possible Amendment to Campground CUP regulations, Ordinance Review Agenda Packet April 5, 2023, Ordinance Review Agenda Packet March 15, 2023



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2023-682

Ordinance to Establish Definitions and Regulations for Camping as a Conditional Use

AN ORDINANCE TO AMEND § 151.01 DEFINITIONS AND ENACT § 163.12 CAMPGROUNDS OF THE FAYETTEVILLE UNIFIED DEVELOPMENT CODE TO ESTABLISH REGULATIONS FOR CAMPGROUNDS AS A CONDITIONAL USE IN THE CITY OF FAYETTEVILLE

WHEREAS, the Ordinance Review Committee recommends approval of amendments to the Unified Development Code to codify definitions of campgrounds and camping, and to enact regulations for campgrounds to be permitted citywide as a conditional use.

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 amends § 151.01 **Definitions** of the Unified Development Code by enacting the following definitions:

“Campground: Private or public property used for camping purposes.

Camping: To reside or dwell temporarily in a place, with shelter, including one or more of the specified activities:

1. Erecting any tent, tarpaulin, shelter, or other structure or temporary structure that would permit one to sleep overnight;
2. Using a vehicle for the purpose of sleeping, including but not limited to all types of recreational vehicles.

Camping shall not include incidental napping, picnicking, or personal use by the owner or tenant of a permanent residential dwelling.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby enacts § 163.12 **Campgrounds** as follows:

(A) Campgrounds may be permitted citywide as a conditional use subject to the following minimum conditions:

1. *Consent.* The owner of the property shall provide written consent.

2. *Contact.* The owner of the property shall ensure current contact information is provided to the City for the owner or a responsible party.
3. *Owner or agent accessibility.* The property owner shall ensure that they or a designated agent are available at all times the property is being used for camping, including nights and weekends, in order to facilitate compliance with this section. For the purposes of these regulations, "availability" means that the owner or agent is accessible by telephone, and, able to be physically present at the location within three hours of being contacted.
4. *Sanitation.* Provisions shall be made to ensure any person camping on the property has access to sanitary facilities, including restroom and potable water.
5. *Waste.* The owner of the property shall ensure the provision of adequate garbage services such that no accumulation of solid waste occurs.
6. *Setbacks.* The owner shall ensure that any facilities, tents, or vehicles used for camping comply with the setback requirements of the applicable zoning district.
7. *Access by the City.* The City shall be authorized to enter the property to ensure compliance with the City's ordinances and any conditions of approval.

(B) In addition to the factors set forth in § 163.02(C)(3), campgrounds are further subject to approval, denial, or additional conditions based on the Planning Commission's findings on the following factors:

1. *Duration.* Where appropriate, conditions may be applied limiting the duration of the conditional use permit or the duration of stay by campground users;
2. *Natural Hazards.* Potential natural hazards, including flooding and slopes, shall be considered in siting of camping areas and may be a factor for denial of a conditional use permit;
3. *Separation and Screening.* The Planning Commission may require greater separation from adjacent properties than the minimum setbacks applicable to the zoning district. The Planning Commission may also require screening.
4. *Occupancy Limits.* The Planning Commission should consider limits on the number of occupants on the property with consideration for factors including, but not limited to, the acreage of the property, the proximity of adjacent structures, and the capacity of utilities available on site.
5. *Campfires.* Where appropriate, conditions may be applied limiting campfires or other open burning, with review and approval by the Fire Marshal.
6. *Noise.* The Planning Commission may apply conditions limiting noise emissions from the campground.
7. *Storage.* Where appropriate, conditions may be applied to ensure that any person camping on the property has access to securable storage for personal items.

AGENDA REQUEST FORM

FOR: Council Meeting of May 2, 2023

**FROM: Council Member Holly Hertzberg
Council Member Scott Berna**

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO AMEND § 151.01 **DEFINITIONS** AND ENACT § 163.12 **CAMPGROUNDS** OF THE FAYETTEVILLE UNIFIED DEVELOPMENT CODE TO ESTABLISH REGULATIONS FOR CAMPGROUNDS AS A CONDITIONAL USE IN THE CITY OF FAYETTEVILLE

APPROVED FOR AGENDA:

Holly Hertzberg
City Council Member
Holly Hertzberg

4/13/23

Date

Approved by email

City Council Member
Scott Berna

4/11/23

Date

/s/ Blake Pennington
Asst. City Attorney Blake Pennington
Approved as to form

4/13/23

Date

ORDINANCE NO. _____

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Camping: To reside or dwell temporarily in a place, with shelter, including one or more of the specified activities:

- A. Erecting any tent, tarpaulin, shelter, or other structure or temporary structure that would permit one to sleep overnight;
- B. Using a vehicle for the purpose of sleeping, including but not limited to all types of recreational vehicles.

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- (3) *Owner or agent accessibility.* The property owner shall ensure that they or a designated agent are available at all times the property is being used for camping, including nights and weekends, in order to facilitate compliance with this section. For the purposes of these regulations, "availability" means that the owner or agent is accessible by telephone, and, able to be physically present at the location within three hours of being contacted.

- (4) *Sanitation*. Provisions shall be made to ensure any person camping on the property has access to sanitary facilities, including restroom and potable water.
- (5) *Waste*. The owner of the property shall ensure the provision of adequate garbage services such that no accumulation of solid waste occurs.
- (6) *Setbacks*. The owner shall ensure that any facilities, tents, or vehicles used for camping comply with the setback requirements of the applicable zoning district.
- (7) *Access by the City*. The City shall be authorized to enter the property to ensure compliance with the City's ordinances and any conditions of approval.

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- (3) *Separation and Screening*. The Planning Commission may require greater separation from adjacent properties than the minimum setbacks applicable to the zoning district. The Planning Commission may also require screening.
- (4) *Occupancy Limits*. The Planning Commission should consider limits on the number of occupants on the property with consideration for factors including, but not limited to, the acreage of the property, the proximity of adjacent structures, and the capacity of utilities available on site.
- (5) *Campfires*. Where appropriate, conditions may be applied limiting campfires or other open burning, with review and approval by the Fire Marshal.
- (6) *Noise*. The Planning Commission may apply conditions limiting noise emissions from the campground.
- (7) *Storage*. Where appropriate, conditions may be applied to ensure that any person camping on the property has access to securable storage for personal items.

PASSED and **APPROVED** this 2nd day of May, 2023.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
KARA PAXTON, City Clerk/Treasurer



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Jodi Batker
Paralegal

TO: Mayor Jordan
City Council

FROM: Blake Pennington, Assistant City Attorney

DATE: April 14, 2023

RE: Possible Amendment to Definition of Campground

Following the Ordinance Review Committee's vote on the amendments to the City's campground regulations, we received some feedback from City Attorney Kit Williams and Parks & Recreation Director Alison Jumper that suggest an amendment to the definition of campground may be appropriate.

By including public land in the definition of campground it means that public land would be subject to regulation for camping activities just like private land. While this may be appropriate for City property, we cannot regulate such activities on either state or federal lands.

Additionally, § 97.068 *Camping Prohibited* within Chapter 97 **Parks and Recreation** contains some specific exceptions to allow limited camping within parks when authorized by the Parks and Recreation Director. That section states:

No person in a park shall set up or use tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person bring in or leave in a city park after closing hours any structure or vehicle to be used or that could be used for such purpose, such as house trailer, camp trailer, camp wagon or the like without a Camping Permit approved by the Parks and Recreation Director. Boy Scouts and other groups who

have served the Parks and Recreation Department through approved work programs in parks may be permitted to camp at designated park campsites with an approved Camping Permit authorized by the Parks and Recreation Director. Tournament directors of park related sanctioned tournaments may be permitted to camp at designated tournament facility sites with an approved Camping Permit authorized by the Parks and Recreation Director. Special event and/or Race Directors and event participants may be permitted to camp at designated campsites with an approved Camping Permit authorized by the Parks and Recreation Director.

The City Council might consider the following options during your discussions on these amendments:

- 1. Remove "and public" from the definition of campground so that it reads "Private property used for camping purposes."**

This amendment would then remove the conditional use permit requirement for camping on any public land. Since the City cannot regulate state or federal property, it would have no effect on those lands. It would allow the City Council or the Mayor to establish separate regulations for camping on City property and it would be consistent with the regulations the City Council has already enacted for limited camping in § 97.068.

While there is some support in the law for the City to regulate certain activities on county or school district land, it may be appropriate to allow their governing bodies to regulate this type of activity on their property.

- 2. Change "public" to "City" so that it reads "Private or City property used for camping purposes."**

The City Council could require campgrounds on City property to adhere to the conditional use permit requirement. This could also be amended to include county or school district property, which would then exempt only state and federal land. I would also suggest exempting the existing camping regulations in § 97.068.



D'Andre Jones
Council Member

Scott Berna
Council Member

Sarah Moore
Council Member

Holly Hertzberg
Council Member

Ordinance Review Committee

Meeting Agenda

**Wednesday 5:00 p.m. on April 5, 2023
City Hall Room 326**

- 1. Quorum Established and Call to Order**
- 2. Approval of March 15, 2023 Meeting Minutes (attached)**
- 3. Old Business**
 - Discussion of Use Unit 2, Campgrounds definitions and use conditions.
- 4. Any new business**
- 5. Adjournment**



MINUTES
Ordinance Review Committee Meeting
Wednesday, March 15, 2023
Hybrid – Room 326 and Zoom

Note: These minutes are a summary of the proceedings and do not constitute a full record. Video recording of the meeting may be seen in the City's video archives at <https://www.fayetteville-ar.gov/3947/Public-Meetings-Agendas-Minutes-and-Vide>

1. The Ordinance Review Committee met in person in City Hall Room 326. Council Members Berna, Hertzberg and Moore were present in person. Council Member Jones joined by Zoom after roll call.
2. The Committee voted unanimously to approve the minutes from the March 1, 2023 meeting.
3. Old Business: The only item of old business on the Committee's agenda was the discussion on Use Unit 2: Campgrounds in the Unified Development Code, including definitions and use conditions.

The committee agreed to allow public comment after a brief introduction of the issue. Public comment was limited to two minutes per person.

Jonathan Curth provided an update on the items the committee asked staff to look. This included how other cities around the country define campgrounds and ordinances regulating camping that have been adopted. Curth presented two proposals drafted by staff.

Staff Proposal 1 (Recommended by staff): Formalize the definition of campground and camping as a land use and activity. Amend the UDC to include use conditions as a conditional use requiring owner consent, responsible party/agent, adequate sanitation (including water and restrooms), setbacks, trash collection, lighting, access, storage, etc. This proposal did not include a maximum number because different campgrounds can be of different scales. All would go through the conditional use process.

Staff Proposal 2: Separate from or in addition to Proposal 1. Allow by-right, small scale tent and vehicle camping on property owned by religious organizations and non-profits (up to three families) or on any property city-wide (limited to 1 family). The use conditions would be similar to the Staff Proposal 1 conditions.

Additional considerations for the staff proposals: length of stay, public input, impacts on public resources (especially emergency services).

Jonathan confirmed that New Beginnings is the only campground for unsheltered individuals that has a conditional use permit.

Council Member Jones asked Captain Brad Renfro about the statistics for emergency calls at New Beginnings. There were 7 calls for service in 2021; 30 in 2022; 8 to date. There were 77 calls last year at the Tiffany property.

Council Member Moore stated that we have recognized that we are in a housing crisis. She recognized the property rights of property owners city-wide and the needs of the unhoused.

Council Member Jones visited the Tiffany property last week and had concerns. He said that the issue of the unhoused needs to be addressed but the concerns of neighbors are legitimate and should also be addressed.

Council Member Berna acknowledged the housing crisis in NWA but stated that letting people camp in backyards is not the answer. Stated that the overwhelming majority of people would look at the situation at the Tiffany property and say that it is unacceptable. It is a violation of the rules.

Council Member Moore said that there is a consensus that rules and standards should be put into place. The question is how the issue of homelessness can be addressed in recognizing property owners' rights.

Council Member Berna stated a preference for Proposal 1.

Council Member Jones stated that he wanted to hear from Mr. Tiffany about his feelings on Proposal 1.

Council Member Berna asked if it would be appropriate to include limitations on camping on city property.

City Attorney Kit Williams told the committee that they are here to formulate ordinances and not just approve proposals recommended by staff. He also told the committee that cities on the West Coast are in a very different position because of court rulings that apply only to the 9th Circuit. He urged the committee to consider every detail that would be adopted as part of a recommendation to the City Council. He recommended not getting into the issue of camping on city property. He stated that the International Municipal Lawyers Association is looking for an appropriate case in the 9th Circuit to appeal to the Supreme Court.

Council Member Moore stated a preference for defining camping in a way that provides regulations but does not require a conditional use permit.

Chair Hertzberg asked if the New Beginnings project or other campgrounds contained conditions that aren't in the staff proposal. Jonathan stated that some projects are going to require different conditions. Chair Hertzberg said that adding strict regulations to the code does not make sense but providing general regulations and having campgrounds go through the conditional use permit process would address any additional conditions.

Chair Hertzberg opened the floor to public comment. She stated that the next meeting would be a work session without public comment.

Richard Tiffany said he believes it is a misrepresentation to call his situation high crime. He stated that somebody regularly calls to harass an ex and that maybe half of the calls are from one person. He stated that the people staying on his property do not have a door to lock. From

2018-2020, 11 arrests. 1 was a tenant, 1 was a resident, and 9 were other visitors. Several were minor things like failure to appear and some disorderly conduct. He states the cemetery is intentionally flooding his property.

Janie Lang, chairwoman for the National Cemetery Advisory Council, said her son is buried at the National Cemetery. She has been harassed and others have been harassed. Said it is not camping; it is a homeless encampment. The National Cemetery is not after his land. The federal government does not purchase land for cemeteries and any land must be donated. She stated that there has been trash and it is appalling that the city has let this continue.

Martin Michna, a Fayetteville resident who works with Arkansas Veterans Village, spoke. He was at the cemetery on Sunday and heard cursing and yelling from the Tiffany property. He heard somebody ask "Where do I go to the bathroom?" and a lady yelled "Go pee in the f'ing yard."

Denise Youngblood owns property next to the Tiffany property. She sees crime and trash. They have had motorcycles, bicycles, and scooters stolen. Four people have threatened her. Last night a person was screaming that somebody was killing her. She witnessed people beating each other. Says they would be better camping in the woods. People use the bathroom in the yard and if they want to use the indoor bathroom they have to pay to get a key. States that her right to peacefully exist has been harmed.

Lauren McCloy asked how many people besides Mr. Tiffany are asking for a change in the ordinance to allow this activity. She says it sounds like an escape from accountability. She took pictures with a drone from her property and heard people threatening to shoot down the drone. She asked if the ordinance changes, what is the accountability and who do they call? She said the situation is negatively impacting not only the neighbors but also the homeless who are staying at the Tiffany property.

Mary Tischner has worked with the homeless and volunteers. She said there are not sufficient overnight shelters. There are not enough rehab facilities for drug abuse. She stated Mr. Tiffany does not have church funding or City support and cannot be what is offered at 7hills. She is not aware of the conditions of the property because she has not been there.

Kathy Kisida, who visited the property last week, spoke. She said she has never seen so much trash and litter piled up against the fence and in other areas of the property. She said there is no way a homeless person can heal in a place like that. She said one camper told her that to use the bathroom in the house you have to pay a fee. She just wants to see the property cleaned up and wants accountability. She wants the conditional use permit requirement to remain. The house is dilapidated and rundown; no screens, broken windows, people living on the porch, dead cars in the yard. She said the Tiffanys could apply for the conditional use permit and do it the right way.

Gladys Tiffany wanted the committee to know that her husband has a deep and caring heart. She said the idea of kicking people off the property is abhorrent. She said the fee for the bathroom is not true. She said many things need to be done to make homelessness work at that property. They need help with trash cleanup. She said anytime it rains, the property floods and people's belongings have to be discarded. As people clean up the mess, the piles of trash get larger. She says they are willing to work with the city on what needs to be done including guidelines that actually work for the situation.

Steve Real, retired military police combat veteran, knows 12 people who are buried in the cemetery. The noises, sounds and vulgar language are disgraceful. He is concerned about safety of the tenants, whether the property is up to code, broken windows, access to running water, are the cars licensed/insured? It is a cesspool fostering violence, drug use, and

prostitution. He said he met the Secretary of Veterans Affairs who saw the conditions of the Tiffany property.

Hayden will be moving to the property next door soon. She is afraid to go there and says she cannot bring friends there because people at the Tiffany property are doing illegal things and cussing. She said there is violence there.

Billy works with low and middle income people facing homelessness. He asked if social workers have been out to the property to provide resources to break the cycle of homelessness, abuse and drug issues.

Anton McBride works at the cemetery, but stated he was not speaking officially for the cemetery. He addressed the flooding issue. He said that properties flood the cemetery and stormwater drainage is not intentionally sent to the Tiffany property. They have had interruptions in cemetery activities and services because of disruptions from the Tiffany property. He stated that it does affect the cemetery.

Council Member Jones said he has gone to the property and spoken with Mr. Tiffany and residents numerous times. He said that nobody had an issue with homeless people being on the property. He heard that there need to be more services provided there. He said he believes the conversation is around establishing conditions. He said the City Council has a responsibility to ensure there are conditions to protect everyone. He wants to ensure Mr. Tiffany can utilize the services available from the city.

Council Member Berna pointed to pictures provided by Mr. Tiffany that show stormwater draining into the cemetery not out of the cemetery. He said that the public comment reinforced his belief that the conditional use permit is absolutely necessary. It adds a layer of protection and definition that is a must.

Chair Hertzberg asked Jonathan Curth about Proposal 1. She asked if it would it be a hassle to get written authorization? Jonathan stated that written consent by the owner or agent is required for the conditional use permit. She asked if there were other cities with setback or spacing requirements. Jonathan responded in the affirmative and said that it is common to have setbacks along property lines for safety purposes.

City Attorney Kit Williams announced that Mr. Tiffany has refused to apply for a conditional use permit so the City Prosecutor has filed a case against him for refusal to comply with city ordinances.

Marianne Hill brought up concerns about the Tiffany property and stated that the cemetery property should be sacred.

Shannon Warren lives off of Double Springs Road and says a campground like that would not be allowed in her neighborhood. She said she believes Mr. Tiffany should be responsible for taking care of his property and not the City. She asked why the City is letting this happen to veterans and their families. She said if there are veterans on the property they should reach out to her organization, Arkansas Veterans Village, for help.

The committee discussed the definition of storage.

Council Member Berna stated that Proposal 1 is a good starting point and that some conditions may need to be added to it.

The committee discussed the definition of campground and camping. Council Member Moore stated that she preferred Denver's definition of "camp" and stated that Denver has put city resources toward the unsheltered. She is concerned about whether the definition would require somebody's child camping in their backyard to get a CUP.

The committee then discussed potential conditions. Jonathan Curth read some of the conditions associated with the New Beginnings project. New Beginning also operates under a governance document that was incorporated into the conditions.

Chair Hertzberg asked if the committee wanted to discuss Proposal 2. Council Member Moore is still a proponent of allowing some camping by right. Council Member Berna says he wants to keep the CUP process in place. Chair Hertzberg said she did not feel comfortable with the part of the proposal to allow up to three per parking lot/parcel for nonprofits and religious organizations but liked the second part of the proposal to allow one family to camp on residentially zoned property by right. Council Member Moore advocated for setting parameters to allow people to stay certain places by right. Chair Hertzberg said if the City allows a single family on residentially zoned property the definitions and conditions need to be tightened up. Council Member Berna believes removing the conditional use permit requirement is a mistake. Council Member Jones stated that he also believes we should keep the conditional use permit.

The committee discussed the next steps. The committee asked the City Attorney's office and planners to work on Proposal 1. Chair Hertzberg asked if the definition of family for Proposal 2 could be tightened up.

Jonathan Curth summarized that the committee wants to revisit the definition of campground, with an eye to the Medford, Oregon and Denver ordinances; possible language as to limited camping by right with an eye to property owner's rights; and adding conditions about flooding/floodplain and an evaluation on standards of duration.

4. New Business: None
5. The committee agreed to meet again April 5 at 5:00 pm. Chair Hertzberg announced that public comment will not be allowed as this will be a committee working session.
6. There being no new business for the committee to consider, Chair Hertzberg adjourned the meeting around 7:20 pm.



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Jodi Batker
Paralegal

TO: **Ordinance Review Committee**

CC: **Jonathan Curth**, Development Services Director

FROM: **Blake Pennington**, Assistant City Attorney

DATE: **April 5, 2023**

RE: **Proposed UDC Amendments for Camping and Campgrounds**

I have worked with Jonathan Curth to finalize the proposed draft language included in your agenda packet. Based on the request of the committee at the end of the last meeting, the draft covers three major topics:

1. Definitions of campground and camping, which would exempt from regulation napping, picnicking, and an owner or tenant camping in their own backyard.
2. Conditions for campgrounds to operate only upon approval of a conditional use permit.
 - a. Seven required minimum conditions are proposed. These are focused on property owner responsibility, health and safety, and protection of neighbors through setbacks.
 - b. Seven non-required but recommended factors for Planning Commission (or City Council, on appeal) to consider are also proposed. These include limits on duration of the permit or duration of stays; conditions specific to the property under consideration, additional separation and screening, occupancy, campfires, noise, and storage provisions which will likely vary from property to property.
3. We have also included some draft language under Proposal 2 for limited temporary camping by right that could allow one family (as defined in the UDC) to camp on a residential property without going through the

conditional use permit process. The attached draft would allow either a tent in the back yard or a vehicle in the driveway of a property containing a permanent residential dwelling. Like Proposal 1, this proposal includes requirements focusing on property owner responsibility, health and safety, and the protection of neighbors. If the Committee decides to move forward with this, I would recommend more discussion on the types of camping that would be allowed in (A) and the length of stay provision found at (B)(7).

The Committee has two options:

1. You can decide not to take any action and staff will continue administering the campground regulations as they have for several years.
2. You can forward proposed regulations to the full City Council with a recommendation of approval. This can include some or all of the regulations in your agenda packet and you can also make amendments to the draft before making your recommendation. Any recommendation to the full City Council will require a simple majority to pass.



MEETING OF APRIL 5, 2023

TO: Fayetteville City Council Ordinance Review Committee

FROM: Jonathan Curth, Development Services Director

DATE: April 4, 2023

SUBJECT: Consideration of UDC 162.01(B) Use Unit 2 – City-wide Uses by Conditional Use Permit and Providing for a Definition of “Campground” in the UDC.

BACKGROUND:

Following two meetings on the topic, City Council’s Ordinance Review Committee is discussing campground definitions, appropriate use conditions for campgrounds, and allowances for camping of varying scale. The topic was initiated by a resident, petitioning consideration for an ordinance change to allow campgrounds citywide if not operated as a business where goods or services are exchanged for money, including donations (attached). At the Committee’s request, staff reviewed other municipalities’ approaches to camping and campgrounds. The product of this includes a framework to formalize and adopt a campground definition and appropriate conditions under which an applicant can request a conditional use permit. Additionally, proposed language was drafted for a temporary camping and parking program to allow small-scale, by-right camping.

DISCUSSION:

Regarding formalization the definition of a campground, Committee Members requested a draft ordinance that included elements proposed on March 15th with additions or revisions from the Committee. Committee comments included:

- Preference for a simpler, more clear-cut definition or definitions.
- Exemption for property owners using their own property for camping.
- Additional language regarding appropriate campground locations.

Accordingly, staff refined the proposal as follows:

Title XV, Unified Development Code
Chapter 151, Definitions

Campground: Private or public property for camping purposes.

Camping: To reside or dwell temporarily in a place, with shelter, including one or more of the specified activities:

- A. Erecting any tent, tarpaulin, shelter, or other structure or temporary structure that would permit one to sleep overnight;

- B. Using a vehicle for the purpose of sleeping, including but not limited to all types of recreational vehicles.

Camping shall not include incidental napping, picnicking, or personal use by the owner or tenant of a permanent residential dwelling.

Chapter 163. Use Conditions

§163.XX Campgrounds

- A. Campgrounds may be permitted citywide as a conditional use subject to the following minimum conditions:
 - 1. *Consent.* The owner of the property shall provide written consent.
 - 2. *Contact.* The owner of the property shall ensure current contact information is provided to the City for the owner or a responsible party.
 - 3. *Owner or agent accessibility.* The property owner shall ensure that they or a designated agent are available at all times the property is being used for camping, including nights and weekends, in order to facilitate compliance with this section. For the purposes of these regulations, "availability" means that the owner or agent is accessible by telephone, and, able to be physically present at the short-term rental within one hour of being contacted.
 - 4. *Sanitation.* Provisions shall be made to ensure any person camping on the property has access to sanitary facilities, including restroom and potable water.
 - 5. *Waste.* The owner of the property shall ensure the provision of adequate garbage services such that no accumulation of solid waste occurs.
 - 6. *Setbacks.* The owner shall ensure that any facilities, tents, or vehicles used for camping comply with the setback requirements of the applicable zoning district.
 - 7. *Access by the City.* The City shall be authorized to enter the property to ensure compliance with the City's ordinances and any conditions of approval.
- B. In addition to the factors set forth in § 163.02(C)(3), campgrounds are further subject to approval, denial, or additional conditions based on the Planning Commission's findings on the following factors:
 - 1. *Duration.* Where appropriate, conditions may be applied limiting the duration of the conditional use permit or the duration of stay by campground users;
 - 2. *Natural Hazards.* Potential natural hazards, including flooding and slopes, shall be considered in siting of camping areas and may be a factor for denial of a conditional use permit;
 - 3. *Separation and Screening.* The Planning Commission may require greater separation from adjacent properties than the minimum setbacks applicable to the zoning district. The Planning Commission may also require screening.
 - 4. *Occupancy Limits.* The Planning Commission should consider limits on the number of occupants on the property with consideration for factors including, but not limited

to, the acreage of the property, the proximity of adjacent structures, and the capacity of utilities available on site.

5. *Campfires*. Where appropriate, conditions may be applied limiting campfires or other open burning, with review and approval by the Fire Marshal.
6. *Noise*. The Planning Commission may apply conditions limiting noise emissions from the campground.
7. *Storage*. Where appropriate, conditions may be applied to ensure that any person camping on the property has access to securable storage for personal items.

The second proposal, for a citywide, by-right temporary camping and parking program, received a more reserved response from the Committee, particularly regarding an allowance for up to three vehicles or tents to be placed on properties owned by religious institutions and nonprofit organizations. Concerns were expressed about additional issues, like fencing and screening, the length of a stay, and what constitutes a family or its size. Comment was also made about the potential for a property owner with multiple parcels, whether contiguous or disparate, to allow temporary camping on each parcel, even if they are developed as a whole. While the Committee appeared divided in their opinion on the appropriateness of a temporary camping and parking program, a draft ordinance is attached for consideration.

Title XV, Unified Development Code

Chapter 164.XX, Proposed Temporary Camping and Parking Program

- A. Up to one family, as defined in § 151.01, may use residentially-zoned property developed with an occupied dwelling, with further authorization from the property owner and any tenants of the property, for camping by either:
 1. Using a tent to camp in the back yard of the residence; or
 2. Using a single motor vehicle parked in the driveway of the dwelling, subject to §172.11, Driveway and Parking Standards for Four (4) Parking Spaces or Less.
- B. A property owner or tenant of a permanent residential dwelling that authorizes any family or person to camp on a property shall ensure:
 1. Consent of the owner of the property;
 2. Occupation of the property by its owner and registration with the City of contact information of the party responsible for activity on the property;
 3. Provision of sanitary facilities, including access to restroom and potable water;
 4. Provision of garbage services such that no accumulation of solid waste occurs;
 5. Provision of storage for campers to store personal items such that items are not visible from a public street. Owners remain responsible for maintaining their property so that it does not create an unsightly or unsanitary condition as defined in §95.01;

6. Tents, shelters, or other camping shelters shall be more than five feet from any property line;
7. Length of stay shall not exceed 30 days; and
8. Not require or accept payment of any monetary charge nor performance of any valuable services in exchange for providing authorization to camp on the property, provided that nothing in this section will prohibit the property owner from requiring campers to perform services necessary to maintain safe, sanitary, and habitable conditions at the campground.

Attachments:

- Resident Proposal (Received via Councilmember Hertzberg)

Unit 2. City-Wide Uses by Conditional Use Permit.

- (1) *Description.* Unit 2 consists of uses which may be conducted anywhere in the territorial jurisdiction, but which can be objectionable to nearby uses and are therefore permitted subject to conditional use permits in all districts.

Unit 2 City Wide Uses by Conditional Use Permit (2) Included Uses, applies only to business use, with a business being where goods or services are provided in exchange for money, either as an amount charged or by request for donations.

(2) *Included Uses.*

EXPAND

Public and private facilities:	• Airport, flying fields and heliport
	• Bed and breakfast facilities*
	• Campground
	• Community Recycling Drop-off Facility

	• Landscape contracting business
	• Plant nursery
	• RV sewage disposal facility
	• Solid waste disposal facility
	• Water recreation area
Temporary facilities:	• Carnival, circus, and tent revival*
	• Commercial facilities
	• Real estate sales office (located at a specific location in an underdeveloped subdivision and operated for the purpose of developing said subdivision)
	• School and church facility



D'Andre Jones
Council Member

Scott Berna
Council Member

Sarah Moore
Council Member

Holly Hertzberg
Council Member

Ordinance Review Committee

Meeting Agenda

**Wednesday 5:00 p.m. on March 15, 2023
City Hall Room 326**

- 1. Quorum Established and Call to Order**
- 2. Approval of March 1, 2023 Meeting Minutes (attached)**
- 3. Old Business**
 - Discussion of Use Unit 2, Campgrounds definitions and use conditions.
- 4. Any new business**
- 5. Adjournment**



MINUTES
Ordinance Review Committee Meeting
Wednesday, March 1, 2023
Hybrid – Room 326 and Zoom

1. The Ordinance Review Committee met in person in City Hall Room 326. Council Members Berna, Hertzberg and Moore were present in person. Council Member Jones joined the meeting after roll call. Council Member Turk was present to participate in the discussion. After a quorum was established, the Committee nominated and unanimously elected Council Member Hertzberg as the Chair for 2023.
2. The Committee voted unanimously to approve the minutes from the November 16, 2022 meeting.
3. The only item of old business on the Committee's agenda was the City's short term rental (STR) regulations.

Chair Hertzberg suggested holding off on discussing this until we know how the State legislature is going to deal with the issue.

Chair Hertzberg opened the floor for public comment. Charles Watson, 11 E. Davidson St., has an STR on Buchanan. He discussed an issue with light trespass from a neighbor's STR and said the Code Compliance Division said Chapter 176 does not apply to STRs that are in single family or two-family units. Thomas Brown, 333 N. Gregg, said he is interested in the attainable housing goal of the city and that STRs have an impact on that. Richard Tiffany said that STRs have an impact on the homeless population by taking long term housing out of the market and raising rent.

After public comment closed, the Committee took no further action.

4. New Business: Chair Hertzberg opened a discussion on Use Unit 2: Campgrounds in the Unified Development Code, including definitions and use conditions, which was an issue brought to her by Richard Tiffany.

Chair Hertzberg recognized Development Services Director Jonathan Curth who gave a presentation on the issues related to property owned by Richard and Gladys Tiffany on Lt. Col. Leroy Pond Drive. Curth sent a memo dated February 27, 2023, to the Committee, which is attached to the agenda for this meeting. He also provided a summary of comments from the February 23, 2023 Long Range Planning Committee meeting.

Chair Hertzberg then recognized Richard Tiffany to speak for 10 minutes. Mr. Tiffany commented that the property is zoned RMF-24 so he could tear down the house and construct 6 apartments in its place. He says the problem is that there are people who don't want homeless

people in their neighborhood. Says all of the complaints, apart from the fire issue, were from visitors to the cemetery. Another neighbor had filed complaints which were resolved with Code Compliance. Now that neighbor calls Mr. Tiffany directly. He says there are women who have been at the property for more than a year because it is the safest place in town for them. Being able to provide that kind of service for the homeless community is something the City Council should work on. Said if others opened their homes, he might only have one or two campers like in the 9 years before COVID. Believes the intent of the use unit regulation is to regulate businesses, not something like his operation.

Council Member Jones asked if a representative of the police department was available to discuss emergency service calls to the property.

Captain Brad Renfro spoke about the calls to emergency services. He presented statistics from January 1, 2013 through February 8, 2023 showing there were 325 police calls, 148 fire calls. 473 calls total. 20% were officer initiated. In 2021, 27 disturbances, 9 in 2022, and 5 so far in 2023. There was a stabbing incident in July 2022. At the duplex to the north over the same period, there were 48 calls for police services and 2 for fire. Captain Renfro said the last call for service was a harassment call on February 24, 2023.

Mr. Tiffany said that a lot of the calls were related to an ex-boyfriend of one of the residents who called multiple times.

Council Member Berna applauded Mr. Tiffany for his willingness to help. Said his concern as a funeral director is they worry what is going to happen at the National Cemetery when they have funeral services there or when people are coming to pay their respects to their loved ones' grave sites. Finds it difficult to see how amending the ordinance in the way Mr. Tiffany proposes will fix the larger issues. Believes changing the definition is not something that is advisable.

Council Member Jones asked Mr. Tiffany if we decided not to change the definition what would be the impact on the individuals camping at his house. Mr. Tiffany says they will have to find somewhere else to go. He says many of them would move to the sidewalk in front of the Planning office. At that point he said it would be the City's responsibility to clean up the trash, etc.

Council Member Jones asked about the size of the property and how many people are there. Mr. Tiffany said it started with one person who moved into the front apartment, and that person asked to let a homeless person sleep on the front porch. For 8 or 9 years there was usually somebody on the front porch. For most of the last year and a half it has been in the range of 10-12 people. He said the cemetery has been a poor neighbor because their mowers would blow pieces of plastic flowers into his property. There are shots fired and loud music from funeral ceremonies. Acknowledged that there has been some loud music from the property. The cemetery recontoured its property which has pushed water into his property. Said they care about dead veterans but not live ones.

Council Member Jones asked Mr. Tiffany how often he goes to the property to monitor. Mr. Tiffany said a minimum of 2 days a week but sometimes 5 or 6 times a week. Most of the time the person living in the front apartment takes care of the issues. He said he has only had to call the police one time to report a woman who was claiming to be the property manager.

Council Member Turk said there is a larger issue – on the Town Branch loop she counted 37 tents and 2 were directly on the trail. Parks staff were taking care of those folks. She wants the Committee and the City Council to think about it in the larger context.

Council Member Berna asked Jonathan about the effect of making the change proposed by Mr. Tiffany. Jonathan said based on the number of calls for services at Mr. Tiffany's property, which is well managed, that the numbers of calls could be exponentially more at other properties that are not well managed. He says there are other potential unintended consequences for the other uses listed within Use Unit 2.

Mr. Tiffany said Occupy Wall Street came to the City and camped at the Town Center for months.

Council Member Moore said that we are in a housing crisis. Where is an appropriate place for these individuals to go? The City Council has discussed how to solve the affordable housing crisis. Agreed with Richard that he should not have to seek a conditional use permit and that it is a property owner's rights issue. There should be some reasonable regulations. Our shelters do not have adequate housing for these individuals and non-profit organizations are not able to help them all.

Chair Hertzberg acknowledged that Mr. Tiffany is trying to help the community. She was concerned about the numbers of calls for emergency services. Wants to balance the rights of homeless individuals and the rights of neighbors and those at the cemetery.

Council Member Jones said he has been receiving calls from neighbors and other individuals with concerns and wants to strike a balance between providing a safe place for homeless individuals and making sure neighbors are not exposed to unsafe situations.

Council Member Berna talked about a call he received from the father of a UA student who lives next to the trail. A homeless encampment is nearby. This week there were four attempts by homeless individuals to enter her apartment, one who had his pants down. Said that we have to acknowledge there's a balance. At what point do we say we look out for the law-abiding citizens? There have to be some parameters that we operate under.

Mr. Tiffany said that his proposal is to just go back to the policy before October. Jonathan Curth said there is no definition of campground. New Beginnings was required to obtain a CUP as a campground and there was no change in October. Mr. Tiffany's

Chair Hertzberg opened the floor for public comment.

Gladys Tiffany spoke about the need for a master plan to deal with homelessness. The problem is so big it's difficult for cities to deal with it. She mentioned a homeless community outside of Austin that started as a community of 300 tiny homes and RVs to 500. Little Rock is thinking about setting up a village based on the Austin model.

Council Member Moore said the Austin model is called Community First Village and will pass along more information as she receives it.

Jimm Garlock, a member of the Planning Commission, said this is also a mental health and job issue. We need to provide a long term, holistic approach including health care. Is against the conditional use permit and said that could lead to unintended consequences across the city.

Thomas Brown said that when the City jumps into the discussion on the attainable housing goal, workforce and low-income housing as well as homelessness should be discussed. Goals and a strategy should be discussed.

Kathy Kisida lives down the street from the Tiffany property. She said if she had known about the meeting more neighbors would have shown up. Her concern is the crime on the Tiffany

property. She drives by the property and sees exchanges of items at the house. She has heard that the neighbor next door has been unable to rent her duplex because of the conditions. She has seen yelling at the apartment residents, racism, bigotry. There are dead cars and dirty conditions. There's a constant smell of sewage from the property.

Chair Hertzberg brought it back to the Committee for discussion.

Council Member Berna has dealt with a family member dealing with mental health issues. Recognizes there a lot of mental health issues in the homeless community. Until the federal government incentivizes the health care industry to address mental health it won't be addressed because of lack of funding. If a change is made to the definition, it shouldn't be opened up too much.

Council Member Jones said we have to strike a balance. Have to take into consideration what the neighbors are saying and their safety. Doesn't want a situation in which somebody gets hurt. Something needs to be in place to ensure safety for everyone.

Council Member Moore thought additional feedback from the Planning Commission.

Chair Hertzberg asked if the Committee wants to send something to the full City Council recommending looking at a change to the campground definition.

Council Member Jones moved to forward a recommendation to the City Council to make changes to the definition of campground.

Council Member Moore thought it was premature to send it to the full City Council and said that the committee should make more specific recommendations.

Chair Hertzberg suggested recommending either changing the definition or continuing to require the conditional use permit.

Chair Hertzberg suggested considering other options besides changing the definition or requiring the conditional use permit before the next Ordinance Review Committee meeting.

Jonathan Curth said staff can provide a memo with several possible definitions that have been adopted by other municipalities, some potential conditions, and also the potential ramifications of going either direction.

5. The Committee did not take action on this item but agreed to meet again on March 15 at 5:00 pm to continue the discussion.
6. There being no new business for the committee to consider, Chair Hertzberg adjourned the meeting around 6:40 pm.



MEETING OF MARCH 15, 2023

TO: Fayetteville City Council Ordinance Review Committee

FROM: Jonathan Curth, Development Services Director
Britin Bostick, Long-Range Planning & Special Projects Manager

DATE: March 13, 2023

SUBJECT: Consideration of UDC 162.01(B) Use Unit 2 – City-wide Uses by Conditional Use Permit and Providing for a Definition of “Campground” in the UDC.

BACKGROUND:

At their March 1, 2023 meeting, the City Council’s Ordinance Review Committee heard from City staff, a resident petitioner, and members of the public regarding campgrounds. With the origin of the discussion being a City-issued violation letter to Richard and Gladys Tiffany for use of their rental property as an unsanctioned campground, Mr. Tiffany proposed to amend ordinance to allow campgrounds without a conditional use permit where there is no exchange of money or services.

In response, the Committee discussed concern for housing citywide, the volume of emergency calls that Police Department Captain Renfro summarized for the Tiffany property (approx. 480 over ten years), a need for baseline safety and hygiene standards, and the importance of considering nearby residents and property owners. Additionally, while acknowledging that one property served as the source of the discussion and proposal, committee members acknowledged that the topic at-hand is not understood to resolve homelessness, but instead represent the potential to sanction non-commercial campgrounds citywide. In concluding the discussion, committee members requested staff investigate other municipalities or peer cities for potential definitions of “camp”, “camping”, or “campground”.

DISCUSSION:

As several committee members noted at their March 1st meeting, municipalities nationwide are experiencing increased numbers of unhoused community members. In reviewing municipalities of similar population (~100,000) and similar character (college town), along with municipalities in differing jurisdictional geographies but with more recent case law examples regarding camping, staff identified numerous definitions (see attached). Municipalities generally fall into two categories: those that address camping from a recreational standpoint and those that have drafted ordinances with clear distinction between those camping by choice and those out of need. Among the municipalities that consider camping broadly, it is often written in sections of code addressing criminal activity, apparently as an expedient to address asserted nuisance.

In considering and evaluating best practices and the standards adopted by other municipalities, staff has drafted two proposals. The first establishes a Unified Development Code (UDC) definition of “camping” and “campground” as an activity and land use respectively. To supplement

this, staff further proposes use conditions that will form the basis for evaluating a proposal for a campground. Combined, these definitions and use conditions will then be applied in response to a conditional use permit application for a campground under Use Unit 2, Citywide Uses by Conditional Use Permit. Additionally, this proposal will formalize the current interpretation under which staff is operating (attached).

Proposed Definition(s)

Campground: The use of private or public property for camping purposes.

Camping: To pitch, erect, create, use, or occupy camp facilities for habitation, as evidenced by the use of camp paraphernalia, including but not limited to the following:

- A. Erecting any tent, tarpaulin, shelter, or other structure or temporary structure that would permit one to sleep overnight;
- B. Using a vehicle for the purpose of sleeping, including but not limited to all types of recreational vehicles.

Camping shall not include incidental napping or picnicking.

Proposed Use Conditions

Camping shall not be permitted on private property where it is conducted in such a manner as to create inadequate sanitation or a public or private nuisance. The following general requirements shall apply to campgrounds:

- A. Consent of the owner of the property;
- B. Either occupation of the property by its owner or registration with the City of contact information of a responsible party that can respond within one hour for activity on the property;
- C. Provision of sanitary facilities, including restroom and potable water;
- D. Provision of garbage services such that no accumulation of solid waste occurs;
- E. Provision of storage for campers to store personal items such that items are not visible from a public street; and
- F. Tents, shelters, or other camping shelters shall be more than five feet from any property line.

The second proposal assumes the intent to establish by-right camping citywide or in certain locations and to certain scales. A temporary camping program of this nature is intended to allow campers to locate near institutional services and on dispersed properties. Similar to staff's first proposal, defining both "camping" and a "campground" is necessary to ensure consistent application of ordinance and for the public's clarity. It is possible that both proposals could exist

in tandem, with small-scale camping permitted by-right and conditional use permit approval necessary when the number of campers is larger.

Proposed Temporary Camping and Parking Program

With written authorization of the private property owner of a property, up to three total motor vehicles or tents, in any combination, may be used for camping in any parcel or parking lot on real property developed and owned by a religious institution, place of worship, or nonprofit organization, regardless of the zoning designation of the property.

Up to one family may use residentially-zoned property developed with an occupied dwelling, with further authorization from the property owner and tenants of the property, for camping by either:

- A. Using a tent to camp in the back yard of the residence; or
- B. Using a single motor vehicle parked in the driveway of the dwelling, subject to §172.11, Driveway and Parking Standards for Four (4) Parking Spaces or Less.

A property owner or organization that authorizes any person to camp on a property shall ensure:

- A. Consent of the owner of the property;
- B. Either occupation of the property by its owner or registration with the City of contact information of a responsible party for activity on the property;
- C. Provision of sanitary facilities, including restroom and potable water;
- D. Provision of garbage services such that no accumulation of solid waste occurs;
- E. Provision of storage for campers to store personal items such that items are not visible from a public street;
- F. Tents, shelters, or other camping shelters shall be more than five feet from any property line;
- G. Not require or accept payment of any monetary charge nor performance of any valuable services in exchange for providing authorization to camp on the property, provided that nothing in this section will prohibit the property owner from requiring campers to perform services necessary to maintain safe, sanitary, and habitable conditions at the campsite.

In closing, it is staff's current position that it serves the overall public interest to maintain some level of review for campgrounds of both recreational and non-recreational purposes. Without assurance of responsibility, hygiene, and safety, camping for any purpose can pose a hazard and nuisance to property owners, campers, and neighbors.

Attachments:

- Researched Camping/Campground Definitions
- Current Use Unit 2 Interpretation - Campground

Camping/Campground Definitions

Formal/Recreational:

- Campground: Temporary or permanent buildings, tents, or other structures established or maintained as a temporary living quarter, operated continuously for a period of five days or more for recreation, religious, education, or vacation purposes. (Cascade Charter Township, MI.)
- Any area that is occupied or intended or designed or improved for occupancy by transients using recreational vehicles, motor homes, or mobile trailers for dwelling, lodging, or sleeping purposes and is held out as such to the public. Campsite does not include any manufactured housing community. (Imperial Beach, CA)
- A lot in single ownership that has been developed or is intended to be developed for occupancy by tents and all types of recreational vehicles, including tent trailers, for transient dwelling purposes. (Loveland, CO)
- An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters of any kind. (Bayfield County, WI)
- Campground means any parcel or tract of land owned by a person, state or a local government, which is designed, maintained, intended or used for the purpose of providing sites for non-permanent overnight use by 4 or more camping units, or by one to 3 camping units if the parcel or tract of 26 land is represented as a campground. (Menomonie, WI)
- Any parcel or tract of land under the control of any person, organization, or governmental entity . . . wherein sites are offered for the use of the public or members of any organization for the establishment of temporary living sites for two or more recreational vehicles or camping units. (Indian Trail, NC)

General:

- Campground means an area on which accommodations for temporary occupancy, such as tents or recreational vehicles, are located or may be placed for less than one month, and which is primarily used for recreational purposes and retains an open air or natural character. (Boulder, CO)
- "Camp" means to reside or dwell temporarily in a place, with shelter. (Denver, CO)
- "Campsite" means any place where any bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed, established or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof. (Eugene, OR)
- "Campsite" means any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof. (Portland, OR)
- "Camping" means the use of any public or private property for living accommodation purposes including but not limited to any of the following:
 1. Erecting any tent, tarpaulin, shelter, or other structure that would permit one to sleep overnight;
 2. Using a recreational vehicle for the purposes of sleeping.(Burlington, WA)
- "Campsite" means any place where any stove or fire is placed, established or maintained for the purpose of maintaining a temporary place to live, or where the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof is placed, established or maintained for the purpose of maintaining a temporary place to live. (Medford, OR)
- "Campground" means an area within a public park designated for camping purposes.
- "Camping" means the use of public park for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making any fire, or using any tents or shelter or other structure or vehicle for sleeping or doing any digging or earth breaking or carrying on cooking activities. The above listed activities constitute

camping when it reasonably appears, in light of the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants.

(Honolulu, HI)

- “Camp” or “Camping” means to pitch, create, erect, use, or occupy camp facilities, or to use camp paraphernalia or both for the purposes of habitation, or in such a way as will permit remaining overnight, or parking a trailer, camper, or other vehicle for the purpose of remaining overnight. (Snohomish, WA)
- “Encampment” means one or more tent, structure, or assembly of camping equipment or personal property located in an identifiable area, which appears to a reasonable person to be being used for camping. An identifiable area includes areas where the tents or structures are in plain sight of each other. (Seattle, WA)
- “Camp” or “camping” means to pitch, create, use, or occupy camp facilities for the purposes of habitation, living accommodation, or dwelling, as evidenced by the storage of personal belongings in “camp facilities” or the use of “camp paraphernalia.”
- “Camp facilities” include, but are not limited to, tents, tarps configured for shelter, huts, and temporary shelters.
- “Camp facilities” does not include shelters when used temporarily in a park for recreation or play, consistent with [local ordinance reference], during hours when the park is open to the public.
- “Camp paraphernalia” includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or non-city-designated cooking facilities and similar equipment.

(Auburn, AL)

- “Camping” shall mean the use of land to conduct one or more specified activities when, based upon such use, it reasonably appears in light of all the circumstances that the participants, in conducting the specified activities, are using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may be engaging. Camping shall not include residing in a permanent structure that may be lawfully occupied as a permanent or temporary residence.
- “Specified activities” shall include:
 - (a) sleeping or making preparations to sleep such as laying down bedding.

- (b) storing personal belongings including but not limited to clothing, sleeping bags, bedrolls, blankets, sheets, luggage, backpacks, kitchen utensils, cookware, and similar materials.
- (c) making any fire for the purposes of warmth, or of cooking.
- (d) erecting a tent, lean-to or other similar temporary structure.

(Lawrence, KS)

- Camp or camping means sleeping, making preparation to sleep (including the laying down of bedding for the purpose of sleeping), and associated activities, including the storing of personal belongings, making any fire, remaining at or near any tent or other shelter, doing any digging or earth breaking or carrying on of cooking or other activities supportive of camping or living accommodation purposes. (Asheville, NC)
- Camping shall mean to sleep or spend the night or reside or dwell temporarily in a natural area, with or without bedding or other camping gear, and with or without shelter, or to conduct activities of daily living, such as eating or sleeping, in such place. Camping shall not include incidental napping or picnicking. (Fort Collins, CO)



**CITY OF
FAYETTEVILLE
ARKANSAS**

STAFF MEMO

TO: Whom It May Concern
City Planning Division File

FROM: Jessie Masters, Development Review Manager

DATE: October 7, 2022

SUBJECT: Use Unit 2 – City-wide uses by conditional use permit (Campground)

BACKGROUND:

In recent months there have been complaints within a residentially-zoned neighborhood that people have been sleeping in tents overnight and living on a piece of property for an extended period of time. The City of Fayetteville does not currently have a codified definition of campground, though allows them as a conditional use everywhere under Use Unit 2.

DETERMINATION:

Campgrounds are listed in the Unified Development Code under 162.01(B)(2) as Use Unit 2, City-Wide Uses by Conditional Use Permit. Merriam Webster defines a campground as the following:

- *Campground (n): the area or place (such as a field or grove) used for a camp, for camping, or for a camp meeting.*

Further, Merriam Webster defines “camp” as the following:

- *Camp (n): a place usually away from urban areas where tents or simple buildings (such as cabins) are erected for shelter or for temporary residence (as for laborers, prisoners, or vacationers)*

Relying upon a dictionary definition of campground in the absence of an alternative, staff interprets from a land-use perspective that if a use becomes traffic-generating for the purpose of occupying the property for the erection of tents or other temporary shelters, separate from or additional to the use of another principal use, the property would be subject to the conditional use permit process.

For future reference, other municipalities do specifically define “campground.” These references can prove to be beneficial for research purposes when Fayetteville seeks to codify a more specific definition.

- *Campground: Temporary or permanent buildings, tents, or other structures established or maintained as a temporary living quarter, operated continuously for a period of five days or more for recreation, religious, education, or vacation purposes. (Cascade Charter Township, Mich.)*
- *Campground: Any area that is occupied or intended or designed or improved for occupancy by transients using recreational vehicles, motor homes, or mobile trailers, for dwelling, lodging, or sleeping purposes, and is held out as such to the public. Campsite does not include any*

manufactured housing community. (Imperial Beach, Calif.)

- *Campground: A lot in single ownership that has been developed or is intended to be developed for occupancy by tents and all types of recreational vehicles, including tent trailers, for transient dwelling purposes. (Loveland, Colo.)*
- *Campground: An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters of any kind. (Bayfield County, Wisc.)*
- *Campground: Any parcel or tract of land under the control of any person, organization, or governmental entity . . . wherein sites are offered for the use of the public or members of any organization for the establishment of temporary living sites for two or more recreational vehicles or camping units. (Indian Trail, N.C.)*

Sources:

Davidson, Michael, and Fay Dolnick. A Planners Dictionary. American Planning Association, 2004.

Merriam-Webster. (n.d.). Campground. In Merriam-Webster.com dictionary. Retrieved September 30, 2022, from <https://www.merriam-webster.com/dictionary/campground>

Merriam-Webster. (n.d.). Camp. In Merriam-Webster.com dictionary. Retrieved September 30, 2022, from <https://www.merriam-webster.com/dictionary/camp>



MEETING OF APRIL 25, 2023

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Chris Brown, Public Works Director
Jonathan Curth, Development Services Director

FROM: Jessica Masters, Development Review Manager
Alan Pugh, Staff Engineer

DATE: April 13, 2023

SUBJECT: **Appeal: LSD-2022-0041: Large Scale Development (N. HWY 112/112 ARONSON, 209): Submitted by ENGINEERING SERVICES INC. for property located on N. HWY. 112. The property is zoned C-2, THOROUGHFARE COMMERCIAL and UT, URBAN THOROUGHFARE and contains approximately 31.20 acres. The request is for a development with 214 residential units, 40,000 sq. ft. movie theater, and associated parking.**

RECOMMENDATION:

City staff made no recommendation and Planning Commission approved of a request for a variance to UDC §168.10(U), Provisions for Flood Hazard Reduction at the March 27, 2023 Planning Commission meeting. This variance was requested in association with a large-scale development proposal to construct 214 residential units, 40,000 sq. ft. movie theater, and associated parking.

BACKGROUND:

The subject property is the former site of the 112 Drive-In in north Fayetteville, southeast of the intersection of Highway 112 and Van Asche Drive. The property is zoned UT, Urban Thoroughfare, and C-2, Thoroughfare Commercial, and it received this zoning classification in 2022. The site is partially located within a FEMA floodplain, contains a protected stream and hydric soils, and is sparsely vegetated. Portions of the property are also located within the current boundary of the Enduring Green Network and the I-540 Overlay District.

Request: The applicant requests Large Scale Development approval of 214 residential units, three commercial buildings, including a movie theater, and associated parking. The applicant requested 5 variances to the Unified Development Code, all of which were approved by the Planning Commission. Under consideration with this appeal is the Planning Commission's determination of a variance to §168.10(U): Provisions for Flood Hazard Reduction. The applicant has requested a variance for the development to increase flood height in a special flood hazard area. In their letter the applicant says the development will increase the Base Flood Elevation by 1.56 inches at a point just upstream of where Clabber Creek crosses under Highway 112. The decision to approve the variance by the Planning Commission is being appealed by the adjacent property owner.

Public Comment: Staff received public comment on the overall development prior to Planning Commission and

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

at the meetings. While most public comments were general inquiries about the proposal, the neighboring property owner issued concerns about a variance that was requested for cross access, and later issued concerns about the flooding and drainage information that was provided by the applicant.

DISCUSSION:

At the March 27, 2023 Planning Commission meeting, a motion to approve LSD-2022-0041 in favor of all requested variances and all other conditions as recommended by staff passed with a vote of 7-2-0 (Commissioners Winston and Brink voted no).

The variance approved by the Planning Commission and being appealed to City Council involves a request by the applicant to increase the base flood elevation approximately 1.56 inches at a point just upstream of where Clabber Creek crosses under Highway 112. There are two properties impacted by this increase, the property owned by the applicant and the adjacent property owned by Nelms LLLP commonly referred to as the Fayetteville Autopark.

The applicant provided a flood study for the existing condition as well as the proposed condition to determine the extent of any impact to the floodplain including any increase in base flood elevation or channel velocity as required by the Flood Damage Prevention portion of the UDC.

While weighing the potential impacts of this request, staff did investigate and determine that based on the information provided by the applicant the proposed increase would not subject any structures to additional flooding. However, a portion of an existing parking area within the Fayetteville Autopark is subject to flooding of approximately one foot during larger storm events. Based on the proposed increase of 1.5 inches and using GIS topography, it was determined that the floodplain could extend 8-10 feet further into the Fayetteville Autopark's existing parking area and increase in depth an additional 1.56 inches according to the applicant's study.

However, of note is that ArDOT is currently planning improvements to Hwy 112 which would increase the capacity of the culverts under Hwy 112 at this location. According to the applicant's engineer, the proposed improvements to Hwy 112 would return the floodplain elevations so that they would be at or below the conditions found today. Staff was unable to make a recommendation on the request largely in part due to the uncertainty of the timing of these improvements and the impact to the adjacent property owner until these improvements are completed.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: Appeal Letter, City Council Sponsor, Exhibit A - HWY 112 Floodplain, Exhibit B - FEMA Preliminary Map, Planning Commission Staff Report

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

Masters, Jessica

From: David Nelms <daviddnelms@gmail.com>
Sent: Wednesday, April 5, 2023 10:02 AM
To: Bunch, Sarah
Cc: Masters, Jessica; Pennington, Blake; Brown, Chris
Subject: Appeal - Planning Commission LSD-2022-0041

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.

Dear Sarah,

I am writing to ask you to sponsor our appeal to the Planning Commission's approval of the Aronson project, LSD-2022-0041. The specific purpose of our appeal is to challenge the approval of a variance to **§168.10(U), Provisions for Flood Hazard Reduction**.

The project is in a special flood hazard area and the flood models indicate an increase in the base flood levels which necessitated the variance. The applicant's engineers assert the project meets all other requirements of **§168.10** including that for compensatory storage. The applicant claims the adverse impact on flood levels will be remedied when improvements are made to Highway 112.

The City engineers have yet to verify the applicant's storage calculations and made no recommendation to the Planning Commission on the variance request stating that the timeline for ARDOT's future improvements is unknown.

As laid out in section **§168.01(A)** of the unified code, the planning commission has a responsibility to minimize public and private losses due to floodplain development. Yet in this case, they accepted the assumptions made by the applicant as fact, and rather than seeking clarification they granted the variance potentially leaving the Auto Park more vulnerable to flooding for an undetermined amount of time.

We understand that the project will be scrutinized by the engineering department prior to the issuance of a grading permit; however, an appeal will help provide peace of mind and adequate time to assure all requirements of the **Flood Damage Prevention Code** have been met.

Additionally, we have hired engineers to perform an independent review of the boundary conditions and flood models.

Thank you for your time and consideration in sponsoring our appeal.

Sincerely,

David Nelms

--

David D Nelms

Nelms LLP

(479) 527-7812

Masters, Jessica

From: Bunch, Sarah
Sent: Wednesday, April 5, 2023 10:15 AM
To: David Nelms
Cc: Masters, Jessica; Pennington, Blake; Brown, Chris
Subject: Re: Appeal - Planning Commission LSD-2022-0041

David,

Yes, I will sponsor your appeal. I cannot guarantee I will vote in favor of the appeal because I like to hear all the evidence first then decide, but I will most definitely help you get this before the council.

I am responding to everyone you included, and hope the City Attorney will advise me if this is sufficient to do place it on the council agenda.

Sarah Bunch

Sent from my iPhone

On Apr 5, 2023, at 10:01 AM, David Nelms <daviddnelms@gmail.com> wrote:

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.

Dear Sarah,

I am writing to ask you to sponsor our appeal to the Planning Commission's approval of the Aronson project, LSD-2022-0041. The specific purpose of our appeal is to challenge the approval of a variance to **§168.10(U), Provisions for Flood Hazard Reduction**.

The project is in a special flood hazard area and the flood models indicate an increase in the base flood levels which necessitated the variance. The applicant's engineers assert the project meets all other requirements of **§168.10** including that for compensatory storage. The applicant claims the adverse impact on flood levels will be remedied when improvements are made to Highway 112.

The City engineers have yet to verify the applicant's storage calculations and made no recommendation to the Planning Commission on the variance request stating that the timeline for ARDOT's future improvements is

unknown.

As laid out in section **§168.01(A)** of the unified code, the planning commission has a responsibility to minimize public and private losses due to floodplain development. Yet in this case, they accepted the assumptions made by the applicant as fact, and rather than seeking clarification they granted the variance potentially leaving the Auto Park more vulnerable to flooding for an undetermined amount of time.

We understand that the project will be scrutinized by the engineering department prior to the issuance of a grading permit; however, an appeal will help provide peace of mind and adequate time to assure all requirements of the **Flood Damage Prevention Code** have been met.

Additionally, we have hired engineers to perform an independent review of the boundary conditions and flood models.

Thank you for your time and consideration in sponsoring our appeal.

Sincerely,

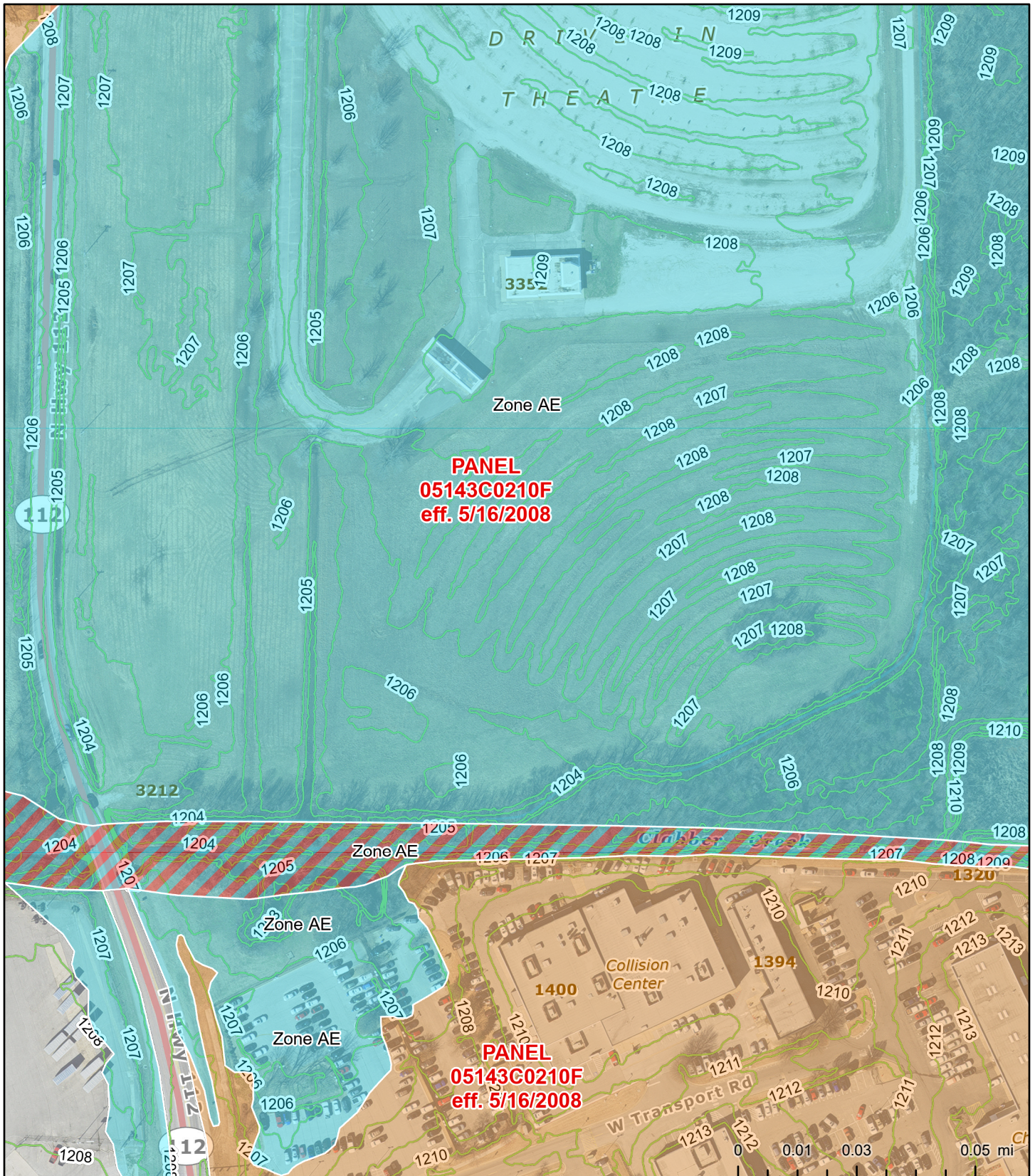
David Nelms

--

David D Nelms

Nelms LLLP

(479) 527-7812



- 1% Annual Chance Flood Hazard
- Regulatory Floodway
- Special Floodway
- Area of Undetermined Flood Hazard
- 0.2% Annual Chance Flood Hazard
- Future Conditions 1% Annual Chance Flood Hazard

Highway 112 Floodplain

Fayetteville, AR

The data contained herein was compiled from various sources for the sole use and benefit of the City of Fayetteville Geographic Information System and the public agencies it serves. Any use of the data by anyone other than the City of Fayetteville is at the sole risk of the user; and by acceptance of this data, the user does hereby agree to indemnify the City of Fayetteville and hold the City of Fayetteville harmless from and without liability for any claims, actions, cost for damages of any nature, including the city's cost of defense, asserted by user or by another arising from the use of this data. The City of Fayetteville makes no express or implied warranties with reference to the data. No word, phrase, or clause found herein shall be construed to waive that tort immunity set forth under Arkansas law.

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 Map Author:



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager
Melissa Boyd, Staff Engineer
Melissa Evans, Urban Forester

MEETING: March 27, 2023 **Updated with PC hearing results from March 27, 2023**

SUBJECT: **LSD-2022-0041: Large Scale Development (N. HWY 112/112 ARONSON, 209):**
Submitted by ENGINEERING SERVICES INC. for property located on N. HWY. 112. The property is zoned C-2, THOROUGHFARE COMMERCIAL and UT, URBAN THOROUGHFARE and contains approximately 31.20 acres. The request is for a development with 214 residential units, 40,000 sq. ft. movie theater, and associated parking.

RECOMMENDATION:

Staff recommends approval of **LSD-2022-0041** with conditions.

RECOMMENDED MOTION: *"I move to approve LSD-2022-0041, determining:*

- *In favor of recommended right-of-way dedication,*
- *In favor of recommended street improvements,*
- *In favor of a variance to UDC §166.25(D)(2),*
- *No recommendation of a variance to UDC §168.10(U),*
- *In favor of a variance to UDC §172.04(E),*
- *In favor of a variance to UDC §172.05(A)(7),*
- *In favor of a variance to UDC §177.04(C)(1)(a) and (b), and*
- *In favor of all other conditions as recommended by staff."*

MARCH 13, 2023 PLANNING COMMISSION MEETING

The item was tabled at the March 13, 2023 Planning Commission meeting, at the recommendation of the Engineering Division, to allow time for the applicant to respond to inconsistent information in the drainage report and the flood study. The applicant has resubmitted a variance request to allow for an increase to the Base Flood Elevation. Engineering staff is unable to make a recommendation on this variance.

BACKGROUND:

The subject property is the former site of the 112 Drive-In in north Fayetteville, southeast of the intersection of Highway 112 and Van Asche Drive. The property is zoned UT, Urban Thoroughfare, and C-2, Thoroughfare Commercial, and it received this zoning classification in 2022. The site is partially located within a FEMA floodplain, contains a protected stream and hydric soils, and is sparsely vegetated. Portions of the property are also located within the current boundary of the Enduring Green Network and the I-540 Overlay District. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Commercial (Retail)	C-2, Thoroughfare Commercial
South	Commercial (Car Dealership)	C-2, Thoroughfare Commercial
East	Undeveloped	C-2, Thoroughfare Commercial
West	Undeveloped; Institutional (Church)	RPZD, Residential Planned Zoning District; CS, Community Services

Proposal: The applicant requests Large Scale Development approval of 214 residential units, three commercial buildings, including a movie theater, and associated parking. The applicant has requested several variances to the Unified Development Code:

- **§166.25(D)(2): Shared drives and cross access between properties shall be encouraged to adjacent developed and undeveloped properties.** The applicant has requested a variance from this requirement to the east, south, and north of the overall property, citing conflicts with the streamside protection ordinance and floodplain requirements.
 - *Staff recommendation: Staff is supportive of this variance and has historically interpreted the ordinance to require a variance when no cross-access is provided for, either by easement or by stub-out. Staff finds that the environmental challenges adjacent to the commercially-developed portion of the site present significant hardship in creating a feasible future connection to the east and to the south. The project is not required to meet the same connectivity standard to the residential portion of the project because the applicant is proposing to use private drives; that said, the applicant is showing an intent to provide connectivity throughout the development itself, and staff finds that the spirit and intent of the ordinance is overall being met. The City Attorney's office has also issued a memo regarding staff's interpretation and recommends that the Planning Commission approve.*
- **§168.10(U): Provisions for Flood Hazard Reduction.** The applicant has requested a variance for the development to increase flood height in a special flood hazard area. In their letter the applicant says the development will increase the Base Flood Elevation by 1.56 inches at a point just upstream of where Clabber Creek crosses under Highway 112.
 - *Staff recommendation: Staff is unable to make a recommendation on the requested variance. The applicant says the increase will be temporary because of forthcoming improvements by ArDOT to Highway 112. Specifically, the applicant asserts that planned culverts which convey Clabber Creek under Highway 112 will be upsized, rendering the increase to the Base Flood Elevation temporary. Staff is unable to make a recommendation based on future improvements to Highway 112 since the timeline for the completion of the project is unknown.*
- **§172.04(E): Dimensional requirements for 90-degree parking spaces.** The applicant has requested a variance to the standard dimensional requirements for parking spaces, which is typically 9 feet by 19 feet. The applicant is proposing spaces that are approximately 13 feet by 20 feet.
 - *Staff recommendation: Staff is supportive of this variance request. Potential customers will stay in their vehicles while viewing movies on an outdoor screen. While seated, patrons can receive food and drink service from staff of the movie theater complex. Staff finds that the added width allows for employees to move in and out of the vehicle parking spaces to serve patrons at that location.*

- **§172.05(A)(7): Maximum number of parking spaces permitted.** The applicant has requested a variance to the maximum number of parking spaces permitted for a movie theater, which is typically calculated at 1 space per 4 seats. The applicant is requesting additional parking spaces to serve an outdoor movie theater portion of the property.
 - *Staff recommendation: Staff is supportive of this variance request. The intent of the ordinance is to prevent an oversupply of parking on site. Per ordinance, the applicant is permitted to have 211 parking spaces to serve the 844 indoor movie theater seats. Code allows for an additional, by-right increase of 15%, meaning the property is entitled to a total of 243 parking spaces for the use of a theater. The applicant is requesting a total of 256 parking spaces, which is 13 spaces above which is permitted by-right. The atypical nature of the spaces in question requires an atypical consideration, and staff is supportive of this since the parking spaces are meant to essentially act as additional seats for the movie theater complex.*
- **§177.04(C)(1)(a) and (b): Narrow Tree Lawn or Tree Island shall be provided in parking lots containing ten or more spaces.** The applicant has requested a variance from providing either a narrow tree lawn or a tree island in the southern portion of the parking lot meant to serve the outdoor movie screen.
 - *Staff recommendation: Staff is supportive of this variance request, finding that due to the parking spaces being proposed as serving an outdoor movie theater, an additional landscape screen with trees may run counter to the proposal, since added landscaping in that location may prevent views to the theater.*

Right-of-Way to be Dedicated:

HWY 112 (ARDOT): Staff does not recommend any additional right-of-way dedication along the property's frontage. Right-of-way acquisition is being undertaken by ARDOT, and the proposed dimension exceeds that of the typical master street plan standards for a Regional Link street.

Street Improvements:

HWY 112 (ARDOT): Staff recommends that an 8-foot sidewalk and 10-foot greenspace be installed along the property's frontage. Staff recognizes the complexity of coordinating with a forthcoming street improvement that is being undertaken by a separate entity from the City, but recommends that the plans show full build-out of these elements and that the applicant submit to ARDOT for review to establish whether applicant will construct, or a pass-through agreement be made for the cost and for ARDOT to construct. Staff also recommends streetlights and street trees to be constructed in a manner consistent with ordinance.

Access Management/Connectivity: The applicant proposes to access the site in two locations and has been coordinating with ARDOT with regards to that entity's proposed expansion. The applicant is proposing a temporary entrance to the property that will eventually be converted to a roundabout at the southern end of the site, and a private drive at the northern end of the site. The two driveways meet the City of Fayetteville's typical access management standards as far as curb separation. Per the 166.25 Commercial, Office, Mixed-Use, Design and Development Standards, the applicant has requested a variance to the requirement for cross-access to the east, south, and north of the property as outlined above.

Design Standards: The structures located within the residential portion of the project are subject to the standards as outlined in chapter 166.23, the Urban Residential Design standards. The applicant is substantially compliant with these standards. The commercial portion of this site is zoned C-2, so the standards as outlined in 166.25, Commercial, Office, Mixed-Use, Design and

Development standards are required to be met. The proposed movie theater structure appears to be largely compliant with the architectural design standards as outlined in this portion of code. The applicant has also requested variances to the parking lot design requirements, which are outlined in full above.

Water and Sewer System: An 8" water main is proposed to serve the development. 6" fire lines are proposed for the three multi-family buildings and the movie theater. Two connections will be made to the existing 6" water main, though that 6" water main is scheduled to be relocated and replaced with a 12" water main. Sewer is proposed to be extended throughout the site with three new connections to the existing 8" sanitary sewer main. This is also scheduled to be replaced in conjunction with the HWY 112 improvements.

Parkland dedication or fee in-lieu: The project went before the Parks and Recreation Advisory Board on August 1, 2022, where it was recommended for fee-in-lieu of parkland dedication. The amount was for \$218,538 based on the applicant's proposed 212 units; at this time, the applicant is showing 214 residential units. The actual amount will be based upon the number of units ultimately approved by the Planning Commission, and must be paid prior to building permit.

Tree Preservation:

Canopy minimum requirement: 15%

Existing canopy: 10.9%

Preserved canopy: 7.6%

Mitigation required: (141) 2-inch caliper trees

Public Comment: Staff has received inquiries about the project, and one statement in opposition to the applicant's request for a variance to provide cross-access. The neighboring property owner would like to see cross access provided by the applicant to the property to the east.

RECOMMENDATION: Staff recommends approval of **LSD-2022-0041** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication.** *Staff does not recommend any additional right-of-way dedication, as right-of-way acquisition is being conducted by ARDOT;*

Subdivision Committee recommended in favor.

2. **Planning Commission determination of street improvements.** *Staff recommends Master Street Plan Standards for HWY 112 frontage, which includes an 8-foot sidewalk and 10-foot greenspace. Coordination with ARDOT shall be conducted to either construct improvements, or pay cost of constructing improvements to ARDOT;*

Subdivision Committee recommended in favor.

3. **Planning Commission determination of a variance to §166.25(D)(2), requiring shared drives and cross access between properties shall be encouraged to adjacent developed and undeveloped properties.** *Staff recommends in favor of the variance for the reasons outlined above.*

Subdivision Committee recommended in favor.

4. **Planning Commission determination of a variance to §168.10(U), Provisions for Flood Hazard Reduction.** *Staff does not have a recommendation on the variance for the reasons outlined above.*

Subdivision Committee did not make a recommendation.

5. **Planning Commission determination of a variance to §172.04(E), dimensional requirements for 90-degree parking spaces.** *Staff recommends in favor of the variance for the reasons outlined above.*

Subdivision Committee recommended in favor.

6. **Planning Commission determination of a variance to §172.05(A)(7), the maximum number of parking spaces permitted.** *Staff recommends in favor of the variance for the reasons outlined above.*

Subdivision Committee recommended in favor.

7. **Planning Commission determination of a variance to §177.04(C)(1)(a) and (b): Narrow Tree Lawn or Tree Island shall be provided in parking lots containing ten or more spaces.** *Staff recommends in favor of the variance for the reasons outlined above.*

Subdivision Committee recommended in favor.

8. A determination from the Zoning and Development Administrator must be on file prior to grading permit to exempt the project from the minimum buildable street frontage requirement in the UT zoning district;
9. Property line adjustment shall be filed to dissolve property lines to keep the entire site on one lot, or to create the desired legal lots of record;
10. Streetlights must be installed at intersections and at a linear spacing distance of no more than 300 feet;
11. Conditions of approval from Engineering and Urban Forestry are included in the official conditions of approval, attached hereto;

Standard Conditions of Approval:

1. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance;
2. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives: Black Hills Energy, AT&T, Ozarks, SWEPCO, and Cox Communications);
3. All mechanical/utility equipment (roof and ground mounted) shall be screened using materials that are compatible with and incorporated into the structure. A note shall be clearly placed on the plat and all construction documents indicating this requirement;

4. Trash enclosures shall be screened on three sides with materials complimentary to and compatible with the principle structure. Containers may also be screened from view of the street by the principal structure or vegetation. Elevations of the proposed dumpster enclosure shall be submitted to the Planning and Solid Waste Divisions for review prior to building permit;
 5. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground;
 6. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements;
 7. All exterior lights shall comply with the City lighting ordinance. Manufacturer's cut-sheets are required for review and approval prior to issuance of a building permit;
 8. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Any proposed signs shall be permitted by a separate sign permit application prior to installation. Freestanding pole signs and electronic message boards (direct lighting) are prohibited in the I-540 Design Overlay District;
 9. Large scale development shall be valid for one calendar year;
 10. Contact the City's Emergency 911 Address Coordinator for addressing prior to building permit;
 11. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Landscape Administrator for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy; and
 12. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits;
 - b. Separate easement plat for this project that shall include the tree preservation area and all utility and access easements;
 - c. Exterior lighting package must be provided to the Planning Division;
 - d. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance;
 - e. Project Disk with all final revisions; and
 - f. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.
-

PLANNING COMMISSION ACTION: Required ☒ YES			
Date: <u>March 27, 2023</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion: Canada	 Approved, in favor of all variances and conditions as recommended by staff.		
Second: Garlock			
Vote: 7-2-0 (Commissioners Winston and Brink voted no)			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Engineering Memo
- Urban Forestry Comments
- Parks Memo
- Legal Memo – Cross Access
- Request Letter
- Variance Request Letter
- Site Plan
- Elevations
- Public Comment
- One Mile Map
- Close-up Map
- Current Land Use Map



TO: Jessie Masters, Development Review Manager

FROM: Melissa Boyd, Staff Engineer

DATE: March 22, 2023

SUBJECT: Planning Commission Engineering Comments for
LSD-2022-0041 THE ARONSON

Water: Approximately 7,100 LF of 8" water main is proposed to serve the development. 6" fire lines are proposed for the three multifamily buildings and the movie theater. They are proposing two connections to the existing 6" water main along Highway 112. As part of the Arkansas Department of Transportation's improvements to Highway 112, the existing 6" water main will have to be relocated and is to be replaced with a 12" water main.

Sewer: The development is proposing to extend approximately 5,400 LF of sanitary sewer main throughout the property. There are three new connections shown to the existing 8" sanitary sewer main. This line will also be relocated and replaced with a new 8" sanitary sewer main due to the ArDOT Highway 112 improvements.

Natural Features: Most of the subject property lies within a FEMA Zone AE floodplain. Clabber Creek, a protected stream, is present along the southern property boundary and is within the floodway. An unnamed tributary, also a protected stream, is present for roughly two-thirds of the east property boundary and continues along the south portion of the property until its confluence point with Clabber Creek at Highway 112. No work is shown in the streamside protection zones.

Hydric soils are present on this property. The applicant has provided a wetland study identifying several areas as potential jurisdictional wetlands. Prior to grading permit issuance, permits shall be obtained from the U.S. Army Corps of Engineers for work proposed within all jurisdictional wetland areas.

A variance has been requested to UDC §168.10(U) to allow for an increase in Base Flood Elevation of 1.56 inches (0.13 feet) at Comparison Point 3, which is just upstream of where Clabber Creek crosses under Highway 112. The applicant cites that this increase will only be temporary because when ArDOT constructs the Highway 112 improvements, these elevations will decrease as the culverts that convey Clabber Creek under Highway 112 will be upsized as a part of that project. Staff is unable to make a recommendation to the Planning Commission on this variance as the timeline for the completion of the ArDOT improvements is unknown.

Drainage: The four Minimum Standards of the Drainage Criteria Manual are required to be met by this development. The water quality requirements are proposed to be met using wet extended detention. Channel protection requirements appear to be met, but clarification is needed to confirm this as the channel protection hydrographs show more outlet pipes from the underground

detention than are included in the plans and overall site hydrographs. Overbank flood protection and extreme flood protection requirements appear to be met with the current design.

Based on the most recent information in the Engineer's drainage report and previous reviews of this project, the City's drainage requirements appear to be met, but there are several remaining items that must be addressed prior to Engineering issuing the grading permit, including but not limited to what is outlined below:

1. Information is needed showing how the detention pond and permanent pool storing the water quality volume interact.
2. Basin delineation needs to be further revised (more detailed comments available on drainage report).
3. Compensatory storage volume calculations need to be provided.

Plan Comments:

1. Include a table with pipe size, type, and length for proposed water main, fire line, and sanitary sewer main.
2. Retaining walls over 4 feet in height require plans designed and stamped by a Professional Engineer registered in the state of Arkansas.
3. Address drainage comments outlined on the plans.

Standard Comments:

1. All designs are subject to the City's latest design criteria (water, sewer, streets and drainage). Review for plat approval is not approval of public improvements, and all proposed improvements are subject to further review at the time construction plans are submitted.
2. Any damage to the existing public street due to construction shall be repaired/replaced at the owner/developers expense
3. All public sidewalks, curb ramps, curb & gutter, and driveway aprons along this project frontage must meet ADA guidelines and be free of damage. Any existing infrastructure that does not conform to ADA guidelines or is otherwise damaged must be removed and replaced to correct the issue. Coordinate with the engineering department for inspection of existing facilities to determine compliance.
4. Water and sewer impact fees will apply for the additional impact to the system. The fees will be based on the proposed meter size and will be charged at the time of meter set.
5. Note, the following portions of all projects will typically not be reviewed by the Engineering Division until time of construction-level review (unless specifically requested at plat review):
 - Storm Sewer pipe/inlet sizing, gutter spread, profiles, or utility conflicts
 - Sanitary Sewer pipe sizing, profiles, or utility conflicts
 - Waterline fittings, callouts, or utility conflicts
 - Street profiles
 - Fine grading/spot elevations



URBAN FORESTRY LANDSCAPE PLAN COMMENTS

To: Jason Appel, P.E., ESI

From: Melissa M. Evans, Urban Forestry

CC: Jessie Masters, Development Review Manager

Meeting Date: March 13, 2023

Subject: LSD-2022-0041: 112 Aronson: N Hwy 112, 209

1. General Landscape Plan Checklist		Yes	No	N/A
a.	Irrigation (notes either automatic or hose bib 100' o.c.) <i>UDC Chapter 177.03C7g, 177.04B3a</i>	X		
b.	Species of plant material identified <i>UDC Chapter 177.03C7d,e</i>	X		
c.	Size of plant material (minimum size 2" caliper for trees and 3 gal. shrubs) <i>UDC Chapter 177.03C7b,c</i>	X		
d.	Soil amendments notes include that soil is amended and sod removed <i>UDC Chapter 177.03C6b</i>	X		
e.	Mulch notes indicate organic mulching around trees and within landscape beds <i>UDC Chapter 177.03C6c,d</i>	X		
f.	LSD, LSIP, and Subdivisions (PPL & FPL) plans stamped by a licensed Landscape Architect, others by Landscape Designer <i>UDC Chapter 177.03B</i>	X		
g.	Planting bed contained by edging <i>UDC Chapter 177.03C6f</i>	X		
h.	Planting details according to Fayetteville's Landscape Manual <i>UDC Chapter 177.03C6g</i>	X		
i.	Provide information about 3-Year Maintenance plan. The owner shall deposit with the City of Fayetteville a surety for approved landscape estimate. <i>UDC Chapter 177.05 A2g</i>	X		
2. Parking Lot Requirements		Yes	No	N/A
1 Tree : 12 Parking Spaces				
a.	Wheel Stops/Curbs <i>UDC Chapter 177.04B1</i>	X		
b.	Narrow Tree Lawn (8' min. width, 37.5' length) <i>UDC Chapter 177.04C</i>	X		

c. Tree Island (8' min. width, 18.7' min length OR 150 square feet)
UDC Chapter 177.04C X

d. Placement of Trees (either side at entrances and exits)
UDC Chapter 177.04C2 X

3. Perimeter Landscaping Requirements

Yes No N/A

a. Front Property Line (15' wide landscape) and five on sides.
UDC Chapter 177.04D2a X

b. Side and Rear Property Lines (5' Wide Landscape Area)
UDC Chapter 177D1 X

c. Shade trees planted on south and west sides of parking lots
UDC Chapter 177.04D2e X

d. Screening of parking lot from adjacent residential properties and the street. X

4. Street Tree Planting Requirements

Yes No N/A

a. Residential Subdivisions
1 Large Shade Species Tree per Lot
UDC Chapter 177.05B1a X

b. Non-Residential Subdivisions
1 Large Species Shade Tree every 30' (planted in greenspace)
UDC Chapter 177.05B2a X

c. Urban Tree Well – Urban Streetscapes
Trees every 30' (8' sidewalk)
UDC Chapter 177.05B3a-f X

d. Structured Soil – Urban Tree Wells
Include a note and/or detail of structural soil on Landscape Plan
UDC Chapter 177.05B3a-f X

e. Residential Subdivisions
Timing of planting indicated on plans
UDC Chapter 177.05A4 X

f. Residential Subdivisions
Written description for method of tracking planting
UDC Chapter 177.05A4e X

5. Landscape Requirement Totals	Amount
Mitigation Trees	141
Parking Lot Trees	28
Street Trees	43
Detention Pond – Large Trees (1 Tree/3,000 square feet)	33
Detention Pond – Small Tree/Large Shrub (4 small trees or large shrubs/3,000 square feet)	133
Detention Pond – Small Shrubs/Large Grasses (6 shrubs or grasses (1 gallon)/3,000 square feet)	200

6. Review Status (See Comments)	Tech Plat	Subdivision Committee	Planning Commission
Conditionally Approved	12-13-22	02-14-23	03-13-23
	01-13-23	03-01-23	
	01-30-23		
Approved			
Tabled			
Denied			

Comments

1. Address items above marked "No" and all Redlines provided.
2. A narrow tree lawn is in place for the Drive-In parking area north spaces in lieu of tree islands. A variance from Planning Commission must be sought for the south parking row north of the pond by the drive-in screen, since the only exemptions for parking lot trees is areas for vehicle sales, lease or rental per Ch. 177. Urban Forestry supports the variance request from the applicant since it is understandable that a tree in the middle of that parking row would impede the view of the movie screen, and an extra parking tree is proposed in the narrow tree lawn north of the drive-in parking spaces.



URBAN FORESTRY TREE PRESERVATION COMMENTS

To: Jason Appel, P.E., ESI

From: Melissa M. Evans, Urban Forestry

CC: Jessie Masters, Development Review Manager

Meeting Date: March 13, 2023

Subject: LSD-2022-0041: 112 Aronson: N Hwy 112, 209

1. Submittal Requirements	Yes	No	N/A
Initial Review with the Urban Forester	X		
Site Analysis Map Submitted (if justification is needed)	X		
Site Analysis Written Report Submitted (justification is needed)	X		
Complete Tree Preservation Plan Submitted	X		
Tree Mitigation Table on Plans	X		
Tree Preservation Wavier Submitted (only use if no trees onsite or near P/L)			X
2. Tree Preservation Calculations			

Tree Preservation Calculations		
	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	1,389,746	100%
Zoning Designation * Select Below with drop down arrow		
C-2, Thoroughfare Commercial	208,462	15%
HHOD * Select Below with Drop Down Arrow		
No	0	0%
Total Canopy for Minimum Preservation Requirements	208,462	15.0%
Existing Tree Canopy * Minus Right of Way and Easements	151,469	10.9%
Tree Canopy Preserved	104,999	7.6%
Tree Canopy Removed *On Site	46,470	3.3%
Tree Canopy Removed *Off Site	0	
Tree Canopy Removed Total	46,470	3.3%
Removed Below Minimum	103,463	
Mitigation Requirements	46,470	

3. Mitigation Requirements	Canopy below requirement	Number of 2" caliper trees to be planted
High Priority	15,015	69
Low Priority	31,455	72
Total Mitigation Trees Required	46,470	141

4. Mitigation Type	Yes	No	N/A
On-Site Mitigation	X		
Off-Site Mitigation			X
Tree Escrow (See Conditions of Approval)			X

5. Tree Preservation Plan Checklist <i>UDC Chapter 167.04H1</i>	Tech Plat	Subdivision Committee	Planning Commission
a. 5 year Aerial Check on Existing Trees	Yes		
b. Property Boundary	Yes		
c. Natural Features (100ft beyond limits of disturbance)	Yes		
d. Existing Topography and Proposed Grading	Yes		
e. Soil Types	Yes		
f. Significant Trees	Yes		
g. Groupings of Trees	Yes		
h. Table Inventory List (species, size, health, priority)	Yes		
i. All Existing and Proposed Utilities	Yes		
j. All Existing and Proposed Utility Easements and ROW's	Yes		
k. All Streams (with approximate center line)	Yes		
l. Floodplains and floodways	Yes		
m. Existing Street, Sidewalk or Bike Path ROW	Yes		
n. Submitted Site Analysis Plan (if required)	Yes		
o. Shows ALL Proposed Site Improvements	Yes		
p. Delineates trees/canopy to be preserved and removed	Yes		

Tree Protection Methods

a. Tree Protection Fencing	Yes
b. Limits of Root Pruning	Yes
c. Traffic flow on work site	N/A
d. Location of material storage	Yes
e. Location of concrete wash out	Yes
f. Location of construction entrance/exit	Yes

6. Site Analysis Report (if required)	Yes	No	N/A
<i>UDC Chapter 167.04H4</i>			
a. Provide graphic examples of multiple options used to minimize removal of existing canopy	X		
b. Submitted Analysis Statement – Note the process, iterations, and approaches to preserve canopy.	X		
7. Review Status	Tech Plat	Subdivision Committee	Planning Commission
Conditionally Approved	12-13-22	02-14-23	03-13-23
	01-13-22	03-01-23	
	01-30-23		
Approved			
Tabled			
Denied			
Comments			
1. Address items above marked “No” and all Redlines provided.			



Planning Commission Memo

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Melissa Evans, Urban Forester

MEETING DATE: March 13, 2023

SUBJECT: **LSD-2022-0041: Variance (112 Aronson):** Submitted by ESI for property located at N. Highway 112. The property is zoned C-2, THOROUGHFARE COMMERCIAL and UT, URBAN THOROUGHFARE and contains approximately 31.20 acres. The request is for a variance to the Site Development and Parking Lot Landscape Standards requirement for Tree Islands.

RECOMMENDATION:

Urban Forestry Staff recommends approval of the variance to LSD-2022-0041 which would allow the property owner to not have a tree island in the middle of the southern parking bay for the Drive-In parking area.

Per Chapter 177.04(C) Interior Landscaping Requirements, a narrow tree lawn or tree islands must be placed for parking lot tree plantings. A narrow tree lawn is in place for the Drive-In parking area north spaces in lieu of tree islands. A variance from Planning Commission is requested for the south parking lot row north of the pond by the drive-in screen, since the only exemptions for parking lot trees is areas for vehicle sales, lease or rental per Ch. 177.

Urban Forestry supports the variance request from the applicant since it is understandable that a tree in the middle of the southern Drive-In parking row would impede the view of the movie screen, and an extra parking tree is proposed in the narrow tree lawn north of the Drive-In parking spaces. The overall number of parking lot trees being provided is not being decreased with this proposal.



CITY OF
FAYETTEVILLE
ARKANSAS

TO: Planning Division

FROM: Zach Foster, Parks Planning

DATE: January 27, 2023

SUBJECT: Parks & Recreation Technical Plat Review Comments

PRAB Meeting Date: August 1, 2022

Project Title: The Aronson (AKA Hwy 112 Development)

Project Number: LSD-2022-0041

Project Location: 3552 HWY 112

Plat Page: 209

Park Quadrant: NW

Billing Name & Address: CL Partners LLC, 124 W Capitol Ave, Little Rock, AR 72201

☐ Land Dedication

☒ Fee-in-Lieu

☐ Combination

LAND DEDICATION

Single Family: _____ units x 0.023 acres per unit = 0.00 acres

Multi Family: _____ units x 0.020 acres per unit = 0.00 acres

**TOTAL
Acres**

0.0

FEE-IN-LIEU

Single Family: 122 units x \$1,089 per unit = \$132,858

Multi Family: 90 units x \$952 per unit = \$85,680

**TOTAL
Fees**

\$218,538

SUMMARY:

- Project proposes 122 SF units and 90 MF units.
 - Single Family = 24 detached units and 98 duplex units
 - Multi-Family = 27 triplex units and 63 apartment units (which is 21 units per apt bldg.)
- The final amount of fee-in-lieu and/or land dedication needed to satisfy Parkland Dedication requirements will be determined after Planning Commission's approval of this project.
- Current fee-in-lieu and/or land dedication rates will be applied regardless of when project was approved by PRAB.
- Prior to final receipt by the city, all fees must be paid and any deeds for parkland dedication property must be:

- Approved by the City's Land Agent in the Engineering Division.
 - Recorded at the Washington County Courthouse.
- Each additional housing unit that is constructed in Fayetteville places an increased demand on the Parks and Recreation system. The money collected as part of this project will be used to fund future park acquisitions and improvements for this park quadrant.



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Jodi Batker
Paralegal

TO: **Planning Commission**

CC: **Jessie Masters**, Development Review Manager

FROM: **Blake Pennington**, Assistant City Attorney

DATE: **March 14, 2023**

RE: **Cross-Connectivity**

Often the Planning Commission considers large scale developments with a staff recommendation requiring cross-connectivity to other adjacent properties. Planning staff have long considered this a requirement rather than a goal of the Unified Development Code.

A plain reading of § 166.25(D)(2) of the *Unified Development Code* provision reveals that cross access is not something that has been required by the City Council. That subsection says, “shared drives and cross access between properties shall be **encouraged** to adjacent developed and undeveloped properties.” It does not say cross access “may be required” or “shall be required.”

Even though the developer of the Aronson 112 project has not appealed the staff interpretation of this provision, the Planning Commission can make its decision independently. I encourage you to not be overly strict in your application of this provision.

With respect to the parcel to the east of the Aronson development, the parcel’s landlocked status appears to be a self-imposed condition. This parcel, which has a tree preservation easement on the south end, as well as the car lot to the immediate south of that are owned by the same company. Both parcels were also owned by the same owner at the time the tree preservation easement was created in 2004, which cut off the landlocked parcel’s access to Highway 112 through the car lot parcel.

Arkansas law provides a landlocked property owner with options to gain access to a public street. Depending on prior ownership of the property, the current owner may be able to seek an access easement, whether by necessity or implied reservation. If those are not options, the property owner could seek the establishment of a road through the county court pursuant to Ark. Code Ann. § 27-66-401.

January 4, 2023

City of Fayetteville
125 W. Mountain Street
Fayetteville, AR 72701

RE: Overall Narrative
The Aronson Subdivision
Fayetteville, AR

To whom it may concern,

Please let this letter serve as a narrative to accompany the complete submittal for The Aronson Subdivision. The proposed subdivision is located along Highway 112, just north of the intersection of W Truckers Drive and N Highway 112. It is Washington County Parcel Numbers 765-15811-000, 765-15812-000, 765-15819-000, 765-15816-000, 765-15815-000, 765-15813-000. All six of these properties are owned by the same entity. These properties are currently zoned C-2 and UT, and no change in zoning is requested. There are 3 apartment buildings, 1 management building, and a mix of multifamily and single family units, totaling up to 200 residential units, accompanied by 3 commercial buildings, and one retention pond area.

Pre-Application Meeting

A pre-application meeting was held with Fayetteville Planning, Engineering, and Urban Forestry. All discussion at the meeting has been utilized in the design of the plans.

Parks and Recreation Advisory Board Meeting

Fee in lieu was requested and approved by the Fayetteville Parks and Recreation Advisory Board.

Utilities

This site has access to public water and sewer. The City is relocating the existing 6" water main to a 12" water main on the east side of the new Highway 112, and the 8" sewer will also be relocated with the project to improve Highway 112.

Traffic

It is not anticipated that this development will cause any traffic issues as ArDOT is improving Highway 112 to have additional lanes and roundabouts.

Build to Zone

There is a 10-25' build to zone that is required along Hwy-112. That build to zone requirement cannot be met as ARDOT's improvements require additional Right-of-Way to be dedicated and there is a proposed 33' utility easement along Hwy-112. However, the buildings have been placed as close to the 33' proposed utility easement as possible to attempt to meet the 10-25' build to zone.

Cross Access

A cross access variance has been requested as there are protected waters to the east and south of the development. Cross access would disturb the protected waters and the streamside protection. As for the north side of our development, the adjacent property is a developed warehouse that would not require a connection to a residential area.

This submittal includes the following items:

- No submittal fee is included. Once the invoice is generated, this will be paid by the developer.
- Preliminary Plat Plans
- Preliminary Drainage Report
- Warranty Deed
- Legal Description
- Consent of Owner Form

Please let me know if I can answer any questions.



Jason Appel, P.E.
Secretary/Treasurer

February 22, 2023

City of Fayetteville
125 W. Mountain Street
Fayetteville, AR 72701

RE: Variance Request
The Aronson Subdivision
Fayetteville, AR

To whom it may concern,

Please let this letter serve as a request for the following variances and exemption to accompany the complete submittal for The Aronson Subdivision.

Build to Zone

There is a 10-25' build to zone that is required along Hwy-112. That build to zone requirement cannot be met as ARDOT's improvements require additional Right-of-Way to be dedicated and there is a proposed 33' utility easement along Hwy-112. However, the buildings have been placed as close to the 33' proposed utility easement as possible to attempt to meet the 10-25' build to zone.

Cross Access

A cross access variance has been requested as there are protected waters to the east and south of the development. Cross access would disturb the protected waters and the streamside protection. As for the north side of our development, the adjacent property is a developed warehouse that would not require a connection to a residential area.

Parking Request

At the south side of the proposed theatre where the outdoor screening service is located, a variance is requested to allow larger spaces for service between vehicles and to be exempt from the number of parking spaces allowed/required for the indoor theater. Furthermore, a landscape variance is also requested for the tree island required along the south row of the outdoor screening parking area. Parking trees would block line of sight and the ability for the outdoor screening area to function properly.

Please let me know if I can answer any questions.



Preston Locher
Project Engineer

March 22, 2023

City of Fayetteville
125 W. Mountain Street
Fayetteville, AR 72701

RE: Variance Request
The Aronson Subdivision
Fayetteville, AR

To whom it may concern,

Please let this letter serve as a variance request to accompany the complete submittal for The Aronson Subdivision.

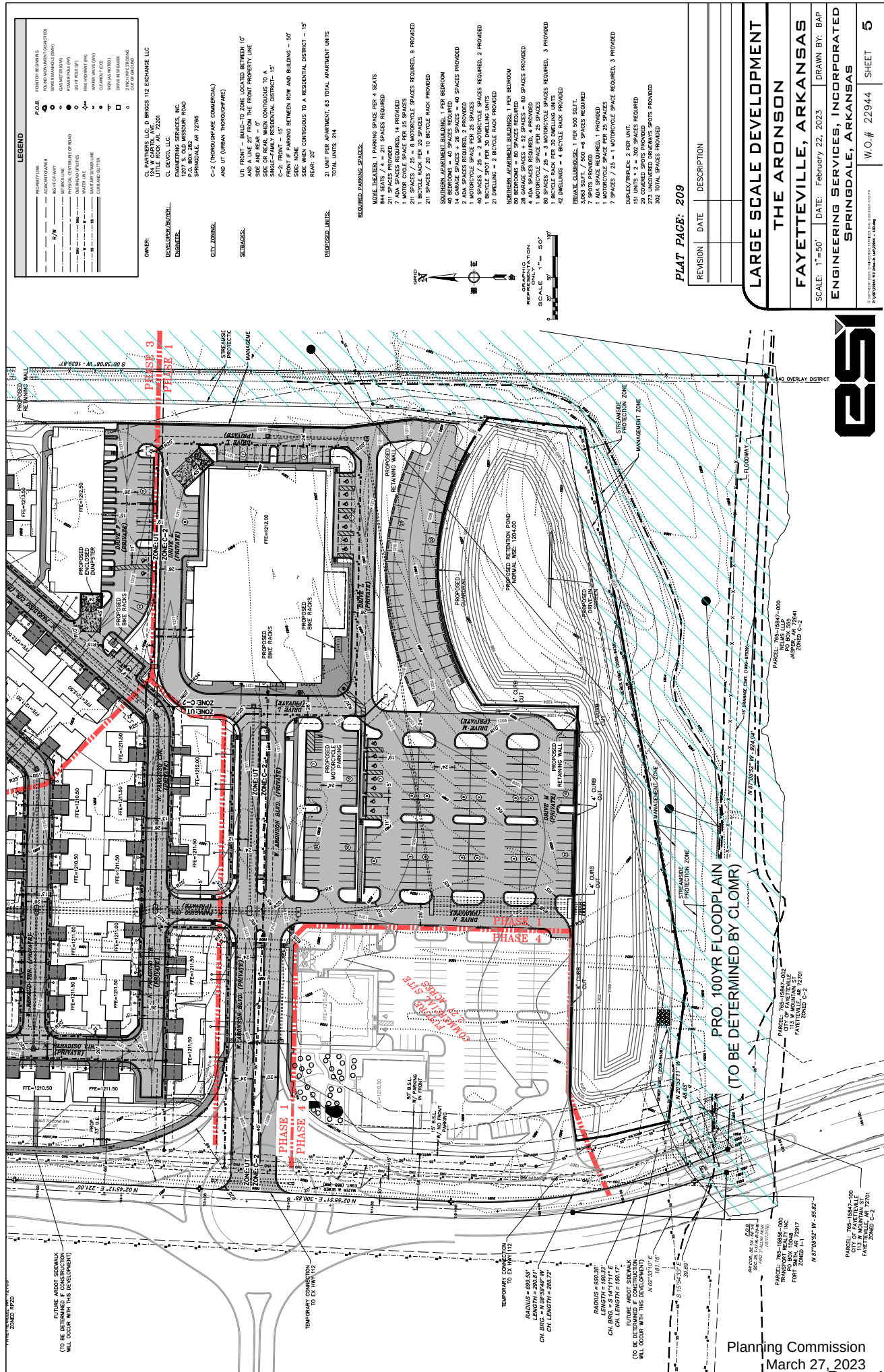
No Adverse Impact

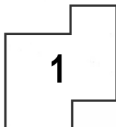
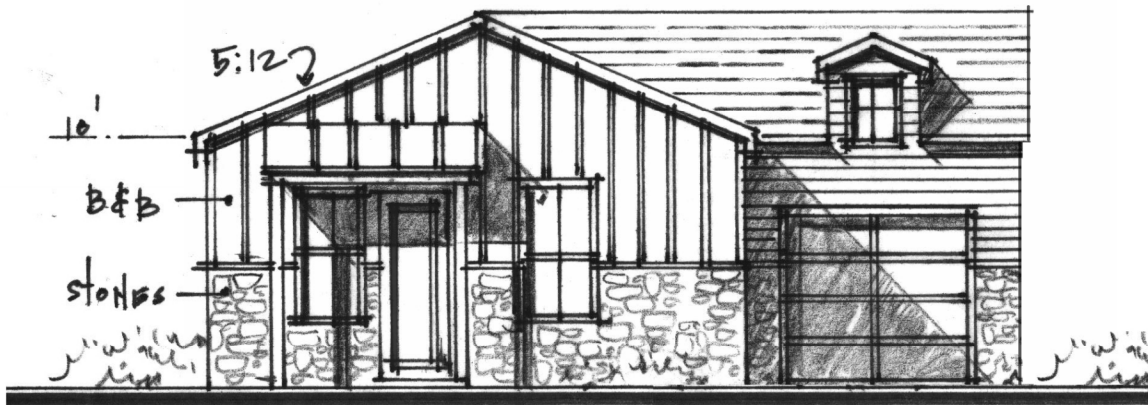
In our flood study of clabber creek, 4 comparison points were analyzed to determine the impact of this development on the water surface elevation and velocity of clabber creek. In that study, 3 of the 4 comparison points showed no adverse impact due to the increase flood storage volume provided by this project. However, one comparison point just upstream of the 112 culvert crossing did show a decrease in velocity but a slight increase in water surface elevation of 1.56" (one point five six inches) for the 100 storm event. This slight water surface elevation increase will only be a temporary increase as future development of Highway 112 consists of culvert improvements that will drastically reduce the water surface elevation across the entire site by providing better flow through the culverts passing under 112 and reducing the effects of headwater that affect the flow of clabber creek across the entire development. Furthermore, we do not see an adverse impact of any adjacent property owners as the increase in water surface elevation is only 1.56" (one point five six inches), occurs approximately 300 feet downstream of the closest building corner of the adjacent property owner to the south, and the water surface elevation at this comparison point is 5.33' (five point three three feet) lower than the finished floor elevation of the closest building. Therefore, we are seeking a variance from the adverse impact just for this one comparison point knowing that we will not seek any changes that raises the water surface elevation higher than the 1.56" (one point five six inches) increase we show currently, and that the remainder of the site and the comparison points will continue to show no adverse impacts. We ask for this knowing that future Highway 112 improvements will improve the flow crossing Highway 112 which will significantly reduce the headwater of clabber creek for the culvert crossing and drastically reduce the 100 year water surface elevation across the entire site.

Please let me know if I can answer any questions.

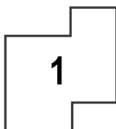


Preston Locher
Project Engineer

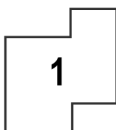




Plan 1A



Plan 1B



Plan 1C



2

Plan 2A



2

Plan 2 B



2

Plan 2 C



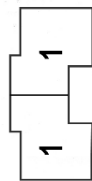
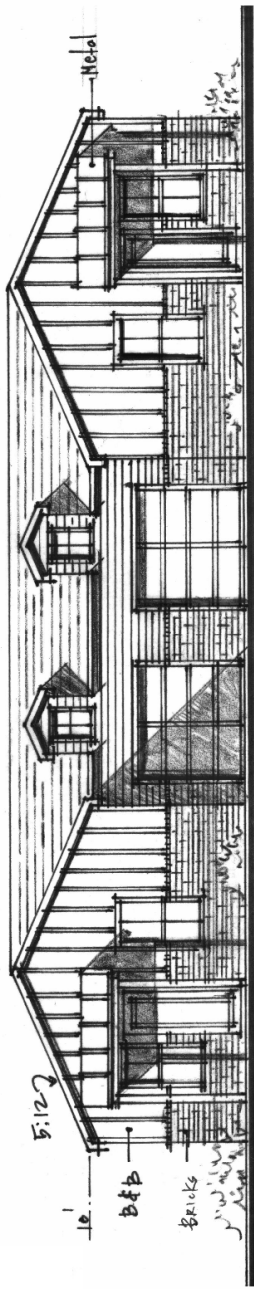
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Plan 3A

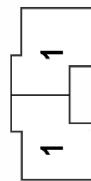
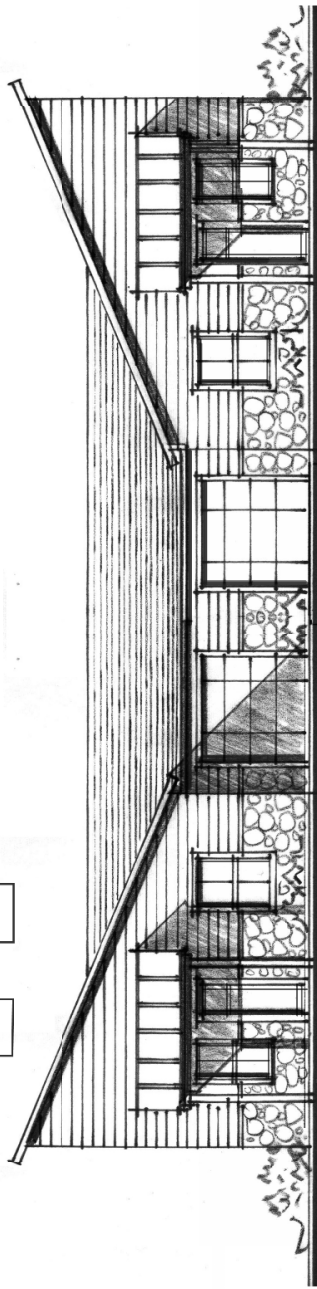


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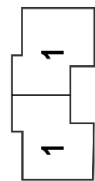
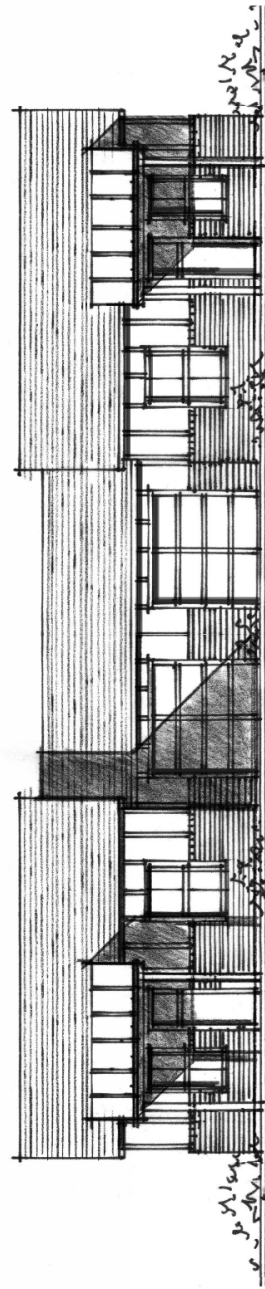
Plan 3B



Duplex 1-1A



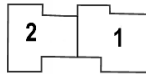
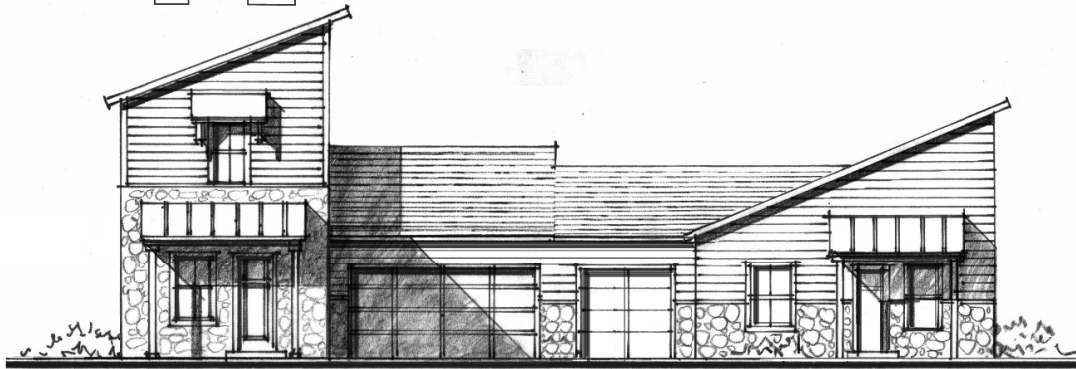
Duplex 1-1 B



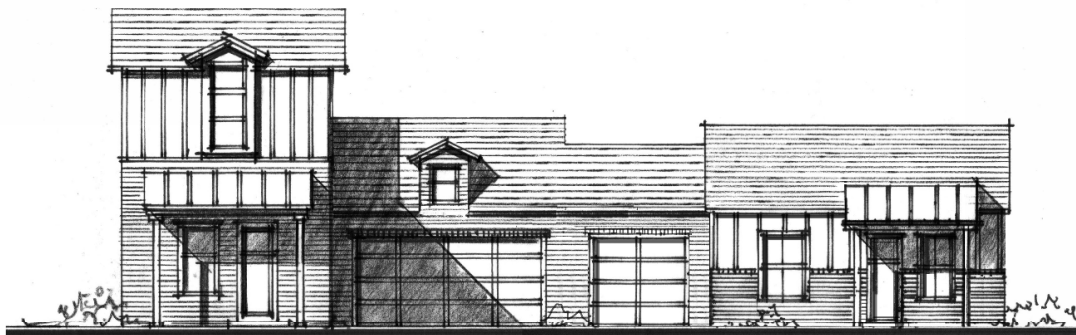
Duplex 1-1 C



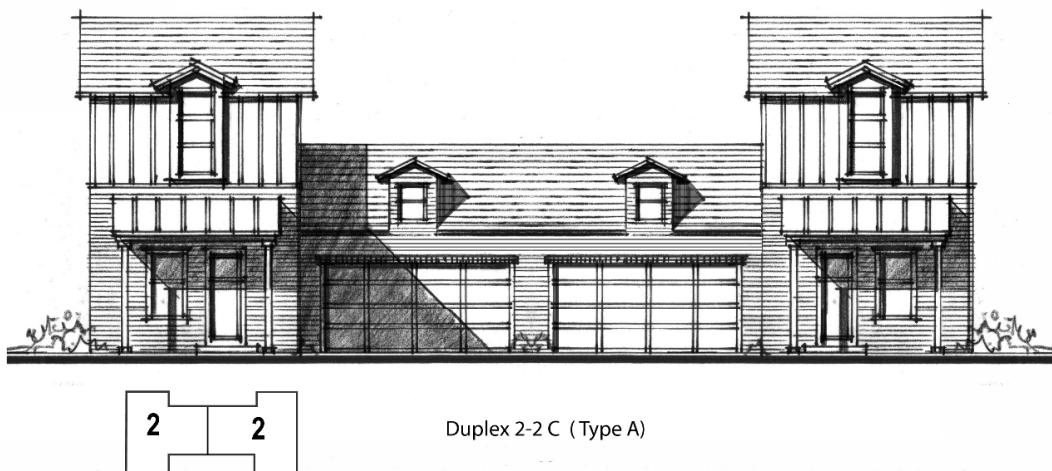
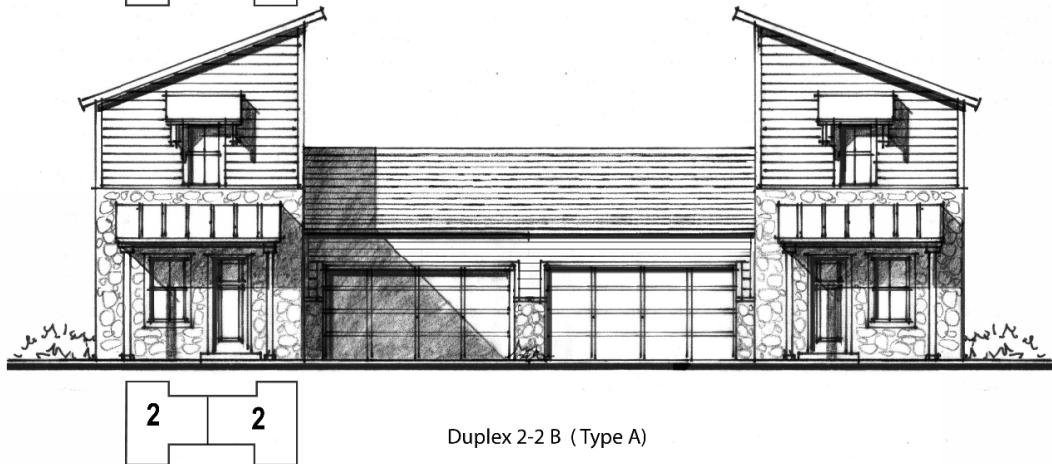
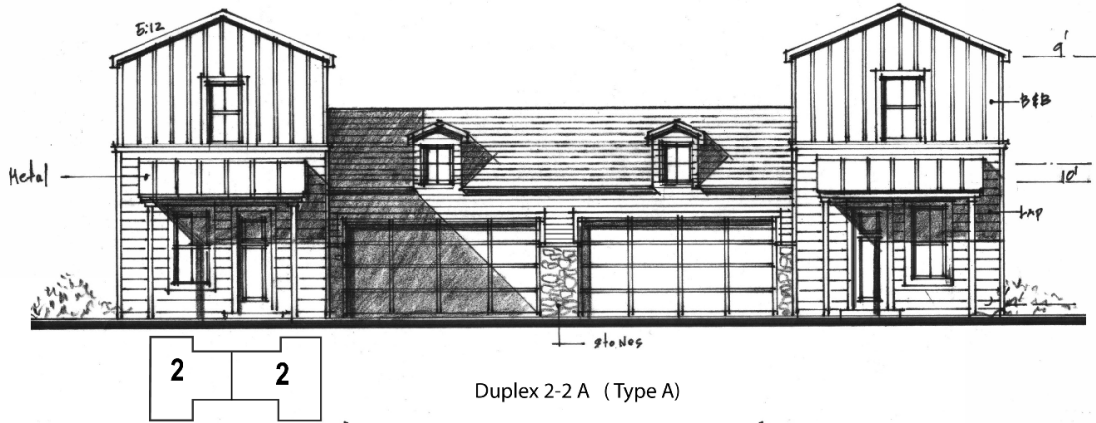
Duplex 2-1 A

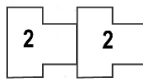


Duplex 2-1 B

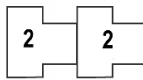


Duplex 2-1 C

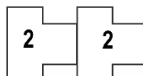




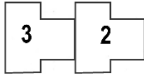
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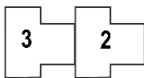
Duplex 2-2 B (Type B)



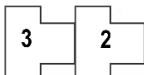
Duplex 2-2 C (Type B)



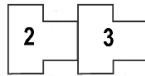
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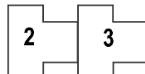
Duplex 3-2 B



Duplex 3-2 C



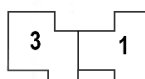
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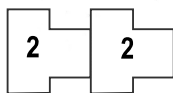
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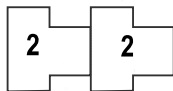
Duplex 3-2 (Type D)



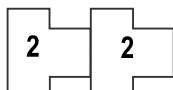
Duplex 3-1



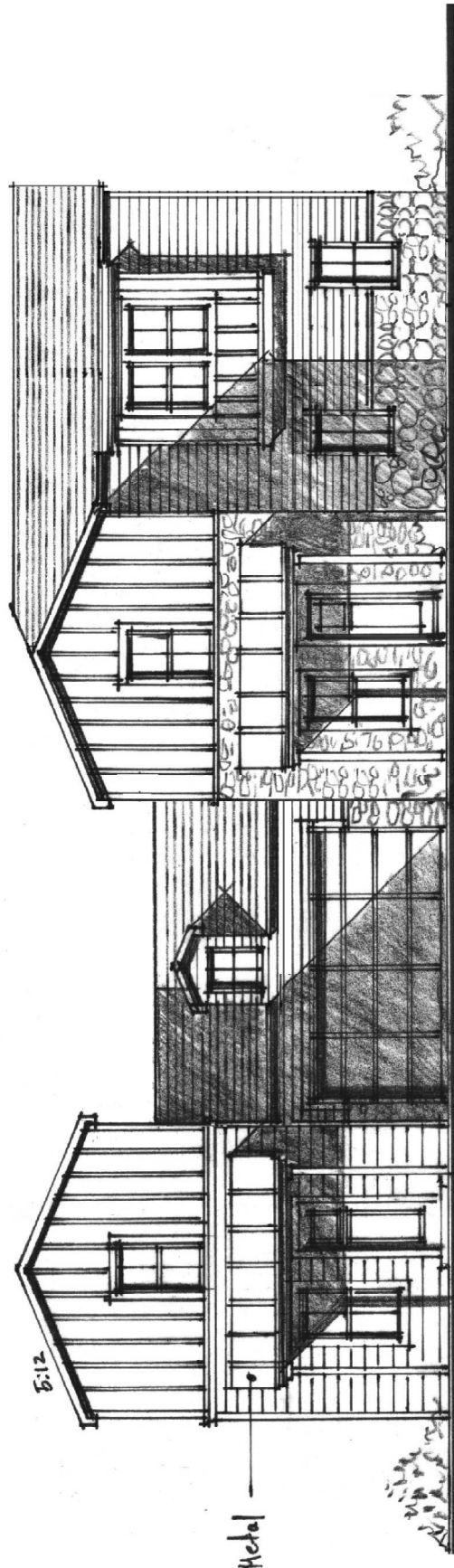
Duplex 2-2 A (Type B) Side Driveway



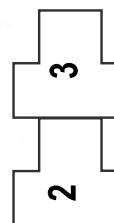
Duplex 2-2 B (Type B) Side Driveway

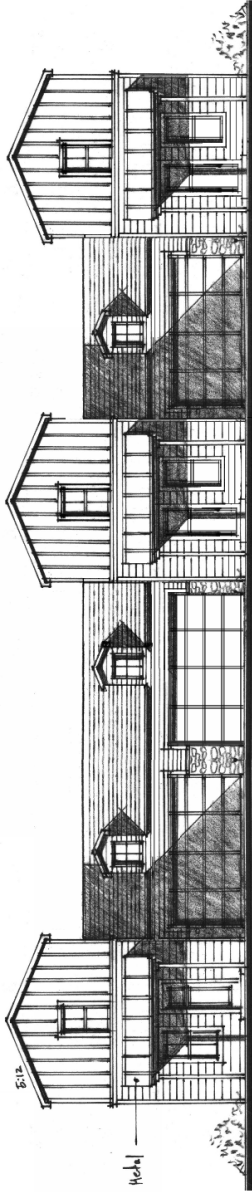


Duplex 2-2 C (Type B) Side Driveway

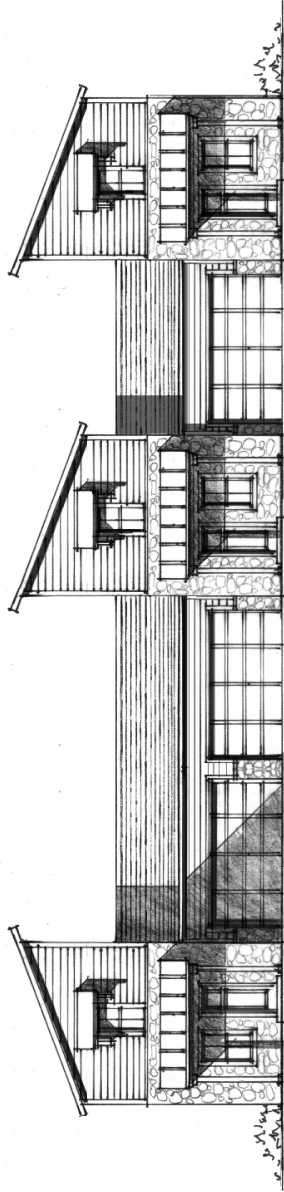


Duplex 2-3 (Type B) Side Driveway

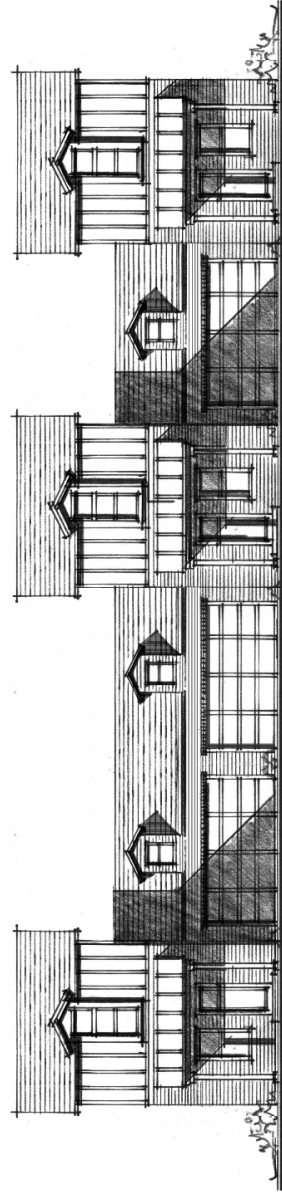




Triplex 2-2-2 A



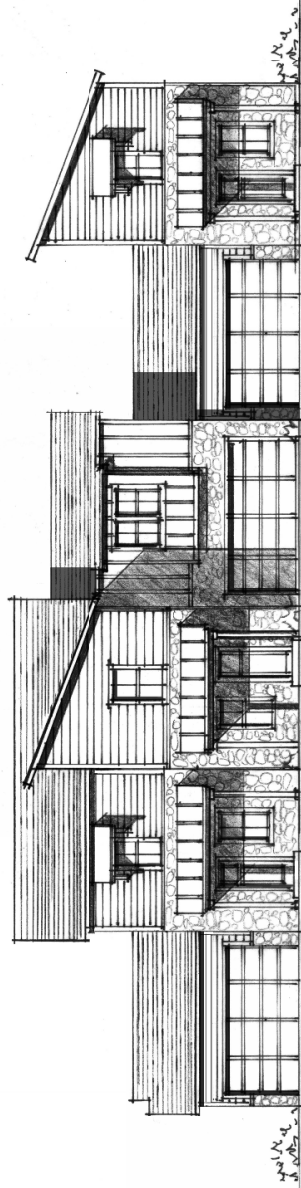
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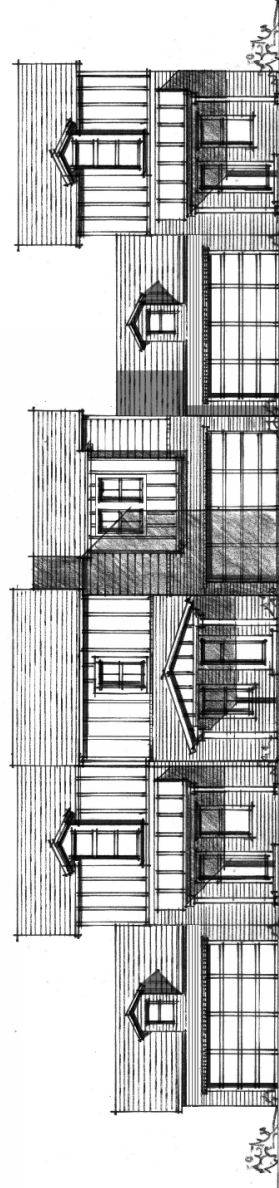
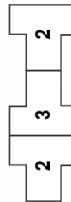
Plan 2-2-2 C



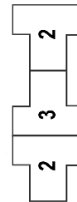
Triplex 2-3-2 A

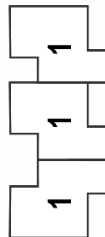
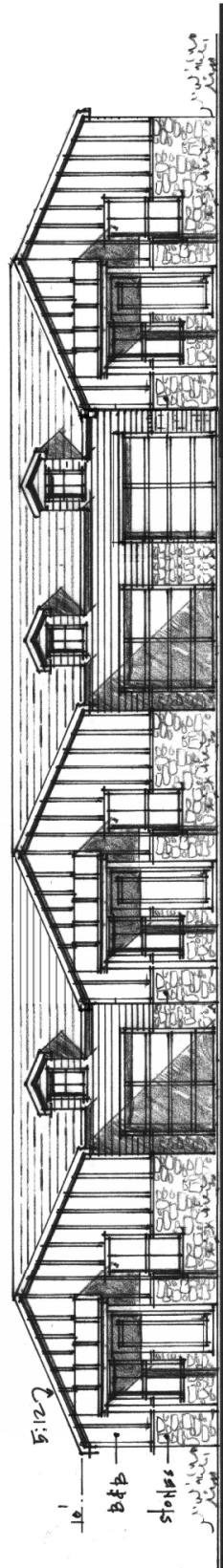


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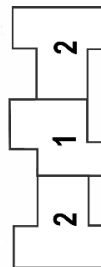
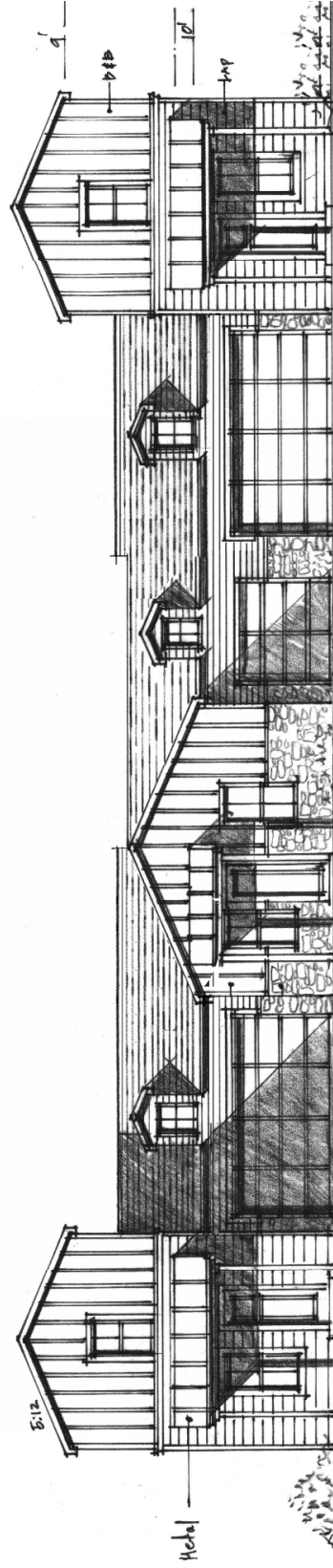


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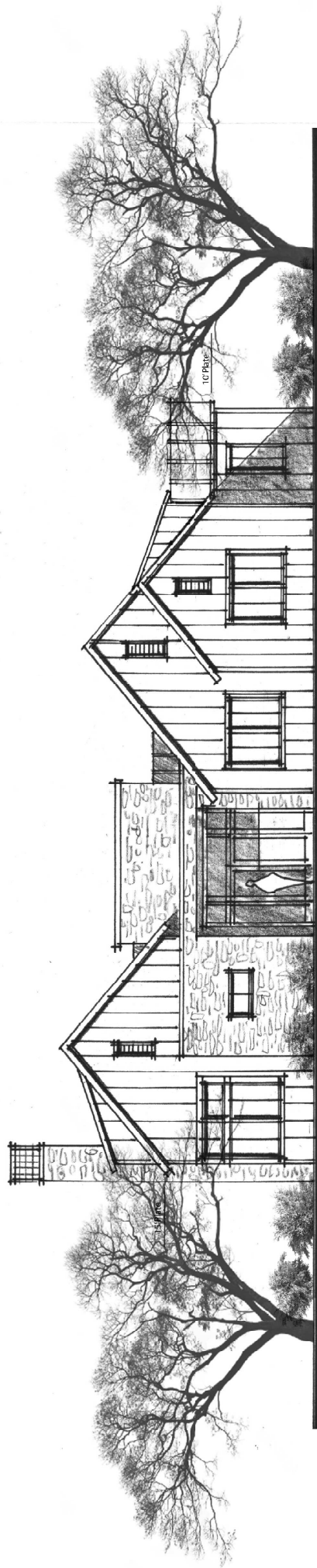




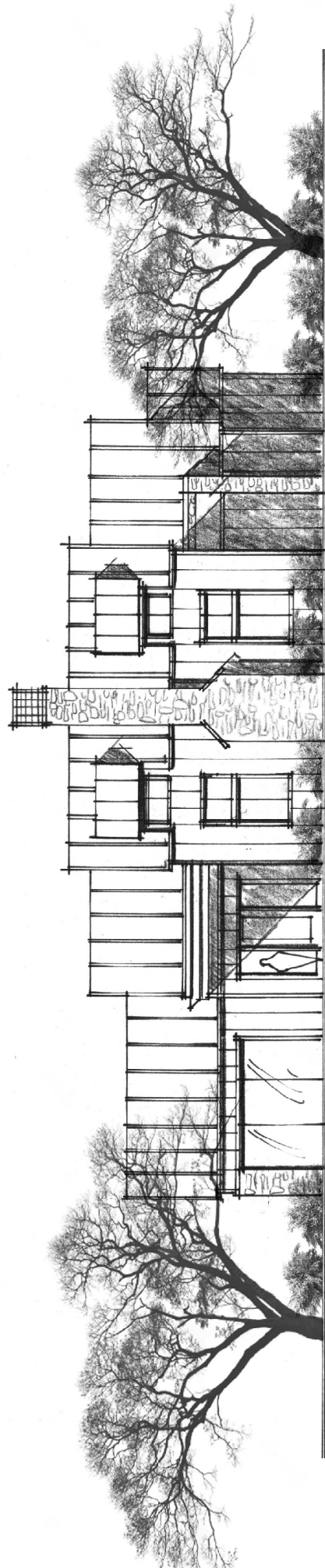
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Triplex 2-1-2

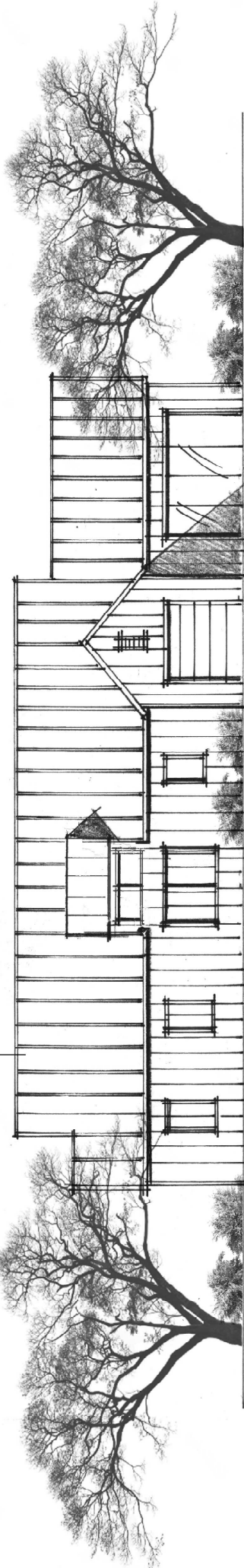


CLUBHOUSE FRONT ELEVATION

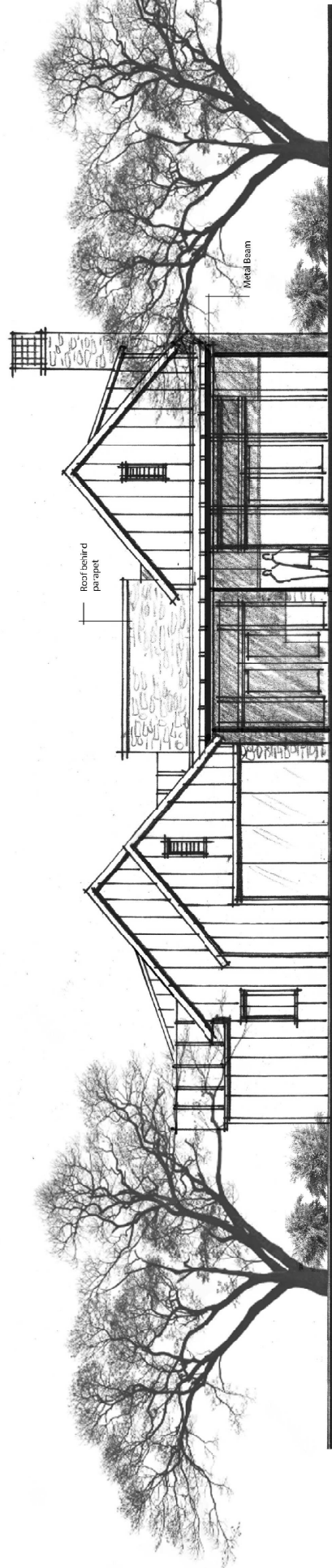


CLUBHOUSE LEFT SIDE ELEVATION

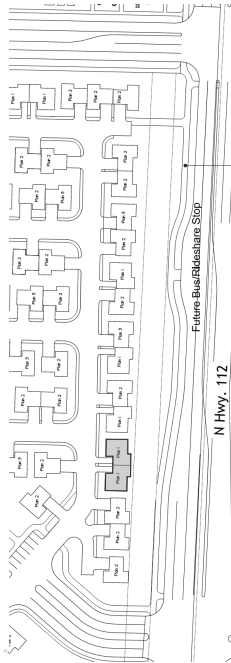
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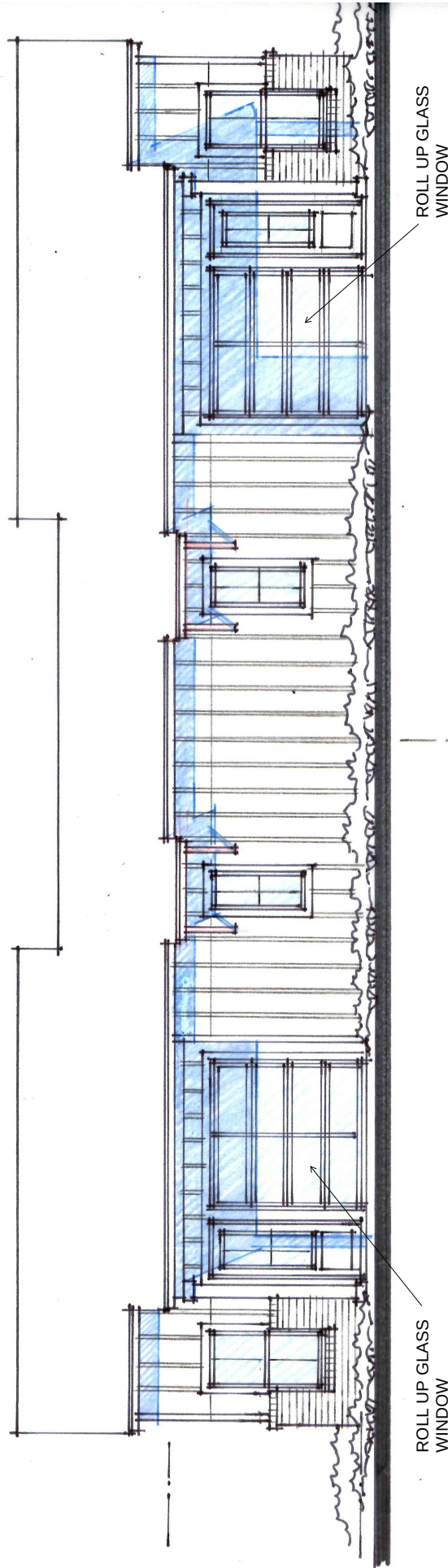
CLUBHOUSE RIGHT SIDE ELEVATION



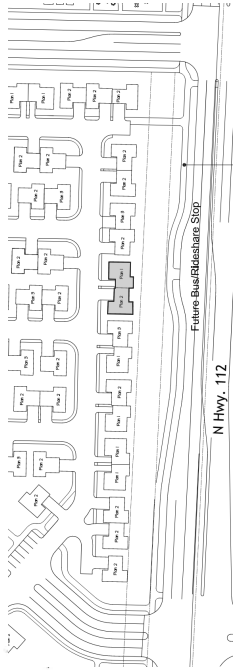
CLUBHOUSE REAR ELEVATION



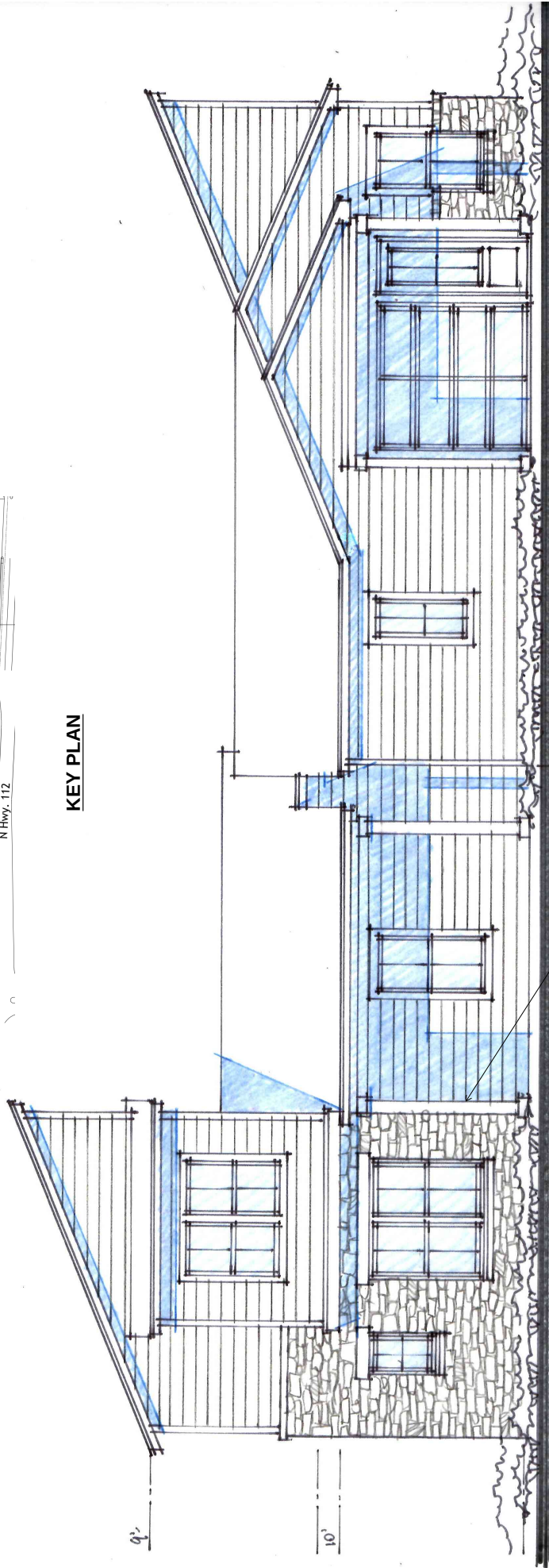
KEY PLAN



PLAN 1-1 WEST ELEVATION AT 112 RANCH ROAD



KEY PLAN



EXTERIOR DOOR
LOCATION

PLAN 1-2 WEST ELEVATION AT 112 RANCH ROAD

Planning Commission
March 27, 2023

LSD-2022-0041 (112 ARONSON) 438 of 483

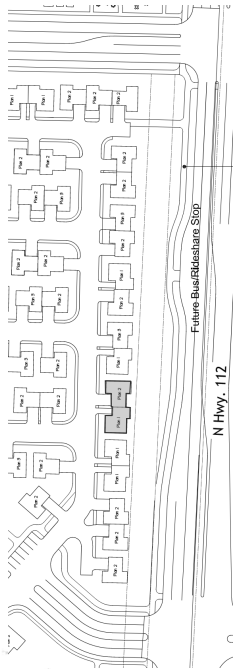
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HOUSTON, TX

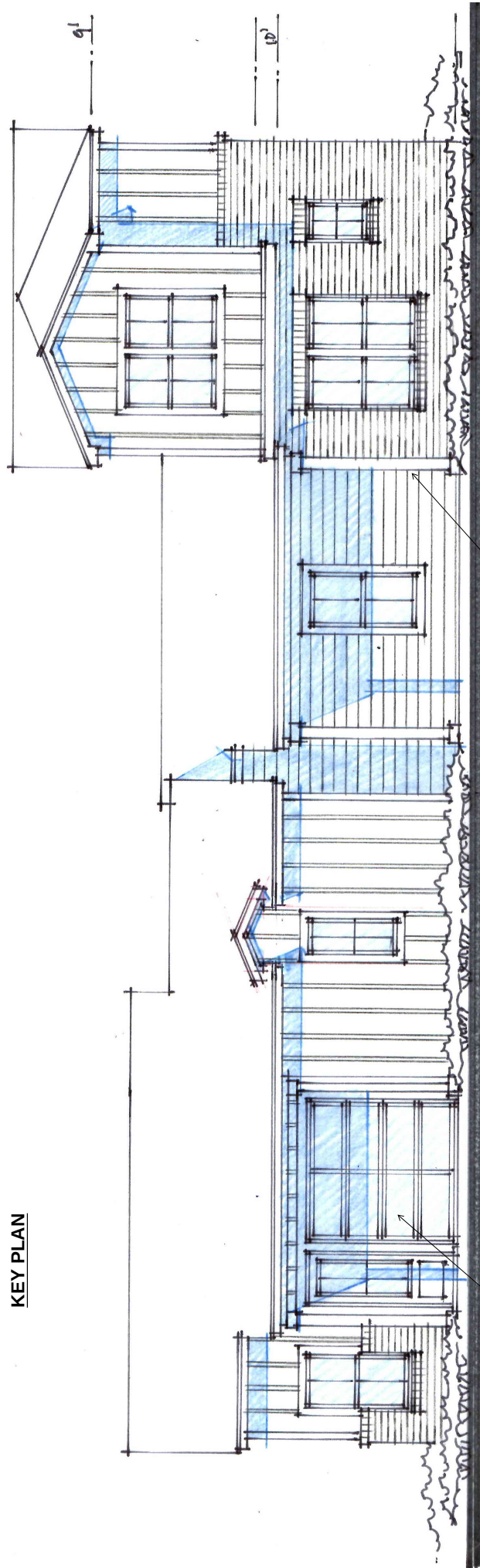
BSB Design, Inc.

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BSB Design, Inc. is a registered professional engineering firm in the State of Texas. The design of this project was completed by BSB Design, Inc. and is subject to change based upon final design considerations (i.e. applicable codes, structural, and MEP design requirements, unit plan/floor plan changes, etc.)



KEY PLAN



ROLL UP GLASS WINDOW

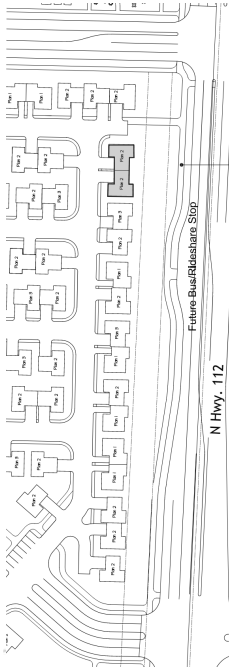
EXTERIOR DOOR LOCATION

PLAN 2-1 WEST ELEVATION AT 112 RANCH ROAD

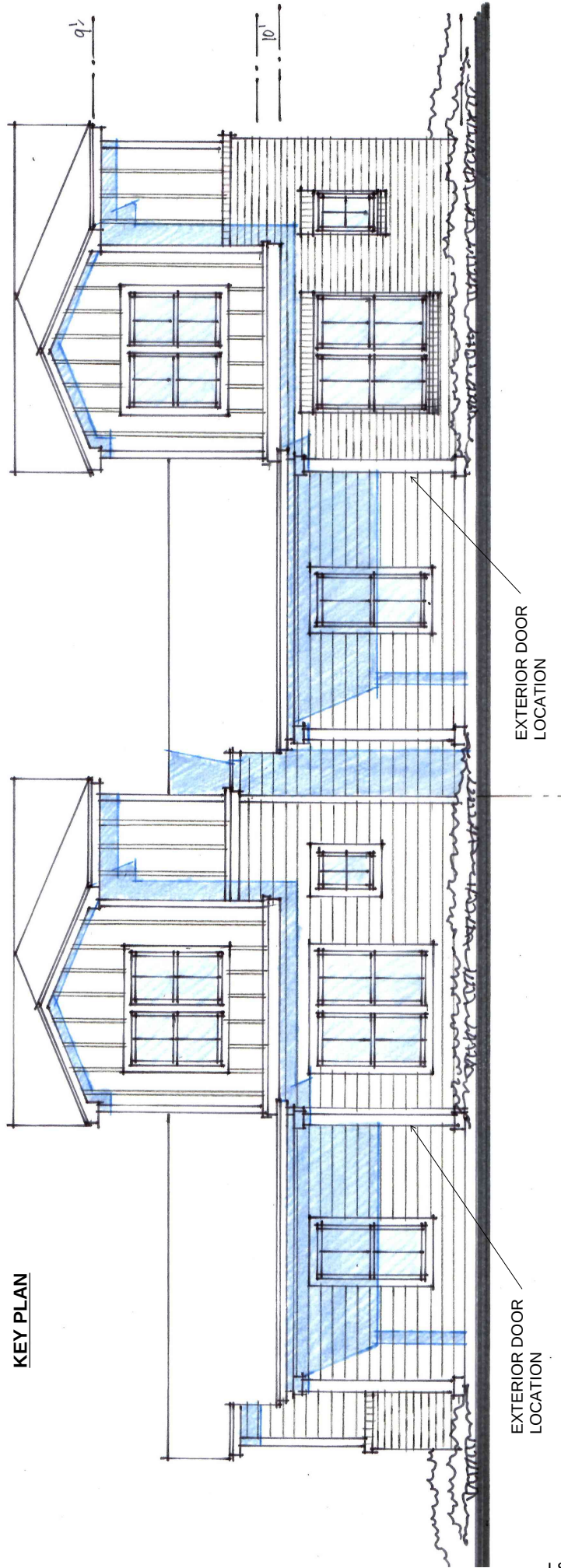
Planning Commission
March 27, 2023

LSD-2022-0041 (112 ARONSON BOULEVARD) 439 of 483

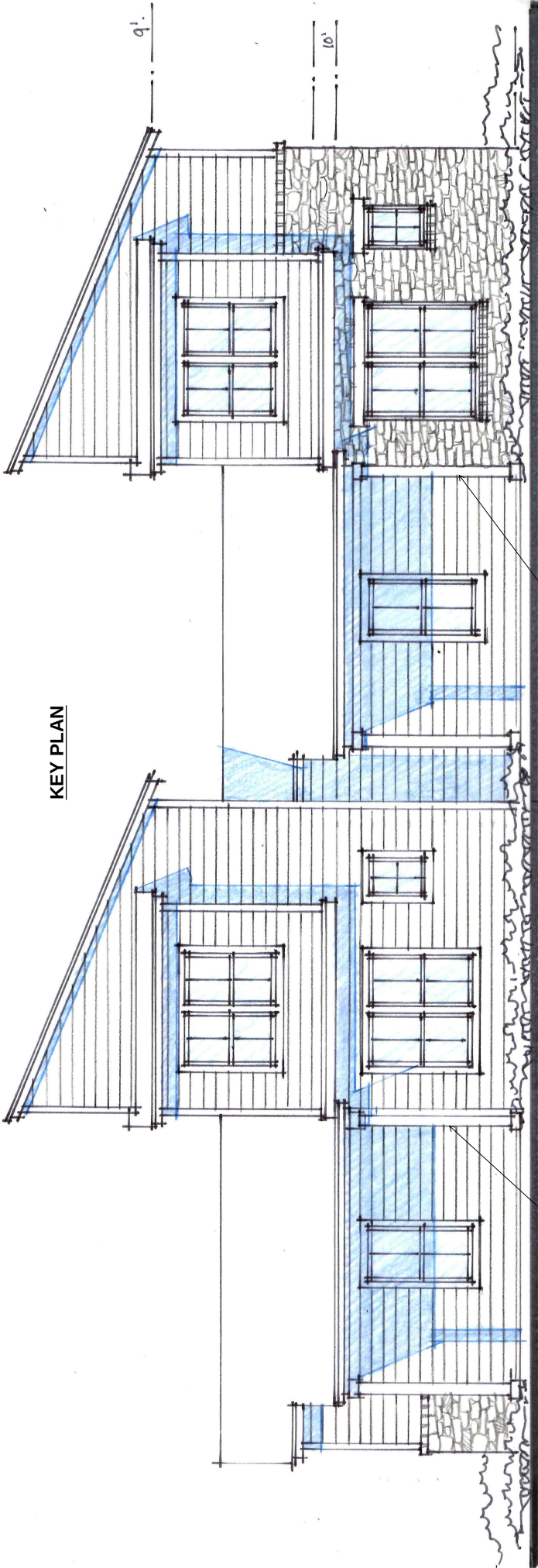
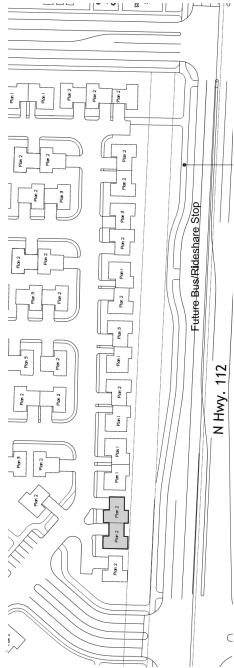
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KEY PLAN



PLAN 2-2 WEST ELEVATION AT 112 RANCH ROAD

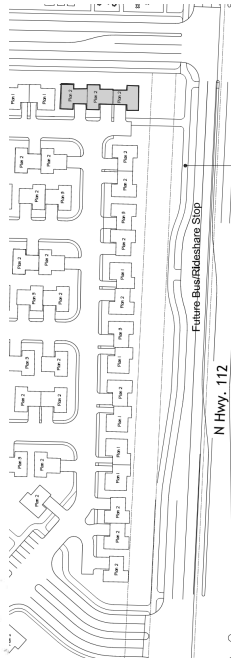


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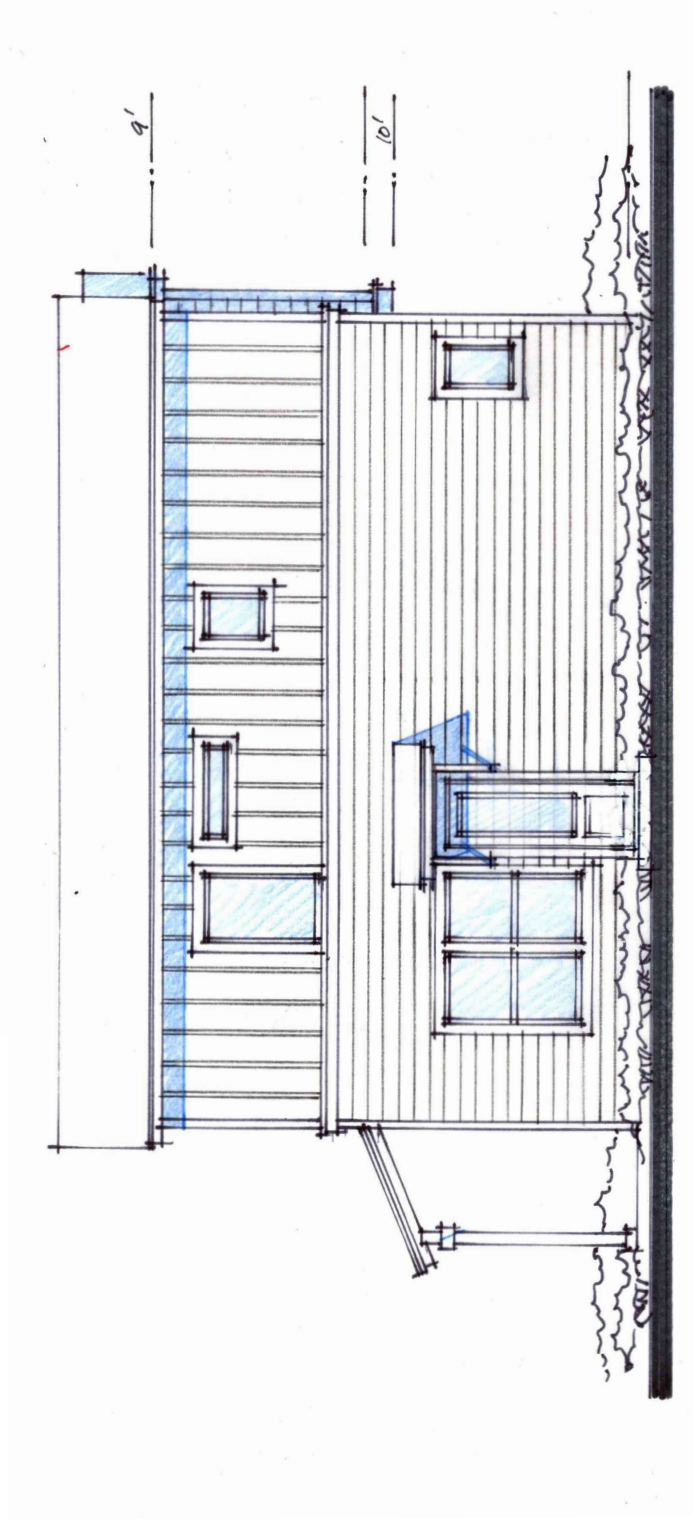
PLAN 2-2 WEST ELEVATION AT 112 RANCH ROAD

EXTERIOR DOOR
LOCATION

EXTERIOR DOOR
LOCATION

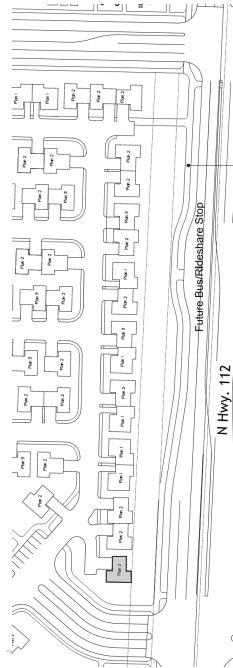


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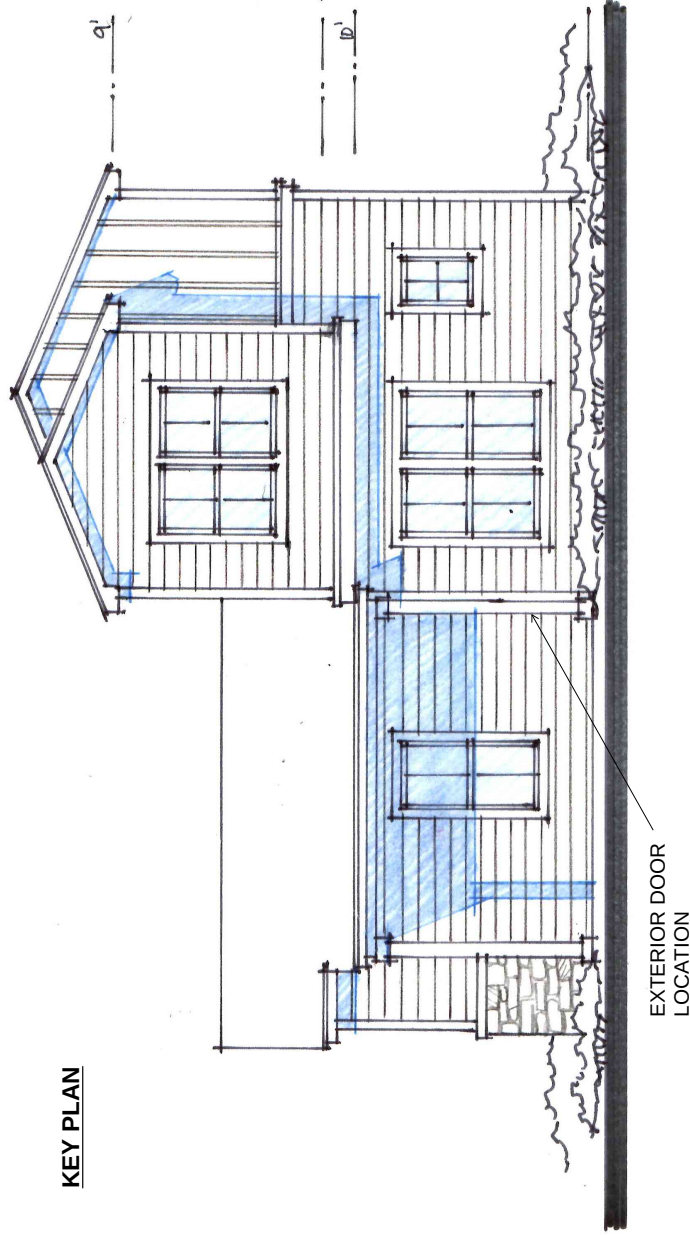


PLAN 2-2 WEST ELEVATION AT 112 RANCH ROAD

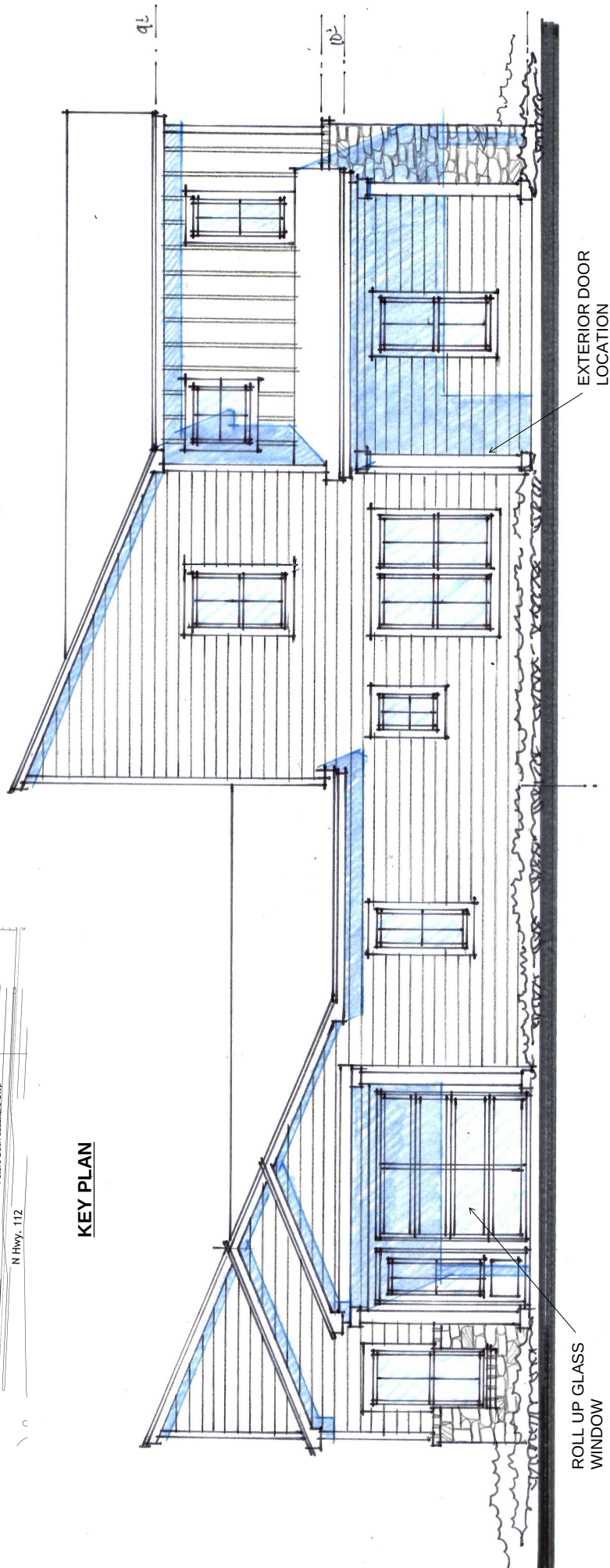
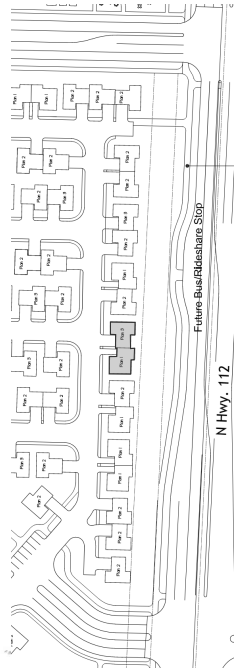
Planning Commission
March 27, 2023



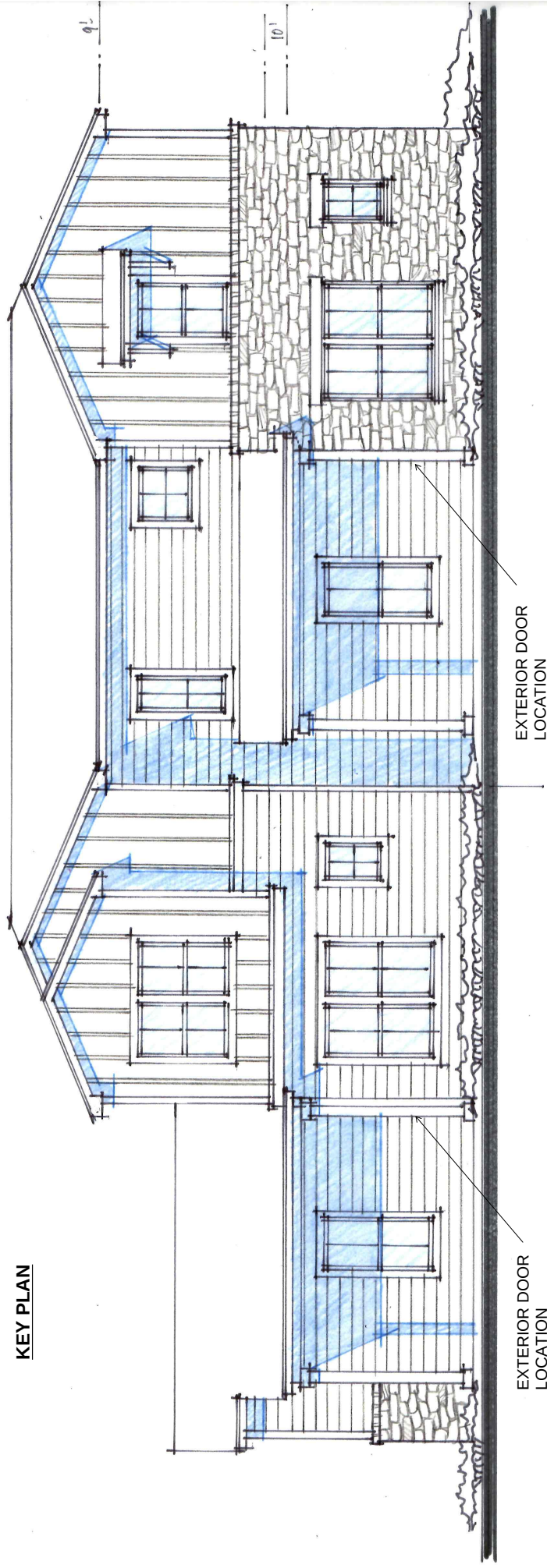
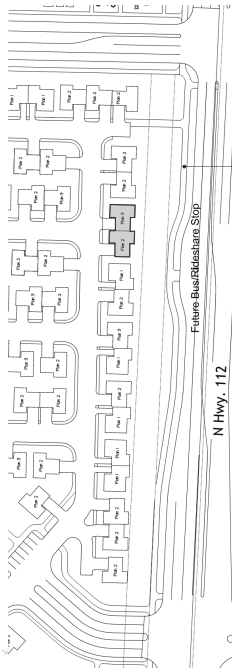
KEY PLAN



PLAN 2 WEST ELEVATION AT 112 RANCH ROAD



PLAN 3-1 WEST ELEVATION AT 112 RANCH ROAD



PLAN 3-2 WEST ELEVATION AT 112 RANCH ROAD

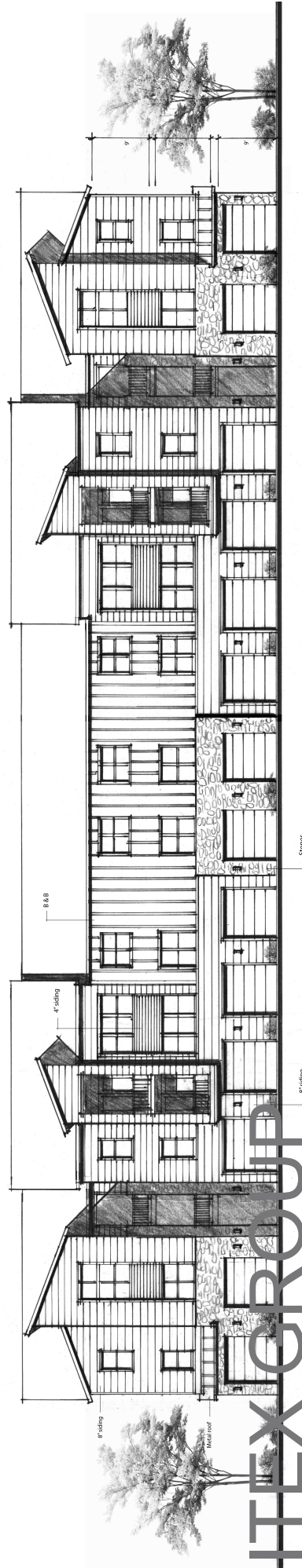
Planning Commission
March 27, 2023

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Side Elevations



Rear Elevation

ITEX GROUP
HOUSTON, TX

Planning Commission

March 27, 2023

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Front Elevation
1/8" scale

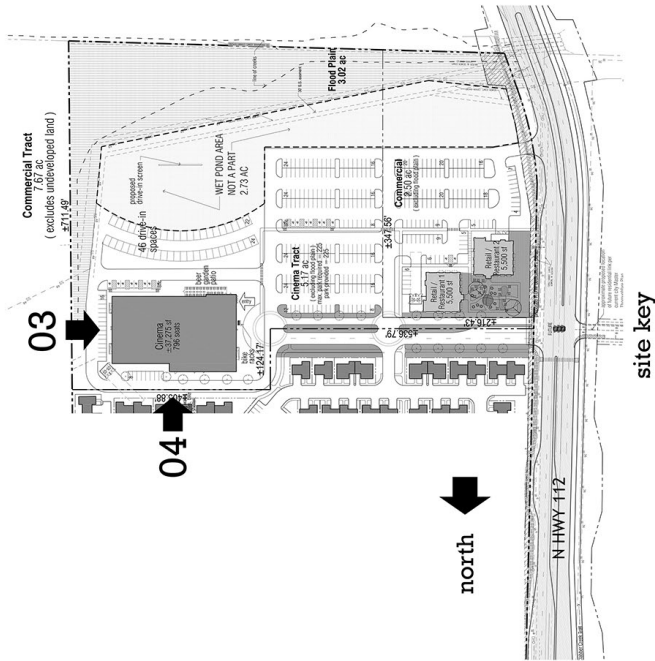
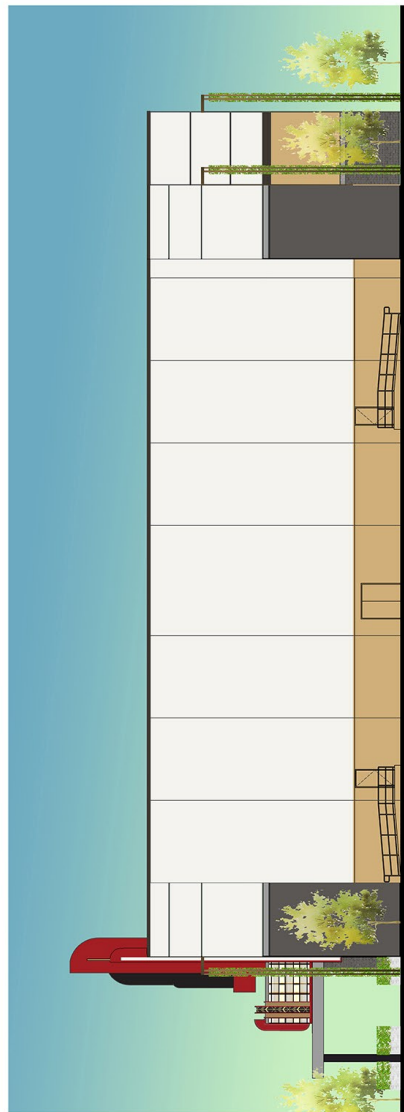
FAYETTEVILLE 112 REDEVELOPMENT
FAYETTEVILLE, ARKANSAS

SEPTEMBER 15, 2022 | SR220309

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GROUP
FAYETTEVILLE, TX

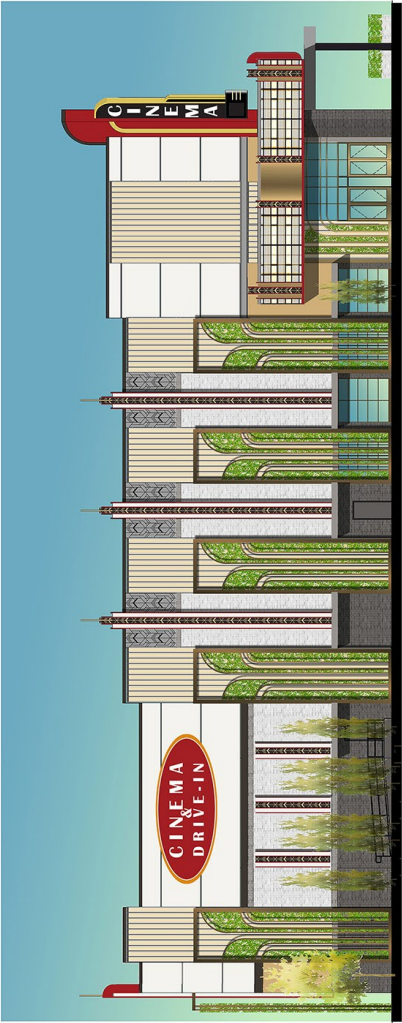
Planning Commission
March 27, 2023



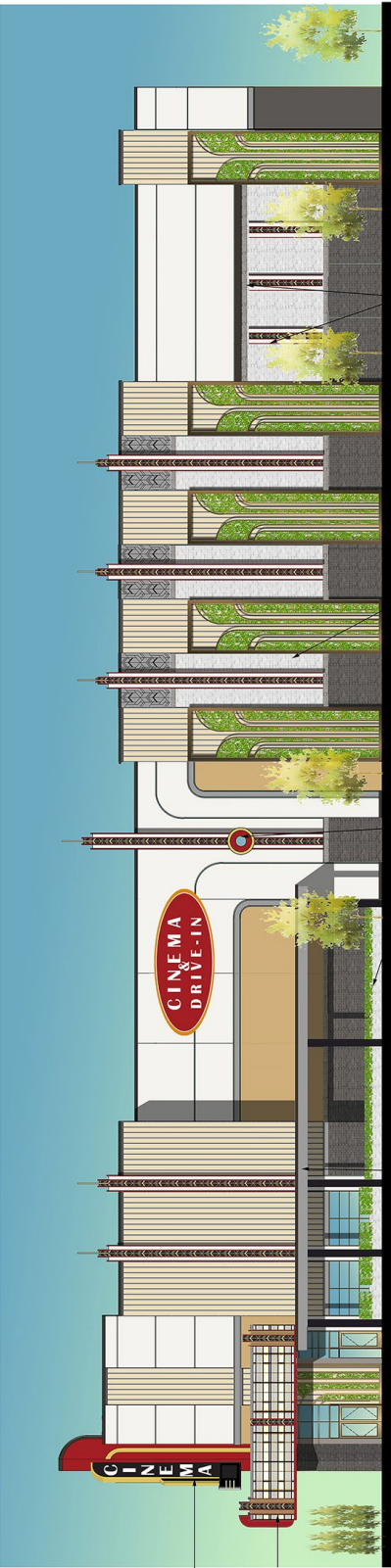
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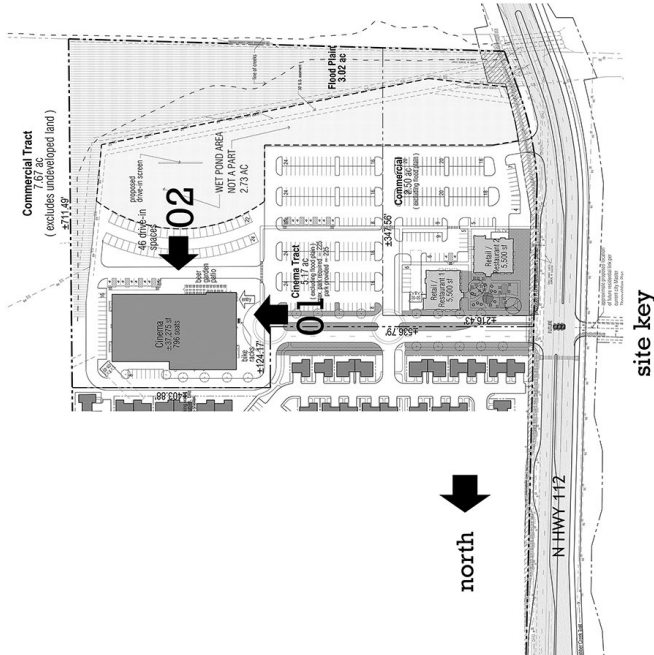
FAYETTEVILLE, ARKANSAS



01 WEST ELEVATION CONCEPT



02 SOUTH ELEVATION CONCEPT



FAYETTEVILLE, ARKANSAS

Masters, Jessica

From: Boyd, Melissa
Sent: Thursday, March 9, 2023 9:11 AM
To: David Nelms
Cc: Masters, Jessica; Boccaccio, Joshua
Subject: RE: Alamo LSD

Hi David,

Thank you for reaching out and pointing out the top elevation of the pond being below the 100-year floodplain.

We reached out to the engineer and asked them to add a tailwater condition to their detention modeling, which did raise water surface elevations in the pond. We are asking for clarification on this to ensure the pond will function correctly and not have an adverse impact on your property or others.

Please let me know if you have any additional questions.

Thank you,

Melissa Boyd, E.I.
Staff Engineer
Engineering Division
City of Fayetteville, Arkansas
T 479.444.3415
www.fayetteville-ar.gov



From: David Nelms <daviddnelms@gmail.com>
Sent: Monday, March 6, 2023 11:26 AM
To: Boyd, Melissa <mboyd@fayetteville-ar.gov>
Subject: Alamo LSD

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.

Melissa:

I am reaching out to you as the representative of Nelms LLLP, the property owners to the south and east of the proposed LSD at the 112 drive-in.

I was looking at the elevations of their proposed retention pond in relation to the hundred year flood plane elevations, and it appears that the top elevation of their pond is below the hundred year flood plane and the outlet looks so low that in a flood event the water might run back into their pond.

I am no engineer, but wouldn't that make their pond worthless in a big rain event and push the water onto the Auto Park and Sam's Club?

Thank you for your consideration on this. If I'm just not seeing this right, I would appreciate a copy of the report that shows how the floodplain impacts the detention.

Thank You,
David Nelms

--

David D Nelms
(479) 527-7812

Masters, Jessica

From: David Nelms <daviddnelms@gmail.com>
Sent: Tuesday, March 21, 2023 7:28 PM
To: Dave Anderson
Cc: Chris Akbari; Jason Appel; Masters, Jessica; Pennington, Blake
Subject: Re: Aronson/Nelms Update

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.

Dave,

The purpose for requesting independent engineers was to review the drainage and flood models incorporating the Auto Park. We understood that ESI was surveying the Autopark to evaluate the parking lot elevations into your flood models.

The last we heard was that the city engineers had concerns about your retention pond and rising water in the floodplain reducing it's capacity. They requested the project be tabled so that ESI could revise the flood study. Therefore It seems fair to say that not everyone shares ESI's confidence that there will be no adverse impact.

We already knew the elevations of the buildings and a more appropriate evaluation would be the low points of the parking lots - water doesn't have to rise to the elevations of the buildings to do significant damage to vehicles and infrastructure.

We would appreciate an update from ESI's current flood studies and the status of discussions with the city engineering department.

On the city requirement to provide cross connectivity, you guys seem to remember the conversation different than us. You asked if we would cover the engineering fees related to accommodating access to our property not, "all expenses and adjustments accociated with enacting such access."

Perhaps some clarification would be helpful in understanding the scope of what you want us to be responsible for and we can get back together on this before lawyers get involved.

We were hoping to see revisions before Monday's planning commission unless you still plan to seek a variance.

Thank you for getting back to us. Our number one priority is to protect the Auto Part and our neighbors to the west from flooding.

Sincerely,

David Nelms

On Mon, Mar 20, 2023 at 3:04 PM Dave Anderson <hellodave@dbanderson.com> wrote:

Dear David,

Thank you for bringing your concerns about water and cross-connectivity to our attention. Although we are not legally required to do so, we are willing to voluntarily grant a cross-access variance to the Nelms property on the southern end of the Aronson property. This would be contingent on all expenses and adjustments associated with enacting such access through our property being borne by the Nelms group. If this is acceptable to you, we will have our legal team draft an agreement for your review. However, please note that this easement is not required of us and negotiations will be independent of the city approval process. We hope this goodwill offer of access is pleasing to you. Also, we have provided the elevation data at the auto park you requested, completed at our own expense.

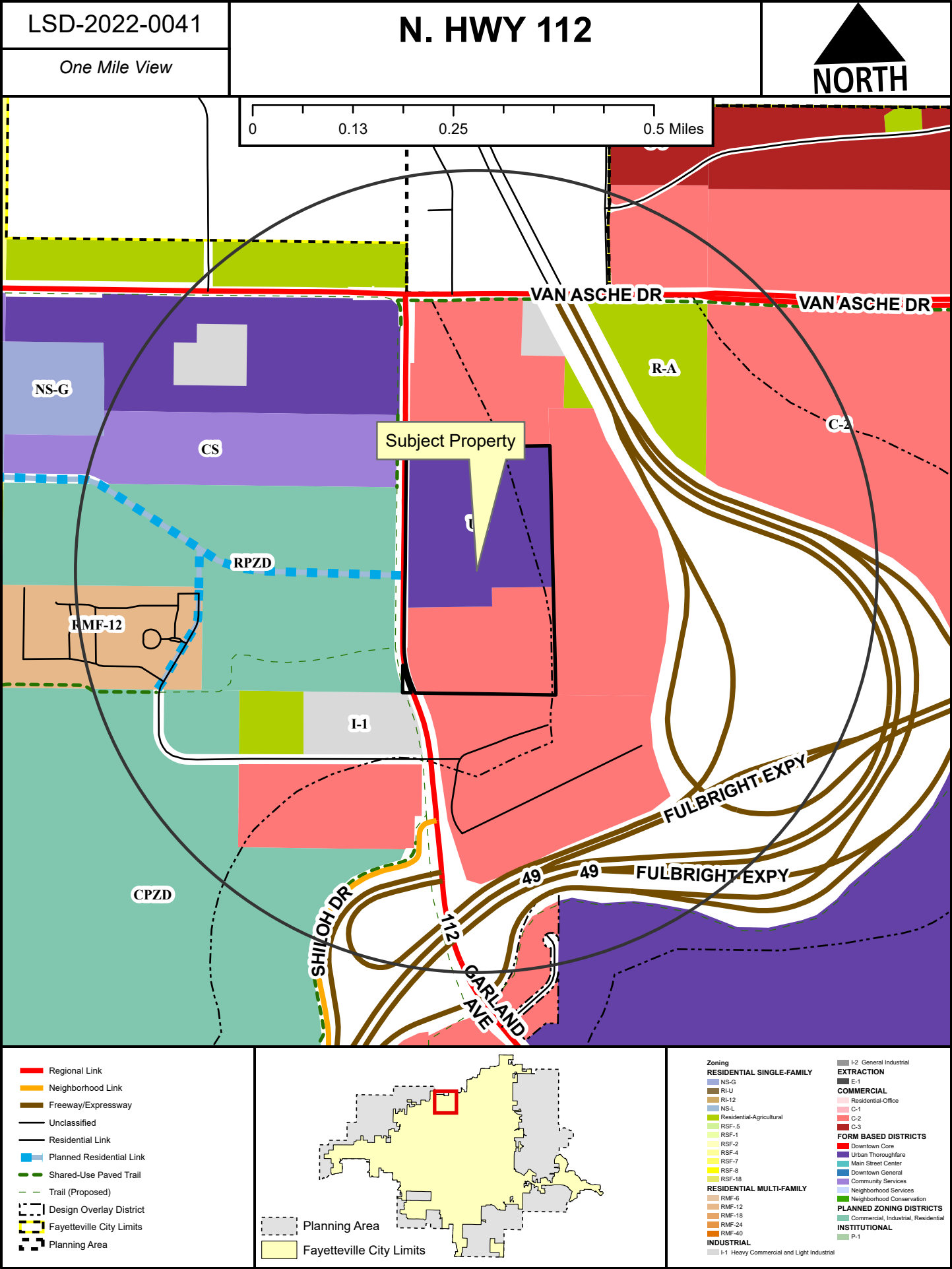
Sincerely,

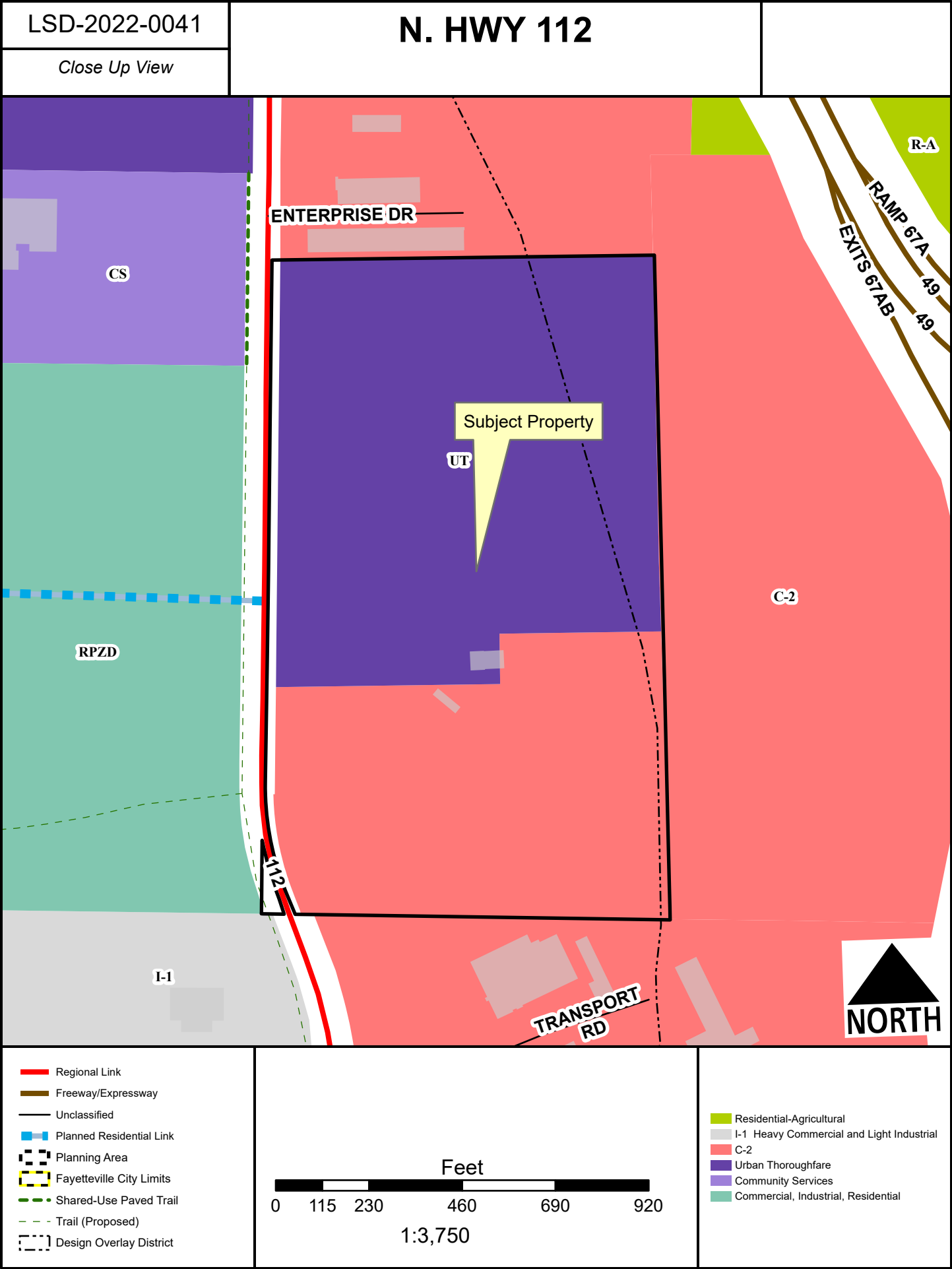
Dave Anderson

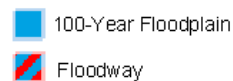
CL Partners

--

David D Nelms
(479) 527-7812









MEETING OF APRIL 25, 2023

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director
Jessica Masters, Development Review Manager

FROM: Ryan Umberger, Senior Planner

DATE: April 14, 2023

SUBJECT: **RZN-2023-0008: Rezoning (W OF W GEYSER ST/HENDERSON, 437): Submitted by CRAFTON TULL for property located W OF W. GEYSER ST in WARD 4. The property is zoned R-A, RESIDENTIAL AGRICULTURAL, and contains approximately 5.14 acres. The request is to rezone 4.01 acres of the site to RI-12, RESIDENTIAL INTERMEDIATE, TWELVE UNITS PER ACRE.**

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 south of W. Wedington Drive, between N. 54th and N. Broyles Avenues. The site contains approximately 5.14 acres and is zoned R-A Residential Agricultural. The surrounding area is mostly zoned R-A except for adjacent developments to the east and west which are occupied by two-family dwellings. To the west along W. Clevenger Drive are 10 existing two-family structures which were developed in the early 1970s; the Roczen Duplex project borders to the east is currently under development and were issued building permits in July of 2022. Owl Creek runs through the property near its southern property line. Its associated floodplain encumbers roughly ¼ of the site.

Request: The request is to rezone 4.01 acres of the property from R-A, Residential Agricultural to RI-12, Residential Intermediate, 12 Units per Acre.

Public Comment: Staff have not received any public comment on this item.

Land Use Compatibility: Staff finds the request to be mostly compatible with the surrounding mix of uses. Properties in the vicinity are mostly large-lot, low-density residential dwellings however, two-family dwellings also border the subject property to the east and west. Access to the site is limited, with W. Geyser Street being the only public street extending to the site. There may be opportunity to tie into W. Clevenger Drive, a private street to the west, but that will require an access easement to be granted from the adjoining property owner and may require fill to be placed within the Owl Creek floodplain. Opportunities for cross-connectivity are limited to adjacent properties due to the presence of Owl Creek to the south and private residential properties elsewhere. Despite the limited access staff finds the increase in density could be supported otherwise. The site

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

is near W. Wedington Drive and N. Broyles Avenue which are prominent thoroughfares that will not noticeably be impacted by additional density. Rezoning to RI-12 expands the variety of housing types, ranging from single- up to four-family dwellings by-right. Cluster housing developments are also permitted by-right in RI-12 zoning where they are a conditional use in R-A. Staff also finds that the bulk and area regulations are suitable and not out of context with the surrounding properties – particularly those developed under RI-U and RMF-6 to the east and west, respectively. Single family developments are permitted the smallest lot size with 50-foot minimum widths and 5,000 square foot minimum areas. Two-family dwellings have the same minimum lot width but require an additional 2,260 square feet in area, and three-family dwellings and above require 90-foot lot widths and 10,890 square foot lots. Structures are limited to three stories in RI-12 zoning which is less than the maximum height allowed in R-A zoning. R-A zoning does not have a maximum height limitation but buildings or portions thereof exceeding one story must have an additional setback from property lines equal to the difference between the height of that portion of the building and one story.

Land Use Plan Analysis: Staff finds the proposal to be mostly consistent with the goals in City Plan 2040 and the future land use designation for this location. Staff finds that the request is consistent with the Future Land Use Map designation and goals of City Plan 2040. The area is designated as a Residential Neighborhood Area, which calls for a mix of housing types in appropriate areas. Limited access to the site suggests certain incongruencies in terms of appropriateness but the applicant is also proposing for the portion of the site designated as a Natural Area to remain R-A which aligns with conservation principles set forth in the Future Land Use Plan. Staff finds two-, three-, and four-family dwellings as a permitted use is consistent with the future land use designation. Rezoning from R-A to RI-12 serves to contribute towards City Plan 2040 goals #2 – Discourage Suburban Sprawl and 6 – Create Opportunities for Attainable Housing. The site scores low on the Infill Scoring Matrix but it could be characterized as an infill site given its access to basic infrastructure necessities such as water, sewer, and street access. The proposed rezoning would put additional residential density on a property close to high-capacity streets and trail along W. Wedington Drive. Rezoning to RI-12 also aligns with Goal #6 because it allows a range of single- to four-family dwellings which may provide opportunities for affordable options beyond what a strictly single-family development would allow.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a range of two to four attributes for this site that may contribute to appropriate infill and one, floodplain, that detracts. The following elements of the matrix contribute positively:

- Adequate Fire Response (Station #7, 835 N. Rupple Road)
- Near Sewer Main (6" sewer main, N. of the site; 10" sewer main, S. of the site)
- Near Water Main (8" water main, W. Geyser Street)
- Near Paved Trail (W. Wedington Drive side path trail)

The following attribute contributes negatively:

- 100-year floodplain (Owl Creek)

DISCUSSION:

At the April 10, 2023 Planning Commission meeting, a vote of 8-1-0 forwarded the request to City Council with a recommendation of approval. Commissioner Holcomb made the motion and Commissioner McGetrick seconded. Commissioners discussed the potential of a possible connection to W. Clevenger Drive, a private drive, which would require adjacent owner consent and may possibly require adding fill in a portion of floodplain. Commissioner Garlock, who was opposed, acknowledged the site's low infill score and remoteness from Tier Centers identified in the Growth Concept Map as the basis for his opposition. Commissioner McGetrick expressed concerns about the lack of connectivity but suggested the issue could be worked out at

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Fayetteville, AR 72701

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the development stage. She discussed a lack of housing available in northwest Arkansas and felt the request would contribute towards addressing the issue. Commissioner Sparkman supported the rezoning, finding the request was similar to entitlements on adjacent properties. She seconded Commissioner McGetrick comments about lack of attainable housing. Commissioner Madden echoed concerns about connectivity and voiced concerns about the ambiguity of what may come with a future development under RI-12 zoning. She ultimately said increasing housing supply superseded those concerns. Commissioner Winston was ambivalent about the request and questioned if limited street frontage would result in future variances. No members of the public spoke during the meeting.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: SRF, Exhibit A, Exhibit B, Planning Commission Staff Report



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2023-685

RZN-2023-0008: Rezoning (W OF W GEYSER ST/HENDERSON, 437): Submitted by CRAFTON TULL for property located W OF W. GEYSER ST in WARD 4. The property is zoned R-A, RESIDENTIAL AGRICULTURAL, and contains approximately 5.14 acres. The request is to rezone 4.01 acres of the site to RI-12, RESIDENTIAL INTERMEDIATE, TWELVE UNITS PER ACRE.

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN-2023-008 LOCATED WEST OF WEST GEYSER STREET IN WARD 4 FOR APPROXIMATELY 5.14 ACRES FROM R-A, RESIDENTIAL AGRICULTURAL TO RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE AND R-A, RESIDENTIAL AGRICULTURAL

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 R-A, Residential Agricultural to RI-12, Residential Intermediate, 12 Units Per Acre and R-A, Residential Agricultural.

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

2023-685

Item ID

5/2/2023

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

Jonathan Curth

4/14/2023

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN-2023-0008: Rezoning (W OF W GEYSER ST/HENDERSON, 437): Submitted by CRAFTON TULL for property located W OF W. GEYSER ST in WARD 4. The property is zoned R-A, RESIDENTIAL AGRICULTURAL, and contains approximately 5.14 acres. The request is to rezone 4.01 acres of the site to RI-12, RESIDENTIAL INTERMEDIATE, TWELVE UNITS PER ACRE.

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:

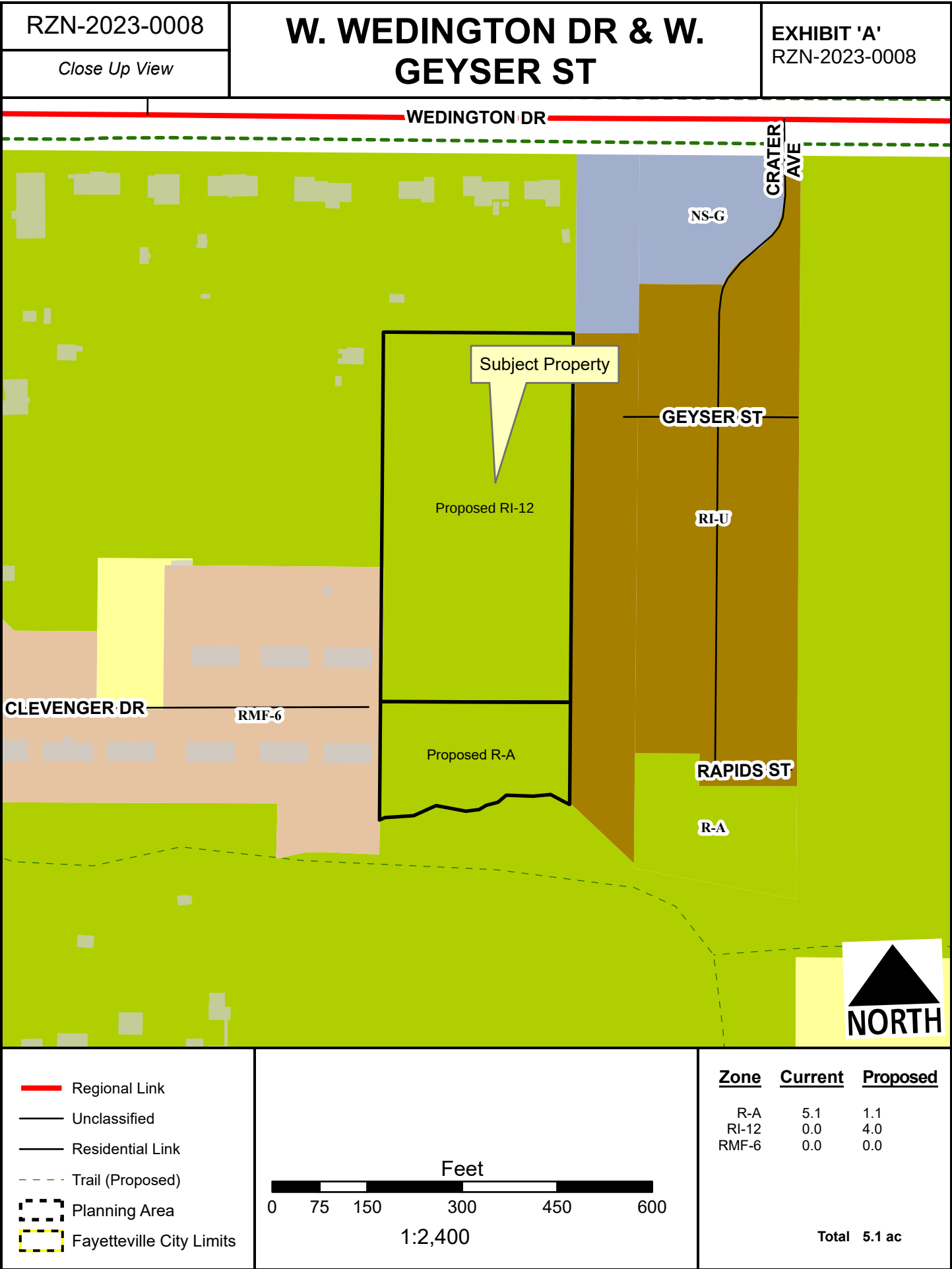
Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



OVERALL DESCRIPTON (WASHINGTON CO. PARCEL NO. 765-1619-001)

PURSUANT TO AN ON THE GROUND RETRACEMENT OF THE DESCRIPTION PRESENTED WITH THE WARRANTY DEED RECORDED AS DOCUMENT 94015538 IN THE REAL ESTATE RECORDS OF WASHINGTON COUNTY, ARKANSAS. THE BASIS OF NORTH & WEST BOUNDARIES OF SAID DESCRIPTION SOURCES TO THE PLAT OF SURVEY RECORDED AS REAL ESTATE FILE ODR3-00000018.

A PART OF THE NORTHWEST QUARTER (NW/4) OF THE SOUTHEAST QUARTER (SE/4) OF SECTION 11, TOWNSHIP 16 NORTH (T16N), RANGE 31 WEST (R31W) OF THE FIFTH PRINCIPAL MERIDIAN (5TH PM), CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST (NE) CORNER OF SAID NW/4 OF THE SE/4, AN UN-MARKED POINT ACCORDING TO ARKANSAS HIGHWAY COMMISSION RIGHT-OF-WAY JOB NO. 040423; THENCE NORTH 87°45'57" WEST (DEED RECORD WEST) ALONG THE NORTH LINE OF SAID NW/4 OF THE SE/4, A DISTANCE OF 356.54 (DEED RECORD 354.6) FEET; THENCE SOUTH 02°29'20" WEST (DEED RECORD SOUTH) ALONG THE EAST LINE OF LOT 2 OF KJELDSSEN'S SUBDIVISION AND THE PROJECTION THEREFORE, FOR A DISTANCE OF 35.08 FEET PASSING THE NE CORNER OF SAID LOT 2 AND CONTINUING AN ADDITIONAL DISTANCE OF 16.77 FEET PASSING A 2-INCH DIAMETER ALUMINUM CAPPED REBAR EMBOSSED LS1201 AT THE SOUTH RIGHT-OF-WAY OF HIGHWAY 16 PER ARKANSAS HIGHWAY COMMISSION JOB NO. 040423 AND CONTINUING FOR A TOTAL DISTANCE OF 335.36 (DEED RECORD 335.75) FEET TO THE SOUTHEAST (SE) CORNER OF SAID LOT 2 AND THE **POINT OF BEGINNING**;

THENCE SOUTH 02°26'40" WEST (DEED RECORD SOUTH) PARALLEL TO THE EAST LINE OF AFOREMENTIONED SURVEY IN REAL ESTATE FILE ODR3-00000018 AS RETRACED, FOR A DISTANCE OF 743.78 (DEED RECORD 743.0) FEET TO THE THALWEG OF OWL CREEK AS SURVEYED ON 15 FEBRUARY 2023; THENCE UPSTREAM WITH SAID THALWEG OF OWL CREEK AND THE SOUTH BOUNDARY OF HEREIN DESCRIBED TRACT THE FOLLOWING TWELVE (12) CALLS:

- 1) NORTH 61°28'43" WEST, 9.67 FEET;
- 2) NORTH 60°15'33" WEST, 24.36 FEET;
- 3) SOUTH 86°18'21" WEST, 27.67 FEET;
- 4) NORTH 85°47'40" WEST, 42.43 FEET;
- 5) SOUTH 51°58'03" WEST, 16.98 FEET;
- 6) SOUTH 76°56'11" WEST, 19.61 FEET;
- 7) SOUTH 59°58'15" WEST, 12.54 FEET;
- 8) SOUTH 85°01'05" WEST, 21.10 FEET;
- 9) NORTH 77°20'12" WEST, 48.18 FEET;
- 10) SOUTH 67°39'25" WEST, 38.62 FEET;
- 11) SOUTH 88°06'52" WEST, 45.70 FEET;
- 12) SOUTH 67°23'37" WEST, 9.24 FEET;

THENCE LEAVING OWL CREEK NORTH 02°26'40" EAST (DEED RECORD NORTH) PARALLEL TO THE EAST LINE OF AFOREMENTIONED SURVEY IN REAL ESTATE FILE ODR3-00000018 AS RETRACED, FOR A DISTANCE OF 769.94 FEET PASSING A 4" DIAMETER STEEL FENCE CORNER POST AND CONTINUING FOR A TOTAL DISTANCE OF 770.21 (DEED RECORD 784.28) FEET TO THE SOUTH LINE OF AFOREMENTIONED KJELDSSEN'S SUBDIVISION; THENCE SOUTH 87°39'30" EAST (DEED RECORD EAST), PASSING A FOUND REBAR BELOW A TREE ROOT FOR THE SE CORNER OF LOT 3 KJELDSSEN'S SUBDIVISION AT A DISTANCE OF 199.93 FEET AND CONTINUING FOR A TOTAL DISTANCE OF 299.98 (DEED RECORD 300.0) FEET TO THE POINT OF BEGINNING AND CONTAINING 5.14 ACRES MORE OR LESS, SUBJECT TO THE PERIODIC CHANGES OF OWL CREEK.

PER RECORD DEED: SUBJECT TO SEWER LINE EASEMENTS ACROSS THE NORTH AND SOUTH SIDES AND SUBJECT TO THE FLOODING OF OWL CREEK. SUBJECT TO ALL PUBLIC PRIVATE ROADS AND EASEMENTS.

THE SOUTH BOUNDARY IS RIPARIAN AND IS ONLY ACURATE AT THE DATE OF FIELD SURVEY, 15 FEBRUARY 2023, AND IS SUBJECT TO THE PERIODIC STREAM CHANGES OF OWL CREEK.

BEARINGS BASED ON ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD 83 HORIZONTAL DATUM DETERMINED BY GPS OBSERVATION ON THE CITY OF FAYETTEVILLE CONTROL MONUMENTS USING THEIR PUBLISHED VALUES.

REZONE TRACT 1

A PART OF THE NORTHWEST QUARTER (NW/4) OF THE SOUTHEAST QUARTER (SE/4) OF SECTION 11, TOWNSHIP 16 NORTH (T16N), RANGE 31 WEST (R31W) OF THE FIFTH PRINCIPAL MERIDIAN (5TH PM), CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST (NE) CORNER OF SAID NW/4 OF THE SE/4, AN UN-MARKED POINT ACCORDING TO ARKANSAS HIGHWAY COMMISSION RIGHT-OF-WAY JOB NO. 040423; THENCE NORTH 87°45'57" WEST ALONG THE NORTH LINE OF SAID NW/4 OF THE SE/4, A DISTANCE OF 356.54 FEET; THENCE SOUTH 02°29'20" WEST ALONG THE EAST LINE OF LOT 2 OF KJELDSSEN'S SUBDIVISION AND THE PROJECTION THEREFORE, FOR A DISTANCE OF 35.08 FEET PASSING THE NE CORNER OF SAID LOT 2 AND CONTINUING AN ADDITIONAL DISTANCE OF 16.77 FEET PASSING A 2-INCH DIAMETER ALUMINUM CAPPED REBAR EMBOSSED LS1201 AT THE SOUTH RIGHT-OF-WAY OF HIGHWAY 16 PER ARKANSAS HIGHWAY COMMISSION JOB NO. 040423 AND CONTINUING FOR A TOTAL DISTANCE OF 335.36 FEET TO THE SOUTHEAST (SE) CORNER OF SAID LOT 2 AND THE **POINT OF BEGINNING**;

THENCE SOUTH 02°26'40" WEST PARALLEL TO THE EAST LINE OF A SURVEY IN REAL ESTATE FILE ODR3-00000018 AS RETRACED, FOR A DISTANCE OF 582.37 FEET; THENCE NORTH 87°50'15" WEST, A DISTANCE OF 299.98 FEET; THENCE NORTH 02°26'40" EAST PARALLEL TO THE EAST LINE OF AFOREMENTIONED SURVEY IN REAL ESTATE FILE ODR3-00000018 AS RETRACED, FOR A DISTANCE OF 583.04 FEET PASSING A 4" DIAMETER STEEL FENCE CORNER POST AND CONTINUING FOR A TOTAL DISTANCE OF 583.31 FEET TO THE SOUTH LINE OF AFOREMENTIONED KJELDSSEN'S SUBDIVISION; THENCE SOUTH 87°39'30" EAST, PASSING A FOUND REBAR BELOW A TREE ROOT FOR THE SE CORNER OF LOT 3 KJELDSSEN'S SUBDIVISION AT A DISTANCE OF 199.93 FEET AND CONTINUING FOR A TOTAL DISTANCE OF 299.98 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.01 ACRES MORE OR LESS.

BEARINGS BASED ON ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD 83 HORIZONTAL DATUM DETERMINED BY GPS OBSERVATION ON THE CITY OF FAYETTEVILLE CONTROL MONUMENTS USING THEIR PUBLISHED VALUES.

REZONE TRACT 2

A PART OF THE NORTHWEST QUARTER (NW/4) OF THE SOUTHEAST QUARTER (SE/4) OF SECTION 11, TOWNSHIP 16 NORTH (T16N), RANGE 31 WEST (R31W) OF THE FIFTH PRINCIPAL MERIDIAN (5TH PM), CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST (NE) CORNER OF SAID NW/4 OF THE SE/4, AN UN-MARKED POINT ACCORDING TO ARKANSAS HIGHWAY COMMISSION RIGHT-OF-WAY JOB NO. 040423; THENCE NORTH 87°45'57" WEST ALONG THE NORTH LINE OF SAID NW/4 OF THE SE/4, A DISTANCE OF 356.54 FEET; THENCE SOUTH 02°29'20" WEST ALONG THE EAST LINE OF LOT 2 OF KJELDSSEN'S SUBDIVISION AND THE PROJECTION THEREFORE, FOR A DISTANCE OF 35.08 FEET PASSING THE NE CORNER OF SAID LOT 2 AND CONTINUING AN ADDITIONAL DISTANCE OF 16.77 FEET PASSING A 2-INCH DIAMETER ALUMINUM CAPPED REBAR EMBOSSED LS1201 AT THE SOUTH RIGHT-OF-WAY OF HIGHWAY 16 PER ARKANSAS HIGHWAY COMMISSION JOB NO. 040423 AND CONTINUING FOR A TOTAL DISTANCE OF 335.36 FEET TO THE SOUTHEAST (SE) CORNER OF SAID LOT 2; THENCE SOUTH 02°26'40" WEST PARALLEL TO THE EAST LINE OF A SURVEY IN REAL ESTATE FILE ODR3-00000018 AS RETRACED, FOR A DISTANCE OF 582.37 FEET TO THE **POINT OF BEGINNING** ;

THENCE CONTINUING SOUTH 02°26'40" WEST PARALLEL TO THE EAST LINE OF AFOREMENTIONED SURVEY AS RETRACED, FOR A DISTANCE OF 161.41 FEET TO THE THALWEG OF OWL CREEK AS SURVEYED ON 15 FEBRUARY 2023; THENCE UPSTREAM WITH SAID THALWEG OF OWL CREEK AND THE SOUTH BOUNDARY OF HEREIN DESCRIBED TRACT THE FOLLOWING TWELVE (12) CALLS:

- 1) NORTH 61°28'43" WEST, 9.67 FEET;
- 2) NORTH 60°15'33" WEST, 24.36 FEET;
- 3) SOUTH 86°18'21" WEST, 27.67 FEET;
- 4) NORTH 85°47'40" WEST, 42.43 FEET;
- 5) SOUTH 51°58'03" WEST, 16.98 FEET;
- 6) SOUTH 76°56'11" WEST, 19.61 FEET;
- 7) SOUTH 59°58'15" WEST, 12.54 FEET;
- 8) SOUTH 85°01'05" WEST, 21.10 FEET;
- 9) NORTH 77°20'12" WEST, 48.18 FEET;
- 10) SOUTH 67°39'25" WEST, 38.62 FEET;
- 11) SOUTH 88°06'52" WEST, 45.70 FEET;
- 12) SOUTH 67°23'37" WEST, 9.24 FEET;

THENCE LEAVING OWL CREEK NORTH 02°26'40" EAST PARALLEL TO THE EAST LINE OF AFOREMENTIONED SURVEY IN REAL ESTATE FILE ODR3-00000018 AS RETRACED, FOR A DISTANCE OF 186.90 FEET; THENCE SOUTH 87°50'15" EAST, A DISTANCE OF 299.98 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.13 ACRES MORE OR LESS, SUBJECT TO THE PERIODIC CHANGES OF OWL CREEK.

THE SOUTH BOUNDARY IS RIPARIAN AND IS ONLY ACURATE AT THE DATE OF FIELD SURVEY, 15 FEBRUARY 2023, AND IS SUBJECT TO THE PERIODIC STREAM CHANGES OF OWL CREEK.

BEARINGS BASED ON ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD 83
HORIZONTAL DATUM DETERMINED BY GPS OBSERVATION ON THE CITY OF FAYETTEVILLE CONTROL
MONUMENTS USING THEIR PUBLISHED VALUES.



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Ryan Umberger, Senior Planner

MEETING DATE: April 10, 2023 (Updated with Planning Commission Results)

SUBJECT: **RZN-2023-0008: Rezoning (W OF W GEYSER ST/HENDERSON, 437):**
Submitted by CRAFTON TULL for property located W OF W. GEYSER ST. The property is zoned R-A, RESIDENTIAL AGRICULTURAL, and contains approximately 5.14 acres. The request is to rezone 4.01 acres of the site to RI-12, RESIDENTIAL INTERMEDIATE, TWELVE UNITS PER ACRE.

RECOMMENDATION:

Staff recommends forwarding **RZN-2023-0008** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

"I move to forward **RZN-2023-0008** to City Council with a recommendation of approval."

BACKGROUND:

The subject property is south of W. Wedington Drive, between N. 54th and N. Broyles Avenues. The site contains approximately 5.14 acres and is zoned R-A Residential Agricultural. The surrounding area is mostly zoned R-A except for adjacent developments to the east and west which are occupied by two-family dwellings. To the west along W. Clevenger Drive are 10 existing two-family structures which were developed in the early 1970s; the Roczen Duplex project borders to the east is currently under development and were issued building permits in July of 2022. Owl Creek runs through the property near its southern property line. Its associated floodplain encumbers roughly $\frac{1}{4}$ of the site. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	R-A, Residential Agricultural
South	Undeveloped/Rural Residential	R-A, Residential Agricultural
East	Two-Family Residential	RI-U, Residential Intermediate-Urban
West	Rural Residential/Two-Family Residential	R-A, Residential Agricultural; RMF-6, Residential Multi-Family, 6 Units per Acre

Request: The request is to rezone 4.01 acres of the overall property from R-A, Residential Agricultural to RI-12, Residential Intermediate, 12 Units per Acre.

Public Comment: Staff has not received any public comment on this item.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

Streets: The subject area has frontage along stub outs of W. Geyser Street and W. Clevenger Drive. W. Geyser Street is a fully-improved Residential Link Street with asphalt paving, curb and gutter, and six foot sidewalks along both sides of the street. W. Clevenger Drive is a private drive with asphalt paving and open ditches. Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is not available to the subject area. An 8-inch water main is shown to be extended to the west property line in the W. Geyser Street right-of-way in the grading permit document documents for the Roczen Duplex project.

Sewer: Sanitary Sewer is available to the subject area. An existing 6-inch sanitary sewer main is present on the north side of the subject property and an existing 10-inch main is present on the south side of the subject property.

Fire: Station 7, located at 835 N. Ruppel Road protects this site. The property is located approximately 1.3 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 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. 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 expressed no concerns with this request.

Drainage: No portion of the property is within the Hillside-Hilltop Overlay District. A portion of the subject area lies within a FEMA floodplain, has hydric soils, and a protected stream is present in the area.

The portion of the subject area within the FEMA floodplain will necessitate a floodplain development review at the time of permit or plan submittal. This will restrict the type of development and impact allowed 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. Floodplain is present through a slim depression that roughly follows the unnamed tributary of the Farmington Branch near the west property line.

Hydric soils are also present on the subject property. They are a known indicator 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 is 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 will be 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. Hydric soils are present throughout the entirety of the subject property.

A protected stream is present in the subject area. Streamside Protection Zones generally consist of a protected area on each side of a stream or creek. This protected area is meant to preserve woody vegetation and natural areas along stream corridors to improve/protect stream health. At a minimum, the protected area will be 50 feet wide as measured from the top of bank but, depending on the shape and extent of the floodway, it could be substantially more. Certain construction activities such as trails and some utilities are allowed in these zones, but in general, improvements such as parking lots or buildings are prohibited. The streamside protection area is present on the west side of the subject property. Any additional improvements or requirements for drainage will be determined at time of development.

Tree Preservation:

The proposed zoning district of RI-12, Residential Intermediate, 12 Units per Acre requires **20% minimum canopy preservation**. The current zoning district of R-A, Residential Agricultural 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 a **Residential Neighborhood** and **Natural Area**.

Residential Neighborhood Areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily and accessory dwelling units. 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, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood.

Natural Areas consist of lands approximating or reverting to a wilderness conditions, including those with limited development potential due to topography, hydrology, vegetation, or value as an environmental resource. These resources can include stream and wildlife corridors, as well as natural hubs and cores, many of which are identified in the generalized enduring green network. A Natural Area designation would encourage a development pattern that requires conservation and preservation, prevents degradation of these areas, and would utilize the principles of low impact development stormwater infrastructure for all developments. Natural Areas are prime candidates for conservation subdivision design and/or clustered development patterns.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **2-4** for this site, with a weighted score of **3.5** at the highest. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #7, 835 N. Rupple Road)
- Near Sewer Main (6" sewer main, N. of the site; 10" sewer main, S. of the site)
- Near Water Main (8" water main, W. Geyser Street)
- Near Paved Trail (W. Wedington Drive side path trail)

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 request to be mostly compatible with the surrounding mix of uses. Properties in the vicinity are mostly large-lot, low-density residential dwellings however, two-family dwellings also border the subject property to the east and west. Access to the site is limited, with W. Geyser Street being the only public street extending to the site. There may be opportunity to tie into W. Clevenger Drive, a private street to the west, but that will require an access easement to be granted from the adjoining property owner and may require fill to be placed within the Owl Creek floodplain. Opportunities for cross-connectivity are limited to adjacent properties due to the presence of Owl Creek to the south and private residential properties elsewhere. Despite the limited access staff finds the increase in density could be supported otherwise. The site is near W. Wedington Drive and N. Broyles Avenue which are prominent thoroughfares that will not noticeably be impacted by additional density. Rezoning to RI-12 expands the variety of housing types, ranging from single- up to four-family dwellings by-right. Cluster housing developments are also permitted by-right in RI-12 zoning where they are a conditional use in R-A. Staff also finds that the bulk and area regulations are suitable and not out of context with the surrounding properties – particularly those developed under RI-U and RMF-6 to the east and west, respectively. Single family developments are permitted the smallest lot size with 50-foot minimum widths and 5,000 square foot minimum areas. Two-family dwellings have the same minimum lot width but require an additional 2,260 square feet in area, and three-family dwellings and above require 90-foot lot widths and 10,890 square foot lots. Structures are limited to three stories in RI-12 zoning which is less than the unlimited maximum height allowed in R-A zoning.

Land Use Plan Analysis: Staff finds the proposal to be mostly consistent with the goals in City Plan 2040 and the future land use designation for this location. Staff finds that the request is consistent with the Future Land Use Map designation and goals of City Plan 2040. The area is designated as a Residential Neighborhood Area, which calls for a mix of housing types in appropriate areas. Limited access to the site suggests certain incongruencies in terms of appropriateness but the applicant is also proposing for the portion of the site designated as a Natural Area to remain R-A which aligns with conservation principles set forth in the Future Land Use Plan. Staff finds two-, three-, and four-family dwellings as a permitted use is consistent with the future land use designation. Rezoning from R-A to RI-12 serves to contribute towards City Plan 2040 goals #2 – Discourage Suburban Sprawl and 6 – Create Opportunities for Attainable Housing. The

site scores low on the Infill Scoring Matrix but it could be characterized as an infill site given its access to basic infrastructure necessities such as water, sewer, and street access. The proposed rezoning would put additional residential density on a property close to high-capacity streets and trail along W. Wedington Drive. Rezoning to RI-12 also aligns with Goal #6 because it allows a range of single- to four-family dwellings which may provide opportunities for affordable options beyond what a strictly single-family development would allow.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: Staff believes that there is sufficient justification for rezoning the property to RI-12; including diversifying the mix of residential uses, allowing varied lot sizes, and bringing residential density to the site that generally aligns with the Future Land Use designation.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: Rezoning the property to RI-12 may increase traffic at this location above the potential of the current zoning district, though the impact is not expected to be detrimental to danger and congestion. Once routed through the newly built Residential Link Street in the adjacent subdivision to the east, vehicles will have close access to prominent north/south and east/west corridors. Staff finds the moderate size of the development will also limit the amount of additional traffic to a level that is safe and appropriate for a property that will likely have a single access point. Very few accidents were reported from 2017 to 2021 near where N. Crater Avenue now accesses Wedington but that data does not account for the Roczen duplexes 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: Rezoning the property to RI-12 would increase the load on public services above the potential of the current zoning district, but the impact is not expected to be significant or undesirable.

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 approval of RZN-2023-0008.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>April 10, 2023</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: Holcomb			
Second: McGetrick			
Recommending approval.			
Vote: 8-1-0			

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.03 District R-A, Residential Agricultural
 - §161.11 District RI-12, Residential Intermediate – 12 Units per Acre
- Applicant Request Letter
- Applicant Site Exhibit
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

161.03 District R-A, Residential-Agricultural

- (A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

- (B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

- (C) *Density.*

Units per acre	One-half (½)
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- (D) *Bulk and Area Regulations.*

Lot width minimum	200 feet
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

- (E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

- (F) *Height Requirements.* There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an

additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5195, 11-6-08; Ord. No. 5238, 5-5-09; Ord. No. 5479, 2-7-12; Ord. No. 5945, §3, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6625, §1 adopted December 6, 2022, "determines that Section 2 of Ordinance 6427 (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 December 31, 2023, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section."

161.11 District RI-12, Residential Intermediate, Twelve (12) Units Per Acre

(A) *Purpose.* The RI-12 Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a development potential between low density and medium density with less impact than medium density development, to encourage the development of areas with existing public facilities and to encourage the development of a greater variety of housing values.

(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 36	Wireless communications facilities

(C) *Density.*

Units per acre	12
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(D) *Bulk and Area Regulations.*

	Single-family	Two (2) family	Three (3) family
Lot width minimum	50 feet	50 feet	90 feet
Lot area minimum	5,000 square feet	7,260 square feet	10,890 square feet.

(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*
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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 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(IIA); Ord. No. 3128, 10-1-85; Code 1991, §160.032; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; 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. 5592, 06-18-13; 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, §§4, 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)

Editor's note(s)—Ord. No. 6427, § 2, adopted April 20, 2021, "determines that this ordinance and all amendments to Code sections ordained or enacted by this ordinance shall automatically sunset, be repealed, terminated, and become void twenty (20) months after the passage and approval of this ordinance, unless prior to that date, the City Council amends this ordinance to repeal this sunset, repeal and termination section."



March 9, 2023

City of Fayetteville Development Services
125 West Mountain Street
Fayetteville, AR 72701

To whom it may concern,

Please let this letter serve as a narrative to accompany a rezoning request for Washington County Parcel ID 765-16191-001, which is located south of W Wedington Drive, between N Crater Avenue and N 54th Avenue. The parcel is located directly west of two recent rezoning requests (Wedington West and Roczen Duplexes) and also a multifamily project to the west of this subject property, along W Clevenger Dr. This property is currently owned by Troy Lee & Charlotte Henderson, and is under contract pending a successful rezone. The parcel is approximately 5.14 acres in size.

This property is currently zoned Residential-Agricultural (R-A) with a request to rezone to Residential Intermediate 12 units per acre (RI-12). To the east of this property are the two aforementioned recent zoning requests, which are predominately Residential Intermediate – Urban (RI-U). The property west of the subject property along W Clevenger Dr. is currently zoned Residential Multi-Family – 6 Units Per Acre (RMF-6). All of these properties contain duplexes and multifamily. The rezone request from R-A to RI-12 would serve as a good transitional zoning request from the higher density developments utilizing RI-U to the RMF-6 district.

Of the 5.14 acres of the subject property, 4.01 are requested to be rezoned to RI-12, while the remaining 1.13 acres would remain as R-A. This is ideal with the floodplain along the southern property line. No new development or grading is anticipated within the existing floodplain boundaries. With the proposed rezoning request, a maximum of 48 residential units could theoretically be built on the subject property, which is reasonable in scope when compared to the adjacent properties.

Please let me know if you have any questions.

Thanks,

Blake Murray, P.E., CFM
Project Manager



- lot lines
- Line
- SFHA / Flood Zone Boundary
- R-A
- RSF-4
- RI-U
- RMF-6
- CS
- NS-G

Exhibit

Fayetteville, AR

The data contained herein was compiled from various sources for the sole use and benefit of the City of Fayetteville Geographic Information System and the public agencies it serves. Any use of the data by anyone other than the City of Fayetteville is at the sole risk of the user; and by acceptance of this data, the user does hereby agree to indemnify the City of Fayetteville and hold the City of Fayetteville harmless from and without liability for any claims, actions, cost for damages of any nature, including the city's cost of defense, asserted by user or by another arising from the use of this data. The City of Fayetteville makes no express or implied warranties with reference to the data. No word, phrase, or clause found herein shall be construed to waive that tort immunity set forth under Arkansas law.

Created: 2/24/2023
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Planning Commission

April 10, 2023

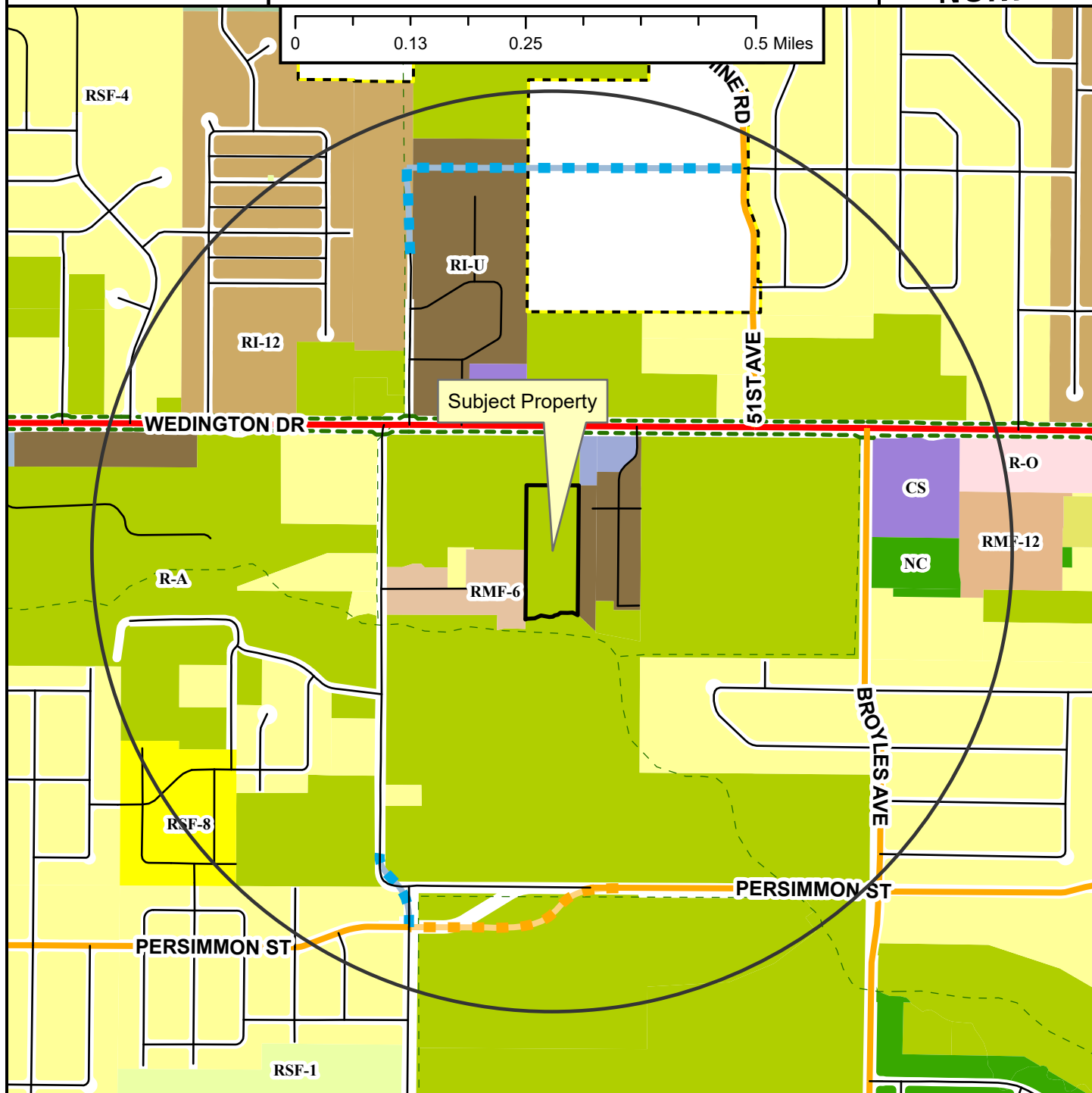
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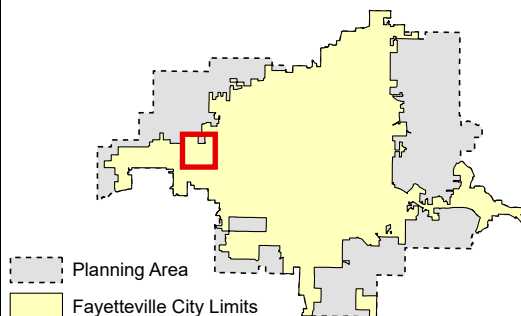
RZN-2023-0008

One Mile View

**W. WEDINGTON DR & W.
GEYSER ST**



-  Regional Link
 Neighborhood Link
 Unclassified
 Alley
 Residential Link
 Planned Neighborhood Link
 Planned Residential Link
 Shared-Use Paved Trail
 Trail (Proposed)
 Fayetteville City Limits
 Planning Area



- Zoning**

 - 1/2 General Industrial
 - EXTRACTION
 - E-1

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

COMMERCIAL

 - Residential-Office
 - C-1
 - C-2
 - C-3

FORM BASED DISTRICTS

 - Downtown Core
 - Urban Thighfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation

PLANNED ZONING DISTRICTS

 - Commercial, Industrial, Residential

INSTITUTIONAL

 - P-1

INDUSTRIAL

 - I-1 Heavy Commercial and Light Industrial

