

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

Ad March 1
Board

FINAL AGENDA CITY COUNCIL MEETING FEBRUARY 18, 2003

A meeting of the Fayetteville City Council will be held on February 18, 2003 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

**NOMINATING COMMITTEE REPORT
AIRPORT 2002 ANNUAL REPORT
DRAINAGE STUDIES: PRESENTATION BY USINFRASTRUCTURE, INC.
LIBRARY PRESENTATION**

A. CONSENT

- passed*
1. **APPROVAL OF THE MINUTES:** Approval of the minutes from the Special City Council meeting on January 27, 2003, City Council meeting February 4, 2003 and revision of the December 3, 2002 City Council meeting minutes.

- 23-03* 2. **PUBLIC ACCESS:** A resolution accepting a contract for public access television services from March 1, 2003 thru December 31, 2003.

- 24-03* 3. **STORM WATER PHASE II:** A resolution to authorizing the Mayor or his designee to submit the City of Fayetteville "Storm Water Phase II" permit application to the Arkansas Department of Environmental Quality (ADEQ). Such permit application shall be submitted no later than March 10, 2003. Compliance shall be phased over a time period of up to five years according to a schedule to be developed with ADEQ complying with all federal and state requirements.

- 25-03* 4. **PUBLIC LIBRARY:** A resolution to approve naming the Fayetteville Public Library.

- 26-03* 5. *Downtown Dickson Street
added - Suspend rules
Mar / Seconded Thiel*

B. OLD BUSINESS

27-03
passed

1. **WATER TANK SITE:** A resolution approving the sale of 3.0 acres of the City's Gully Rd. Water Tank site (12.0 ac) as requested by Ozark Electric Cooperative for the appraised price of \$105,000.00 including access to and from Gulley Road, plus payment for specific City costs associated with the preparation of said property to be sold. The resolution was tabled at the December 17, 2002 City Council meeting.

Left on
Second

2. **VA 03-1.00:** An ordinance approving vacation request VA 03-1.00 as submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of S. School Avenue on 9th Street. The request is to vacate a section of the street right of way as shown and described on the attached map and legal description. The ordinance was left on first reading at the February 4, 2003 City Council meeting.

passed 4463

3. **ANX 03-01.00:** An ordinance approving annexation request ANX 03-01.00 for property owned by George and Sara Lee Anderson and located at 3632 East Zion Road. The parcel is in the Planning Area and contains 57.00 acres. The request is to annex into the City. The ordinance was left on the first reading at the February 4, 2003 City Council meeting.

passed 4464

4. **RZN 03-4.00:** An ordinance approving rezoning request RZN 03-4.00 as submitted by Michele Harrington of Harrington, Miller, Neihouse & Krug on property owned by George and Sara Lee Anderson and located at 3632 East Zion Road. The property is currently in the Planning Area with a request to be annexed into the City of Fayetteville pending and contains approximately 57.00 acres. The request is to rezone to R-1, Low Density Residential. The ordinance was left on the first reading at the February 4, 2003 City Council meeting.

failed to
March 4, 2002

5. **DICKSON ENHANCEMENT:** A resolution approving Change Order #5 to the construction contract with Township Builders, Inc. for Dickson Street Enhancement Project. The resolution was tabled at the January 21, 2003 City Council meeting.

C. NEW BUSINESS

passed
28-03

1. **ADM 03-3.00:** A resolution to approve amendments to the Bill of Assurance submitted with Ordinance No. 4411, passed and approved by the City Council on September 3, 2002.

passed
29-03

2. **OFFER & ACCEPTANCE:** A resolution to approve the Offer and Acceptance Contract between the City of Fayetteville and the University of Arkansas for a price of \$370,000.00

Table to
March 18,
2003

Table to
March 18,
2003

Table to
March 18, 2003

4465
Passed

3. **COMPOSTING SITE:** A resolution authorizing staff to begin the purchasing process for a compost row turner and to solicit bids for a contractor to construct the compost pad.
4. **COMPACTOR AND DROPBOX BUSINESS EXPANSION:** A resolution approving a budget in the amount of one million one hundred seventy-three thousand two hundred eight dollars (\$1,173,208.00) to allow the Solid Waste and Recycling division to implement a new commercial drop box program.
5. **NEW COMMERCIAL COMPACTOR AND DROP BOX PROGRAM:** A resolution authorizing the hiring of seven (7) additional full time employees to implement a new commercial compactor and drop box program.
6. **VA 03-2.00:** An ordinance approving vacation request VA 03-2.00 as submitted by Gary Coover of McClelland Consulting Engineers on behalf of James Ezell of the University of Arkansas for property located north of Fairview Street on Harmon Avenue and alleys west of Harmon Avenue, Fayetteville, Arkansas. The request is to vacate Harmon Avenue between Fairview Street and William Street and the alleys west of Harmon Avenue.

D. INFORMATIONAL

1. **COUNCIL TOUR:** February 25, 2003 at 4:00 p.m.

Met at the Site at
4:00

Ward 4 2/24 7:00
Lucas

Ward 2 2/24 7:00

Meeting of February 18, 200

Rules Consent

Supposed

Marr

Thiel

Davis

	Roll	Report Monitoring	Add Dickson		Consent
Rhoads	✓	✓	✓		✓
Davis		Bob Davis late 7:40 PM PONE	✓		✓
Lucas	✓	✓	✓		✓
Jordan	✓	✓	✓		✓
Reynolds	✓	✓	Abstain		✓
Thiel	✓	✓	✓		✓
Cook	✓	✓	✓		✓
Marr	✓	✓	✓		✓
Mayor Coody	✓				

Old Business #1

Reynolds/Lucas

Water Tank	Take off table	Approve Res			
Rhoads	✓	✓			
Davis	✓	✓			
Lucas	✓	✓			
Jordan	✓	NO			
Reynolds	✓	✓			
Thiel	✓	✓			
Cook	✓	NO			
Marr	✓	✓			
Mayor Coody					

Dec. 20th letter

OZark Electric Rep.

Need Name

Jebb Ego

Scott Jones

Dr. Darrell Ginger

Lionel Jones

Jitgeard OZark Club

Res. passed

Airport Report

Intro. Mr. Wallace

Rick McKinney
(Community College teacher)

Mr. Wallace
(NON-pilot - UFA)

USI - Arkansas, Inc.

Chuck

Peter

Jerry -

Questions: Kyle Cook

Richard Maynard

Angela Hamilton. ???

Library

Rebecca Wood

Louise Shupe

\$1,000,000

to be used

Cont. of library

Thursday 27th
Town Center
Library
Celebration

Meeting of February 18, 200

OB
#2

VA-03-1.00	Davis/Marr Sup./Second				
Rhoads	✓				
Davis	✓				
Lucas	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Cook	✓				
Marr	✓				
Mayor Coody					

Jim Cabela
Davis
Jordan

Left on
Second
Reading

OB
#3

ANK 03-1.00	Davis/Rhoads Sup/Second	Davis/Rhoads think reading	Pass		
Rhoads	✓	✓	✓		
Davis	✓	✓	✓		
Lucas	✓	✓	✓		
Jordan	✓	NO	NO		
Reynolds	✓	✓	NO		
Thiel	✓	✓	NO		
Cook	✓	NO	NO		
Marr	✓	NO	✓		
Mayor Coody		✓	✓		

Harrington
Davis
Brandon
Kyle Cook
Brandon
Davis
Fire Chief
Chris
Davis
Fire Chief
Chris

Ord.
Passed

Jeff Eng.

EMS response
time. Lionel
would like chief
Chris to get.

Lionel would
like rain fall
#15 from Oni

Greg Boettcher - will work with
Billy.

average 44" of rain
fall - Mr. Boettcher
will get to Lionel.

Secretary
Reynolds
Brandon
Davis
Brandon
Brandon
Tim Cabela
Chris Bosh

Meeting of February 18, 2000

#4

RZN 034.00	<i>Jordan</i> 2nd round	3rd	Ord Pass.		
Rhoads	✓	✓	✓		
Davis	✓	✓	✓		
Lucas	✓	✓	✓		
Jordan	✓	✓	N		
Reynolds	✓	✓	N		
Thiel	✓	✓	✓		
Cook	✓	✓	✓		
Marr	✓	✓	✓		
Mayor Coody					

Dicksai Co's Enhancement	Davis/Thiel				
Rhoads	✓				
Davis	✓				
Lucas	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Cook	✓				
Marr	✓				
Mayor Coody					

+5

next
meeting
tabled
to next
meeting

Meeting of February 18, 2001

Tim Conkling

NB
#1

passed

ADM 03-3.00	Rev.				
Rhoads	✓				
Davis	✓				
Lucas	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Cook	✓				
Marr	✓				
Mayor Coody					

Ask Tim
Speaker's
Name

NB
#2

passed

Offer & Accept. 4 of 8					
Rhoads	✓				
Davis	✓				
Lucas	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Cook	✓				
Marr	✓				
Mayor Coody					

Meeting of February 18, 200

for Aldermen
Need Copies of Awpport
from Gary Demas

NB
#3

move to table Brenda/Jordan

Composting Site	Res. table				
Rhoads	✓				
Davis	✓				
Lucas	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Cook	✓				
Marr	✓				
Mayor Coody					

Brian Pugh

Set up
Tour

Early
next week

Brian Pugh

Table to
March
18th
City Council
Meeting

NB
#4

table Brenda/Swifty

Compactor & Drop box Business Exp	Res.				
Rhoads	✓				
Davis	✓				
Lucas	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Cook	✓				
Marr	✓				
Mayor Coody					

Table
to
March
18th
City
Council

Meeting of February 18, 200

Reynolds/Thiel table

NB
#5

New Converter Program	Res.				
Rhoads	✓				
Davis	✓				
Lucas	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Cook	✓				
Marr	✓				
Mayor Coody					

Mark Berry

Roll-off Services Springfield

Tour Site on Happy Hollow over by - Cato Springs Road.

Long call Set up for

Waste Management. ????

Tim Conklin

Gary Connor

McClelland Cons. Engineer

Tim Conklin

J. P. Conklin
Community Design
U of A

Table to March 18th City Council Meeting

NB
#6
Ordinance

UA 03-2.00	Sus./Second	Sus. Third	Ord. Pass		
Rhoads	✓	✓	✓		
Davis	✓	✓	✓		
Lucas	✓	✓	✓		
Jordan	✓	✓	✓		
Reynolds	✓	✓	✓		
Thiel	✓	✓	✓		
Cook	✓	✓	✓		
Marr	✓	✓	✓		
Mayor Coody					

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D. INFORMATIONAL

1. **COUNCIL TOUR:** February 25, 2003 at 4:00 p.m.

Nominating Committee Meeting Minutes
Monday, February 3, 2003
Room 111, City Hall

Chairman Alderman Don Marr called the committee meeting to order 4:35 pm

Committee Members Present: Alderman Shirley Lucas, Alderman Robert Rhoads, Alderman Kyle Cook, and Alderman Don Marr

The Nominating committee reviewed the schedule of applicants, and the packet of information prepared by City Clerk Sondra Smith. The packets contained positions to be filled, along with a description on term appointment lengths, special requirements (i.e. representative of the business community, or field of forestry, etc.)

The committee then began interviews as scheduled by the City Clerk's office. All applicants were interviewed with the exception of Mr. John Duval – applicant for the Trees and Landscape Committee (unable to make the appointment) and Bill Ackerman (Applicant withdrew his application for Parks and Recreation Advisory Board). A variety of questions were ask of the applicants with a focus on meeting attendance, citizen of Fayetteville, reason for interest in the position they were seeking, prior volunteer activities, etc.

After interviews appointments were made to all committees where there were more appointments than applicants. This was done because all applicants appeared to be qualified and strong candidates for appointment. The following recommendations for appointments fell in this category:

- Audit Committee – William (Bill) Golbuff – 3 yr term ending 12/31/05**
- Tree & Landscape Committee –**
 - Joel Rudolph – 2 yr term, ending 12/31/04 filling the Field of Forestry**
 - John Duval – 2 yr term, ending 12/31/04, filling environmental focus on tree preservation, and pending no issues with reapplying since he was unable to make the appointment**
 - Beverly Melton – 2 yr term, ending 12/31/04 Citizen at Large**
 - Jonathan Fry – 2 yr term, ending 12/31/04, Citizen at Large. Jonathan was an original applicant for the Parks Board, however after not being selected for the parks board, the committee felt that Jonathan was a strong applicant and should be considered for other openings.**

The other recommendations for appointments had some discussion. The discussion on the Airport board was around, reducing 'conflict of issue' potential, and making appointments that involved the average citizens, so that it did not appear that we were making appointment of individuals only involved in the airport itself. The

committee took comment from Mr. Rick McKinney, chairman of the Airport Board, Mr. Ray Boudreaux, and Mr. Charles Wallace. The nominating committee recommends the following appointments

- **Airport Board -**
 - Michael Andrews – reappointment as the Business Representative on the Airport Board, 5 yr term, ending 12/31/07
 - Bob Nickle – new appointment as Member at Large, 5 yr term, ending 12/31/07

The discussion of the Parks Board applicants centered around 3 reappointments. The committee felt that we had 3 very hard working, great attendance volunteers that should be reappointed and the discussion of the 4th appointment centered on stronger qualifications and experience in the National Parks system. The committee recommends the following appointments

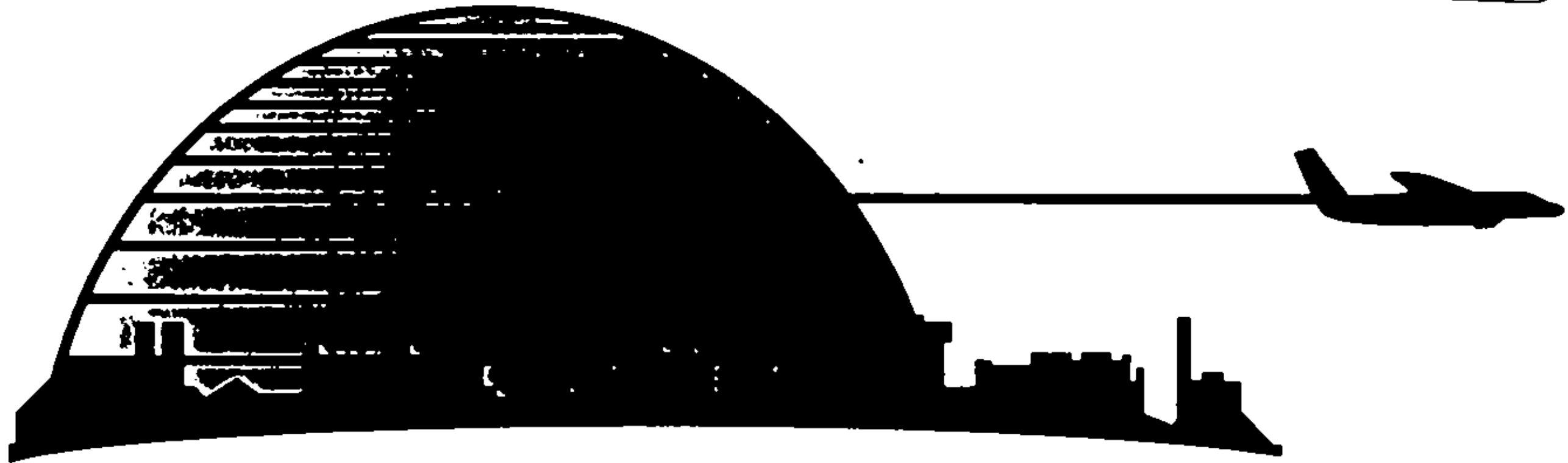
- **Parks and Recreation Advisory Board –**
 - Jerry Bailey – new appointment, 2 yr term, ending 12/31/04
 - Wade Coldwell, reappointment, 2 yr term, ending 12/31/04
 - Gail Eads, reappointment, 2 yr term, ending 12/31/04
 - Bob Shoulders, reappointment, 2 yr term, ending 12/31/04

The committee ended by discussion the need for attendance requirements to be studied for committees and written within the bylaws of various committees for members attendance requirements, and particularly the major commissions & boards, like the Planning Commission, Parks and Recreation Advisory Board, etc.

The committee also recommended that committees that had no applicants such as the Housing Authority Board of Commissioners, and the Telecommunications Board be advertised for openings, and to encourage all Aldermen to seek applicants that might have an interest and be qualified for these openings. We still need to fill one Telecommunications Board unexpired term that goes through 6/30/03 and one five-year term ending 12/31/07 for the Housing Authority Board of Commissioners. It is the understanding of the nominating committee that this Board should seek their applicants and make a recommendation to the nominating committee per their by laws.

The nominating committee meeting adjourned at 6:40 pm

Property of the City Clerk



Fayetteville Municipal Airport

Drake Field

THE RECENT HISTORY OF DRAKE FIELD

*A supplement of the Annual Report
of the Drake Field Advisory Board*

FEBRUARY 2003

RECENT HISTORY
OF DRAKE FIELD



THE RECENT HISTORY OF DRAKE FIELD – A SUPPLEMENT TO THE DRAKE FIELD AIRPORT BOARD ANNUAL REPORT –

For the Year Ending December 2002

By Frank B. Burggraf, Board Secretary

PREFACE

Originally intended as a draft of the Fayetteville Municipal Airport Boards Annual Report, the first draft prepared by the Secretary proved to be more than a mere chronicle of the year's activities. The Board decided that it should stand alone, as an account of the circumstances surrounding the departure of commercial aviation from Drake Field. It also concludes my service with the Board. In June of 1996, Leo Yonda, then in his second term on the Board, and who had been elected Chairman on April 1 1993, resigned from the Board as he had moved to Winslow. I served out his term and currently complete my own full term. I am now obliged to conclude my Board service, because, ironically, I also moved to Winslow, and while the City Council authorized me to continue to the conclusion of my term, further service cannot be permitted from someone not a citizen of Fayetteville.

Thus, I enjoy the perspective of a long involvement in the Board's activities and can relate matters with candor and without necessarily implicating the Board or the Drake Field Managers in those associated opinions herein set forth. It is my sincere belief that Drake Field is now at the threshold of becoming the premier airport of Northwest Arkansas, if not of the tri-state region.

INTRODUCTION

The filing of an annual report by the Drake Field Airport Board would normally be appropriate. This year, however, it is particularly significant for several reasons:

First, the past year saw the appointment of a new Director, Ray Boudreaux and the reconstitution of the Airport Board.

Second, the election of new Alderman suggests appropriate briefing on the history and functioning of Drake Field.

Third, the considerable lack of public information about the recent history, functioning and prospects of the airport, as well as the misinformation that attended the departure of airline service from Drake Field suggests some factual narrative.

Finally, the Airport Board has committed itself to plans and policies for the operation and development of Drake Field, which it has developed and which needs to be communicated to the City Council, and the Mayor who will necessarily make their realization possible.

BACKGROUND

Aviation is customarily divided into three major categories. Commercial airline service is what most people think of when they think of the operation of an airport. There is also military aviation- Air Force, Navy, Marines and Army all have flying programs with both active and reserve components participating. The third category is called General Aviation and it embraces a diversity of activities including business flying, charter passenger service, cargo transport, crop dusting, photogrametric and aerial surveying activity, flight training and recreation flying. Recreation flying, in turn, covers a mix of distinctly different activities. Recreation activity includes both military and civilian historic aircraft restorations and air shows. It also includes experimental and ultra-light flying activities, gliders, sailplanes, balloons and skydiving. It also includes skywriting and acrobatic flying. It also includes using the aircraft as the means of transportation to various locations for recreation such as access to ski areas, golf courses, resorts, and national parks or even to other countries.

General Aviation is a fifteen billion dollar industry that generates an additional forty-five billion dollars in annual economic activity. General Aviation aircraft fly an estimated twenty-nine million hours annually. This is more than twice the hours flown by all the airlines. More than 70% of the general aviation hours are for business and commercial purposes. General aviation airports serve more than 5,000 communities while scheduled airlines serve less than 500.

The Federal government, in carrying out its role in support of aviation, also has a fleet of aircraft, which are dispatched to test and calibrate navigational aids, landing systems and in the investigation of crashes. The FAA is responsible for maintaining radar controls of flight, weather briefing of pilots and the operation of control towers as well as the administration of pilot licensing and certification. It also administers certification of the airworthiness of all aircraft. It has a long history of regulating airways and airports.

In the creation of facilities in support of aviation, the Federal and State governments operate in a manner similar to the Bureau of Public Roads and State Highway Departments in that they disburse funds from taxes on the fuel consumed by all aircraft. Certain facilities such as runways, taxiways, instrument landing systems and airport lighting may be paid almost entirely from these funds. In turn, the government establishes standards that must be met in order to qualify for such funding and for safe operation.

A municipal field such as Drake field normally derives income from several sources. They include the leasing of buildings or ground on which to construct buildings, car rentals and other support activities, as well as landing fees. Sometimes it leases facilities to store and repair aircraft. Sometimes it derives income from the operation of fuel sales and by leasing facilities to a Fixed Base Operator or FBO.

The FBO services aircraft with fuel, mechanical repairs, deicing, and a host of services associated with aircraft operations. Sometimes the municipality will function as the FBO as Drake Field currently does. The income from various activities supports the various

operations of the field, maintenance and capital improvements. Customarily improvements that qualify for federal and state assistance require some monies from the airport. Over the years Drake field accumulated a significant income from the airline's operations, which was placed in an account that draws interest and from which funds are drawn for capital improvements as well as day-to-day operations. It is from these funds that Drake Field has been operating since the departure of the airlines. It is important to note that, as yet, there has not been any use of city funds derived from the taxpayers. Of importance to the city is the husbanding of these resources in such manner that taxpayer monies need not be employed and that operations in time might again generate enough income to support all operations. In this regard the Airport Board has spent considerable effort in devising accounting procedures that permit the regular determination of the fiscal situation and that can provide insight into development strategies.

REGULATION AND DEREGULATION

At one time if you wanted telephone service you applied to "THE" telephone company. They would install a phone that was a black, rotary dial instrument for which you paid rent in addition to a local charge fixed by the State regulatory agency and long distance charges fixed by the Federal Communications Commission. If you had a phone twenty years you still paid rent on it. If you wanted to relocate a phone, telephone people had to do it. Even the military, which had technicians capable of relocating and connecting phones, was obliged to call in telephone company people to move commercial phones.

In the early seventies Alfred E. Kahn, former Dean of Arts and Sciences at Cornell University and a Professor of Economics of international reputation, became Head of the New York State Department of Public Service (PSC). Hearings were held on why customers should not be able to connect telephones or other equipment that they would own. The Company insisted that such connections would disturb the integrity of the system. Testimony of experts revealed that those allegations were not founded on scientific fact and the PSC ordered the company to permit private connections. Subsequently, the Federal Communications Commission (FCC) initiated similar hearings that led to the deregulation of the industry and compelled AT&T to divest itself of local exchanges and its research arm and to permit other long distance companies to compete. The results are everywhere obvious to us.

We can purchase telephones of all colors, shapes, sizes and sounds, some for less than what was once a monthly rental, and we can put them in service anywhere within our home or business with a connection to a system that may involve different local telephone companies and long distance servers. Deregulation permitted more economies, new technologies (such as fiber optics) and better quality services than regulated monopoly of the industry.

During the Carter administration Professor Kahn was employed as the Director of the FAA that, up to that time, regulated the airlines in the assignment of routes. It was argued by many authorities that the system prevented real competition and innovation and perpetuated marginal companies and unproductive routes. Kahn presided over the

subsequent deregulation that modernized the airline industry (The Airline Deregulation Act of 1978). In some instances by bankrupting some companies and forcing consolidations and, in others, by permitting new, lean operators to compete for new service. The market share of independent commuter airlines such as Air Midwest eroded as strong commuter ties to the major airlines became the dominant force in short-haul markets. Subsequently Kahn was appointed as Jimmy Carter's economic advisor. As of August of 1996, five commuter airlines served FYV. All five had code-sharing links to major airlines for a combined total of 46 daily departures.

American Eagle captured 43 percent of passengers at FYV during 1995. This market share was twice that of ASA and TW Express which captured 20 percent, nearly four times that of Northwest Airlinck which captured 12 percent and over six times that of USAIR Express which captured 6 percent.

In theory, the new FAA was to encourage competition to the ultimate benefit of the airline passengers, through improved routing and lower fares. As we shall see, this proved not to be the case in the competition between Drake Field (FYV) and the Northwest Regional Airport (XNA) at Highfill.

THE CHALLENGE

It is no secret that the regional airport was created largely for the benefit of Walmart. Its location makes it convenient to their Bentonville headquarters, but makes it much less convenient to people from Fayetteville. When it became evident that the regional airport (XNA) would draw airlines from Drake Field several strategies were considered. It was decided that given a level playing field, Drake could compete and retain some airline service. It was later to become evident that the field was not level and, as we shall see, that the full might of Walmart, politics and even some FAA aiding and abetting the efforts was directed to eliminating almost all flying activities from Drake.

Drake field is situated surrounded by hills. The runway was thought to be limited in length by the topography. In retrospect, considering what would be spent to start XNA from scratch, it would have been more economical to extend the runway by such heroic measures as depressing highway 71B, moving hills and even relocating some local businesses. Drake field's location near the Interstate would also have obviated the need for improved highway access contemplated now for XNA and estimated to be nearly 50 million dollars more. This was not to say that Drake Field, at the time, was not pressing the limits of some of its facilities. It had been growing at an unprecedented 11% a year with an overall increase from 1978 through 1995 of nearly 200%.

W.A. Schwab and W. D. Mangold of the University of Arkansas prepared a study of the use of Drake field in June of 1997, entitled:

"Survey of Resident Passengers at the Fayetteville Municipal Airport: Place of Residence and Workplace, Travel Times and Attitudes about Regional Airport."

It disclosed travel patterns and travel times from passenger's homes and workplaces to Drake field. It complemented an earlier survey done in 1996. Conducted between May 14 and June 6, 1997 it sampled flights from each time period, interviewing about 300 passengers. Among the findings was that:

58% of the passengers flew for business reasons.

Sampled passengers flew frequently, on average 13.2 times in the past year.

One third of the passengers were residents of Fayetteville. Rogers had the next largest number of residents followed by Springdale, Bentonville and Bella Vista. Residents of Northwest Arkansas made up half the sample, but accounted for nearly 70% of all boarding. Resident business passengers made up only 23% of the sample, yet they accounted for 51% of the boarding. Resident business travelers averaged over 19 flights per year.

One third of all passengers in the survey have flown from Tulsa or other regional airports in the last year. Longer travel times were offset by advantages of more and superior (jet) connections with major cities. Although Tulsa flyers acknowledged the large number of daily flights from the Fayetteville airport and its convenience.

Over two thirds of the passengers worked in the region's four largest cities. The largest number being employed in Fayetteville, followed by Bentonville, Springdale, and Rogers.

Nearly three-quarters of the passengers felt they were informed or very well informed about the Northwest Arkansas Regional Airport. Sixty four percent felt the construction of the regional airport was a good idea.

The analysis examined various factors and strategies, and finding that a large number of passengers lived and worked in Fayetteville it encouraged the belief that Drake Field should have a competitive advantage in retaining some airline service. The study of travel times indicated those who did not think XNA was a good idea expected their driving time to increase by 21 minutes. Fayetteville alone accounted for 35% of the flyers yet represented only 30% of the two county populations. In a separate analysis the Schwab-Mangold study estimated that nearly 60,000 people live within 10 miles of Drake Field, while 46,000 live within the same distance of XNA.

MYTHS

A lot of misinformation has been circulated about Drake Field, some of it calculated to create disfavor with its viability. It has been asserted, for example, that operations are frequently hindered because of morning fog. Kelly Johnson, the XNA airport manager recently repeated this assertion to a local newspaper. As former assistant manager of Drake Field she certainly should know better. During the period when the airlines operated at Drake failures to meet the flight schedules for ALL reasons including equipment and personnel problems never exceeded 2%. Now that XNA is a reality and both fields have nearly the same minimums XNA has more days with fog-imposed limitations than Drake. About the time that XNA first opened, Governor Huckabee flew in for the dedication of the Hopper tunnel on the Interstate. Both fields were socked in at

the time and his plane circled the area waiting for the fog to lift. He landed at Drake field about fifteen minutes before XNA went above minimums.

In *Fayetteville Municipal Airport Master Plan Update*, of June, 1999 URS Greiner, the Planning Consultants, stated that based on meteorological data, Drake Field operates 91.4 percent of the time under VFR (Visual Flight Rules) conditions and 7 percent of the time under IFR (Instrument Flight Rules) conditions. Weather conditions below minimums of the available approach occurred approximately 1.6 percent of the time. Further Runway 16/34 provides a wind coverage pf 99.77 percent during all weather conditions with a maximum crosswind component of 16 Knots.

Another fiction was that the six thousand foot runway at Drake field was insufficient for operation of jets under conditions of full load and fuel. Before the airlines departed Drake the FAA announced it would open a few slots at Chicago O'Hare an airport so congested that the FAA regulated the opportunities for landing and taking off. American Eagle proposed to fly jet service from XNA if awarded the slots. They would not offer such service from Drake. The President of Atlantic Coast Airways, CEO Kerry B. Skeen, accompanied by Senior Vice President/Customer Service Mike Davis and Public Relations Manager Jennifer Heronema flew in to Drake in a brand new United Express Canadair Regional Passenger jet on January 20, 1998.

In a public announcement attended by the press, aldermen and airport board members, he proposed to immediately offer jet service to Chicago if awarded the necessary slots. Atlantic Coast Airlines (ACA). Which operates in the eastern United States as United Express, announced on December 17, 1997 that it had applied to the U.S. Department of Transportation for "slots" to operate three round-trip flights with 50 passenger regional jet aircraft between Chicago's O'Hare International Airport and Fayetteville/Drake Field. If granted the slots ACA would have begun service as early as March 1998.

Tours of the new plane were invited and the pilot spoke of its versatility. When asked if he could operate from Drake with a full fuel load and maximum passengers, he replied that he could easily take off with such a load and if he lost an engine could still continue to climb at 1,500 feet per minute- a significant performance statistic. The Drake Airport Board proposed supporting Atlantic Coast's proposal and requested Mayor Hannah to send a strong letter to the FAA in that respect. He was unwilling to do so. While it is uncertain if it would have made any difference, it indicated to the board, a reluctance to fully support Drake field. Similarly the Fayetteville Chamber of Commerce appeared to support XNA over Drake or at best was ambiguous about it, considering the loss of revenues that would obviously result. See the copy of the letter of Dale Frederick to Chamber Member, Addendum 1.

Again to quote the *Master Plan Update*, "FAA criteria specify that the runway length requirements for an airport such as FYV be determined using the 75% fleet at 60% useful load unless a critical aircraft having a greater requirement can be identified. A runway length of 5,500 feet is required. For aircraft greater than

60,000 pounds, the required runway length is 5,870 feet based on a haul length of 700 miles. This haul length was selected because it is sufficient to reach the next layer of hub airports not currently serving FYV such as Atlanta, Chicago, Cincinnati, Denver and Minneapolis."

"According to FAA Master Record Form 5010-1, Runway 16/34 has pavement strength of 90,000 pounds single wheel loading, 150,000 pounds dual-wheel loading, and 175,000 pounds dual wheel tandem loading. This strength is sufficient to accommodate all existing and future aircraft projected to regularly operate at FYV."

THE RESPONSE

Ruddy Furr was hired to undertake a marketing effort both to try to retain airlines serving Drake Field and to attract others. In January of 1997, the Board forwarded Airline Contract modifications to City Council. It provided for a reduction of five percent in their rental each year for five years, provided they remain at Drake Field. Kelly L. Johnson, the Assistant Manager for Drake Field for ten years began her new job as Airport Manager for Northwest Regional Airport on the first of November 1996.

It had also been rumored that Drake field is not safe. The following are some of the things that have been done in the interests of improving service and safety at Drake:

Terminal Expansion (Phase I)	June 1995	\$498,000
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Replacement of runway and taxi lights including provisions for operation from the Control Tower, including the ability to increase intensity. Contract approved December 1996.

Runway obstructions removal	February 1997	\$3,000,000
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Runway 16 Safety Area Extension	September 1996	\$ 755,734
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Terminal Expansion (Phase II)	September 1996	\$ 484,347
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Snowplow	January 1997	\$ 111,534
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New snow blower (3000 tons/hr.) Added to airport equipment. Some of this equipment was later loaned to XNA to help them during a severe snowstorm.

	December 1996	\$ 269,307
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Ramp Sweeper	March 1997	\$ 58,314
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LDA Installation*	August 1997	\$ 1,010,409
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*A state-of-the-art Localized Directional Aid with Glide Slope was completed in 1996. the LDA was funded entirely out of the Drake Field funds with no FAA assistance. This

was an effort to have the landing minimums returned to 312 feet MLS and 3/4 mile visibility. In spite of the ILS system being installed and land clearing on the north and south ends of the Airport in compliance with FAA and the Oceanic Construction Team's measurements the FAA continued to drag its feet on lowering the minimums.

After visits to the FAA office in Ft. Worth and many phone calls, the Oklahoma City FAA said they would publish a NOTAM (official notice to airmen) that would give the general flying public a decision height of 500 feet. They would provide special instructions to the airlines familiar with Drake that would allow them to approach down to 312. The published approach plates still said 500 feet. Nowhere in the country did a similar proposition exist. Working relationships with FAA people had always been productive and cordial, and remained so. None of those contacts could explain why the approvals were not forthcoming.

Dr. McFarland, Director Emeritus of the Avionics Engineering Center, an expert on the ILS who oversaw the design and installation and who contacted the FAA several times on behalf of Drake Field, could find no reason or explanation why full approval of the minimums was not forthcoming. After fruitless efforts to determine where the approval was being held up a trip was made in July of 1997, to the FAA office by board members and the airport manager. An employee, Pete Dula newly assigned from Alaska as manager of the FAA, s Flight Standards District Office (FSDO), arranged a 60 day pilot comment period for review of the LDA-DME He told us that he would assure us approval or provide us with the reasons why not, if a majority of evaluations received were positive. We got his assurance, but it was not until December 5, 1997, almost a year after completion that the minimums were officially set as 312ft and 1 mile. We later learned that the employee who had pressed for the approval was transferred to Washington. Whether this was because of or in spite of his assistance is not known. There was continued contact with FAA to secure a further reduction to 3/4 mile. See Addendum 2, a letter to FAA from Alett Little of October 30, 2000, and Donald Harris's response. The minimum remains 1 mile.

Expansion of employee/permit parking lot (112 spaces). At this time the long term and short-term lots were at capacity about three times a week.

	July 1997	\$ 50,000
Sewer Lift Station	November 1997	\$ 96,167
Aircraft Rescue and Firefighting Truck	March 1998	\$ 288,377
Terminal Passenger Canopy	March 1998	\$ 158,746
Safety Area Extension Runway 34	June 1998	\$ 706,533
Fire Station	July 1998	\$ 666,600

Commercial Ramp Rehabilitation and Expansion	August 1998	\$ 600,290
Above Ground Fuel Farm (To comply with new environmental standards)	November 1998	\$ 364,000

There seems little doubt that the FAA was working with the Walmartians to ensure its investment in XNA would not fail for want of air traffic. They had invested huge sums in outright, unprecedented grants and matching funds. Alice Walton's firm marketed the Bonds which were never actually offered to the public. Only four investment houses purchased all but 3.715 million of the 75.5 million bonds. It was increasingly evident that the cards were stacked against Drake Field. The last of the airlines, the Delta Connection left Drake Field. In the time that they operated as the lone airline they were almost 100% booked. Given the choice, a large portion of the market preferred the convenience of Drake Field.

One remaining advantage at Drake Field was a Microwave Landing System (MLS) , one of the very few in the United States. It was used by the military and for a period of time we had C-130s from around the country practicing approaches as the MLS is a very common system in Europe and with many flights to Bosnia and other places in support of our military, these practices were useful. We had aircraft from as far away as Minnesota regularly making these approaches. The system went into service On May 9, 1995 and was paid for entirely out of airport revenues. The United States Air Force shot two MLS approaches in its VC-25A Boeing aircraft, more commonly identified as "Air Force One". XNA announced it had executed a contract with the military to supply jet fuel to transient military aircraft. We learned from Little Rock AFB that they now "preferred" to land on longer runways when training crews and were thus going into XNA. This, notwithstanding the fact that C-130s have the capability of landing and taking off on very short runways. Indeed during their active use of Drake it was not unusual to watch the C-130s shoot multiple TAGs (Touch and go) s and once in a while stop and refuel. When the MLS went down for repair FAA was reluctant to put it back in service. In a letter, Richard J. Macha, Manager of the FAA Red Rivers System Management Office in Bethany, Oklahoma pointed out that its repair was expensive since it is manufactured in Germany and the cost no longer justifies its operation and they would decommission it. Dale Frederick, then the Drake Field Manager had made inquiries of the various military units that had employed it in the past and all said they no longer needed it. Thus in June of 2000 we allowed the decommissioning.

These flights were important, as the maintenance of the Control Tower by FAA is contingent upon enough flights to warrant the expense of maintaining it. General aviation flights count much less than airline and military operations. For this reason the current budget provides for what the FAA has calculated we must pay towards the continued operation of the Control Tower. The Board remains reluctant to recommend elimination of or curtailment of Control Tower operation. We did request they consider more current data reflecting the increased operations since their initial evaluation. See Addendum 3,

Congressman John Paul Hammerschmidt's letter, that of John Lewis, Bank of Fayetteville, and that of Mayor Dan Coody and that of Chancellor John White, concerning this matter.

PRECISION APPROACH – FAA SHELL GAME?

In 1999 Dale Frederick, Airport Manager for Drake Field reported that he had gotten a call from a consultant to the FAA to the effect that Fayetteville and Hot Springs had been chosen by the FAA Southwest Region to develop and prove a WAAS approach and that such approach would result in minimums of 250 feet and 1 mile or less.

When it was later learned that the project had moved forward but the funding for Drake Field as a test location of the system had been transferred to XNA it became obvious that FAA was not going to provide any assistance to FYV that would make it competitive with XNA. See addendum 4, Letter from Richard McKinney, Chairman of the Airport Board.

TRANSITION

At the Airport Board meeting of June 8, 2000, Dale Frederick announced that after twenty years with the City he would be taking retirement as of July 1st. He further explained that as of July 1st he would be working through a program called Stage Retirement and would be working for Alett Little, marketing the airport. He explained that the City was merging the Economic Development Office and the Airport Administration Office, and each office would retain its identity. Day to day management of the Airport would be taken over by Alett and he would fill in where he could.

Board Chairman, Charles Wallace commented:

“...That he wanted to keep the big picture of what is best for the airport in front of them and to remove as much as possible personalities and history from the present and the potential of the Airport. He said he thought the new plan is not the best one and that he thought they could do better. Saying that to have the Economic Development Director as a part-time manager, and a semi-retired former manager of the Airport as development person, or the marketing person, is maybe not in the most progressive interest of the airport. He would like to see the Board find a person who is credentialed, qualified, and experienced to run an airport, and who is highly motivated to make this a successful Airport.”

He also expressed misgivings about the Airport Board being solely an advisory board.

“Any advisory board is usually asked for advice. Big issues, like changing airport management come to us as a done deal, the decision was made without any official input from anyone in the airport community, and particularly from the only official board we have, and that concerned him.”

“The Airport Board is really, at this point, insulated enough that there is not much for us to do. What we really need is to be involved in trying to shape the future of the airport.”

Alett Little responded that other City committees are not consulted when other department heads are hired. Those are administrative decisions that are outside the board's decisions. That is not to say that it won't change if this board does evolve into an Airport Authority.

This became the basis for some brainstorming about the how the Board could function in the future and the extent to which they should participate in the functioning of the airport. In retrospect it seems odd to have had a manager with no experience in running an airport being a part-time manager. In fact, a city planner operating with developers is also something of an anomaly. As a planner Ms Little was usually in an adversarial relationship with developers. One of the strangest developments was her interpretation that the airport would have to apply through the planning office for a large scale development plan such as a private developer would have to do. This is an odd arrangement as it obliges one city agency to apply to another city agency when the city council has the deciding authority over both agencies. One particularly odd result was Ms Little's insistence that the airport should be prepared to build a sidewalk along Highway 71 B just as if they were a private developer. This extra cost to come from the airport's precious and dwindling funds, notwithstanding the fact that a sidewalk exists on the opposite side of the highway that is never used. Fortunately, the matter was not pressed and the sidewalk issue was placed in Limbo. The upshot of discussions led to the expansion of the Airport Board to include two additional members, one to come from the University. The other intended to reflect regional interests was to permit a non-resident membership on the Board. This was not approved. There was also an affirmation from city councilmen that they regarded the Board's inputs extremely valuable and the administrations expression of willingness to avoid future bypassing of the Board.

FIXED BASE OPERATIONS

The FBO at Drake Field for many years was Aero-Tech Services, Inc. They also were the FBO for Springdale and XNA. They provided fuel services to both the airlines and general aviation aircraft. They also provided mechanics to service aircraft. They operated from an airport building, which they rented from the City. From time to time the city has considered opening up the FBO to bids, particularly when there were some complaints about the nature of the services provided. At one point Aero-Tech agreed to operate on a year-to-year basis. With the airlines move to XNA, their operations at Drake Field diminished significantly. They transferred their mechanics to Springdale. It appeared that their only reason to continue to operate at Fayetteville was that it pre-empted any competition. They repeatedly argued that installation of self-service fueling would deprive them of revenue. This had been considered by the Airport Board even before the departure of the airlines and remains one of the priorities for making Drake Field more attractive to General Aviation. See Addendum 5, a letter from William Underwood's letter to Mark Cordin of the SCS Group.

The Board favored moving operations from the building that Aero-Tech had occupied for many years to the now vacant but newer terminal building. Alterations necessary and the

costs associated with such action became a point of contention. Finally in the last week of July 2002, Aero Tech announced that it was departing Drake Field, a full month before the end of their contract. This thrust upon Drake Field's new manager, Ray Boudreaux and his staff, the responsibilities for Fixed Base Operations. This has proved to be one of the bright spots of recent history as the City FBO, now in control of fuel sales and services has made Drake Field competitive. The final irony is that Aero-Tech has had difficulties at Springdale that is forcing it to sell out its operations there.

Shortly before this event, Alett Little resigned from her employment with the City of Fayetteville. Clearly while she gave her best effort to the job of development and airport management, Ray Boudreaux's appointment made her best career opportunities to lie elsewhere.

THE PROSPECTS

The reconstituted Airport Board began holding planning meetings in addition to the regular scheduled meetings. The first priority was to redefine its role and that of Drake Field. Past attempts at Master Planning including a number of contracts with consultants, who failed to provide effective direction and indeed generated more questions than were answered. Airport staff participated fully and a new mission statement was generated. Priorities established projects, which enabled budgeting with a clear vision of the future of the airport. In the past the Board continued a program of constructing T hangers when it was not entirely clear if there would be tenants. In each case, by the time they were completed they were quickly filled. The five-year plan contemplates a continuation of these provisions for general aviation as well as some additional capital expenditures. It is the aim of the Board, to the full extent possible, to invest the accumulated funds in capital projects that, in time, will generate enough income to make the airport self-supporting.

In the years following the departure of the airlines, the Board has sought to get a grasp on the actual financial situation. The format of the cities budgeting failed to provide a clear picture of how "we were doing" in terms understandable to the average person. Indeed, much has been made of the annual shortfall and presumptions about the viability of the airport itself abounded. Assuming the role of FBO staff has initiated record keeping which enables a monthly computer generated report that not only provides current data but meaningful comparisons. A market study developed useful insights into the perceptions of Drake Field by the aviation community.

It is important for the public and the City leadership to understand the enormous financial impact of Drake Field on the local economy. First and foremost, is the impact of federal and state funds that are expended in the community with only a limited contribution from our savings. See the attachment (6) that documents the projects of the past year. This money is almost entirely expended in the local economy with the purchase of materials, the wages and salaries of consulting engineers, contractors and materials suppliers. In addition the tenants of Drake Field that provide important aviation services such as aircraft maintenance, avionics support and flying lessons all generate economic benefits as well as rental income to FYV.

It is also tempting to compare our performance with XNA that is currently proposing to refinance its debt of 79.5 million dollars. It may pay a premium to buy back its bonds estimated at between 5-12 percent. At the same time, it is looking to make expansions that will require additional financing. The annual savings from such refinancing, estimated at 800,000 dollars is more than the cost of all Drake Field operations. Drake Field has no debt service. For at least the next three years, at the present rate of expenditures, we will be able to live from our accumulated savings and returns from operations. Even if we had to borrow or use taxpayer funds with the return from such capital investments as we are experiencing it would obviously still be prudent to do so. Attached at the end of this report the addendum (6) is a breakdown of the capital improvements of the last year that shows how much Drake Field has contributed to the Fayetteville economy.

With the prospects of the Forest Service flying out of Drake Field (and the additional investments, salaries, fuel purchases represented) the number of takeoffs and landings will also increase thus perhaps diminishing the City's costs of the control tower.

LONG RANGE PLANNING

The Master plan update prepared by URS GREINER in June of 1999 was an ambitious undertaking. It recognized the potential of XNA to capture commercial operations from Drake Field. It analyzed three possible futures for Drake based upon the assumptions that none of the airlines would leave, some of the airlines would depart, or all of the airlines would depart. For each of the scenarios appropriate projections were made for the future of Drake with respect to what additions would be required and some of these options were cost estimated.

During the brief period of Alett Little's incumbency she engaged yet another planning firm to do an update. Again there were projections and plans prepared. Unfortunately neither of these expenses seems justified by hindsight as almost all of the projections failed to be of use to the Board. The Board chose to continue to construct T-Hangers in the belief that the best hope for Drake was to encourage the growth of general aviation. In Grenier's Plan they projected a T Hanger in each of 1997, 2007 and 2017. The Board has relied on its own projections and all three of the projected T-Hangers were built and are currently fully occupied. Another is planned. The five-year capital budget is the best long-range plan yet devised. Expenditures for outside consultants to update the Master Plan in the near term would now seem unwise and redundant

PROSPECTS

It is difficult to predict the future with respect to aviation. Clearly the 9-11 tragedy has changed the complexion of aviation not only in terms of the airlines, but the encouragement of business to look toward more use of their own aircraft. The possibility of war and rising fuel costs make projections suspect. These will still likely benefit FYV. It is obvious that the longer delays and security problems of airline flights make it attractive for businessmen to seek more general aviation solutions to their travel needs.

There is renewed interest in possible commuter flights from Drake. At some point in time, competition may even generate interest in scheduled airline service or Drake may function as a reliever airport as XNA continues to grow. The bankruptcy of United Airlines is indeed a grim omen of the vagaries facing the industry. All of the airlines are in financial difficulty and people are increasingly avoiding flying making matters worse. Added costs such as a charge of \$80 for a third checked bag and watering down frequent flyer advantages are adding to the passenger discomforts. Annoyances and inconveniences of the increased security measures are such that people will avoid flying whenever they can.

In this light the future of Drake Field remains promising. At one time all of the station managers of the airlines at Drake indicated that they were unlikely to relocate to anywhere that costs were significantly higher. Yet they all did. There is no doubt that our costs remain competitive. Perhaps there may yet be room for a link to one of the nearby hubs. XNA has achieved its goals and is operating at capacity and is no longer trying to keep FYV from other revenue sources and traffic. The return of athletic team charters, to FYV, for example, is indicative of this trend.

FAYETTEVILLE

AIRPORT DEPARTMENT
THE CITY OF FAYETTEVILLE, ARKANSAS



January 14, 1998

Dear Chamber Member:

Recently you may have received correspondence from Atlantic Coast Airlines, d/b/a United Express, asking for your support of their application for Chicago slots, which, if granted, would include service to Fayetteville Municipal Airport. Simmons Airlines, d/b/a American Eagle, has already filed for such authority, to which Fayetteville and other surrounding cities filed their support. Neither carrier has guaranteed that, if they are granted all or any Chicago slots, they will be utilized for Fayetteville service.

We strongly encourage you to respond to Atlantic Coast Airlines request with the enclosed letter. This leaves the decision of carrier selection to the Department of Transportation, leaving us *neutral*, rather than having to side with one carrier at this time. The point is that we want Chicago service for Fayetteville. If during this process, either carrier guarantees Chicago service for Fayetteville Municipal Airport/Drake Field, then our full support will endorse that carrier.

Thank you for your continued support.

Sincerely,

Dale Frederick
Airport Manager
Fayetteville Municipal Airport

DF/ms

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
FRED B. HANNA, MAYOR

Copy

4500 S. School Ave., Ste. A
Fayetteville, AR 72701
Telephone: 501-575-8301
Fax: 501-575-8304

Economic Development Department
Alett S. Little, Director

September 11, 2000

Federal Aviation Administration
Mr. Don Harris, ASW631
2601 Meacham Blvd.
Fort Worth, TX 76137-4298

RE: Runway 16 Minimums
34:1 Nonprecision Approach
Obstruction Information

Dear Mr. Harris:

Greetings from Fayetteville, Arkansas. We enjoyed visiting with you last week, especially your spending time with us at the Airport Board meeting and on the field reviewing current and future projects.

One of the items I promised to forward to you was data on the existing obstructions which remain in the Runway 16 approach. The best source of data is a Runway Approach Obstruction Location Study conducted for Drake Field by Garver Engineers and completed in April, 1999. I have attached two copies of the data for Runway 16, including the latitude/longitude information. This data represents the existing condition at Drake Field. We do not have a profile view which can be used to compare to the data to the Airport Layout Plan; however for ease of interpretation, I will prepare the profile view and forward it to you. I plan to forward the profile view by the end of the week (September 15, 2000).

I trust this information will provide the data necessary for a determination by the FAA as to whether the approach minimums can be lowered from the current one mile visibility down to 3/4 mile visibility. Please let me know if there is any additional information (beside the profile view) which would help in expediting your review. We are available to furnish additional information or data and will gladly assist you in obtaining a complete data picture. Please contact me if I can further assist you. Again, thank you very much for your visit to Drake Field.

Sincerely,

Alett Little
Economic Development Director

cc: Dean Alexander
Rick McKinney

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
FRED B. HANNA, MAYOR

4500 S. School Ave., Ste. A
Fayetteville, AR 72701
Telephone: 501-575-8301
Fax: 501-575-8304

Economic Development Department
Alett S. Little, Director

October 30, 2000

Federal Aviation Administration
Mr. Don Harris, ASW631
2601 Meacham Blvd.
Fort Worth, TX 76137-4298

RE: Runway 16 - 3/4 Mile Minimum
34:1 Nonprecision Approach
Obstruction Information

Dear Mr. Harris:

Greetings from Fayetteville, Arkansas. At the October 2000 meeting of the Airport Board discussion again centered on the re-establishment of a 3/4 minimum for Runway 16 at Drake Field. As you know, we have been addressing this issue rather seriously since the end of June when two of our members visited with you and others in Ft. Worth. Subsequent to that meeting Dale Frederick and I visited Ft. Worth and discussed the issue.

Also in early September when Bob Hutchins and you were at Drake Field, the data was again discussed and actions taken by the Airport to date were reviewed. Our understanding is that Highway 71 and the mountain to our north are obstacles. One decision which has to be made is whether a deviation from standards can be authorized for these two areas. At the base of the mountain is a light pole and since the mountain is, itself, an obstruction, it does not seem reasonable to remove the light pole if the mountain continues to be considered an obstruction. Also there are two trees which can be topped or cut; however, if the presence of Highway 71 will remain an obstruction (no deviation from standards granted) then, it is not logical to remove the trees as their removal will not gain us the desired minimum.

Please consider this a formal request on the question of whether the FAA will grant a 3/4 mile minimum for the Runway 16 approach. In the event that the FAA is unwilling to grant the 3/4 mile approach, we request that a list of remedial actions be prescribed which would make the granting of same feasible.

You will recall that we have furnished the FAA data on the existing obstructions which remain in the Runway 16 approach as recorded in the Garver Engineers report dated April, 1999 as funded by AIP grant # 3-05-0020-25. This data represents the existing condition at Drake Field.

We are very anxious to have this issue resolved and want to work with the FAA to reach a decision. As this issue has been outstanding for so long, we respectfully request that the FAA give us a timetable of when we might expect to receive information.

Sincerely,



Alett Little
Airport Manager/Economic Development Director



Memorandum

U.S. Department
of Transportation
**Federal Aviation
Administration**
Fort Worth, TX 76193-0600

Southwest Region
Arkansas, Louisiana,
New Mexico, Oklahoma,
Texas

December 4, 2000

Ms. Alett Little
Airport Manager / Economic Development Director
Fayetteville Municipal Airport
4500 South School Avenue, Suite A
Fayetteville, AR 72701

RE: Drake Field Runway 16 Approach Visibility Minimums

Dear Ms. Little:

This responds to your letter of October 30, 2000, regarding your request to determine the feasibility of reducing visibility minimums for the instrument approach procedure to Runway 16 at Drake Field.

We have found no official record or documentation of three-quarter mile visibility minimums ever being established for Runway 16 at Drake Field. However, as requested in earlier meetings with members of your staff, we agreed to re-evaluate the possibility of establishing such minimums. In a 1998 Airport Improvement Program grant, the Federal Aviation Administration authorized the development of a study to determine existing condition obstruction information affecting the approach to runways at Drake Field. This information was prepared by Garver Engineers and reported in the Runway Approach Obstruction Location Study (RAOLS).

As you are aware, the data presented in the RAOLS concerning existing obstructions must be compared to previous obstruction information and other data in Airport Layout Plan drawings. This data forms the basis upon which potential revisions to approach minimums may be considered feasible. Previous obstruction data and changes thereto must be specifically identified and updated in FAA models to permit an accurate analysis. In addition, analysis by numerous specialties and offices within FAA must be coordinated to produce a determination. Paralleling our effort for Drake Field, FAA must also respond to agency mandates to develop and publish instrument approach procedures for other airports that do not already have existing published instrument approach procedures.

It should be understood that while we are progressing on your request, a definitive determination date cannot be established. As each phase is completed we will be able to provide the status of the effort as well as what the next step involves. We will continue to work closely with airport management on this project.

Sincerely,

Donald C. Harris
Senior Program Manager
Arkansas/Oklahoma Airports Development Office

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages = 1

To	ALETT LITTLE	From	DON HARRIS
Dept./Agency	MGR, DRAKE FLD	Phone #	817/222-5634
Fax #	501/575-8304	Fax #	817/222-5987

NOV 7640-01-217-7308 5009-101 GENERAL SERVICES ADMINISTRATION



JOHN PAUL HAMMERSCHMIDT

MEMBER OF CONGRESS
1967 - 1993

P.O. BOX 999
HARRISON, AR 72602
815 WEST ROGERS

PHONE: 870-741-3333
MOBILE: 870-365-6692
FAX: 870-391-3328

E-MAIL: JPH@NORTHARK.CC.AR.US

June 18, 2001

Lawrence Perkins
FAA - Requirements Branch
2601 Meacham Blvd.
Ft. Worth, Texas 76193-0510

Dear Mr. Perkins:

This letter is in support of continued Federal assistance for ATC operations at Fayetteville Municipal Airport - Drake Field (FYV). With the transfer of air carrier operations from FYV to XNA in 1999, FYV has been placed in the unique position of transitioning itself from being the second busiest commercial airport in the state of Arkansas to a FAA Part 135 airport. The ATC operations have and will continue to play a critical role in the transitional process.

During the current transition, FYV has made notable strides to increase the number of flight and military operations occurring in their itinerant and local flight patterns. For example, FYV experienced a 97% increase in their itinerant and local flight operations in May 2001 above May 2000's operations. In January 2001, American Airlines, in accordance with FAR 121 passenger operations, has designated FYV as an alternate airport of landing. In March 2001, the USDA Forest Service announced FYV as the selected location for the Forest Service Air Tanker Base for Arkansas and Oklahoma. Their decision to locate at FYV was based on a 6 prong strategic analysis, one of which was Air Traffic Control.

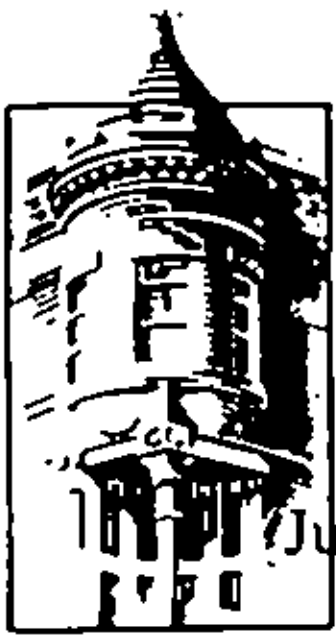
Just as ATC operations are vital to the success and redevelopment of FYV, FYV is vital for the continued economic growth and viability of Fayetteville and surrounding communities. With Fayetteville's designation as a *White House Millennium Community*, its ranking in the top ten fastest growing communities in the nation, and its emerging involvement in the high-tech industry, Fayetteville is mobilizing to be on the forefront of economic activities. FYV plays a crucial role in utilizing Fayetteville as a broadening economic base and optimizing its mid-America location.

We appreciate the FAA's willingness to partner with FYV in the Cost Sharing Program, however we strongly encourage the FAA to reevaluate the current level of B/C calculations. The additional costs incurred upon FYV at the current projected level of cost sharing will have a significant impact on FYV's ability to maintain its current rebuilding efforts.

We appreciate your attention and assistance in this matter. We look forward to all working together to keep FYV a valuable asset not only to the countless aviators who routinely utilize FYV, but also to the community whose economic base is greatly enhanced by FYV's presence.

Sincerely,


John Paul Hammerschmidt



THE BANK OF FAYETTEVILLE

June 19, 2001

Lawrence Perkins
FAA – Requirements Branch
2601 Meacham Blvd.
Ft. Worth, Texas 76193-0510

Dear Mr. Perkins:

This letter is in support of continued Federal assistance for ATC operations at Fayetteville Municipal Airport - Drake Field (FYV). With the transfer of air carrier operations from FYV to XNA in 1999, FYV has been placed in the unique position of transitioning itself from being the second busiest commercial airport in the state of Arkansas to a FAA Part 135 airport. The ATC operations have and will continue to play a critical role in the transitional process.

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Sincerely,

A handwritten signature in cursive script, appearing to read "John M. Lewis". The signature is fluid and stylized, with a large initial "J" and a prominent "L".

John M. Lewis
Chairman & CEO

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

June 19, 2001

Lawrence Perkins
FAA – Requirements Branch
2601 Meacham Blvd.
Ft. Worth, Texas 76193-0510

Dear Mr. Perkins:

On behalf of the City of Fayetteville and Fayetteville Municipal Airport –Drake Field (FYV), we would like to acknowledge our appreciation to the FAA for allowing FYV to participate in the Cost Sharing Program.

Since the transition of air carrier flights from FYV to Northwest Arkansas Regional Airport (XNA) in the fall of 1999, FYV began its transition from the second busiest commercial airport in the state of Arkansas to a FAA Part 135 airport. The transition of air carrier traffic has taken FYV in a new direction and focus. FYV has made remarkable strides to not only increase local and itinerate flight operations, but also to increase based operations and redevelopment of the air field in the past 18 months.

For example, itinerant and local flight operations have increased at a rate above 60% in the first and beginning of the second quarter of 2001 above corresponding quarters in 2000. January 2001 showed an 86% increase, February a 34% increase, March a 68% increase, April a 63% increase, and May a 97% increase in itinerant and local flight operations above 2000 operations. In January 2001, American Airlines, in accordance with FAR 121 passenger operations, has designated FYV as an alternate airport of landing. In March 2001, the USDA Forest Service announced FYV as the selected location for the Forest Service Air Tanker Base for Arkansas and Oklahoma. Their decision to locate at FYV was based on a 6 prong strategic analysis, one of which was Air Traffic Control.

Although we appreciate the opportunity to participate in the Cost Sharing Program and are making necessary adjustments to fund our portion of the program, we respectfully ask the FAA to lower the percentage of cost sharing encumbered to FYV. The additional costs incurred upon FYV at the current projected level of cost sharing will have a significant impact on FYV's ability to maintain its current rebuilding efforts.

We appreciate your attention and assistance in this matter. We look forward to all working together to keep FYV a valuable asset not only to the countless aviators who routinely utilize FYV, but also to the community whose economic base is greatly enhanced by FYV's presence.

Sincerely,



Dan Coody
Mayor



Office of the Chancellor

425 Administration Building
Fayetteville, Arkansas 72701
(501) 575-4148

June 18, 2001

Lawrence Perkins
FAA – Requirements Branch
2601 Meacham Blvd.
Ft. Worth, Texas 76193-0510

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We appreciate your attention and assistance in this matter. We look forward to all working together to keep FYV a valuable asset not only to the countless aviators who routinely utilize FYV, but also to the community whose economic base is greatly enhanced by FYV's presence.

Sincerely,

John A. White
Chancellor

FAYETTEVILLE

AIRPORT DEPARTMENT
THE CITY OF FAYETTEVILLE, ARKANSAS

February 14, 2000

Mr. Ed Agnew, Manager
DOT / FAA Arkansas-Oklahoma ADO
Fort Worth, Texas 76193-0600

RE: PRECISION WAAS APPROACH

Dear Mr. Agnew:

In the summer of 1999, Dale Frederick, Airport Manager for FYV, Drake Field, Fayetteville, Arkansas, reported to the Airport Board that he had received a call from John Fagan, a consultant for the FAA. Mr. Fagan reported to Mr. Frederick that:

- * Fayetteville and Hot Springs had been chosen by the FAA Southwest Region to develop and prove the WAAS approach. Mr. Fagan explained the reason Fayetteville and Hot Springs had been chosen was because the terrain around those two airports would present challenges needed to prove the capabilities of this equipment.
- * During the phone call, Mr. Fagan further advised Mr. Frederick that he had most of the data in-house that was required for the approach, but he would be traveling to Fayetteville within the next ten days to do some site surveys.
- * Mr. Fagan said he felt confident that he would have precision approaches for Runways 16/34 and that he would have published approaches by November 1999 with minimums of 250 ft. and one (1) mile, or less.

Obviously this was good news to me as the Chairman of the Airport Board, and as a pilot based at Drake Field, as well as to other pilots needing improvements to our approaches. For the first time Drake Field would have a precision approach to Runway 34/16, and this would happen by the end of 1999.

At the December 1999 Airport Board Meeting (and previous meetings) Mr. Frederick reported he had made numerous attempts (unsuccessfully) to reach Mr. Fagan. I asked Mr. Frederick to report again on the approaches at the January 6, 2000 meeting.

Mr. Ed Agnew, Manager
February 14, 2000
Page Two

At our Airport Board Meeting on January 6th Mr. Frederick read a faxed memo that he had received that day from Ms. Sametta Klinetob, Legislative Assistant to Congressman Asa Hutchinson (memo enclosed). The memo explained the delays in the project for FYV (Drake Field in Fayetteville) and HOT (Memorial Field in Hot Springs), Arkansas.

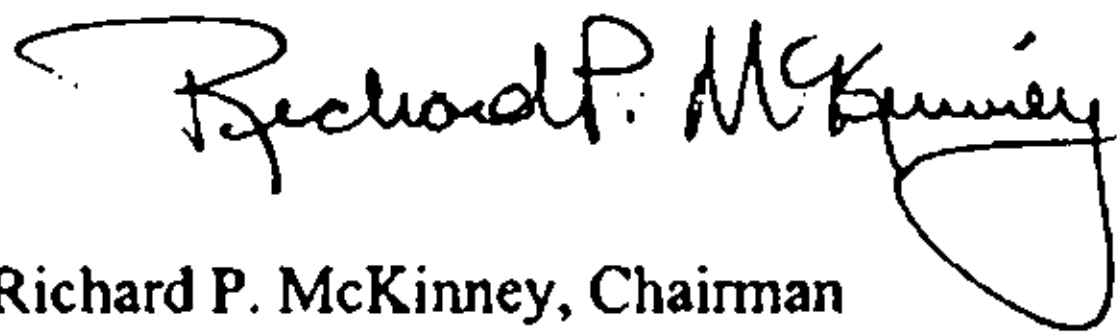
Two hours after the Airport Board Meeting, Mr. Frederick called me to relate that Ms. Klinetob had called back to report that all the information that had been given to her from Mr. Fagan was correct, except the FYV (Drake Field) test location had been moved to XNA, Northwest Arkansas Regional Airport located in Highfill, (Benton County), Arkansas.

Information that there had been equipment delays was disappointing, but to later find out that the test site has been moved to an airport that has no obstructions and good approaches is distressing. I feel that using the limited funds that is available for a test site at an airport that has no landing difficulties is unacceptable!

I, as well as Dale Frederick the Airport Manager, would like to request a meeting in Fort Worth with you and the decision makers of the WAAS project. The overall objective of the meeting will be the relocation of the WAAS approach test site back to FYV, Drake Field in Fayetteville, Arkansas, where it can be used as a benefit to the aviation community.

I may be contacted at 501-442-7369 (office) or through the Drake Field Airport Administration Office at 501-718-7642.

Anxiously waiting your response,



Richard P. McKinney, Chairman
Airport Board Fayetteville Municipal Airport
Drake Field (FYV)

RPM/mlp

cc: Dale Frederick
Airport Board Members



CERTIFIED GEMOLOGIST APPRAISER
AMERICAN GEM SOCIETY

March 13, 2000

Mr. Mark Cordin
SCS Group
Springdale Air Service
802 Airport Road
Springdale, AR 72764

Dear Mark:

Russell West, in his opinion column about Drake Field in yesterday's TIMES, suggested that my criticism of the your FBO operation (Fayetteville Air Service) was a result of an old dispute with you over substandard service on my airplane. That's not true.

I did criticize your substandard work on my plane some years back because it was a lapse that could have been life-threatening. And I would criticize such work again, no matter who the FBO might be that performed the work. But since that time, your mechanic Robert Dean has performed quite satisfactory work for me and my last two annual inspections have been performed by Fayetteville Air, when you had a presence at Drake Field. I feel that Bob is conscientious and professional in his treatment of my airplane.

My criticism of the FBO situation at Drake relates to the fact that we don't have an FBO here who is giving the health of the airport their full attention. Nothing would make me happier than for you to fill that void.....but I feel that is unlikely. You have operations at XNA and Springdale, both of which are much more profitable to you than Fayetteville. I understand why you would pay more attention there than at Drake, but it is not a healthy situation for Drake Field or for Fayetteville.

I don't know Russell West, but I differ with him when he says: "I fly a lot more than Mr. Underwood does (true), to far more varied destinations (also true), and find the service at Drake to be about par relative to other similar airports" (false). I would point out to both you and Mr. West that the *only* FBO service we have at Drake is fuel service. There are no mechanics based here....not even a hanger provided by the FBO in which to park airplanes by visitors, for security and inclement weather.....no charter service by the FBO.....and none of the support facilities normally associated with an FBO operation.





Mark Cordin
March 13, 2000
Page #2

What kind of impression does that leave on visitors to Fayetteville via Drake Field who might be considering locating their company here? How progressive is this city, home of the major University in the state, that doesn't even provide hanger space or FBO support to visitors? And if that visitor has a mechanical or maintenance need for his airplane, how impressed will he be that we have to call in a mechanic from a neighboring, smaller city? Not very favorably impressed, I would guess.

Mr. West has only to look at Rogers, Springdale, and Ft. Smith (in the immediate area) to find FBO operations far superior to those at Drake. If he looks there he will see that the FBO service at Drake is not "about par", as he states, but substandard and not acceptable for the city of Fayetteville. His comments are mostly negative and his recommendation is to fire the present staff and forget about making Drake viable. His direct quotation is: *"My professional assessment is that in all likelihood Drake Field will not become self-supporting in the foreseeable future. The conditions for a self-supporting airport simply don't exist, and renewed marketing vigor is unlikely to change the situation."*

So what do we do?.....just give up? I don't buy that logic. Again, all around us are airports with far fewer and lower quality facilities that are self-supporting. If they can do it, we can do it. Only better!

Mark, the bottom line is that Drake will not be viable, vibrant and successful for any FBO until more planes and activity are present. And that won't come until there is adequate support at Drake in the form of an active and attentive FBO operation to attract additional airplanes.

I would hope that you would provide that, but it doesn't seem to be the way you are headed. If you can't, or won't, then we have an obligation to find someone who will. We just can't let Drake fade off into the sunset.

Sincerely,

William G. Underwood, CGA
President

cc: Mayor Hanna, City Council, Airport Committee

as CordinMa.wgu

City of Fayetteville Arkansas
 Airport - Drake Field
 Operating Statement - Airport Board for Council Presentation
 For the Month Ending: 12/31/2002

	2001 Actual	2002 Budgeted	2002 Actual YTD	2002 Prjctd Yr End	2003 Budget
Operating Revenue					
Rents & Leases	265,146	290,160	287,035	292,148	336,354
Aviation Fuel	162,489	481,000	499,471	484,851	1,100,000
Miscellaneous	3,466	3,000	16,461	15,134	15,000
Total Operating Revenue:	431,101	774,160	802,967	792,134	1,451,354
Operating Expenses					
Personnel	276,468	306,228	312,808	312,808	361,612
Materials & Supplies	3,929	16,590	12,464	13,799	31,090
Aviation Fuel Purchases	115,390	319,000	320,641	328,979	630,000
Services & Charges	167,072	243,904	179,982	193,240	279,004
Cost Allocation to General Fund	137,724	144,612	144,612	144,612	144,612
Maintenance	49,401	54,875	48,874	39,117	55,610
Operating Capital / Equipment	10,784	24,991	25,206	24,797	13,500
ATC Tower Costs	-	153,708	-	95,326	192,500
Total Operating Expense	760,770	1,263,908	1,044,587	1,152,677	1,707,928
Change In Fund Balance from Operations	(329,669)	(489,748)	(241,620)	(360,544)	(256,574)

City of Fayetteville Arkansas
 Airport - Drake Field
 Airport Fund Statement - Airport Board
 For the Month Ending: 12/31/2002

Beginning Funds Available - 01/01/2002

3,213,336

Airport Fund Revenue	YTD	Projected YE
Interest on Investments	91,476	91,476
Non-Op Miscellaneous	9,520	9,520
Total Fund Revenue	<u>100,996</u>	<u>100,996</u>

Airport Fund Expense	YTD	2002 Projects Projected @ Completion
Capital Project Expense / Grant Matching		
AIP #29 - Pavement Rehab	88,579	99,239
AIP #30 - Taxiway A Extension Design	1,181	5,837
Old Fuel Farm - Contam drill testing	1,325	1,325
T-Hangar Drainage	11,398	11,398
Large Scale Development	10,500	10,500
Hangar Rehabilitation	168,894	205,141
SPCC Plan	4,000	4,000
Corp Ramp Pavement	76,069	226,595
FBO Hangar	73,900	499,637
Total of Project Expense - Airport Fund	<u>435,846</u>	<u>1,063,672</u>

Income Less Expense	(334,850)	(962,676)
Change In Fund Balance from Operations	(241,620)	(360,544)

Ending Funds Available	12/31/2002	2,636,866	1,890,117	(Estimated)
------------------------	------------	-----------	-----------	-------------

Debt Service Expense:	\$0	\$0
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Outside Grant Funds Contributed 2002		
	YTD	Projected YE
State	343,401	852,754
Federal	1,771,576	2,084,789
Total:	<u>2,114,977</u>	<u>2,937,543</u>

ABOUT THE
AUTHOR



About the Author

Frank Burggraf is Emeritus Professor of Landscape Architecture of the University of Arkansas. He has also served on the faculties of the University of Georgia, 1958-63, the Pennsylvania State University, 1963-70 and was adjunct professor at the Rensselaer Polytechnic Institute, in Troy, New York. He is a Fellow of the American Society of Landscape Architects and served two terms on the Professional Licensing Board of the State of New York. For ten years he was Chief Environmental Analyst with the New York State Department of Public Service. He was commissioned as a Lt. In the United States Air Force Reserve in 1954 and called to active duty in the Fall of that year. He was trained to fly and also in electronics maintenance and served with the 407th Strategic Fighter Bomb Wing. He became Maintenance Supervisor of the 407th Armament and Electronics Squadron and was offered a regular commission but chose graduate school instead. While teaching at the University of Georgia, he was recalled during the Cuban crisis as Maintenance Officer for the 445th Troop Carrier Wing, Marietta, Georgia. His service also included being Communications Officer and a Weapons Controller with the 112th A. C. & W. Flight, the Pennsylvania Air National Guard. He concluded his reserve service and retired as a Lt/Col from the 485th Engineering Installations Group, Northern Communications Area, Air Force Communications Command at Griffiss AFB, N.Y. in 1982. He was awarded the Air Force Commendation Medal at the time.

Agenda Request for Feb 18 '03.

Drainage study and
presentation by US Infrastructure.

Asbell area (Upper Hamstring)
Shenandoah trailer park area.

Jim Beavers

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of February 18, 2003

FROM:

<u>Jim Beavers</u> Name	<u>Engineering</u> Division	<u>CPE Services</u> Department
----------------------------	--------------------------------	-----------------------------------

ACTION REQUIRED:

USInfrastructure , Inc. Consulting Engineers shall prepare and present to the City Council the condensed findings and recommendations from the contracted drainage studies and reports for:

- Upper Hamestring Creek basin (Holly/Vista, Asbell and Sang/Berry)
- The Shenandoah Trailer Park area drainage basin (15th Street).

The City Council may accept the recommendations, offer comments and offer further guidance to staff.

(The presentation will be condensed from the summary presentation offered at the January 15, 2003 Street Committee meeting.)

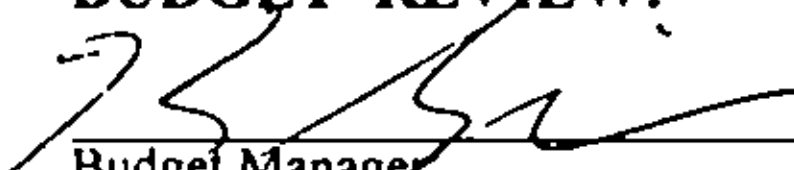
COST TO CITY:

<u>\$ TBD</u> Cost of this Request	<u>\$850,000 *</u> Category/Project Budget 2003	<u>Bridge and Drainage</u> Category/Project Name
<u>4470-9470-5817.00</u> Account Number	<u>\$0</u> Funds Used To Date 2003	<u>Drainage</u> Program Name
<u>02023 (H); 02054(S)</u> Project Number	<u>\$850,000</u> Remaining Balance 2003	<u>Sales Tax</u> Fund

- The studies, \$93,424.00, were funded separately from the Drainage Study funding.
- The CIP/Budget includes \$600,000.00 for design, easements and construction in the Upper Hamestring basin and \$250,000.00 for the Shenandoah Trailer park area basin.

BUDGET REVIEW:

☒ Budgeted Item ☐ Budget Adjustment Attached


Budget Manager

Finance and Internal Services Director

CONTRACT/GRANT/LEASE REVIEW:

Maida Farthing 1/29/03
Accounting Manager Date

D. J. White 1/29/03
City Attorney Date

P. Uide 1/31/03
Purchasing Officer Date

GRANTING AGENCY:

Nancy Smith 1/29/03
Internal Auditor Date

ADA Coordinator Date

Grant Coordinator Date

STAFF RECOMMENDATION: General acceptance of the report and recommendations.

Jim Beavins 1-28-02
Division Head Date

Tom Lamb 1-28-03
Department Director Date

Steph Davis 1-31-03
Finance and Internal Services Director

Cross Reference

New Item: Yes ___ No x

Prev Ord/Res #: 102-02

Date July 2, 2002

Orig Contract Date:

Orig Contract No:

Hugh Grant 2-4-03
Chief Administrative Officer Date

Dan Coody 2/3/03
Mayor Date

STAFF REVIEW FORM

Page 2

Description Drainage Studics - Upper Hamestring (Asbell, Holly/Vista and Sang/Berry) and Shenandoah Trailer Park Basins

Meeting Date February18, 2003

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

Grant Coordinator

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.

Fayetteville, AR 72701

Engineering Division

To: Dan Coody, Mayor
Fayetteville City Council

Thru: Staff Review

From: Jim Beavers, Engineering *Jim Beavers*

Date: January 22, 2002

Re: City Council Meeting February 18, 2003
Drainage study reports and recommendations by USInfrastructure, Inc.
Upper Hamestring Creek Basin (Asbell, Holly/Vista, Sang/Berry) and
Shenandoah Trailer Park area basin (15th Street)

On July 2, 2002 the City Council approved an engineering services contract with USInfrastructure, Inc. for engineering studies and recommendations for the Upper Hamestring Creek Basin and the Shenandoah Trailer Park area basin.

The contract included field investigations, public meetings, hydrologic and hydraulic modeling, preparation of recommendations and presentations to the City Council.

USInfrastructure has completed the public meetings, investigations, calculations and the engineering studies. USInfrastructure will present a condensed version of their final reports to the City Council on February 18, 2003. A summary of the draft final report was presented to the public and the City's Street Committee on January 15, 2003. A copy of the January 15 presentation is attached.

The City's budget includes \$600,000.00 for design, easements and construction in the Upper Hamestring Basin and \$250,000.00 for the Shenandoah Trailer Park basin.

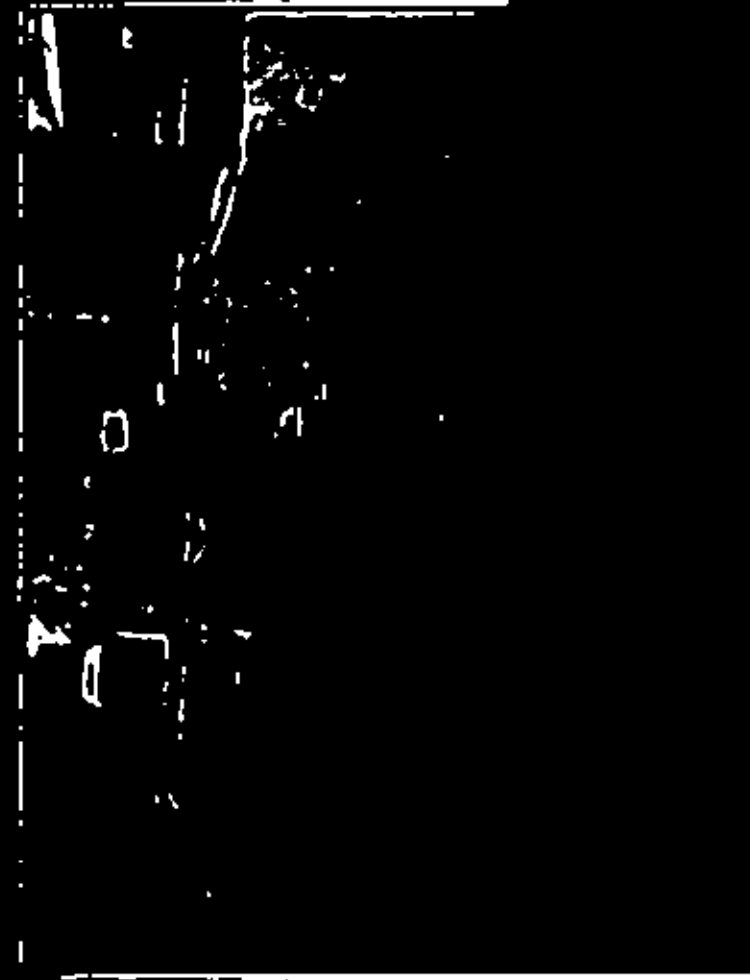
The City Council may accept the recommendations, offer comments and offer further guidance to staff.

Enclosures:

1. Summary prepared by USInfrastructure from the January 15, 2003 City Street Committee meeting.
2. General map of the Upper Hamestring basin.
3. General map of the Shenandoah Trailer Park area basin.

Shenandoah and Hamstring Drainage Basin Studies Fayetteville, Arkansas

January 15, 2003



USI-ARKANSAS, INC.
Consulting Engineers


City of Fayetteville

PRESENTATION OUTLINE

1. Introduction

- Problem Identification

- Improvement Recommendations

- Cost Analysis

- Projected Results

- Design Examples

PROJECT DESCRIPTION

Shenandoah Drainage Park Area (upstream of Hwy 16)

- Upper Hamstring Creek Basin (upstream of I-540)

- Studies Included:

- Sub-Basin and Tributary Identification
- Identification of Existing Drainage Problems
- Inventory of Drainage Structures
- Hydrologic Analysis
- Hydraulic Analysis
- Develop Improvement Recommendations

PROJECT REQUIREMENTS

• Seek public input

- Consider NPDES Phase II Requirements
- Identify areas and benefits associated with regional detention
- Provide sound recommendations

CURRENT PROJECT STATUS

• Recommendation & Conditions developed

• Cost estimates completed

- Draft reports submitted to City
- Review and address City comments

PROBLEM IDENTIFICATION

owned drainage infrastructure or conveyance system, that result in flooding problems.

These Include:

- Bridges/Culverts
- Paved or Natural Drainage Channels
- Street Curb and Gutter and Storm Sewers
- Street Ditches

These do NOT Include:

- Site Drainage Problems
- Standing water in yards after rainfall events

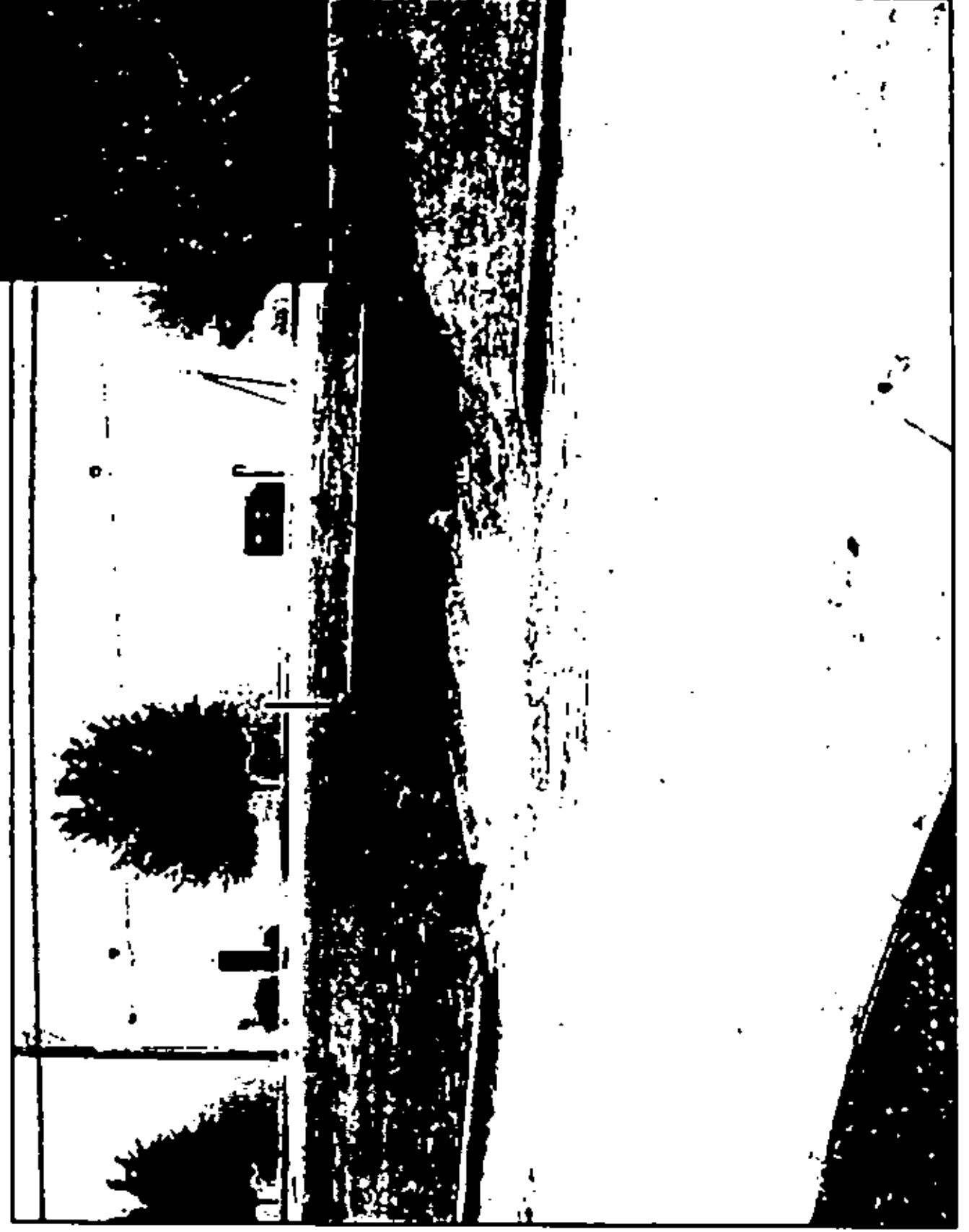
PROBLEMS IDENTIFIED IN THE SHENANDOAH AREA

- Shenandoah Trailer Park
- AR Hwy 16 (15th Street)
- Huntsville Road

SHEMANDOAH TRAILER PARK

NO UNLAWFUL DISCHARGES INTO THE RIVER

- Below Hwy 16
- Stormwater flowing onto streets from offsite

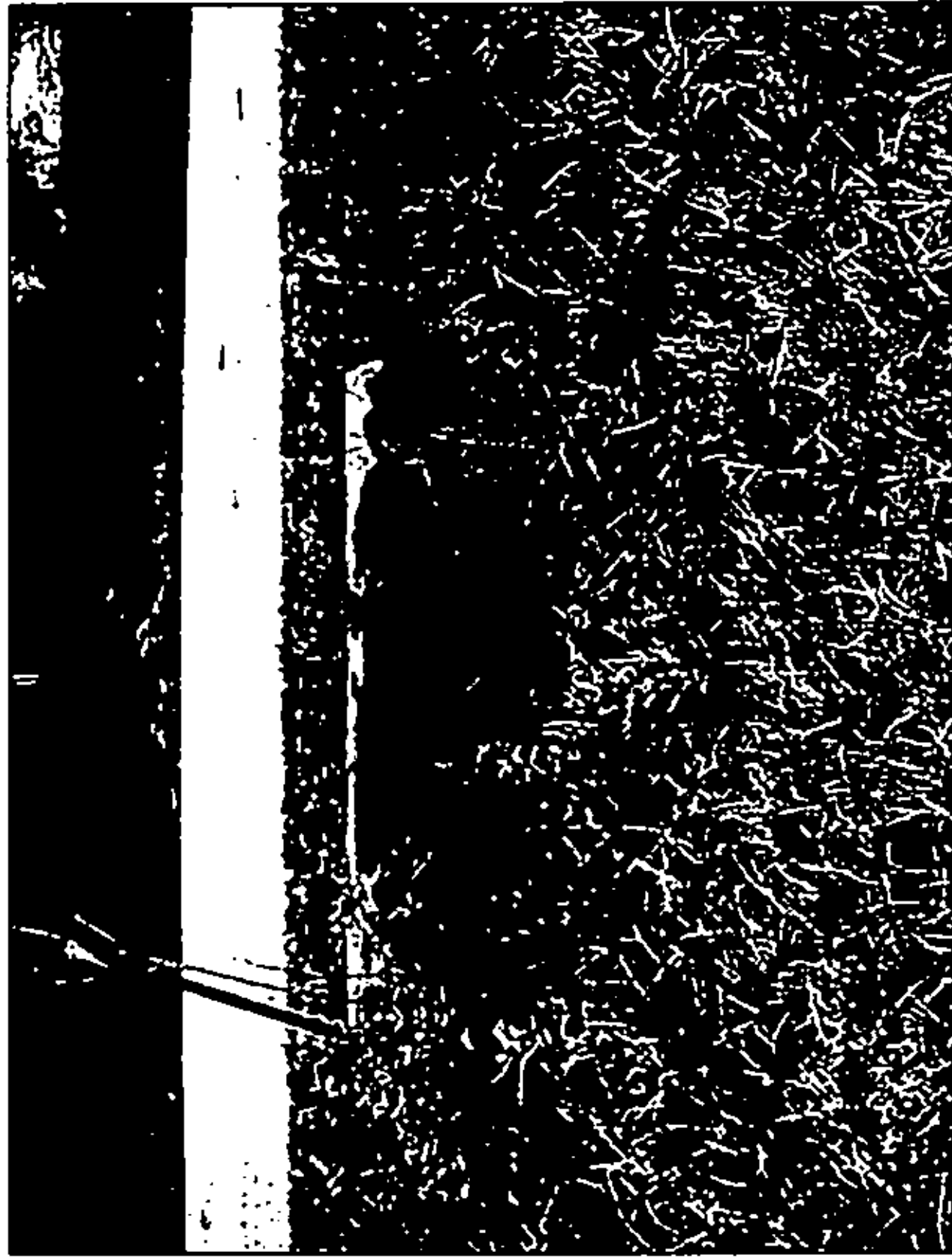


City of Fayetteville



HWY 16

- Does not require AHFD cooperation
- Solution will require AHFD cooperation



HUNTSVILLE ROAD

Storage

- Stream thread meets road between two box culverts
- Ditch between culverts is poorly defined



CHESAPEAKE TRAILER PARK AND HWY 16 RECOMMENDATIONS

Alternatives 1 & 2

- Swales around trailer park
- Convey water toward Hwy 16
- Prevent flooding up to a 10-Yr Storm

• Alternatives 3 & 4

- Swales around trailer park
- New box culvert under Hwy 16
- Prevent flooding of trailer park and overtopping of Hwy 16 in a 50-Yr (Alt 3) or 100-Yr (Alt 4) Storm

SHEWANANDOAH TRAILER PARK AND HWY 16 RECOMMENDATIONS (CONT'D)

Recommendations for:

= Swales around trailer park

= 7.1 acre detention basin (requires land acquisition)

– Prevent flooding of trailer park and overtopping of Hwy 16 in a 50-Yr (Alt 5) or 100-Yr (Alt 6) Storm

- Existing City Design

- Swale along north side of trailer park
- Underground piping along west side of park
- Jack and bore 2 – 48" RCP under Hwy 16
- Limited to a 10-year storm

SHELF AND OAH COSTS

- Alternative 1 - \$190,000 (10-year storm)
- Alternative 2 - \$70,000 (10-year storm)
- Alternative 3 - \$330,000 (50-year storm)
- Alternative 4 - \$340,000 (100-year storm)
- Alternative 5 - \$470,000 (50-year storm w/detention)*
- Alternative 6 - \$550,000 (100-year storm w/detention)*
- City Design - \$670,000 (10-year storm)

*Land cost not included

HUNTSVILLE ROAD RECOMMENDATION

- Swale along north side of road
- New 4' x 3' RC Box Culvert under road
- Prevent overtopping of Huntsville Road in a 25-Yr Storm
- Cost = \$65,000



Shenandoah Area



PROBLEMS IDENTIFIED IN THE UPPER HAMESTRING BASIN

• Street Ditch Cleaning

- Holly St. and Vista Pl Area
- Sang/Cleveland/Berry Area
- I-540
- Hamestring Creek and Tributaries

STREET DITCH MAINTENANCE

and homes

- Driveway and street culverts collect silt and debris
- Many culverts are old and not functioning properly



HOLLY ST. AND VISTA PL.

Water flows along Sang Ave. and Sang Vista Pl.

• Street ditches inundated along Holly St.

• Water flows across Sang Ave.



SANG/CLEVELAND/BERRY AREA



- Although yards of residents on Berry St.
- Into street ditch along Berry St.



INTERSTATE 540

Capacity of approximately a 10 year storm.

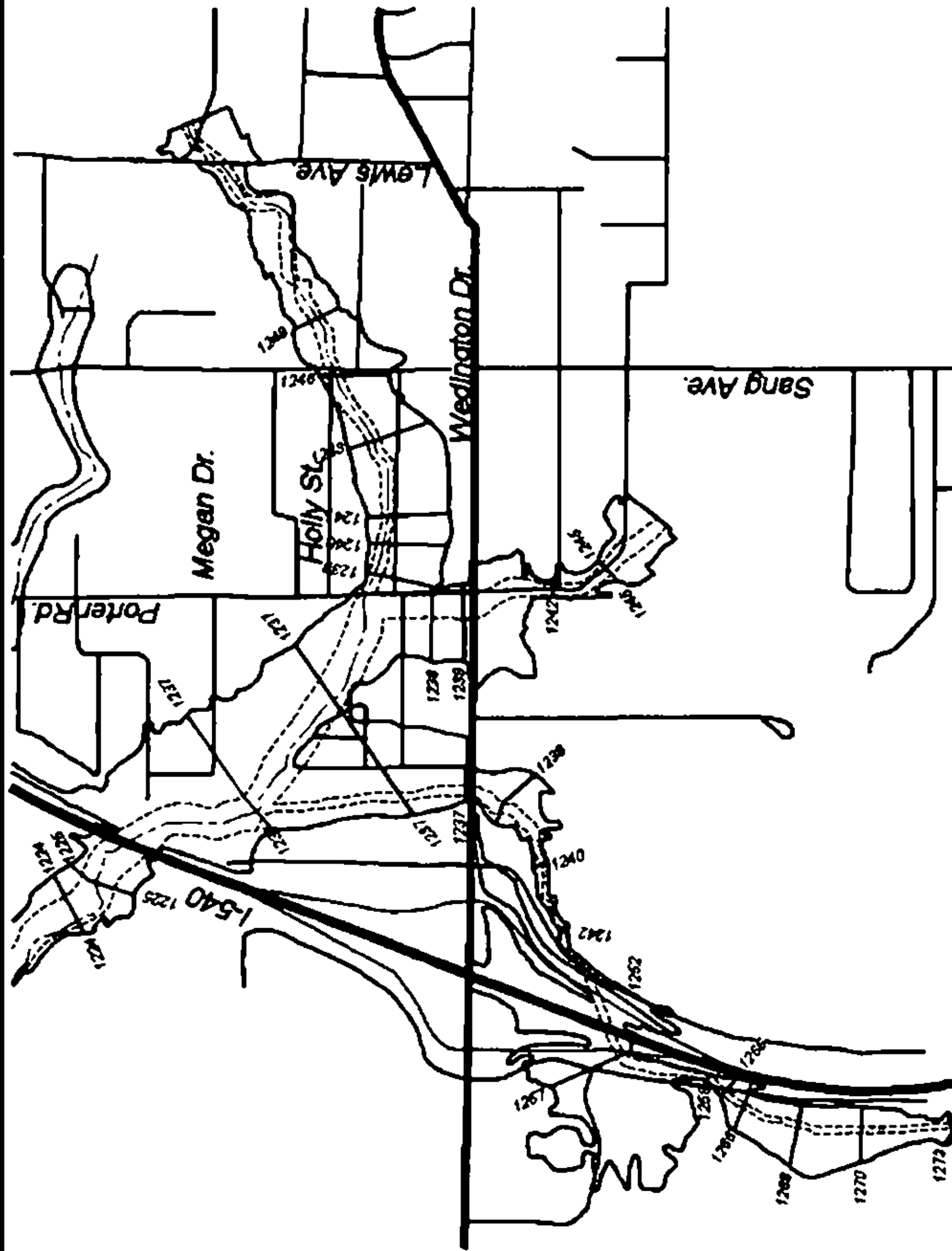
During 50 and 100 year storms a 34-acre lake is created from

I-540 to Wedington Dr. and Porter Rd.

- Megan Dr. cul-de-sac under 7 ft of water
- Solution will require AHTD Cooperation



FEMA FLOOD PLAIN



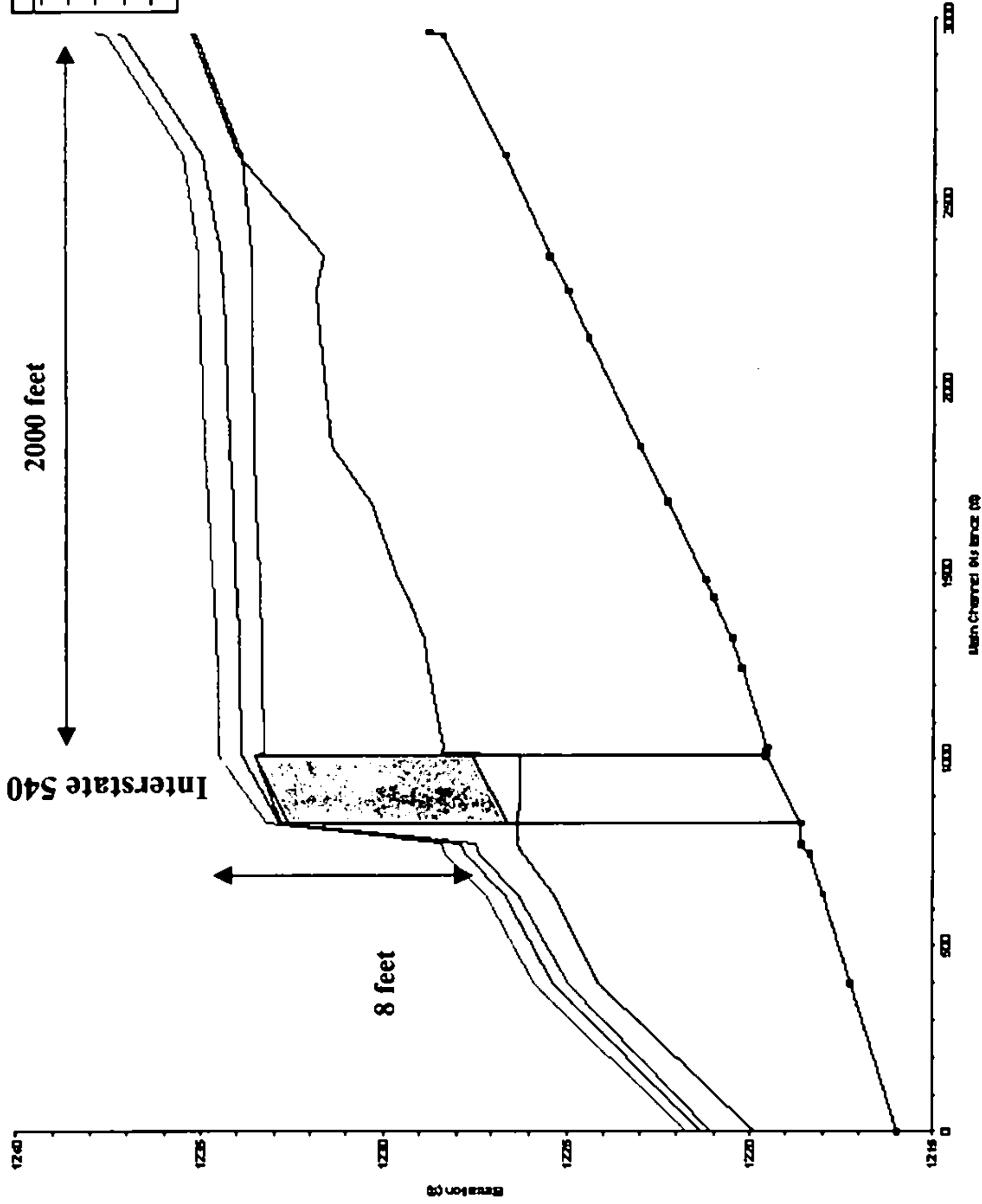
FEMA Floodway - Hamestring Basin

FEMA FIRM Map Panels 83, 84, 91, 92

July 21, 1999



 City of Fayetteville



Legend
W8 10-Yr 8' diam - 100-Yr (CU)
W8 25-Yr 8' diam - 25-Yr (CU)
W8 10-Yr 8' diam - 10-Yr (CU)
W8 2-Yr 8' diam - 2-Yr (CU)
Channel

US Infrastructure, Inc.
HAIRSTING CREEK DRAINAGE BASIN STUDY CITY OF FAYETTEVILLE, ARKANSAS
STREAM PROFILES FOR CURRENT LAND USE FOR TRIPAD 100 (LOWER)
HW 02/02 12/16/2012
FIGURE V13

HAMPESTRING CREEK AND TRIBUTARIES



Lewis Ave.

- Lawson St.
- Sang Ave.
- Private Driveways
- Porter Rd.

- Culvert size
- Culvert geometry
- Flood Plain as wide as 800'
- Channel size
- Channels restricted



HOLLY ST. & VISTA PL. RECOMMENDATIONS

- Connect an existing 36" RCP and at Lewis St.

- Alternative 1, 3 & 5

- New flow path north from Holly St. to Hamstring Cr.
- Open swale and closed pipe

- Alternative 2 & 4

- Follow exist flow path along south side of Holly St.
- Open swale and closed pipe

- Existing city design

- Follows existing flow path along south side of Holly St.
- Open Channels
- Met with resistance from area residence
- Incomplete/does not solve problems along Vista Pl.



Holly St. & Vista Pl.

City of Fayetteville

HOLLY AND VISTA COSTS

- Alternative 1 - \$210,000
- Alternative 2 - \$350,000
- Alternative 3 - \$280,000 (USI Recommended Alternative)
- Alternative 4 - \$570,000
- Alternative 5 - \$240,000
- City Design - \$300,000 (incomplete)

SANG/CLEVELAND/BERRY RECOMMENDATIONS

drop inlets

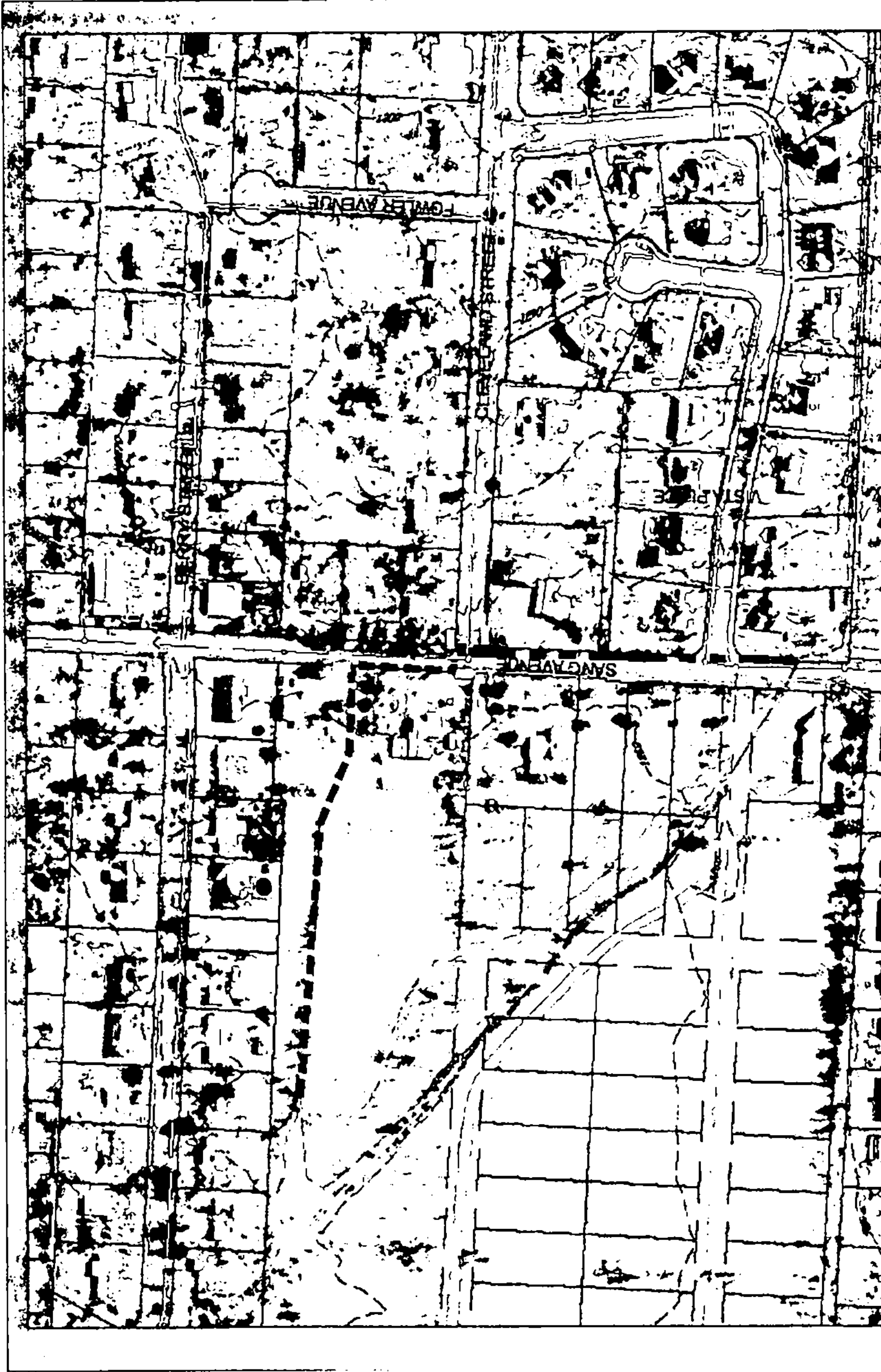
- 25-Yr design storm

- Alternative 1

- Route stormwater south along Sang Ave.
- Underground pipe
- Cost = \$100,000

- Alternative 2

- Route stormwater north along Sang Ave.
- Underground pipe to open channel behind homes along Berry St.
- Easement acquisition required
- Cost = \$100,000 (does not include easement acquisition)
- USI Recommended Alternative



Sang/Cleveland/Berry

INTERSTATE 540

2 ALTERNATIVES

- Construct 2 - 12' x 10' RC Box Culverts in addition to existing 2 - 10' x 8'
- Remove existing 2 - 10' x 8' RC Box Culverts and construct 4 - 10' x 10' RC Box Culverts
- Both alternatives will pass a 50-Yr storm without flooding homes at the end of Megan Dr. cul-de-sac
- No cost analysis preformed
- Will require cooperation with AHTD

HAMESRING CREEK AND TRIBUTARIES

Alternative 1

– Increase drainage capacity without detention

- Replace 7 existing box culverts
- Enclose 2 existing swales in new box culverts
- 8500 ft of channel improvements with 15' paved trickle channels.
- Top width from 50 – 90 ft
- Requires significant easement acquisition
- Total cost = \$3,200,000*

• Alternative 2

- Increase drainage capacity without detention
- Replace 7 existing box culverts
- 9700 ft of 5' deep rectangular concrete paved channel
- Top width from 12 – 40 ft
- Requires less easement acquisition
- Total Cost = \$4,800,000*



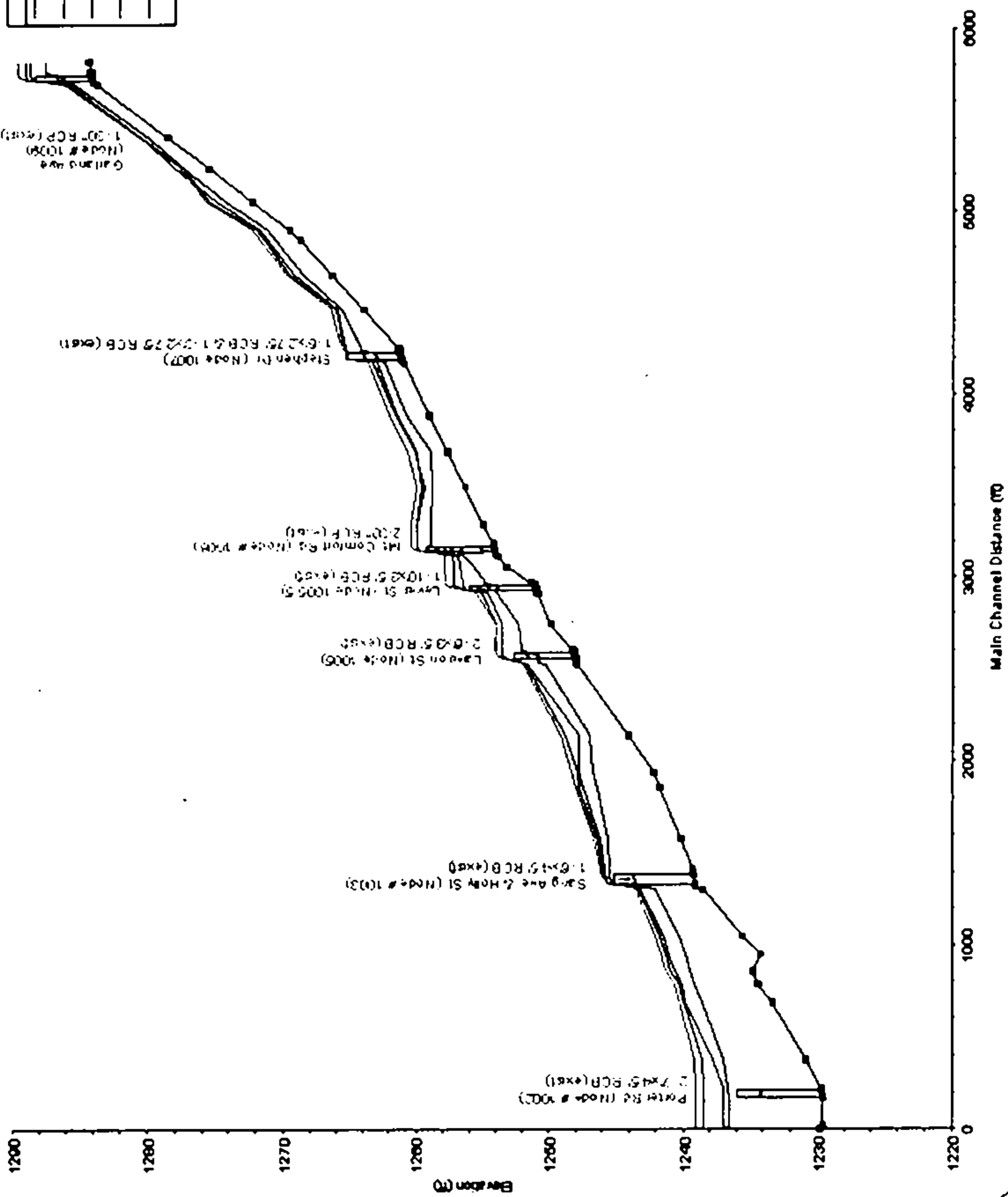
HAMMESGRING CREEK AND TRIBUTARIES

Replace 6 existing box culverts

Enclose 2 existing swales in new box culverts

- 6800 ft of channel improvements with paved trickle channels
- Acquire 30 acres of land for the construct of 4 detention basins
- Total Cost = \$5,200,000*





Legend	
WS	100-Yr Storm - 100-Yr (Cu)
WS	25-Yr Storm - 25-Yr (Cu)
WS	10-Yr Storm - 10-Yr (Cu)
WS	2-Yr Storm - 2-Yr (Cu)
	Ground

USI INFRASTRUCTURE, INC.
CONSULTING ENGINEERS

HAMESTRING CREEK DRAINAGE BASIN STUDY
 CITY OF FAYETTEVILLE, ARKANSAS

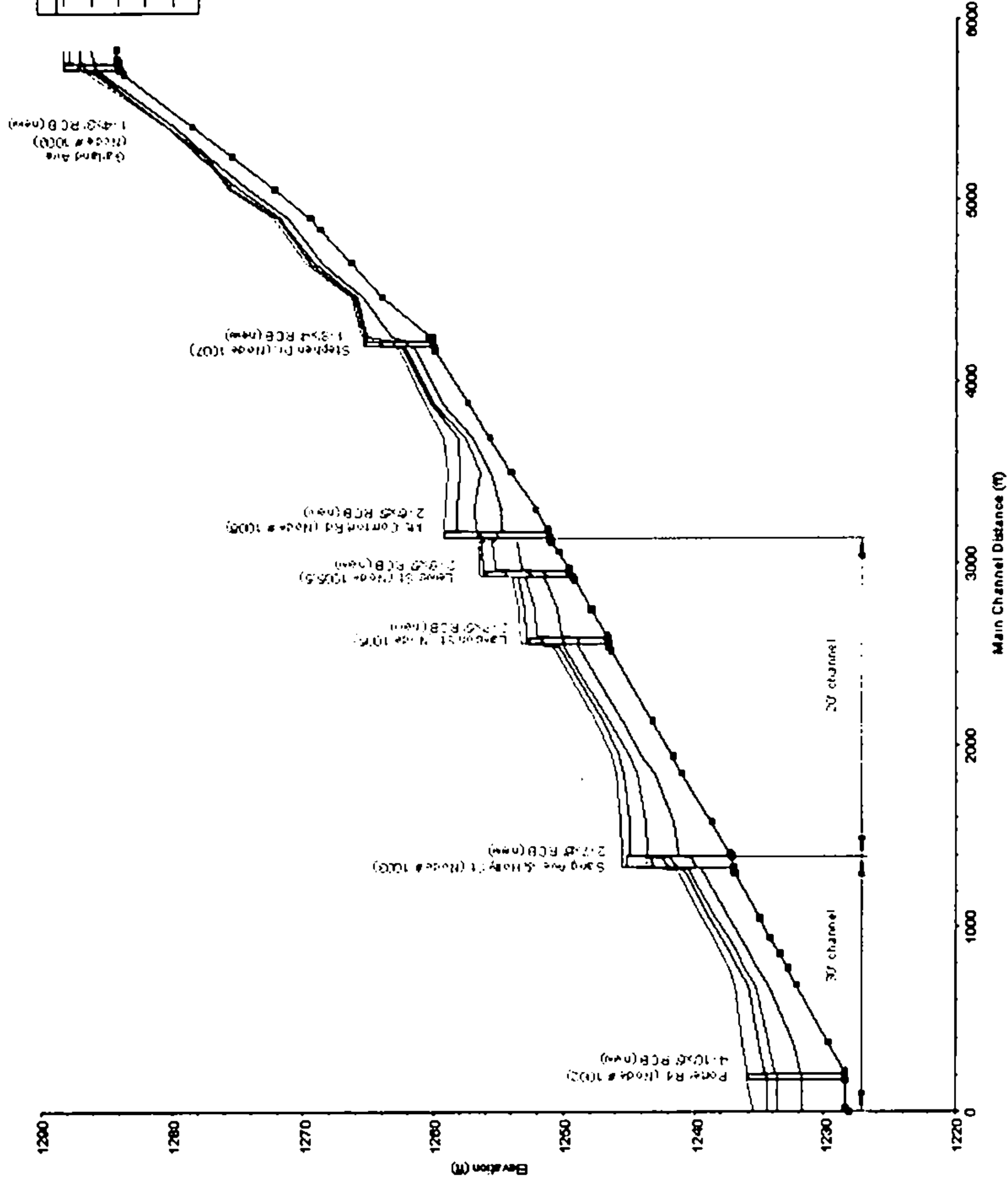
STREAM PROFILES FOR CURRENT LAND USE
 FOR THREAD 100 (UPPER)

DATE	12/10/2002
BY	020022
REV	

FIGURE VI-2

Existing Profile





Legend	
WS	100-Yr Storm - Ham2-Chan100
WS	25-Yr Storm - Ham2-Chan25
WS	10-Yr Storm - Ham2-Chan10
WS	2-Yr Storm - Ham2-Chan2
	Ground



US INFRASTRUCTURE, INC.
Consulting Engineers and Architects, Inc.

HAMESTRING CREEK DRAINAGE BASIN STUDY
CITY OF FAYETTEVILLE, ARKANSAS

STUDY PROFILE RESULTING FROM CHANNEL IMPROVEMENTS
WITHOUT DETENTION (OPTION 1) - RECD 149 (07993)

FIGURE VI.6

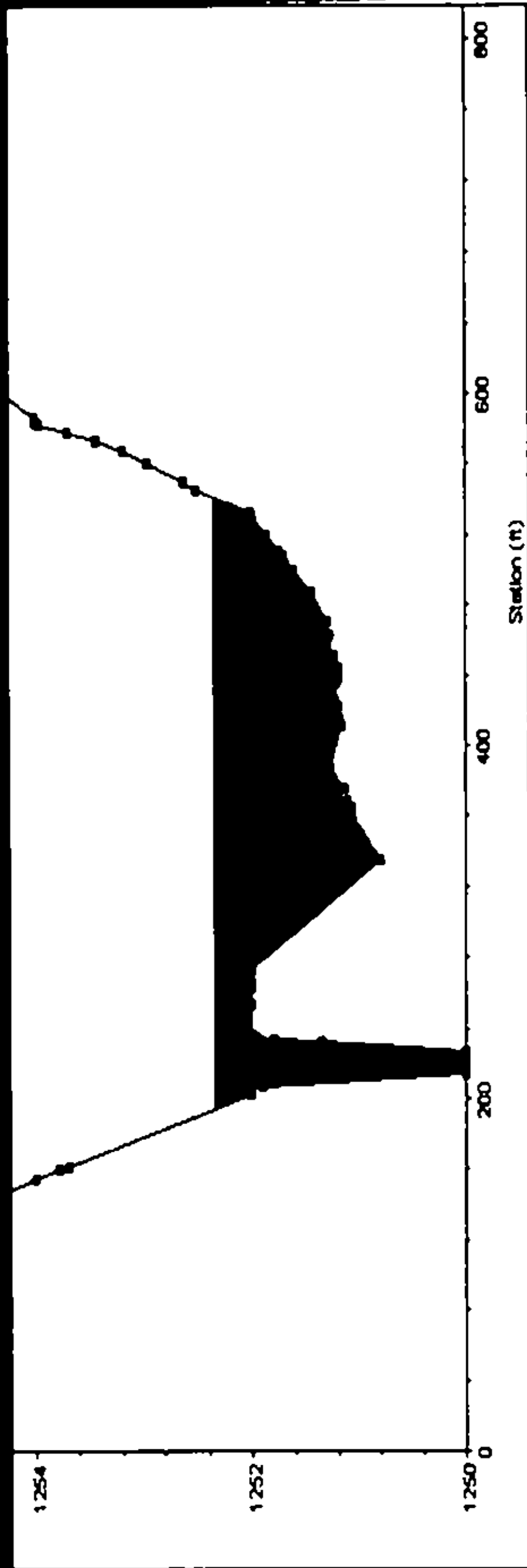
HV 02/02/22 12/10/2022

Profile with Improvements

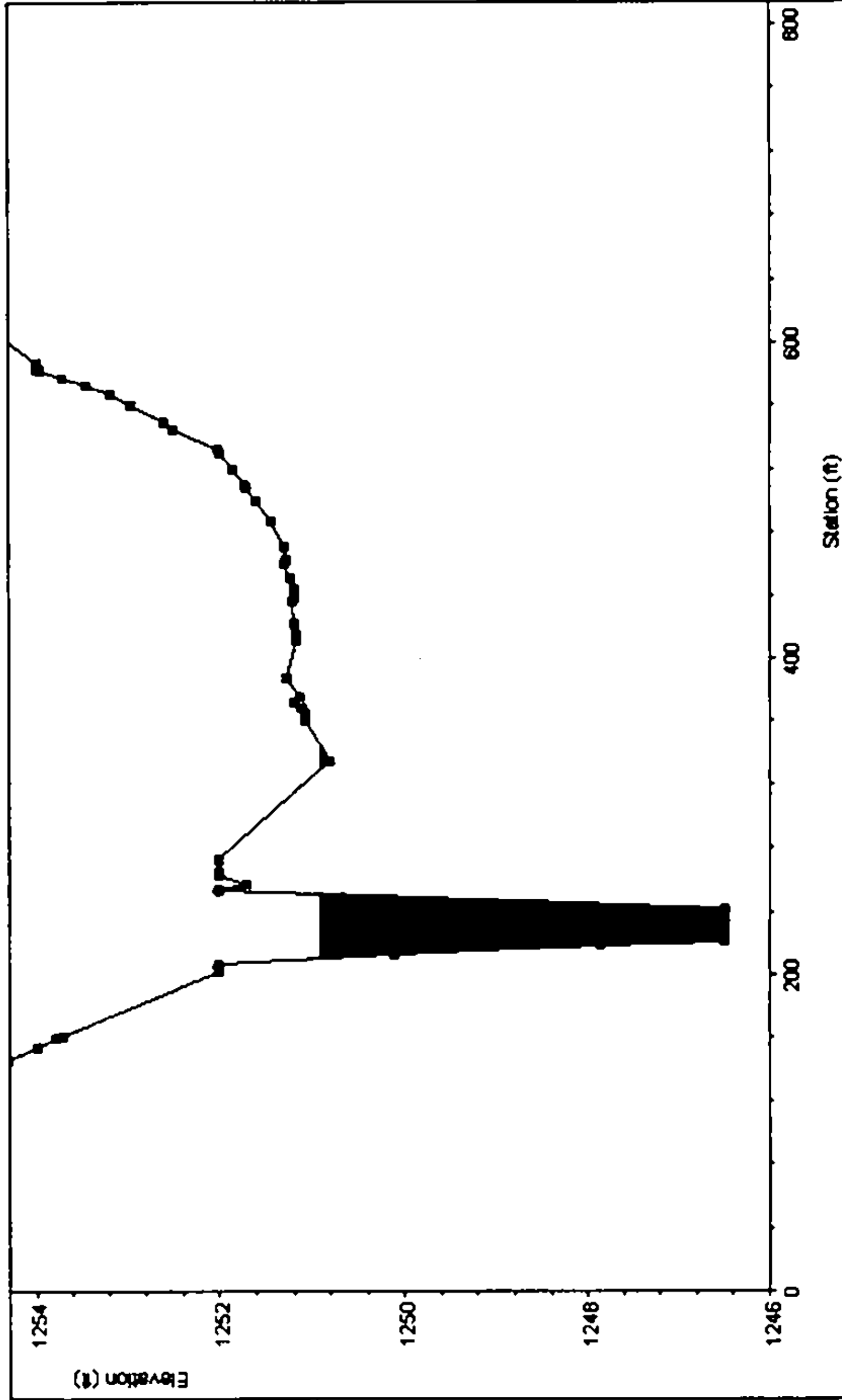


Cross section for 100-yr future storm Between Layson St. and Gang Ave.

Before
channel
improvements



After channel
improvements



City of Fayetteville

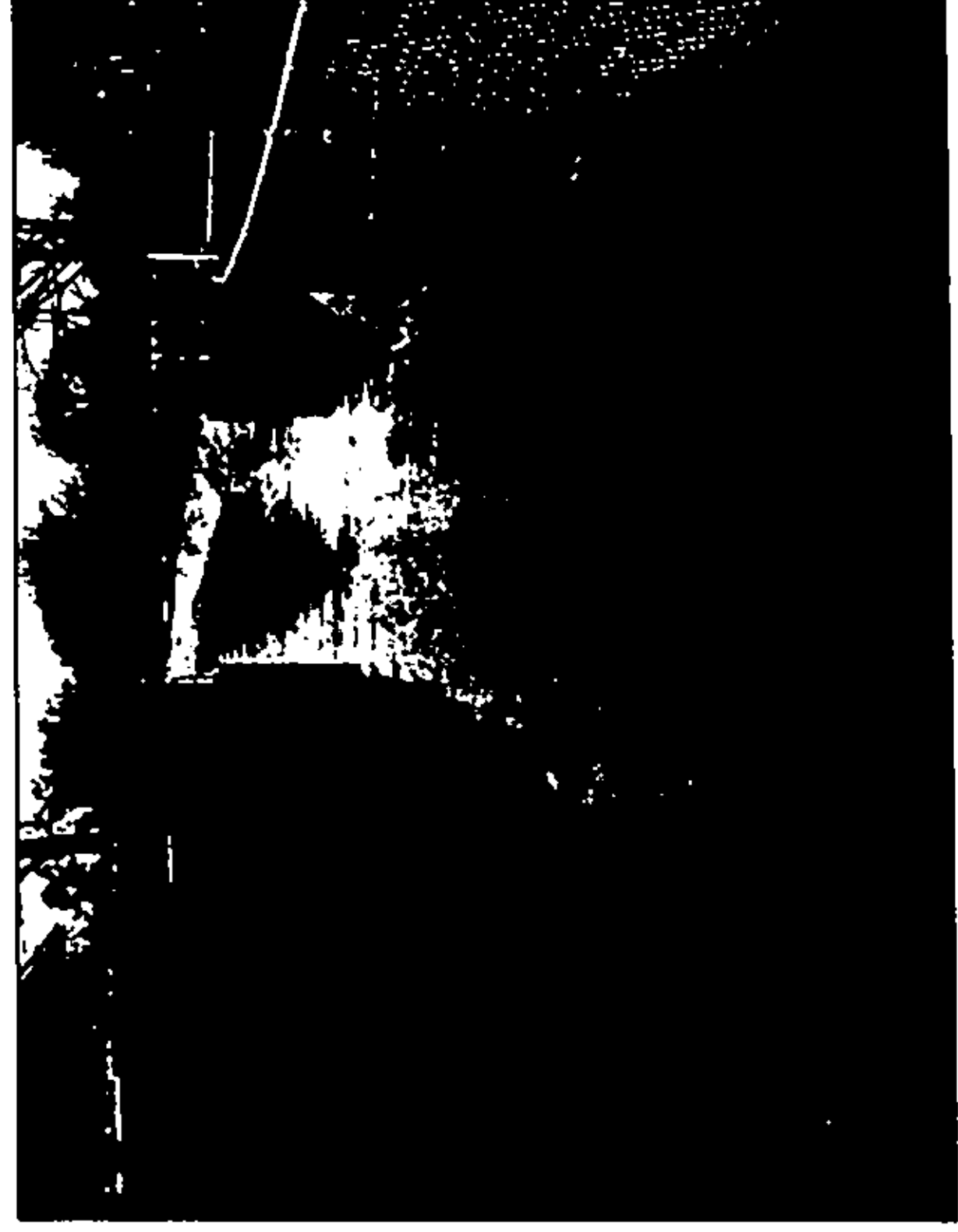




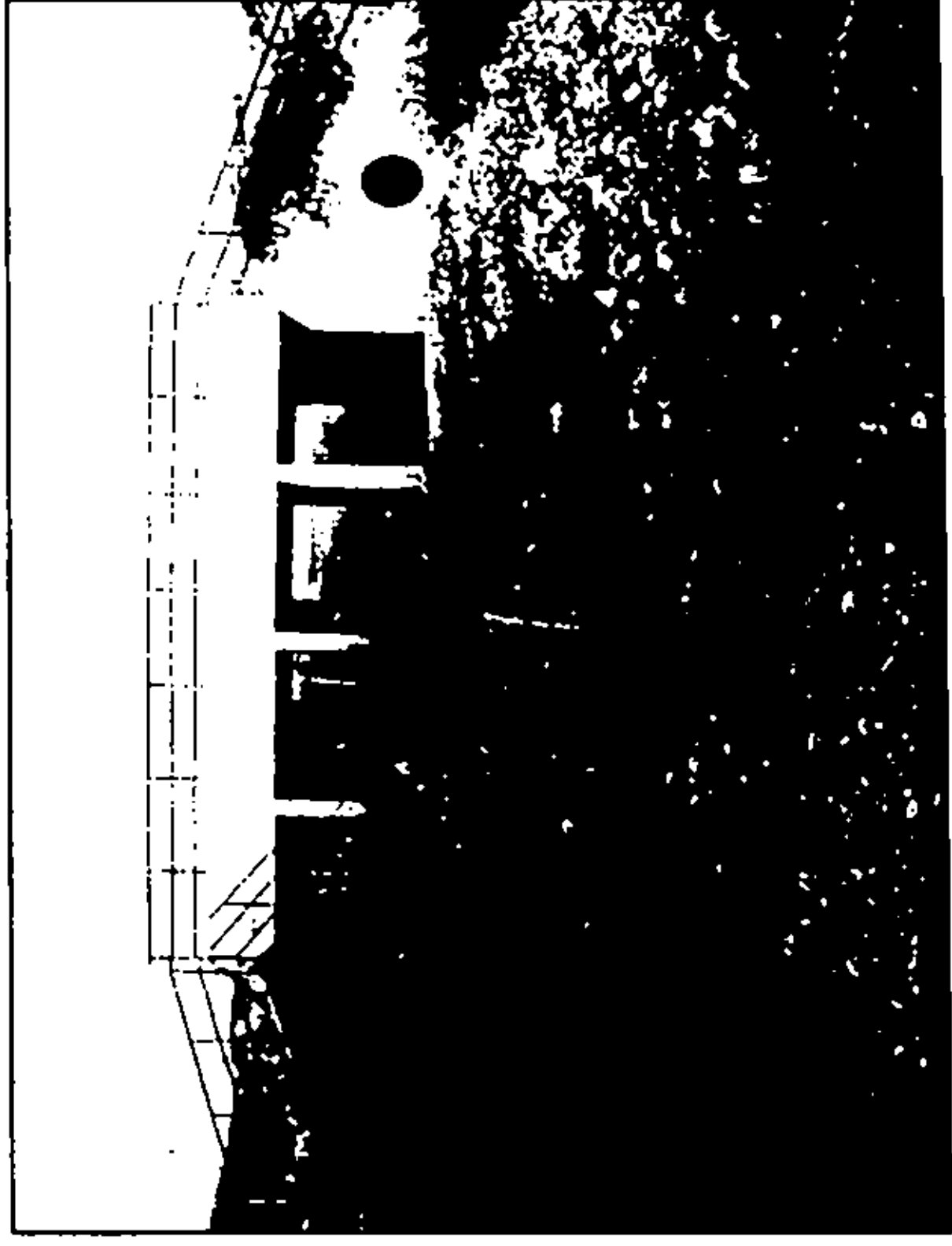
Regional Detention



Trickle Channels

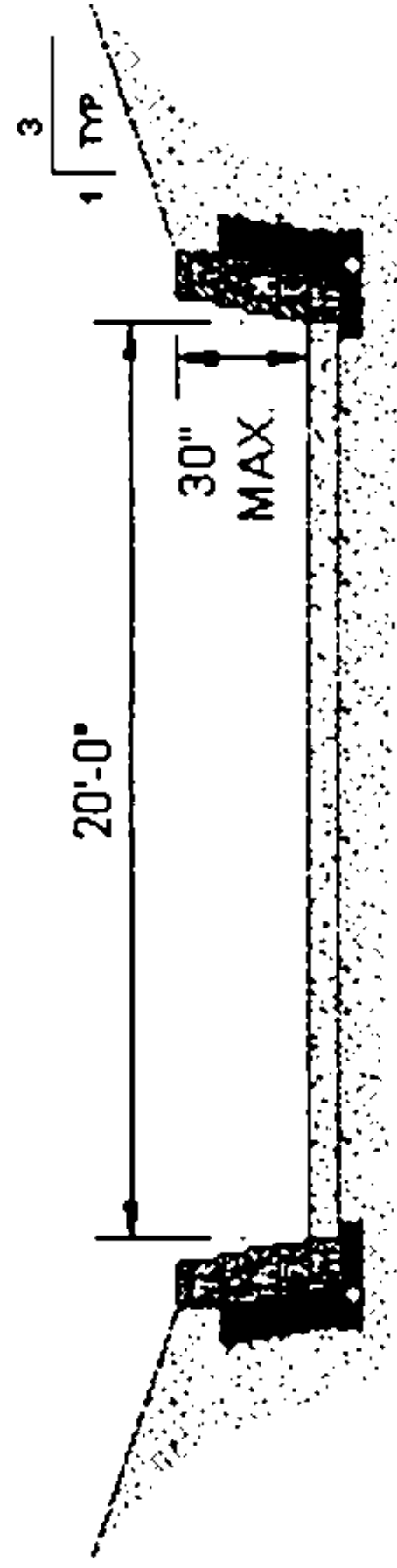


Rectangular Channels

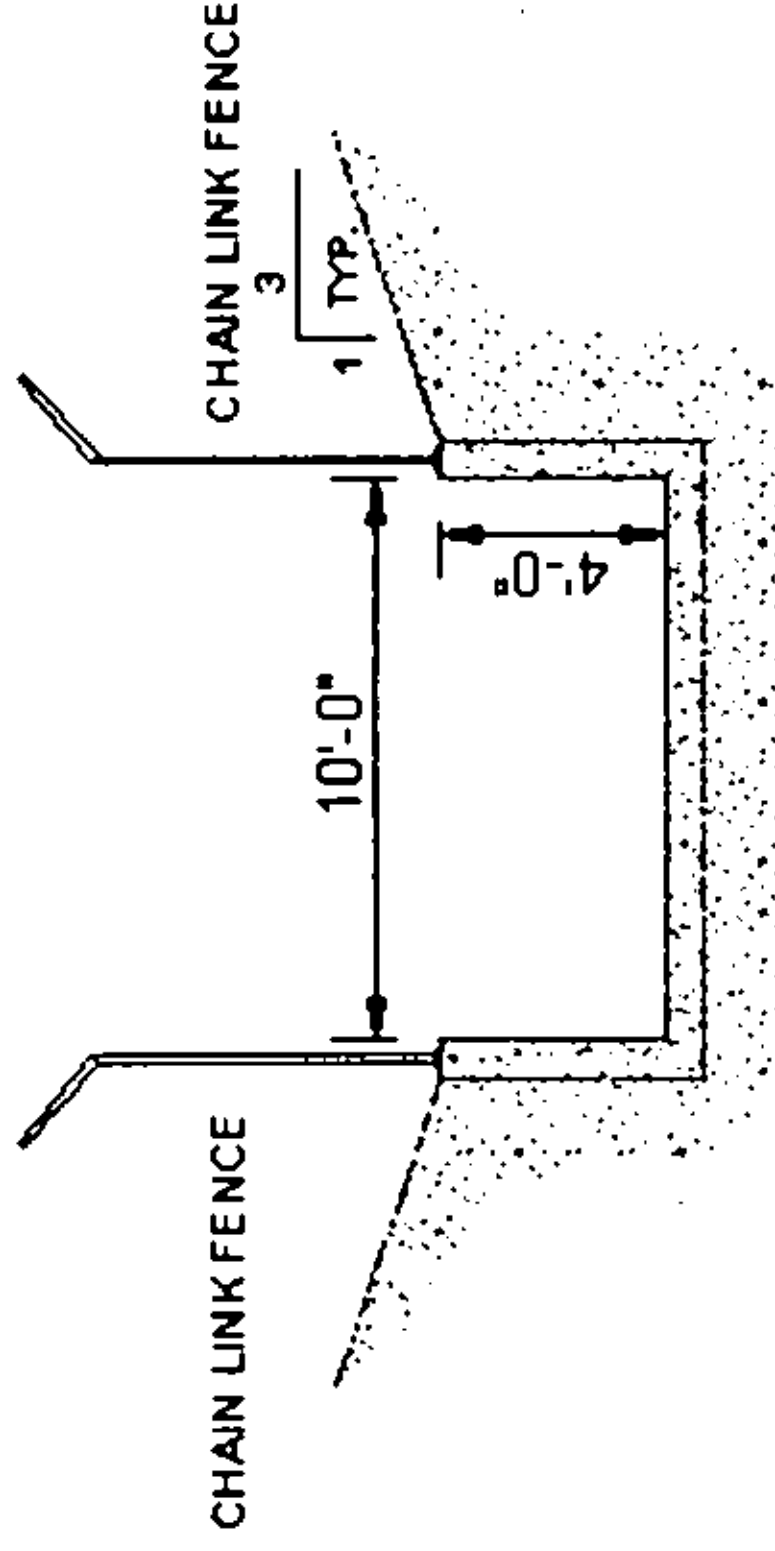


Box Culverts

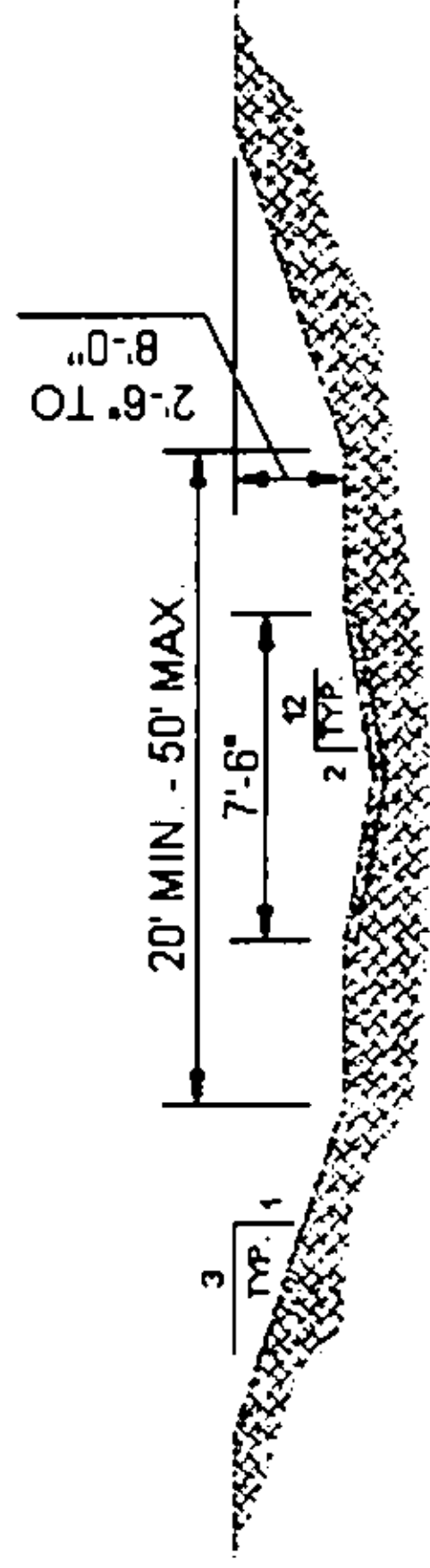
Optional Channel Improvement Designs



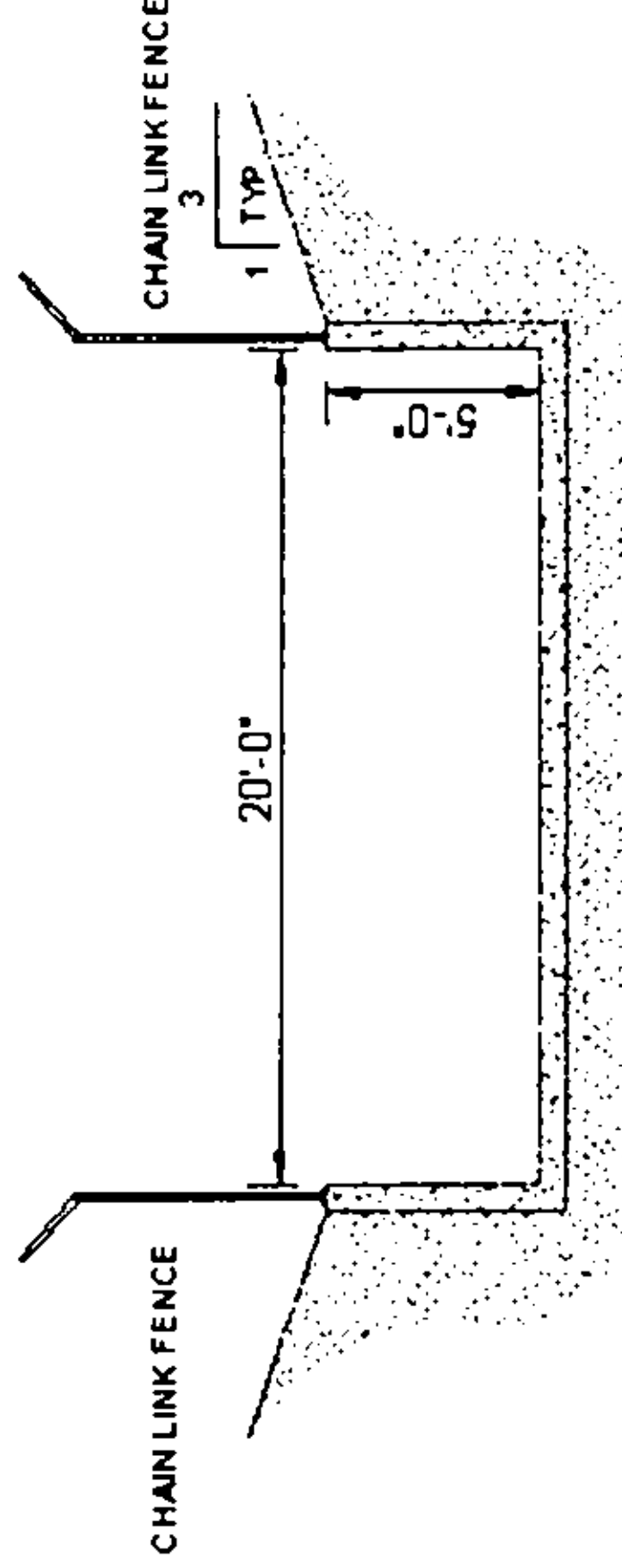
20' WIDE CONCRETE PAVED, FLAT BOTTOM
DITCH SECTION WITH SEGMENTED BLOCK WALLS



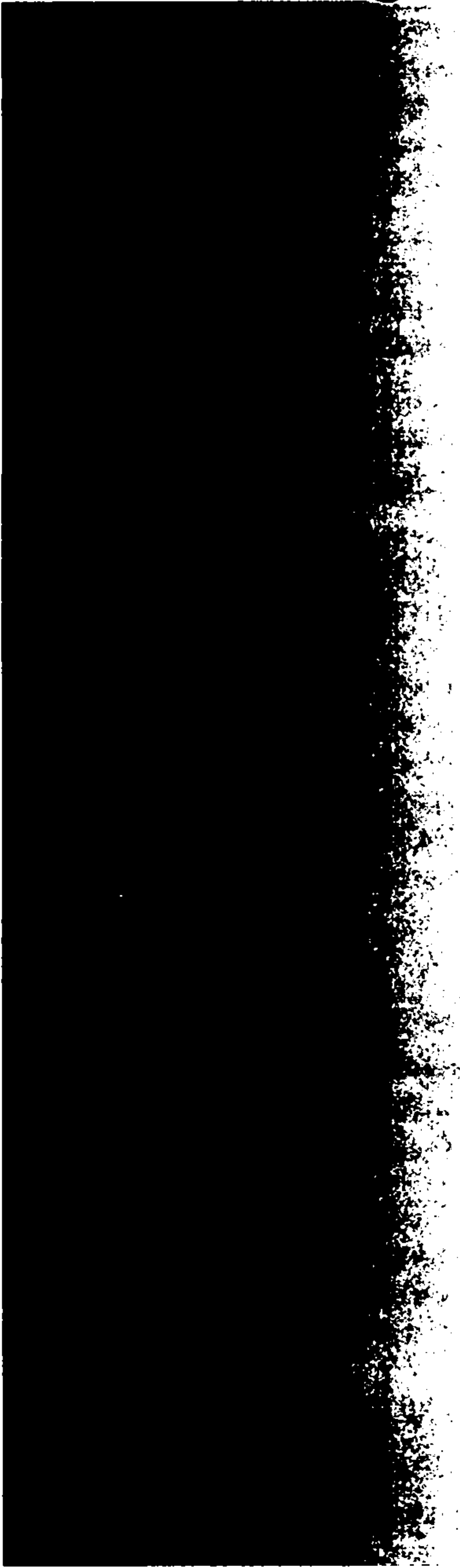
10' WIDE CONCRETE PAVED, FLAT BOTTOM DITCH SECTION



15' WIDE CONCRETE PAVED
TRICKLE DITCH SECTION

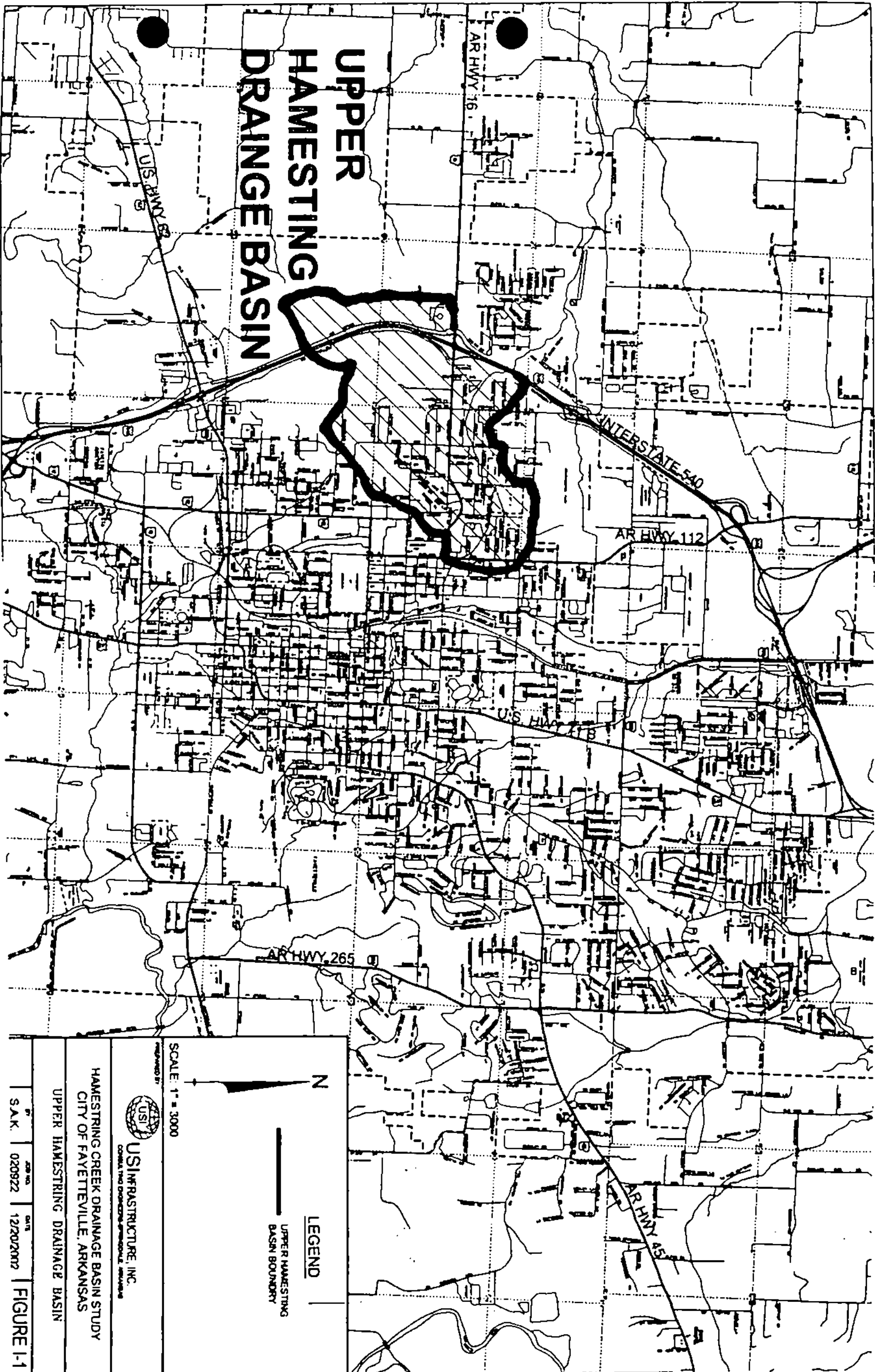


20' WIDE CONCRETE PAVED, FLAT BOTTOM DITCH SECTION

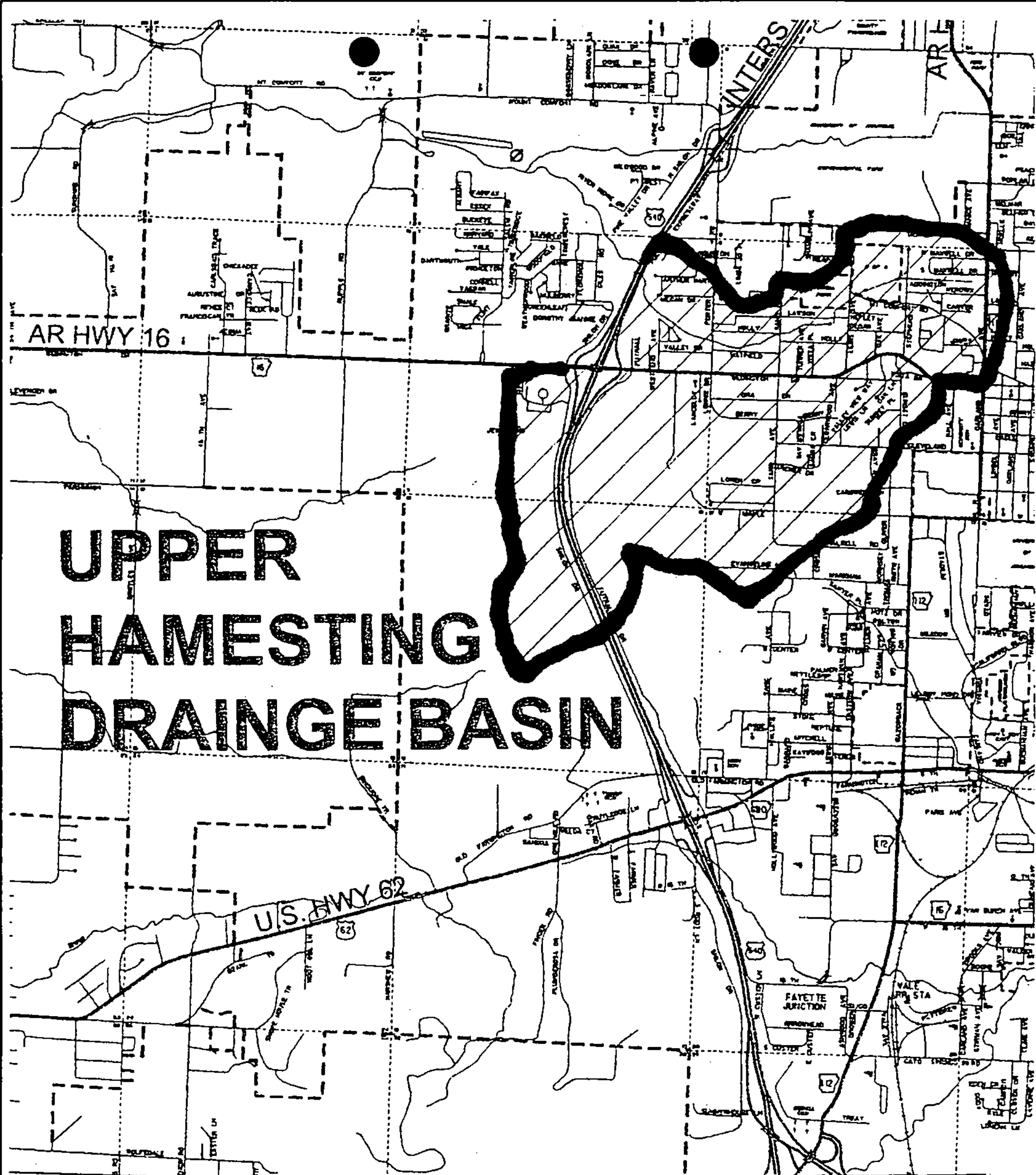


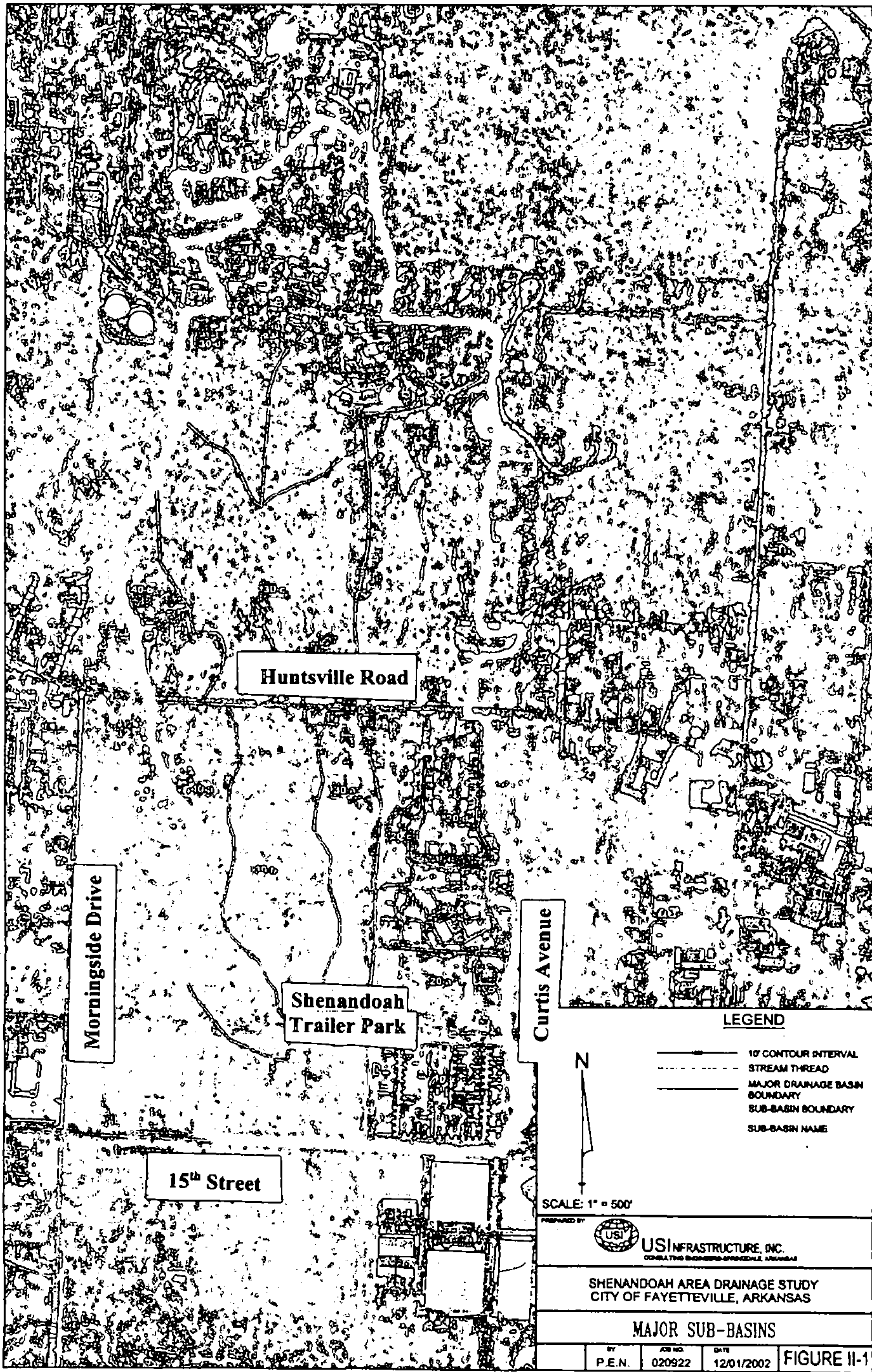
Questions?





UPPER HAMESTING DRAINAGE BASIN





EXECUTIVE SUMMARY

The purpose of this study, which was authorized by the City of Fayetteville in July 2002, was to analyze and evaluate the hydrology/hydraulics and drainage infrastructure in the Upper Hamestring Drainage Basin. In addition, USInfrastructure, Inc. was charged with making recommendations for drainage improvements where the infrastructure is found to be inadequate. The recommendations in this report have been developed to address drainage problems where localized flooding frequently occurs, to prevent overtopping of roads and stop inundation of lands adjacent to Hamestring Creek and its tributaries.

The City of Fayetteville Engineering Staff was very helpful in providing guidance for this project and in helping to organize public meeting. Richard Maynard, President of the Asbell Neighborhood association was also very helpful in organizing public meetings and setting up property owner interviews.

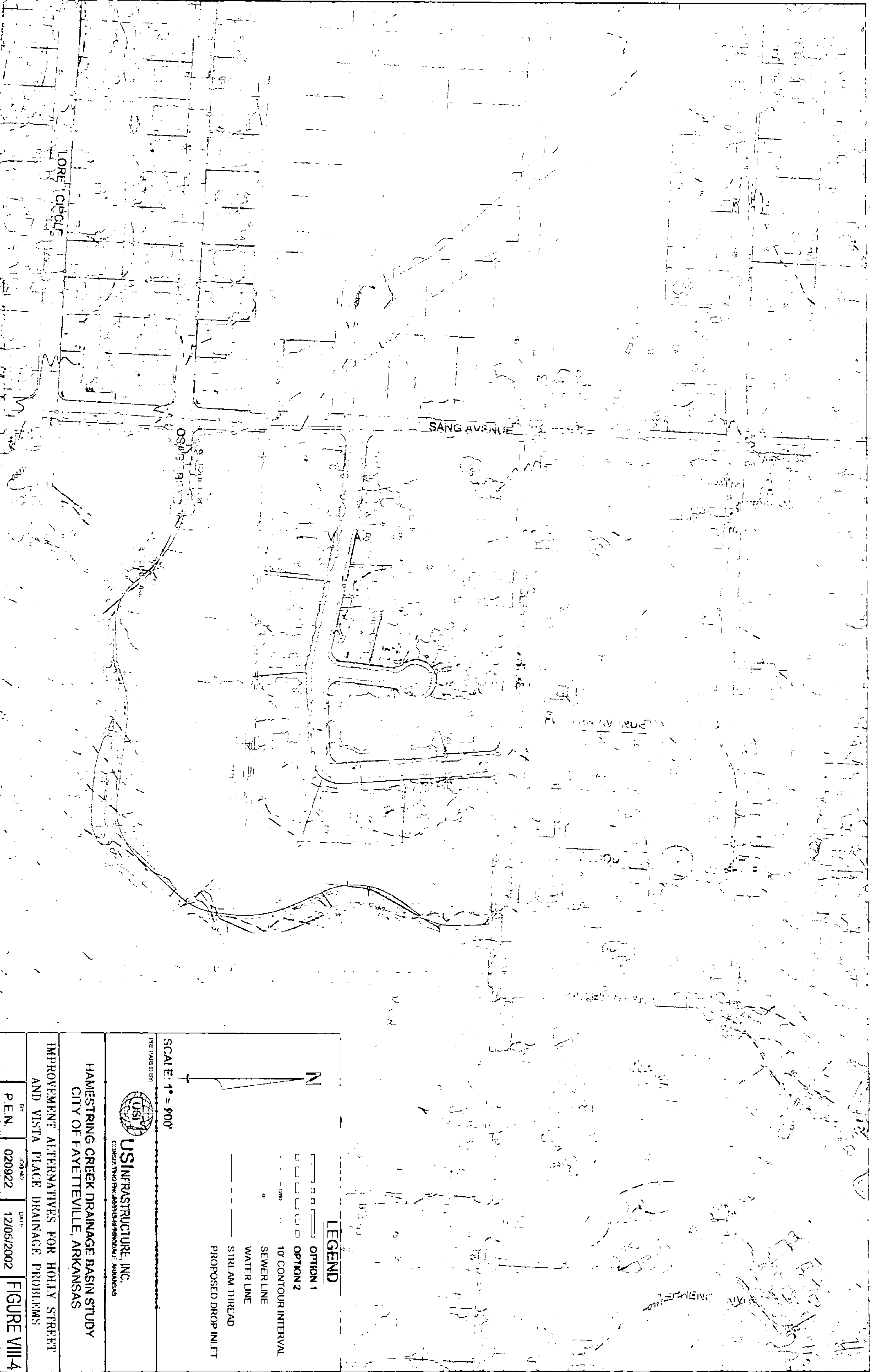
In analyzing the basin, hydrologic and hydraulic models of the Hamestring Basin were constructed and used to predict stormwater quantities and depths for 2, 10, 25, 50 and 100-year rainfall events. Models were used to predict rainfall and flooding effects for current and future land use conditions. Additionally, models were modified in order to show effects of different improvement alternatives. Improvement alternatives were developed in order to modify the drainage system, so as to adequately convey design storms as outlined in the City of Fayetteville Drainage Criteria Manual. Improvement alternatives were prioritized in order to address the most frequent problems, including localized flooding problems, first.

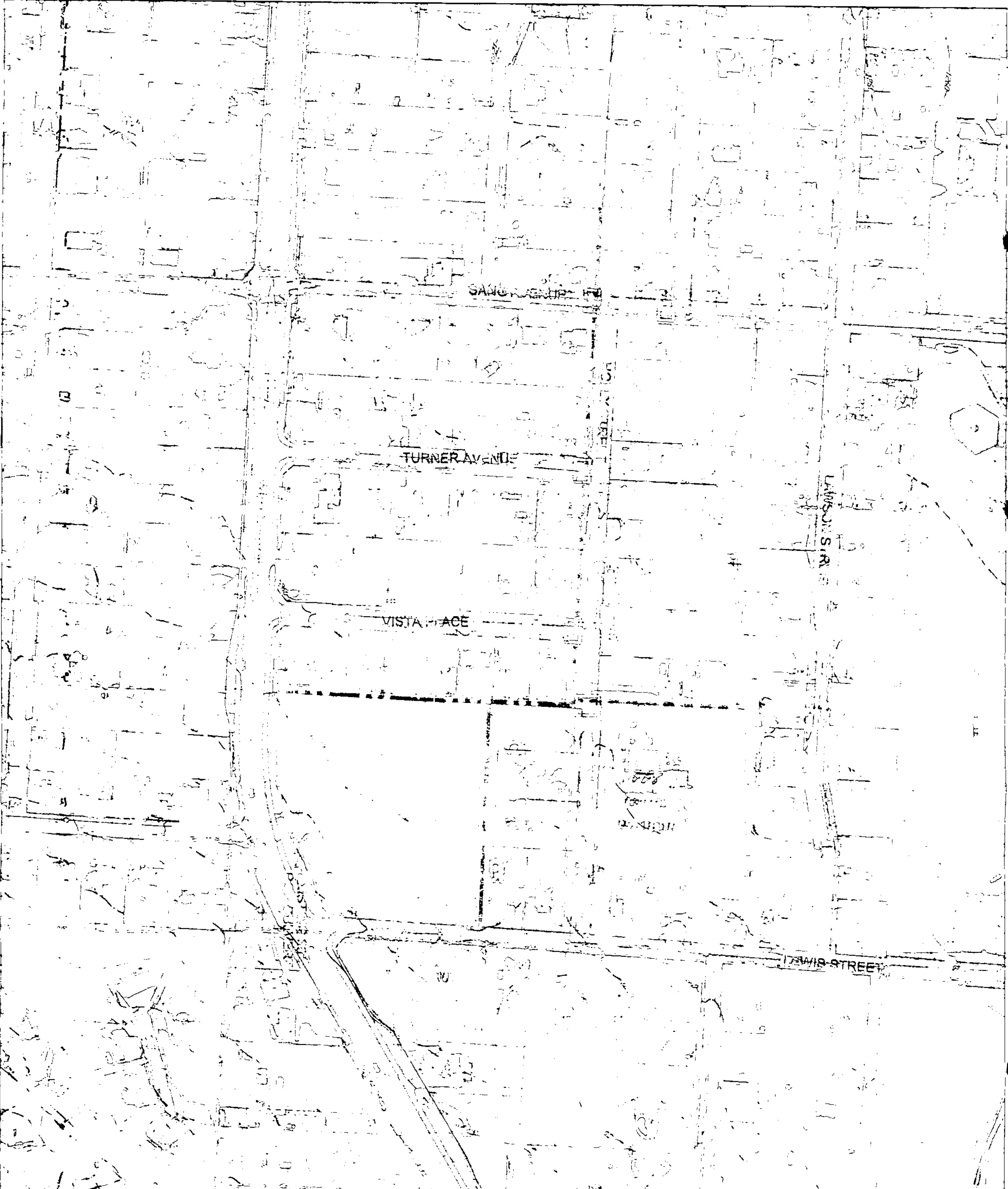
Drainage problems within the Upper Hamestring Basin, as identified through field surveys, property owner interviews, and computer modeling, included: street ditches and driveway culverts, Holly Street and Vista Place Area, Sang/Cleveland/Berry Area, Interstate 540, and Hamestring Creek and Tributaries. These problems included clogged street ditches and driveway culverts, flooding of crawl spaces and basements, stormwater flowing through residential yards and overtopping of streets.

Phase 1 Drainage Improvements for the Upper Hamestring Creek Basin are recommended for the construction as soon as possible and include the construction of curb and gutter, drop inlets, and storm sewers in the Holly Street and Vista Place Area. Additionally, Phase 1 Improvements include the construction of curb and gutter, drop inlets, storm sewer and open swales in the Sang/Cleveland/Berry Area. The cost estimate for design and construction of these improvements is \$378,000. This estimate does not include costs associated with land acquisition or utility relocation.

Next, improvements to Hamestring Creek and Tributaries are recommended. Three alternatives are recommended for this area, which include new box culverts, larger swales and detention basins. Recommendations for ditch construction include grassed lined swales with concrete trickle channels, and rectangular concrete swales. Costs for these recommendations are between \$3.2 million and \$5.8 million. Again, these cost estimates do not include land acquisition or utility relocation costs. In conjunction with these improvements it is recommended that the City work with the Arkansas State Highway and Transportation Department to coordinate the construction of a larger box culvert under Interstate 540.

The construction of these drainage improvements as outlined in this report will limit localized flooding and make the Upper Hamestring Basin capable of handing design storms as outlined in the City of Fayetteville Drainage Criteria Manual.





LEGEND

OPTION 1
OPTION 2
10' CONTOUR INTERVAL
SEWER LINE
WATER LINE
STREAM THREAD
RECOMMENDED BOX
OR PIPE CULVERT

SCALE: 1" = 200'

N

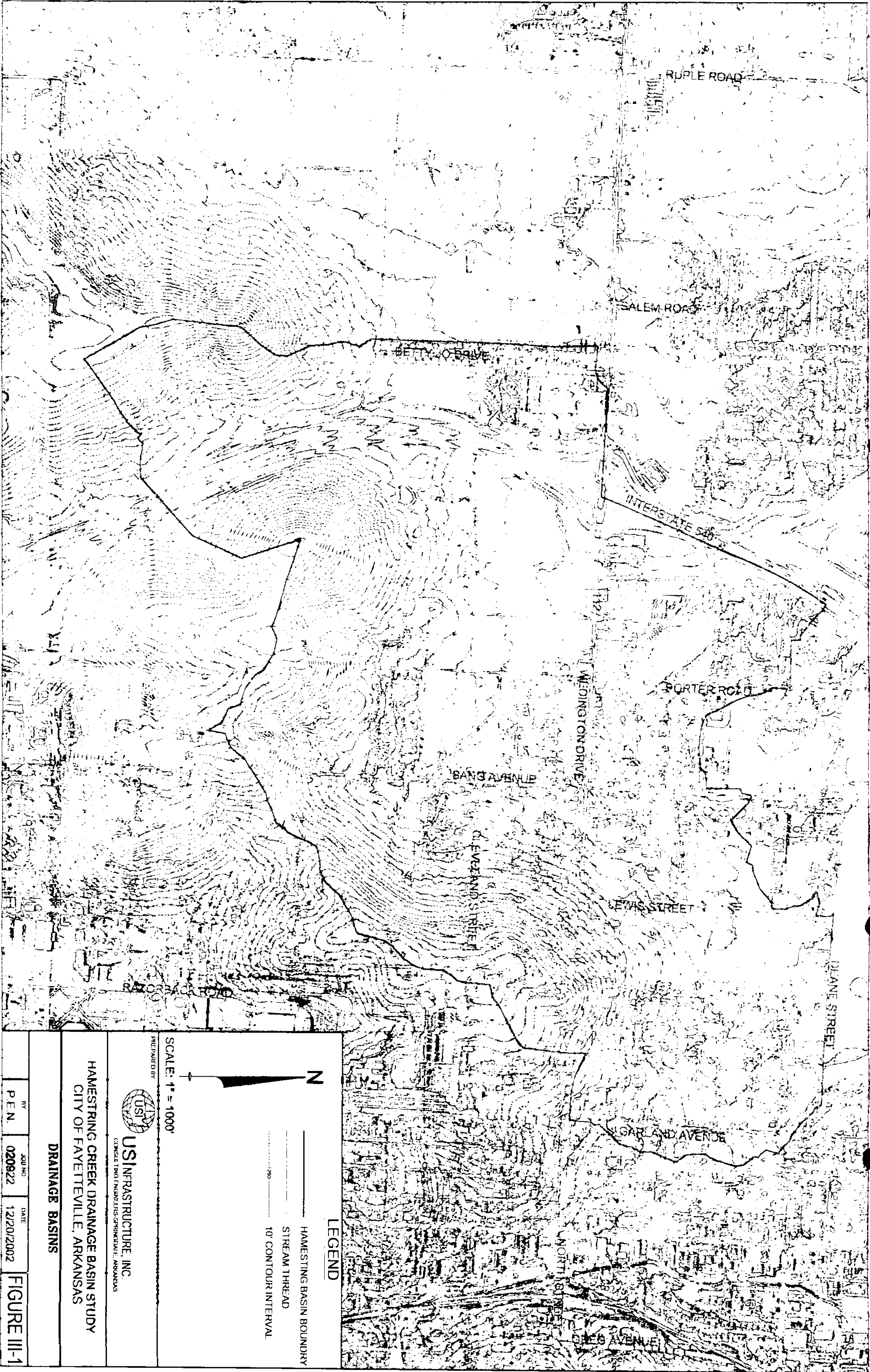
PREPARED BY

USI
US INFRASTRUCTURE, INC.
CONSULTING ENGINEERS/ARCHITECTS/PLANNERS
FAYETTEVILLE, ARKANSAS

HAMESTRING CREEK DRAINAGE BASIN STUDY
CITY OF FAYETTEVILLE, ARKANSAS

IMPROVEMENT ALTERNATIVES FOR HOLLY STREET
AND VISTA PLACE DRAINAGE PROBLEMS

BY	DATE	
P.E.N.	020922	12/05/2002
		FIGURE VIII-3



LEGEND

- HAMESTRING BASIN BOUNDARY
- STREAM THREAD
- 10' CONTOUR INTERVAL



SCALE: 1" = 1000'

PREPARED BY



US INFRASTRUCTURE, INC.
CONSULTING ENGINEERS - SPRINGDALE, ARKANSAS

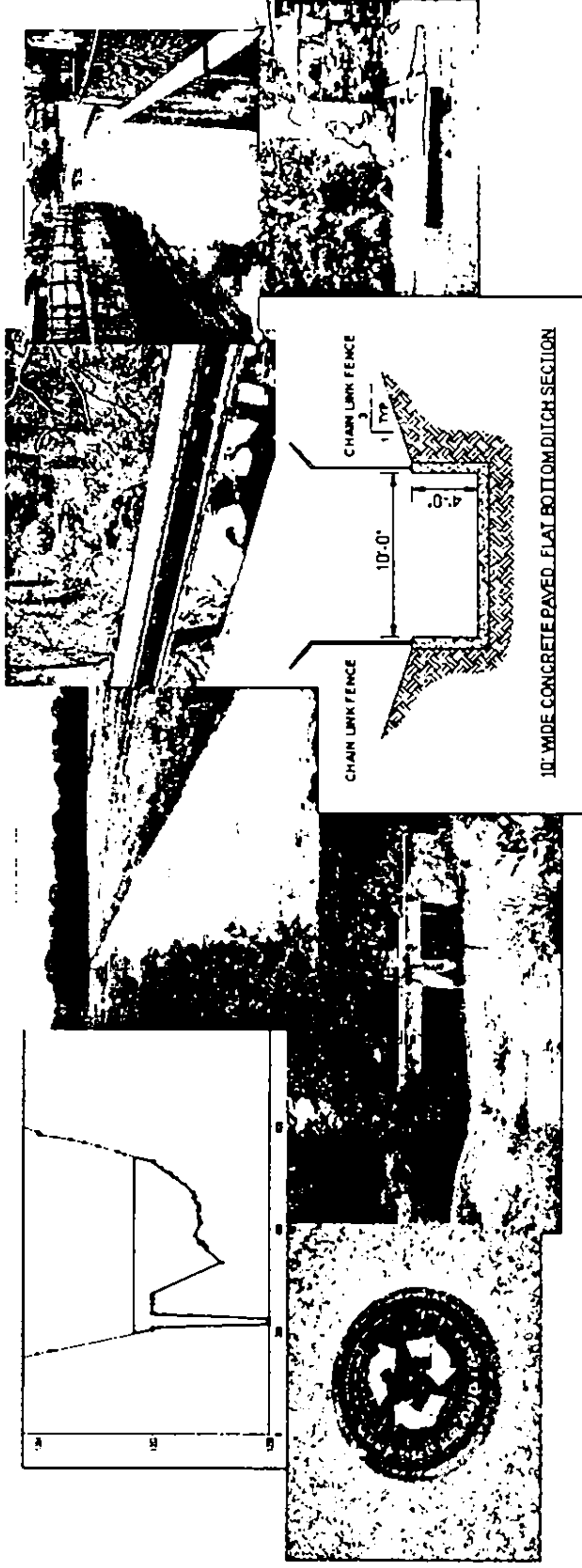
HAMESTRING CREEK DRAINAGE BASIN STUDY
CITY OF FAYETTEVILLE, ARKANSAS

DRAINAGE BASINS

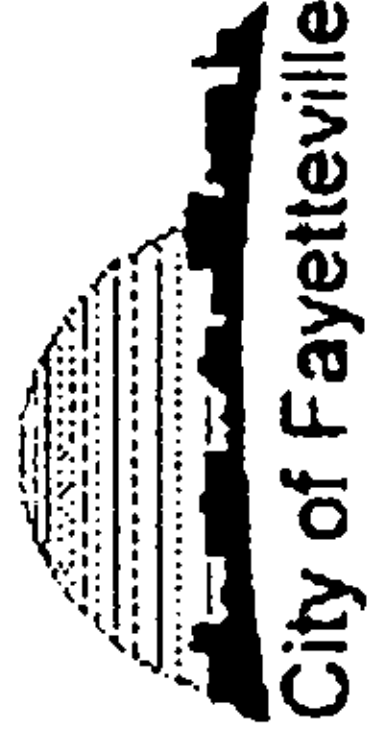
REV	JOB NO	DATE	FIGURE III-1
P.E.N.	020922	12/20/2002	

Shenandoah and Hamestrings Drainage Basin Studies Fayetteville, Arkansas

February 18, 2003



USI-ARKANSAS, INC.
Consulting Engineers



*Handed out at Council Meeting
2-18-03 by USI-Arkansas, Inc.*

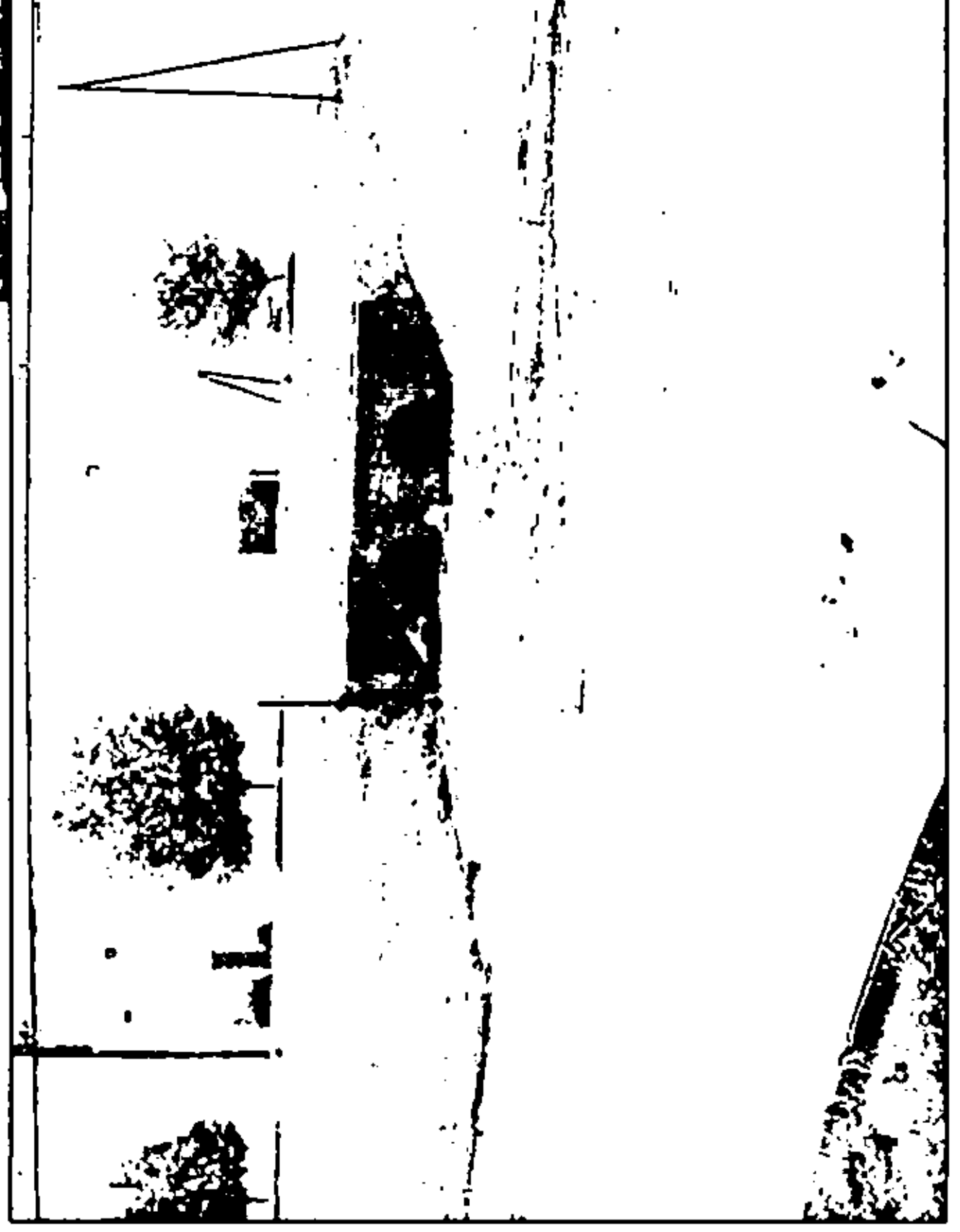
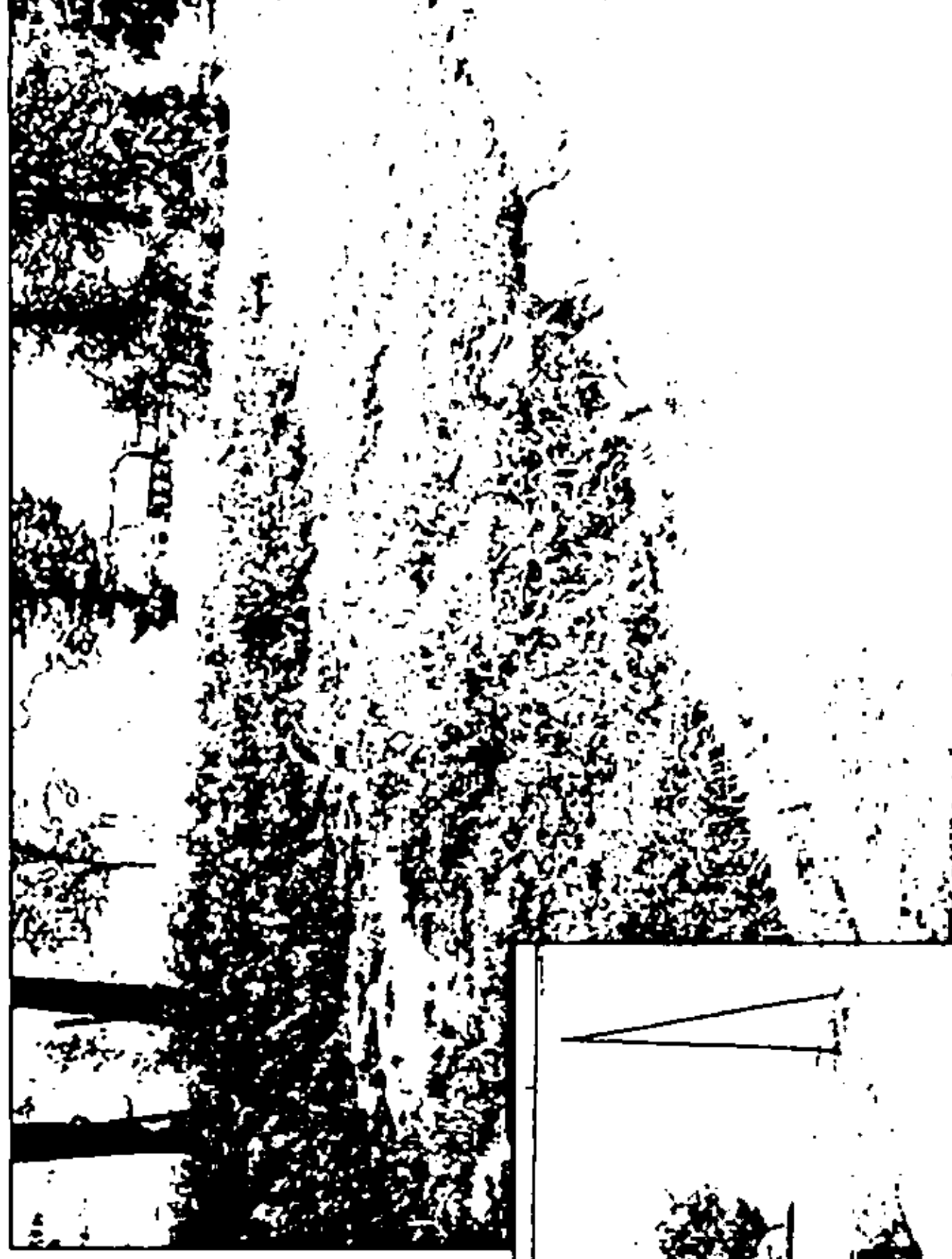
PROJECT DESCRIPTION

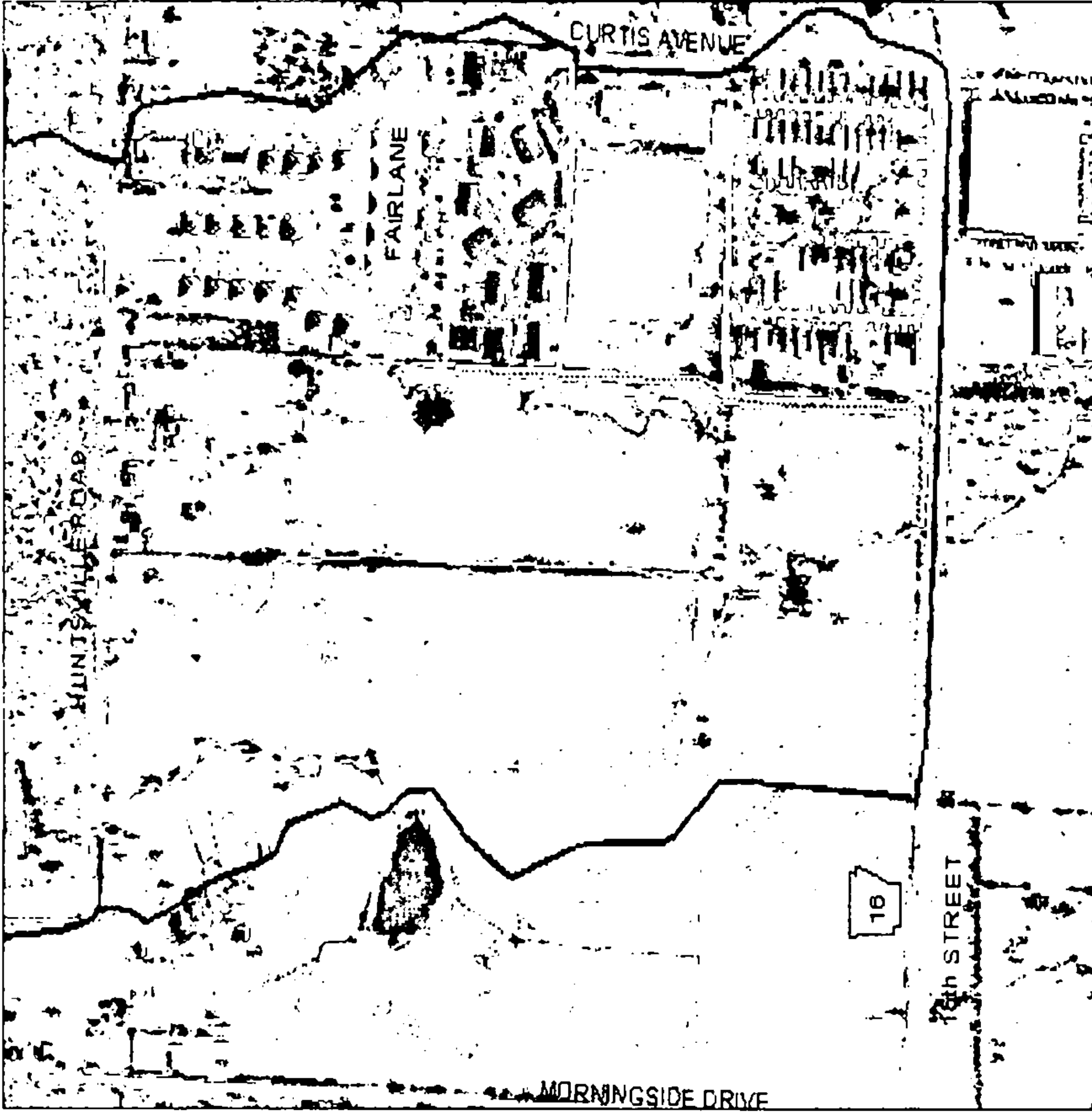
- Drainage Study for Two Areas of Fayetteville
 - Shenandoah Trailer Park Area (upstream of Hwy 16)
 - Upper Hamestrang Creek Basin (upstream of I-540)
- Studies Included:
 - Sub-Basin and Tributary Identification
 - Identification of Existing Drainage Problems
 - Inventory of Drainage Structures
 - Hydrologic Analysis/Hydraulic Analysis
 - Develop Improvement Recommendations



PROBLEMS IDENTIFIED IN THE SHENANDOAH AREA

- Shenandoah Trailer Park
- AR Hwy 16 (15th Street)
- Huntsville Road





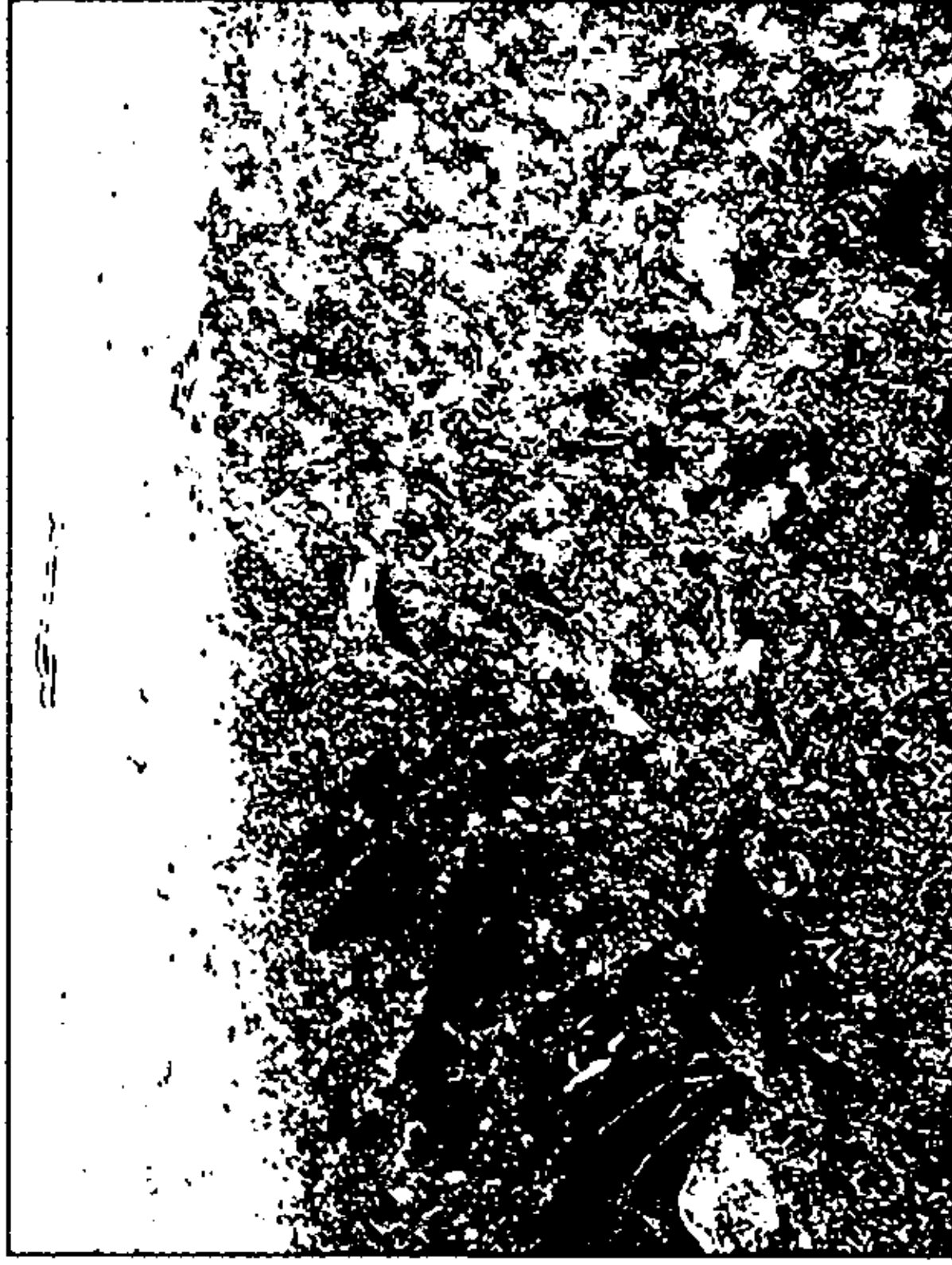
Shenandoah Area - \$250,000



SHENANDOAH TRAILER PARK AND HWY 16 RECOMMENDATIONS

- Recommended Improvements - \$250,000
 - Swales around trailer park
 - Convey water toward Hwy 16
 - Prevent flooding up to a 10-Yr Storm
- Future Improvements
 - Larger Box Culvert or Jack and Bore under Hwy 16
 - Larger Box Culverts under Huntsville Road

PROBLEMS IDENTIFIED IN THE UPPER HAMESTRING BASIN



Street Ditch
Maintenance

Holly Street and
Vista Place Area

PROBLEMS IDENTIFIED IN THE UPPER HAMESTRING BASIN



I-540

Sang/Cleveland/
Berry Area



PROBLEMS IDENTIFIED IN THE UPPER HAMESTRING BASIN

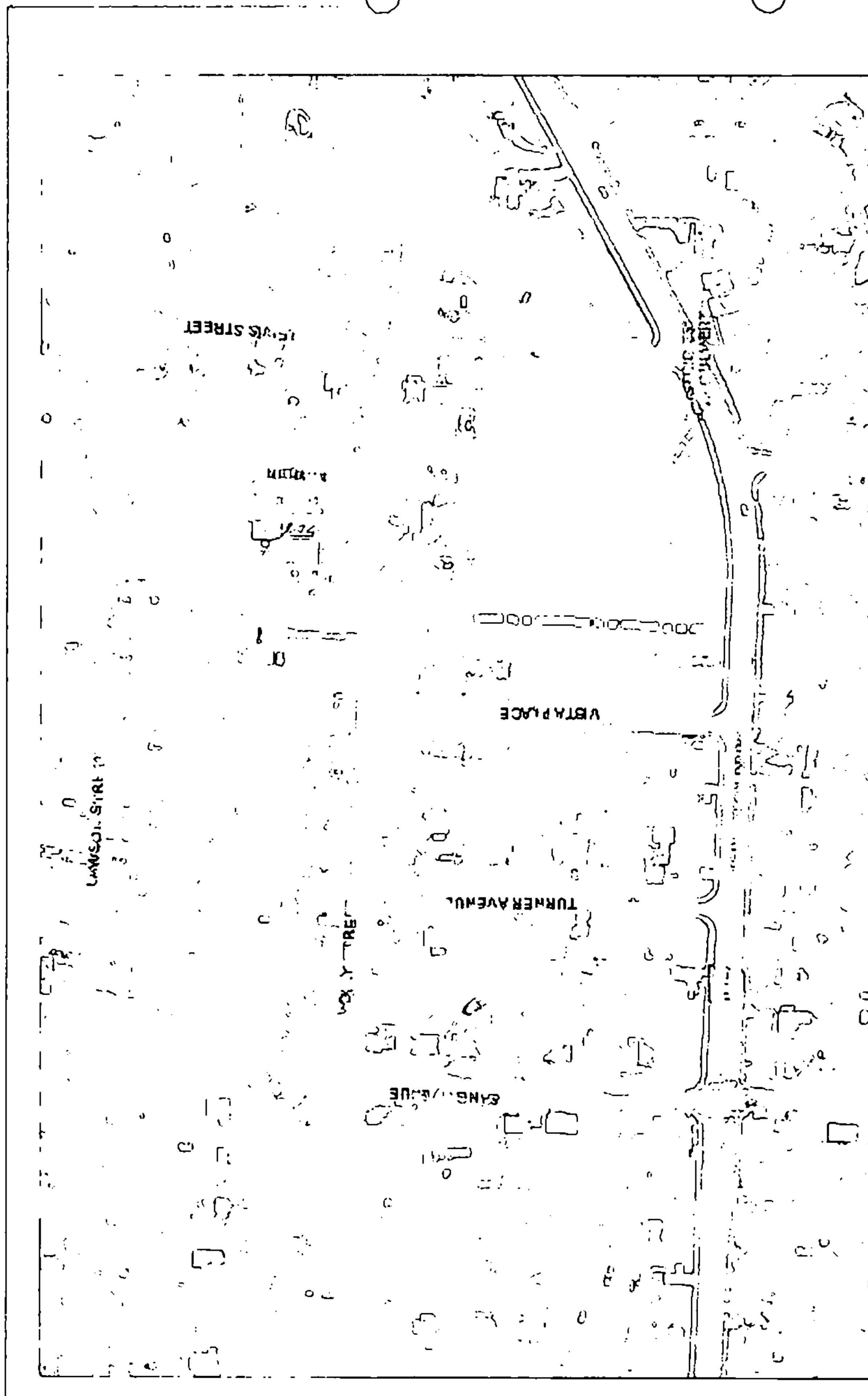
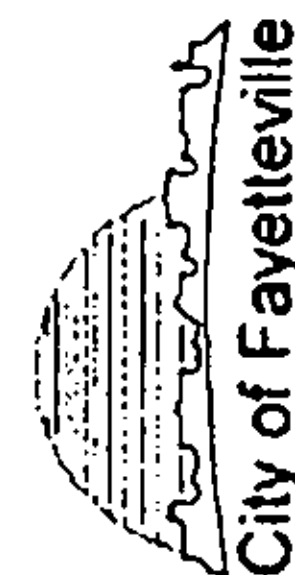
- Hamestring Creek and Tributaries
 - Streets overtopped during 10-Yr Storm
 - Mt. Comfort Rd, Lewis Ave,
Lawson St, Sang Ave, Porter Rd
 - Culvert and channel size
 - Culvert geometry
 - 800ft wide floodplain
 - Flow Restrictions

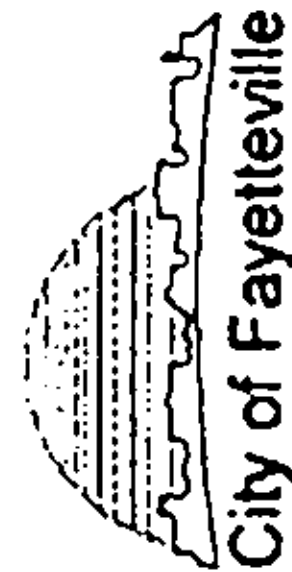




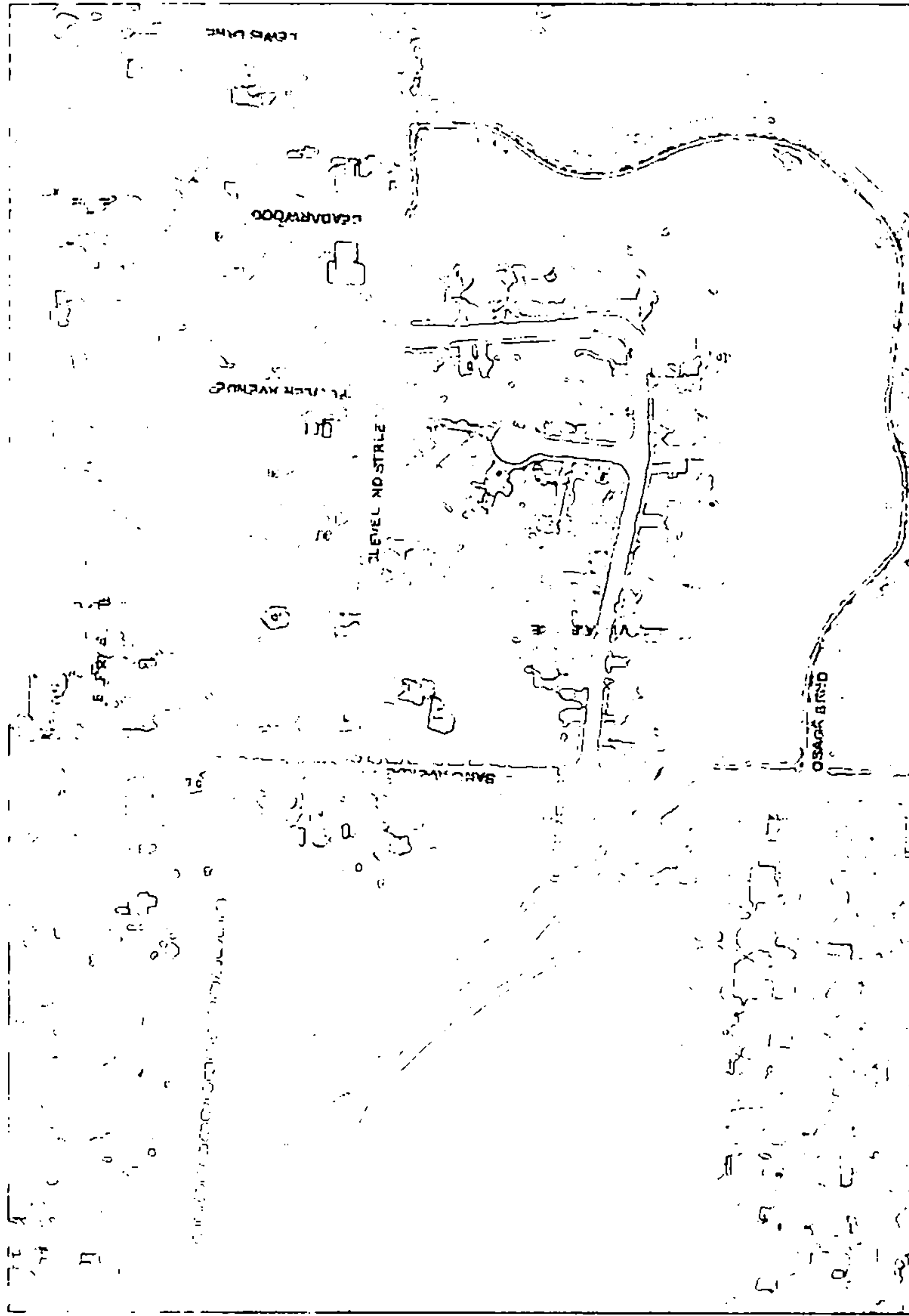
Holly/Vista Area - \$450,000

Alternative 1





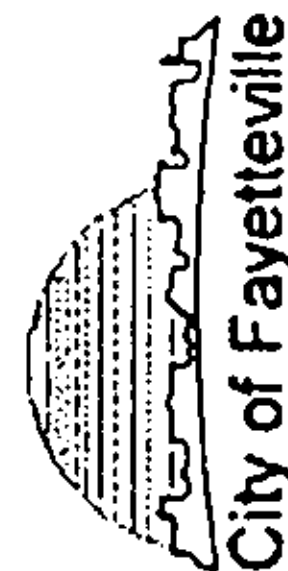
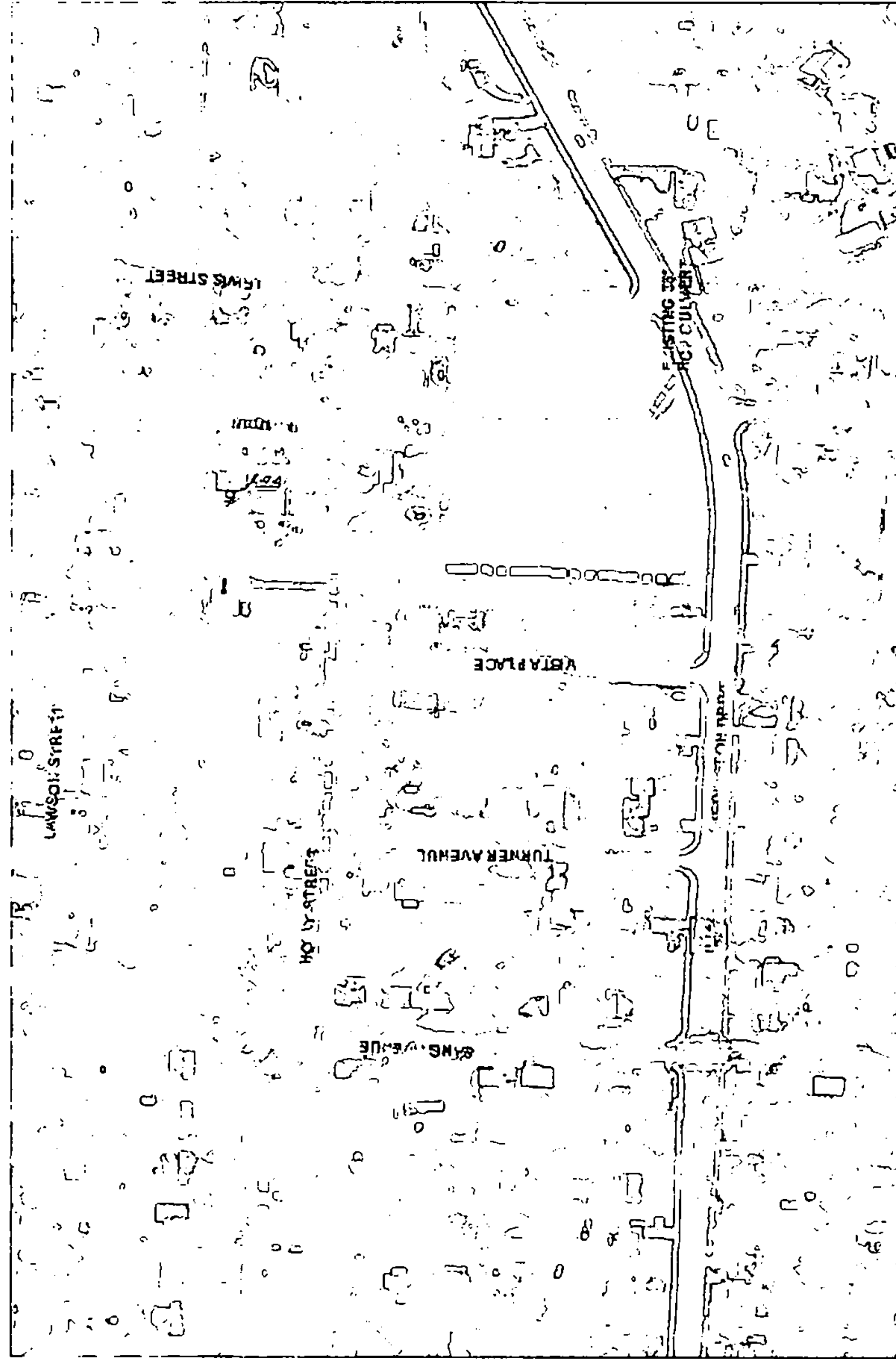
Sang/Cleveland/Berry Area - \$150,000 Alternative 1



ALTERNATIVE 1

- Holly and Vista Area
 - Buried 24" and 36" pipe from Wedington Drive and Lewis Avenue to Holly Street
 - 48" pipe north to Hamestrang Creek
 - Curb and Gutter and drop inlets along Holly Street between Lewis Avenue and Vista Place
 - New box culvert under Sang Avenue
- Sang/Cleveland/Berry Area
 - Drop inlets at intersection of Cleveland and Sang
 - Pipe stormwater underground to existing creek
 - New swale behind homes along Berry Street
 - Curb and gutter along Sang Avenue
- Total Cost Estimate = \$600,000





Holly/Vista Area - \$600,000 Alternative 2



ALTERNATIVE 2

- Buried 24" and 36" pipe from Wedington Drive and Lewis Avenue to Holly Street
- 42" and 48" pipe along Holly St.
- Curb and Gutter along Holly Street between Lewis Avenue and Sang Avenue
- Improve Sang Avenue and Holly Street Intersection
- **NO** Improvements in Sang/Cleveland/Berry Area
- Cost Estimate = \$600,000



PHASE 1 - UPPER HAMESTRING DRAINAGE IMPROVEMENTS

- Alternative 1 or 2
- Estimated Project Cost = \$600,000
- Schedule
 - Design Phase - 3 months
 - Utility Relocation and Easement Acquisition - ????
 - Bid Phase & Contract Award - 2 months
 - Construction Phase - 6 months



OTHER RECOMMENDATIONS

- Sang/Cleveland/Berry Area (if not constructed as part of Phase 1) - \$150,000
- Hamstringing Creek Channelization - \$3.2 – 4.8 M
- Hamstringing Creek Detention - \$5.2 M
- Larger Box Culvert Under Interstate 540 - \$1.0 – 1.5 M
 - Requires AHTD Cooperation
- 8.5 Miles of Street Ditch Cleaning
 - Performed by Fayetteville Street Department





Questions?



From: Steve Hatfield
To: Gary Dumas
Date: 2/18/03 3:04PM
Subject: 9th street Property

I met with the property owner and discussed the property. In order to allow him enough room to develop what he wants and the fact that it is not on the proposed Trails Master plan, I recommend we do not ask for any land for a trail at this time.

Thanks

Steve Hatfield, RLA, ASLA
Park Landscape Architect
Trails & Greenways Coordinator
e-mail: shatfield@ci.fayetteville.ar.us
voice: 479-718-7688
Visit us at www.accessfayetteville.org

Fax: 479-521-7714
113 W. Mountain St.
Fayetteville, Arkansas 72701

RE: B.2 VA03.1.00
Mountain Mechanical

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

Date: February 5, 2003

To: Mayor and City Council

From: Hugh Earnest 
Chief Administrative Officer

Subject: DDEP Contract

Background

For the past several years, the City has supported the efforts of the Downtown Dickson Enhancement Program through a yearly purchase of services from the organization. This particular non-profit organization was organized as a dues paying group with the specific purpose of developing and enhancing a wide range of activities in and around the Dickson Street corridor. The most visible activity has been the ongoing re-construction and improvement of Dickson Street. The group has also been active in promotions associated with this important part of downtown Fayetteville.

Current Situation

Representatives from the DDEP Board and the City have met and worked out a proposed lease that addresses the concerns raised during the City budget process in December. It is clearly understood by DDEP that the group will focus on grants (with prior notification to the City), assist in the merger of existing improvement districts or the creation of a new district and, in more general terms, continue to serve as a catalyst for continued development in its target area.

Recommendation

The contract, as proposed, is for six months with a report on progress to the City Council required the first meeting in June 2003. We recommend that the Council approve the contract as submitted.

STAFF REVIEW FORM

2-11-03 pulled from tentative
Agenda 2-18-03
table for date
copies for
forward.

- ☒ Agenda Request
- ☐ Contract Review
- ☐ Grant Review

For the Fayetteville City Council meeting of February 18, 2003

FROM:

Hugh Earnest Administration
Name Division Department

ACTION REQUIRED: Approval of a Contract with Downtown Dickson Enhancement Program for a six month period with a progress report due to City Council during the first meeting in June 2003.

COST TO CITY:

<u>\$ 20,000</u> Cost of this Request	<u>\$ 20,000</u> Category/Project Budget	<u></u> Category/Project Name
<u>1010.6600.5734.00</u> Account Number	<u>\$ 0</u> Funds Used to Date	<u></u> Program Name
<u></u> Project Number	<u>\$ 20,000</u> Remaining Balance	<u>General</u> Fund

BUDGET REVIEW:

[Signature] X Budgeted Item Budget Adjustment Attached
Budget Manager Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

<u>[Signature]</u> <u>2/6/03</u> Accounting Manager Date	<u></u> ADA Coordinator Date
<u>[Signature]</u> <u>2/6/03</u> City Attorney Date	<u>[Signature]</u> <u>2/6/03</u> Internal Auditor Date
<u>[Signature]</u> <u>2/6/03</u> Purchasing Officer Date	

STAFF RECOMMENDATION: Approval of the Resolution and Budget Adjustment

<u></u> Division Head	<u></u> Date	<u></u> Cross Reference
<u>[Signature]</u> Department Director	<u></u> Date	New Item: Yes No
<u>[Signature]</u> Administrative Services Director	<u>2-6-03</u> Date	Prev Ord/Res #:
<u>[Signature]</u> Mayor	<u>2/6/03</u> Date	Orig Contract Date:

STAFF REVIEW FORM

Description _____ Meeting Date _____

Comments:

Reference Comments:

Budget Coordinator

Is the \$20,000 paid in a
lump sum amount or in 6 monthly
installments

Accounting Manager

Six monthly installments
based on actual expenses.
Ad

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

CITY OF FAYETTEVILLE
CONTRACT FOR SERVICES

This Agreement is entered into on this 1st day of January 2003, between the City of Fayetteville, hereinafter known as the "City" and Downtown/Dickson Enhancement Project, Inc., hereinafter known as "DDEP," an Arkansas not-for-profit corporation.

WHEREAS preserving and enhancing the historic core of the City benefits Fayetteville through increased tax revenue and an exceptional quality of life.

WHEREAS the City has determined that a public need exists for safe and inviting pedestrian linkages between downtown Fayetteville commercial, civic and residential areas more specifically illustrated by the DDEP areas shown in Exhibit A.

WHEREAS DDEP has developed an organization to develop and implement a master plan to enhance and promote the vitality, further development and marketing the Downtown/Dickson area.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the City and DDEP agree as follows:

1. This agreement will begin on the date first written above.
2. Downtown/Dickson Enhancement Project, Inc. (DDEP) agrees to perform the following services for the City of Fayetteville.
 - a. **Develop and submit to the Fayetteville Planning Commission and the City Council a plan to aid and assist city planning staff in the development of priority and design for streetscape and sidewalks throughout the DDEP district. The first draft will be submitted to the Commission on or before April 15th of this year. Ongoing work will include coordination with city planning staff to fully develop these standards and recommendations.**
 - b. At the City's request, find or investigate possible grant and other funding sources to implement streetscape enhancements, stimulate economic development and support mutual goals for the described area.
 - c. Submit all grant applications to the City for City approval, which require matching City funds, or require future City funding for maintenance or operation expenses prior to submitting the grant application to the granting agency.

- d. Serve on the task force to assist the City Planning Division with a project to amend the existing zoning code and develop standards and guidelines for downtown Fayetteville. (Downtown Zoning Study). **A report from this task force will be a joint effort between the city planning staff and DDEP. Said report will be furnished to the council donor before June 1st of this year.**
 - e. Serve on the Walton Arts Center's Cultural Development Plan Committee to develop a Cultural District for Northwest Arkansas.
 - f. Research and facilitate plans to merge and expand existing Improvement Districts within the DDEP district or form a Master Improvement District, or other entity appropriate for providing long-term funding for improvements within the district.
 - g. Assist in maintaining the economic vitality of the DDEP district by actively assisting existing business in customer and tenant retention, promoting the area to potential new business tenants and tracking commercial business activity and turnover within the district. **A report detailing promotion activities such as website development, newsletters, promotion films, marketing contacts and a summary of business activity in the district will be presented to the council on June 1st of this year.**
3. DDEP agrees to provide written reports to the City twice a year that describes the activities undertaken during the preceding period on the services pursuant to paragraph 2, or as requested.
4. To make available all records for review by the City and City auditors as requested. DDEP agrees to comply with the Arkansas Freedom of Information Act as applicable.
5. For the purpose of the Agreement, the Project Coordinator for the City will be the City Urban Development Director or his/her successor or designee. The Project Coordinator for DDEP will be Executive Director Bootsie Ackerman or her successor or designee. Communications pertaining to this agreement will be through the respective Project Coordinators for the City and DDEP.
6. DDEP will hold harmless, defend, and indemnify the City, from any and all claims, actions, suits, charges and judgments whatsoever that arise out of the performance or nonperformance of the services or subject matter of this agreement.
7. Budget. The City agrees to pay \$20,000 for services rendered for a six month period through June 30th, 2003. The City Council has committed to a review of additional funding for the calendar year 2003. Such review will occur at

the first council meeting in June of this year. The amounts paid for services in future budget years are dependent on the amounts appropriated by City Council for each budget year.

8. DDEP will render to the City, a request for Payment at the end of each month and the City will pay the invoice within thirty days of receiving the invoice in the City's Accounting Division.

IN WITNESS WHEREOF, we have hereunto set our hands on the date first written above.

Downtown/Dickson Enhancement Project, Inc.

John Gilham, President

Attested By:

City of Fayetteville

Dan Coody, Mayor

Attested By:

STAFF REVIEW FORM

<u> x </u>	AGENDA REQUEST
<u> </u>	CONTRACT REVIEW
<u> </u>	GRANT REVIEW

For the Fayetteville City Council meeting of February 18, 2003

FROM:

<u>Jim Beavers</u>	<u>Engineering</u>	<u>CPE Services</u>
Name	Division	Department

ACTION REQUIRED:

USInfrastructure , Inc. Consulting Engineers shall prepare and present to the City Council the condensed findings and recommendations from the contracted drainage studies and reports for:

- a. Upper Hamestring Creek basin (Holly/Vista, Asbell and Sang/Berry)
- b. The Shenandoah Trailer Park area drainage basin (15th Street).

The City Council may accept the recommendations, offer comments and offer further guidance to staff.

(The presentation will be condensed from the summary presentation offered at the January 15, 2003 Street Committee meeting.)

COST TO CITY:

<u>\$ TBD</u> Cost of this Request	<u>\$850,000 *</u> Category/Project Budget 2003	<u>Bridge and Drainage</u> Category/Project Name
<u>4470-9470-5817.00</u> Account Number	<u>\$0</u> Funds Used To Date 2003	<u>Drainage</u> Program Name
<u>02023 (H); 02054(S)</u> Project Number	<u>\$850,000</u> Remaining Balance 2003	<u>Sales Tax</u> Fund

- The studies, \$93,424.00, were funded separately from the Drainage Study funding.
- The CIP/Budget includes \$600,000.00 for design, easements and construction in the Upper Hamestring basin and \$250,000.00 for the Shenandoah Trailer park area basin.

BUDGET REVIEW: x Budgeted Item Budget Adjustment Attached


Budget Manager


Finance and Internal Services Director

CONTRACT/GRANT/LEASE REVIEW:

Maida Farkis 1/29/03
Accounting Manager Date

D. J. White 1/29/03
City Attorney Date

P. Ulice 1/31/03
Purchasing Officer Date

GRANTING AGENCY:

Nancy Smith 1/29/03
Internal Auditor Date

ADA Coordinator Date

Grant Coordinator Date

STAFF RECOMMENDATION: General acceptance of the report and recommendations.

Jim Beards 1-28-02
Division Head Date

Tim Cook 1-28-03
Department Director Date

Steph Davis 1-31-03
Finance and Internal Services Director

Cross Reference

New Item: Yes__ No x

Prev Ord/Res #: 102-02

Date July 2, 2002

Orig Contract Date:

Orig Contract No:

Hugh Grant 2-4-03
Chief Administrative Officer Date

Dan Coody 2/3/03
Mayor Date

STAFF REVIEW FORM

Page 2

Description Drainage Studies - Upper Hamestring (Asbell, Holly/Vista and Sang/Berry) and Shenandoah Trailer Park Basins

Meeting Date February 18, 2003

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

Grant Coordinator

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701

Engineering Division

To: Dan Coody, Mayor
Fayetteville City Council

Thru: Staff Review

From: Jim Beavers, Engineering *Jim Beavers*

Date: January 22, 2002

Re: City Council Meeting February 18, 2003
Drainage study reports and recommendations by USInfrastructure, Inc.
Upper Hamestring Creek Basin (Asbell, Holly/Vista, Sang/Berry) and
Shenandoah Trailer Park area basin (15th Street)

On July 2, 2002 the City Council approved an engineering services contract with USInfrastructure, Inc. for engineering studies and recommendations for the Upper Hamestring Creek Basin and the Shenandoah Trailer Park area basin.

The contract included field investigations, public meetings, hydrologic and hydraulic modeling, preparation of recommendations and presentations to the City Council.

USInfrastructure has completed the public meetings, investigations, calculations and the engineering studies. USInfrastructure will present a condensed version of their final reports to the City Council on February 18, 2003. A summary of the draft final report was presented to the public and the City's Street Committee on January 15, 2003. A copy of the January 15 presentation is attached.

The City's budget includes \$600,000.00 for design, easements and construction in the Upper Hamestring Basin and \$250,000.00 for the Shenandoah Trailer Park basin.

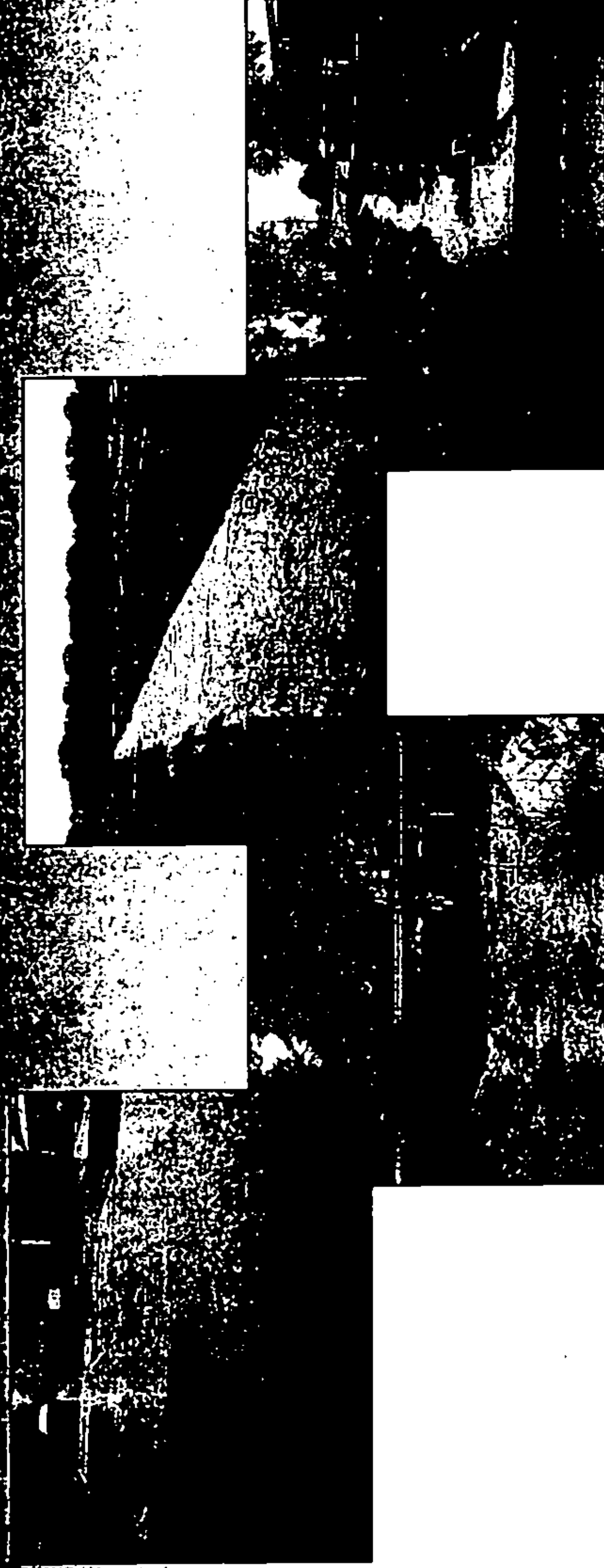
The City Council may accept the recommendations, offer comments and offer further guidance to staff.

Enclosures:

1. Summary prepared by USInfrastructure from the January 15, 2003 City Street Committee meeting.
2. General map of the Upper Hamestring basin.
3. General map of the Shenandoah Trailer Park area basin.

Sherandoah and Hamstring Drainage Basin Studies Fayetteville, Arkansas

January 15, 2003



USI-ARKANSAS, INC.
Consulting Engineers

~~XXXXXXXXXXXX~~
City of Fayetteville

PRESENTATION OUTLINE

- Problem Identification
- Improvement Recommendations
- Cost Analysis
- Projected Results
- Design Examples

PROJECT DESCRIPTION

- Sub-Basin and Tributary Identification
- Upper Hamestung Creek Basin (upstream of I-540)

- Studies Included:

- Sub-Basin and Tributary Identification
- Identification of Existing Drainage Problems
- Inventory of Drainage Structures
- Hydrologic Analysis
- Hydraulic Analysis
- Develop Improvement Recommendations

PROJECT REQUIREMENTS

Stockpiling Equipment

- Consider NPDES Phase II Requirements
- Identify areas and benefits associated with regional detention
- Provide sound recommendations



CURRENT PROJECT STATUS

- Cost estimates completed

- Draft reports submitted to City
- Review and address City comments

PROBLEM IDENTIFICATION

FLOODING PROBLEMS:

These Include:

- Bridges/Culverts
- Paved or Natural Drainage Channels
- Street Curb and Gutter and Storm Sewers
- Street Ditches

These do NOT Include:

- Site Drainage Problems
- Standing water in yards after rainfall events

PROBLEMS IDENTIFIED IN THE SHEENANDOAH AREA

- AR Hwy 16 (15th Street)
- Huntsville Road



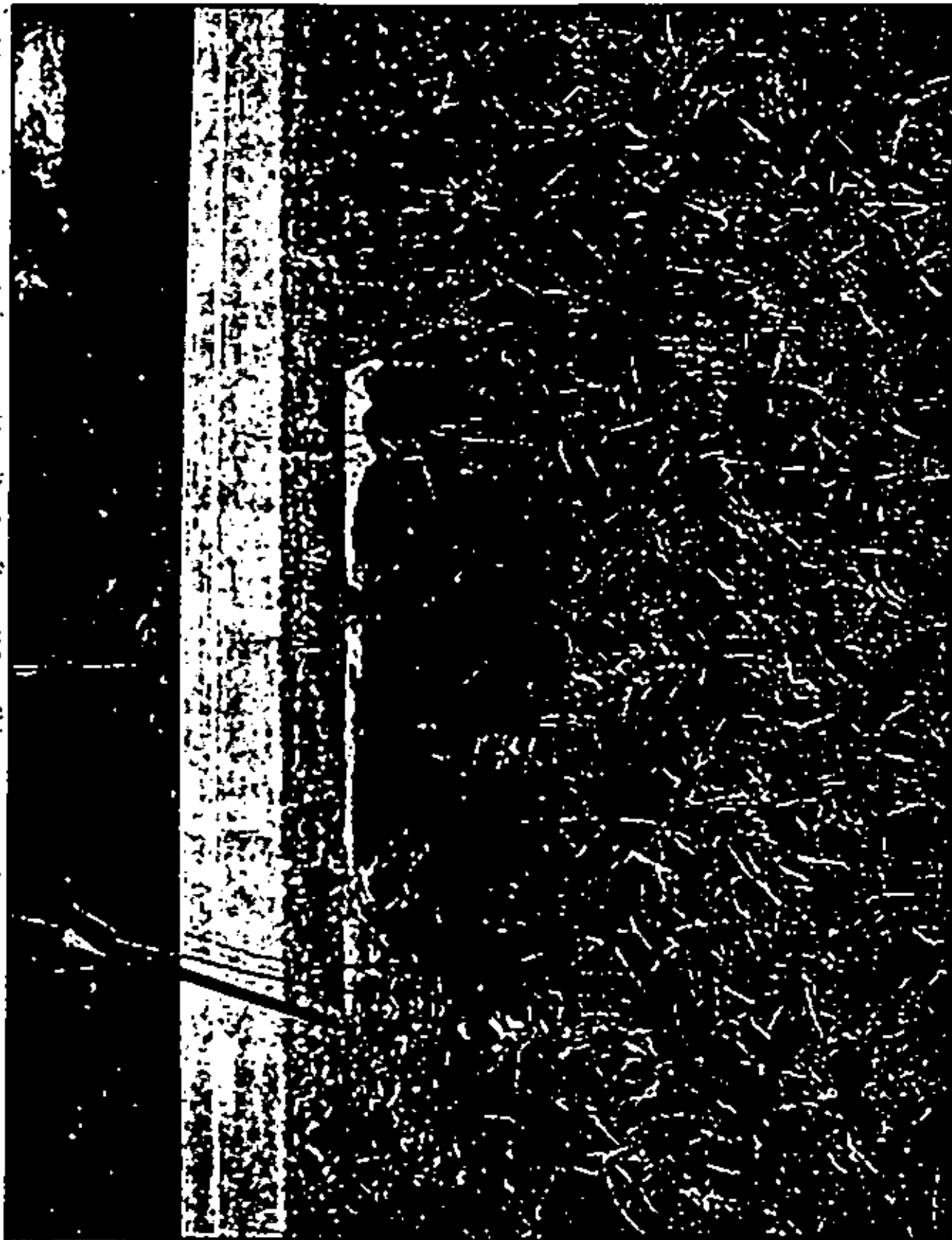
SHEMANDOAH TRAILER PARK

- Below Hwy 10
Stormwater flowing onto
streets from offsite



HWY 16

Solution will require AHEAD cooperation



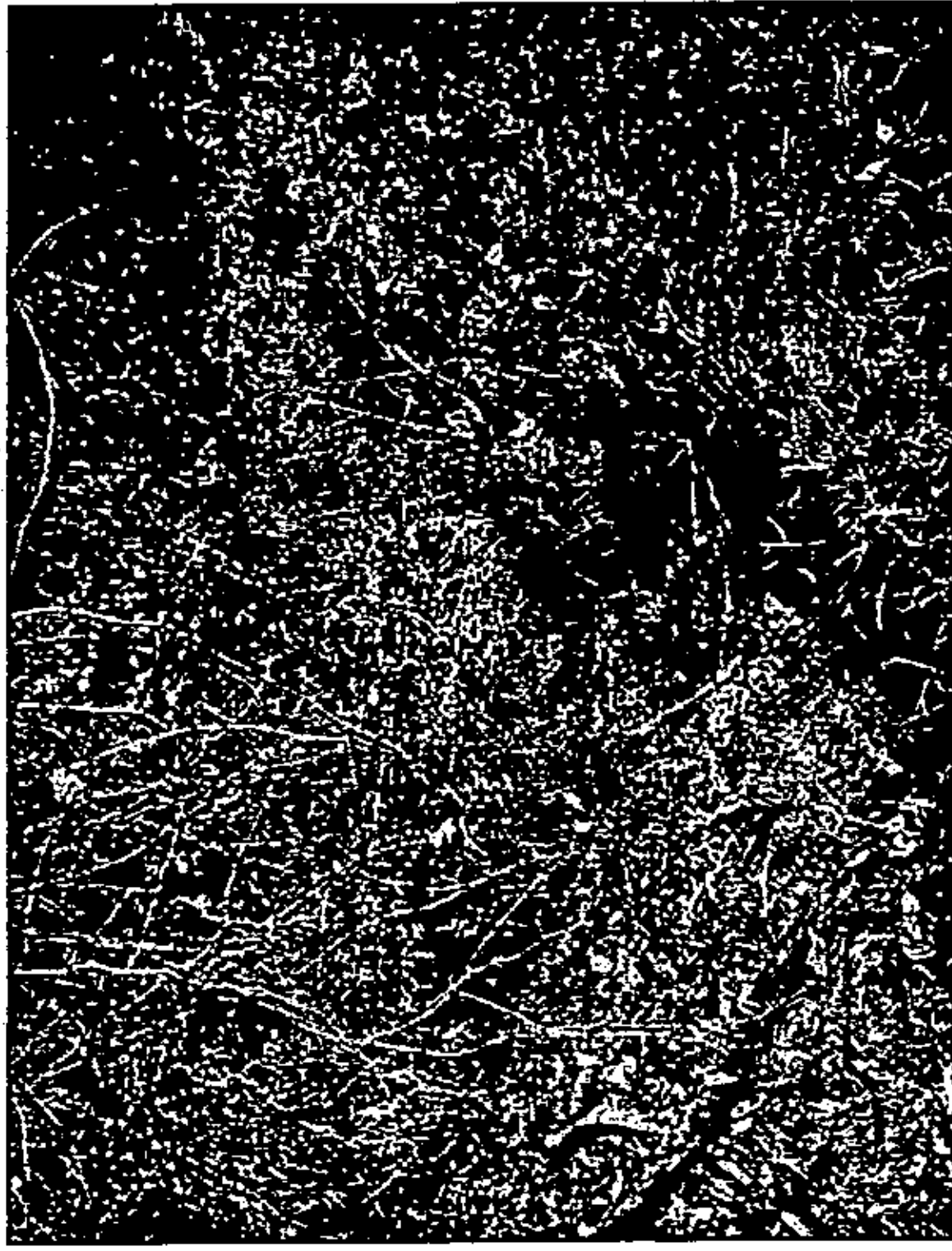
 City of Fayetteville



HUNT'SVILLE ROAD

Stream thread meets road between two box culverts

- Ditch between culverts is poorly defined



SHELLALDOAH TRAILER PARK AND HWY 16 RECOMMENDATIONS

Swales around trailer park

- Convey water toward Hwy 16
- Prevent flooding up to a 10-Yr Storm
- Alternatives 3 & 4
 - Swales around trailer park
 - New box culvert under Hwy 16
 - Prevent flooding of trailer park and overtopping of Hwy 16 in a 50-Yr (Alt 3) or 100-Yr (Alt 4) Storm

SHENANDOAH TRAILER PARK AND HWY 16 RECOMMENDATIONS (CONT'D)

7.1 acre detention basin (requires land acquisition)

- Prevent flooding of trailer park and overtopping of Hwy 16 in a 50-Yr (Alt 5) or 100-Yr (Alt 6) Storm

- Existing City Design

- Swale along north side of trailer park
- Underground piping along west side of park
- Jack and bore 2 – 48" RCP under Hwy 16
- Limited to a 10-year storm

SHEWAN/DOAH COSTS

- Alternative 1 - \$190,000 (10 year storm)
- Alternative 2 - \$70,000 (10-year storm)
- Alternative 3 - \$330,000 (50-year storm)
- Alternative 4 - \$340,000 (100-year storm)
- Alternative 5 - \$470,000 (50-year storm w/detention)*
- Alternative 6 - \$550,000 (100-year storm w/detention)*
- City Design - \$670,000 (10-year storm)

*Land cost not included

HUNTSTVILLE ROAD RECOMMENDATION

Swake at top of North side of road

- New 4' x 3' RC Box Culvert under road
- Prevent overtopping of Huntsville Road in a 25-Yr Storm
- Cost = \$65,000



Shenandoah Area



PROBLEMS IDENTIFIED IN THE UPPER HAMESTRING BASIN

• Street Drainage Catching

- Holly St. and Vista Pl Area
- Sang/Cleveland/Berry Area
- I-540
- Hamestring Creek and Tributaries



STREET DITCH MAINTENANCE

and homes.

- Driveway and street culverts collect silt and debris
- Many culverts are old and not functioning properly



HOLLY ST. AND VISTA PL.

Street clutter inundated along Holly St.

- Water flows across Sang Ave.



SANIC/CLEVENLAND/BERRY AREA

Sanic/Cleveland/Berry Area

Through yards of residents on Berry St.

• Into street ditch along Berry St.



INTERSTATE 540

During 50 and 100 year storms a 34-acre lake is created from I-540 to Wedington Dr. and Porter Rd.

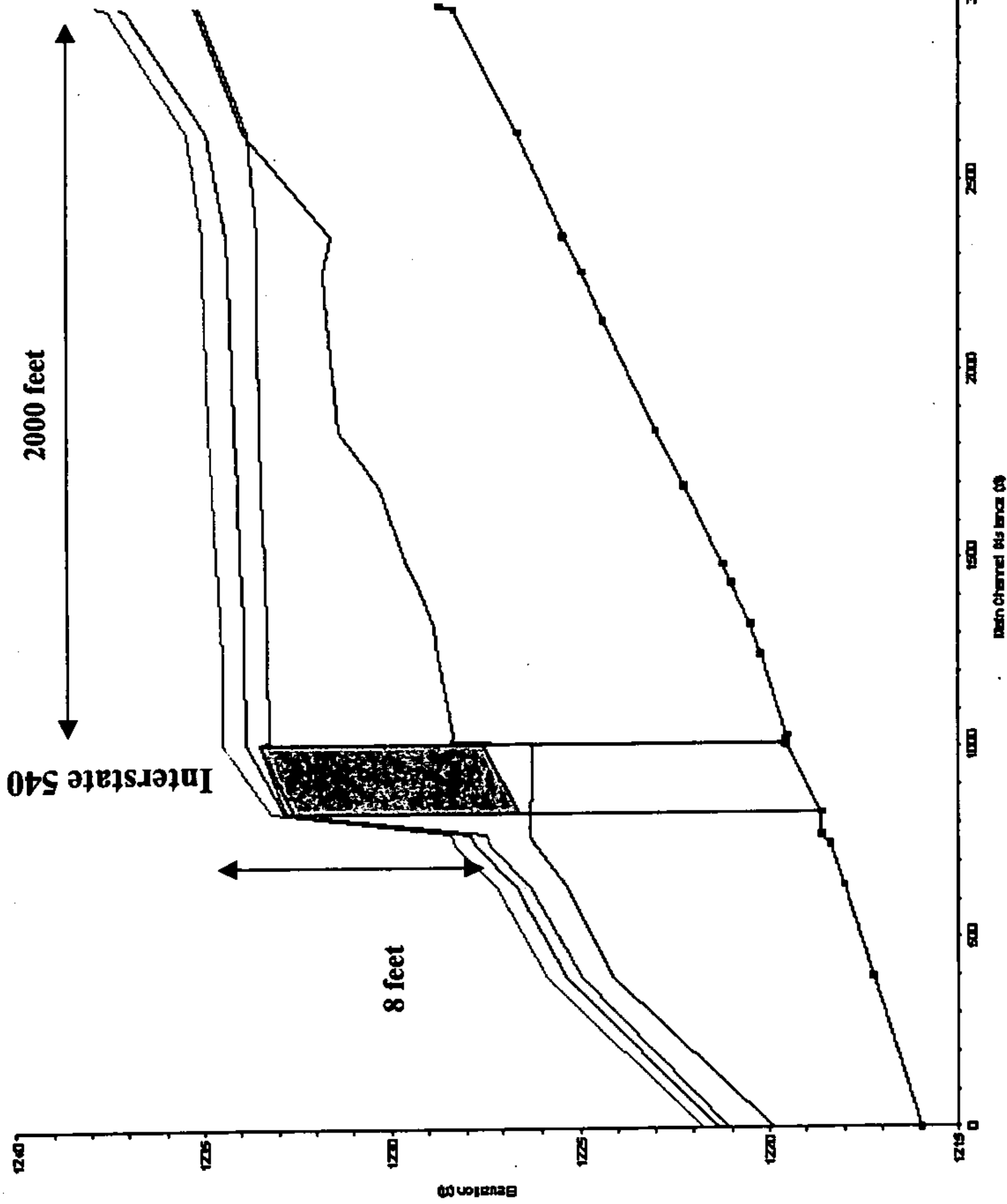
- Megan Dr. cul-de-sac under 7 ft of water
- Solution will require AHTD Cooperation



4 Map Panels 83, 84, 91, 92
July 21, 1999



City of Fayetteville



Legend	
WB	10'-11' 8" diam - 10'-11' (C-10)
WB	25'-11' 8" diam - 25'-11' (C-25)
WB	10'-11' 8" diam - 10'-11' (C-10)
WB	25'-11' 8" diam - 25'-11' (C-25)
Ground	



USI INFRASTRUCTURE, INC.

HALLSTRONG CREEK DRAINAGE BASIN STUDY
CITY OF FAYETTEVILLE, ARKANSAS

STREAM PROFILES FOR CURRENT LAND USE
FOR THREAT 100 (LOWER)

NO 02/09/22 12/15/2012 **FIGURE VI-3**



LAKE 540 PROFILE



HANWESTRING CREEK AND TRIBUTARIES



Lewis Ave.

Lawson St.

Sang Ave.

- Private Driveways
- Porter Rd.

- Culvert size
- Culvert geometry
- Flood Plain as wide as 800'
- Channel size
- Channels restricted

HANDESTRING STREET DITCH MAINTENANCE RECOMMENDATIONS

- Most cleaning needs to be focused at street and driveway culvert crossings



HOLLY ST. & VISTA PL. RECOMMENDATIONS

Alternative 1, 3 & 5

- New flow path north from Holly St. to Hamestring Cr.
- Open swale and closed pipe
- Alternative 2 & 4
 - Follow exist flow path along south side of Holly St.
 - Open swale and closed pipe
- Existing city design
 - Follows existing flow path along south side of Holly St.
 - Open Channels
 - Met with resistance from area residence
 - Incomplete/does not solve problems along Vista Pl.



Holly St. & Vista Pl.

HOLLY AND VISTA COSTS

• Alternative 1 - \$210,000

• Alternative 2 - \$350,000

• Alternative 3 - \$280,000 (USI Recommended Alternative)

• Alternative 4 - \$570,000

• Alternative 5 - \$240,000

• City Design - \$300,000 (incomplete)

SANG/CLEVELAND/BERRY RECOMMENDATIONS

drop inlets

- 25-Yr design storm

- Alternative 1

- Route stormwater south along Sang Ave.
- Underground pipe
- Cost = \$100,000

- Alternative 2

- Route stormwater north along Sang Ave.
- Underground pipe to open channel behind homes along Berry St.
- Easement acquisition required
- Cost = \$100,000 (does not include easement acquisition)
- USI Recommended Alternative



Sang/Cleveland/Berry

INTERSTATE 540

Construct 2 - 12' x 10' RC Box Culverts in

addition to existing 2 - 10' x 8'

- Remove existing 2 - 10' x 8' RC Box Culverts and construct 4 - 10' x 10' RC Box Culverts
- Both alternatives will pass a 50-Yr storm without flooding homes at the end of Megan Dr. cul-de-sac
- No cost analysis preformed
- Will require cooperation with AHTD



HAMESGRING CREEK AND TRIBUTARIES

– Increase drainage capacity without detention

– Replace 7 existing box culverts

– Enclose 2 existing swales in new box culverts

– 8500 ft of channel improvements with 15' paved trickle channels.

– Top width from 50 – 90 ft

– Requires significant easement acquisition

– Total cost = \$3,200,000*

- Alternative 2

– Increase drainage capacity without detention

– Replace 7 existing box culverts

– 9700 ft of 5' deep rectangular concrete paved channel

– Top width from 12 – 40 ft

– Requires less easement acquisition

– Total Cost = \$4,800,000*


City of Fayetteville

* Land acquisition costs not included



HAINESGRING CREEK AND TRIBUTARIES

Report of the Fayetteville City Engineer

Enclosure Existing Swales in new box culverts

- 6800 ft of channel improvements with paved trickle channels
- Acquire 30 acres of land for the construct of 4 detention basins
- Total Cost = \$5,200,000*

City of Fayetteville

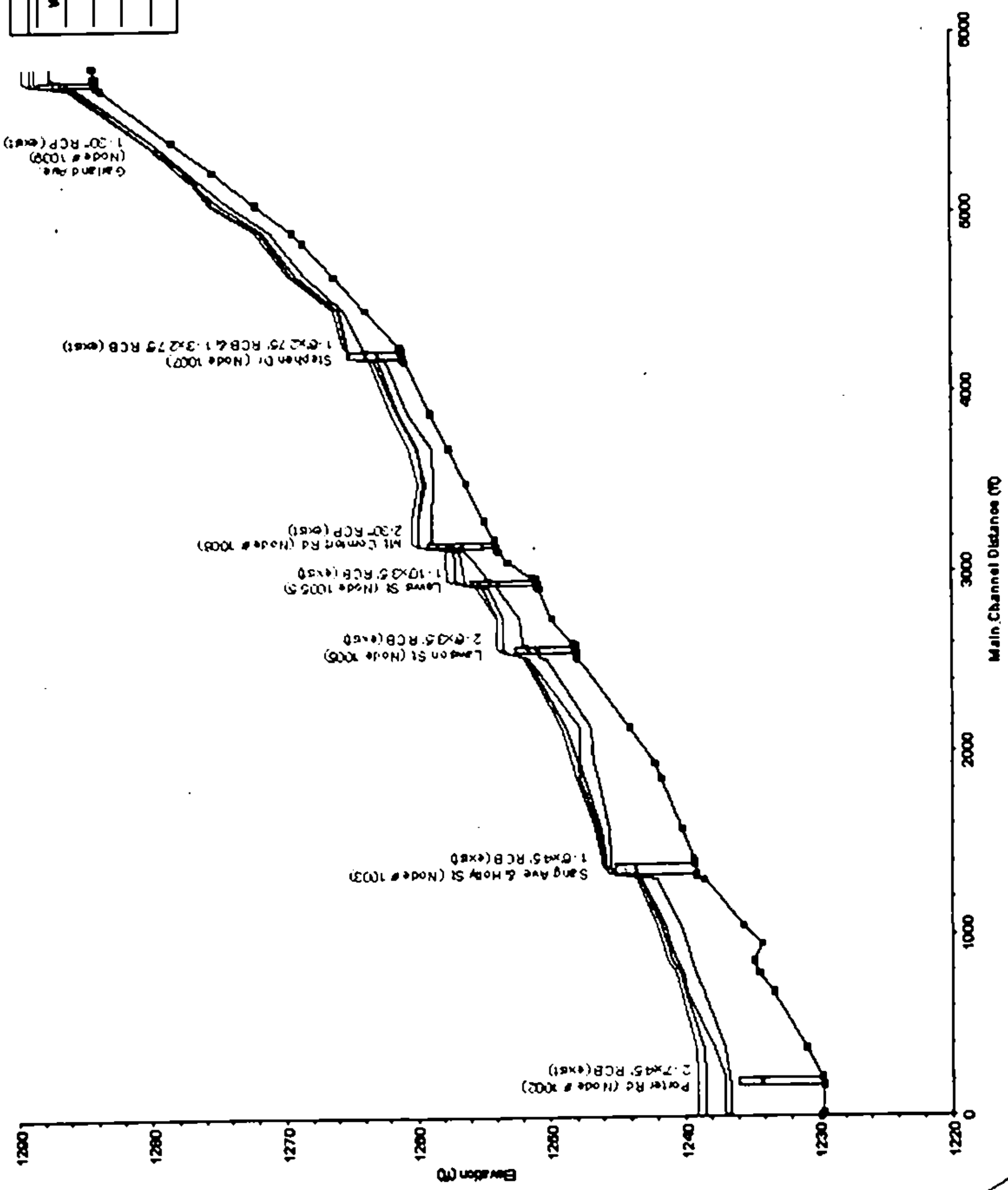
* Land acquisition costs not included





Existing Profile

City of Fayetteville



Legend	
WB	100-Yr Storm - 100-Yr (Cu)
WB	25-Yr Storm - 25-Yr (Cu)
WB	10-Yr Storm - 10-Yr (Cu)
WB	2-Yr Storm - 2-Yr (Cu)
Ground	

USI INFRASTRUCTURE, INC.
CONSULTING ENGINEERS

HAMES TRINO CREEK DRAINAGE BASIN STUDY
CITY OF FAYETTEVILLE, ARKANSAS

STREAM PROFILES FOR CULBERTY LAND USE
FOR TREAD 100 (UPPER)

NO	2412	020022	12/10/2002
NO	HV		

FIGURE V-2

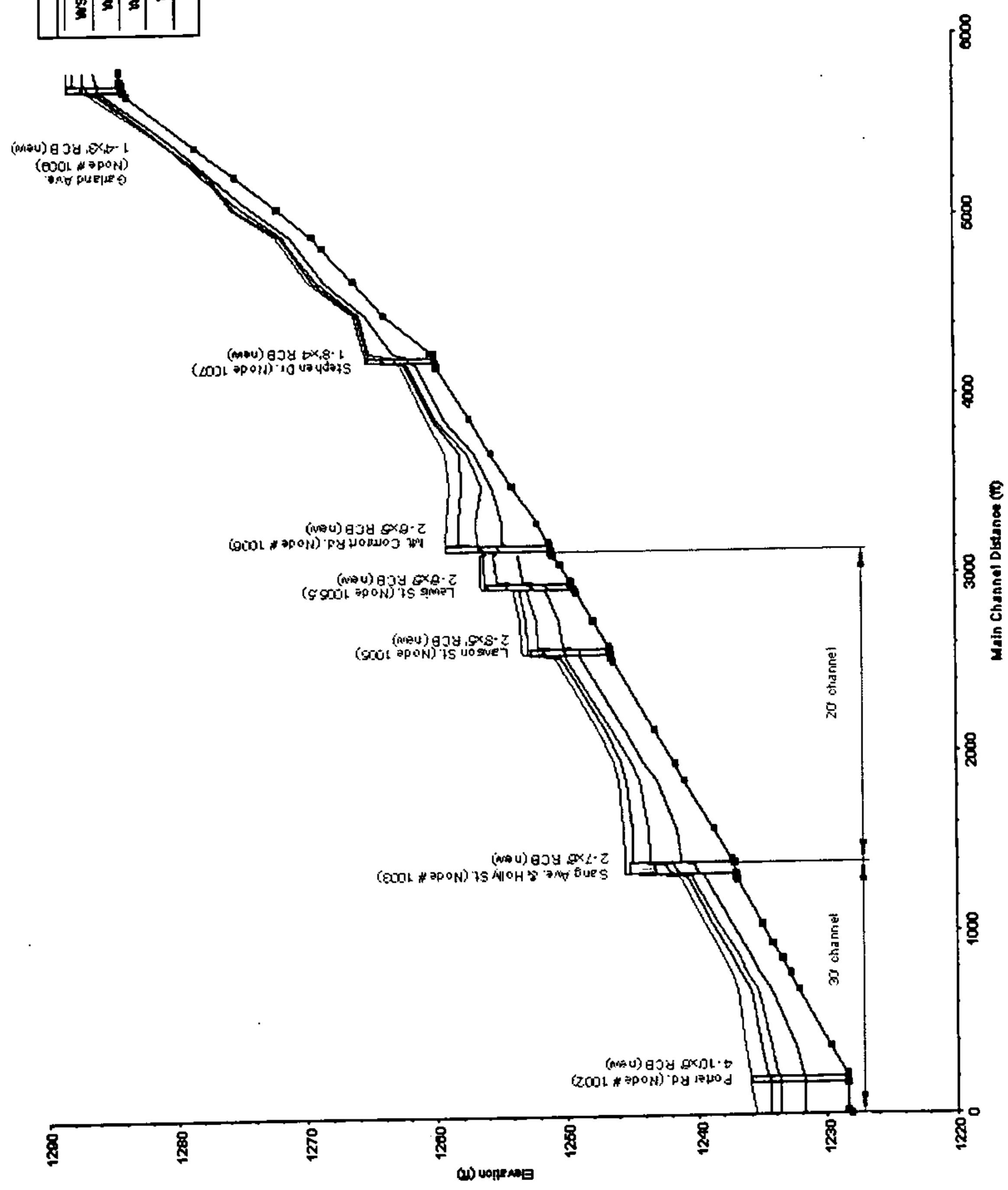


Profile with Improvements

City of Fayetteville

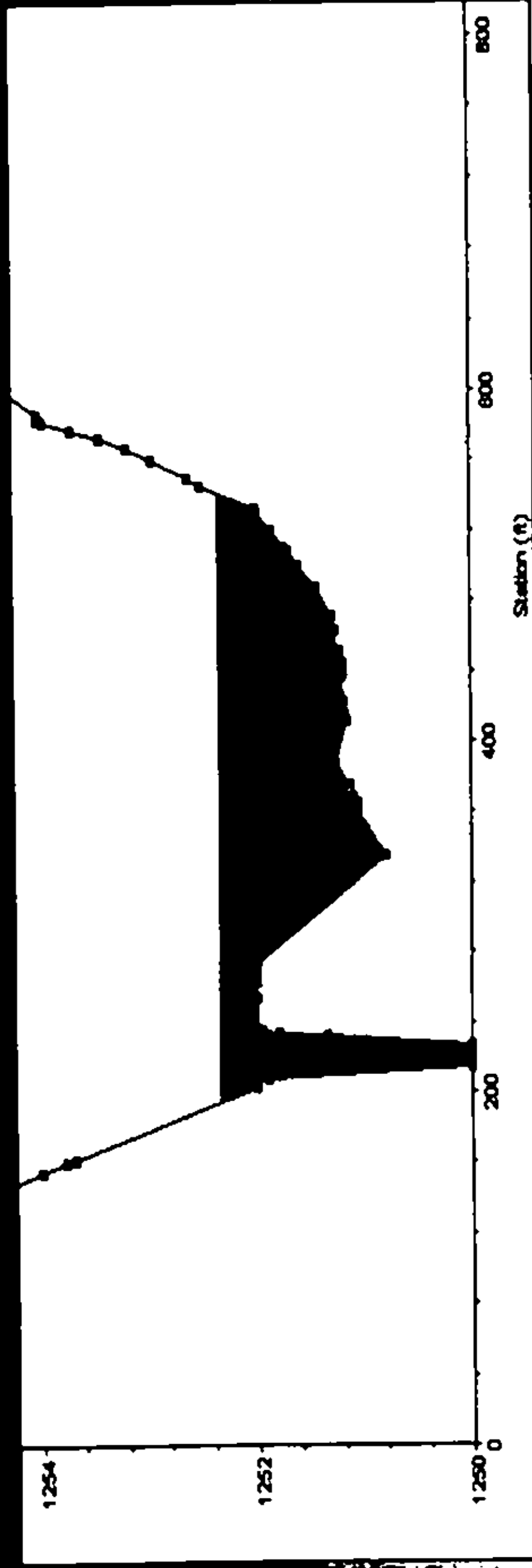
Legend	
WS 100-Yr Storm - Ham2-Chan100	
WS 25-Yr Storm - Ham2-Chan25	
WS 10-Yr Storm - Ham2-Chan10	
WS 2-Yr Storm - Ham2-Chan2	
Ground	

USI INFRASTRUCTURE, INC. CONSULTING ENGINEERS, P.C., ARKANSAS	
HAMESTRING CREEK DRAINAGE BASIN STUDY CITY OF FAYETTEVILLE, ARKANSAS	
STREAM PROFILES REGULATING FLOOD CHANNEL IMPROVEMENTS WISDOT DEFINITION (OPTION 1) - TWEED 140 (UPPER)	
BY HV	DATE 02/02/22
DATE 12/10/2022	FIGURE VI-8

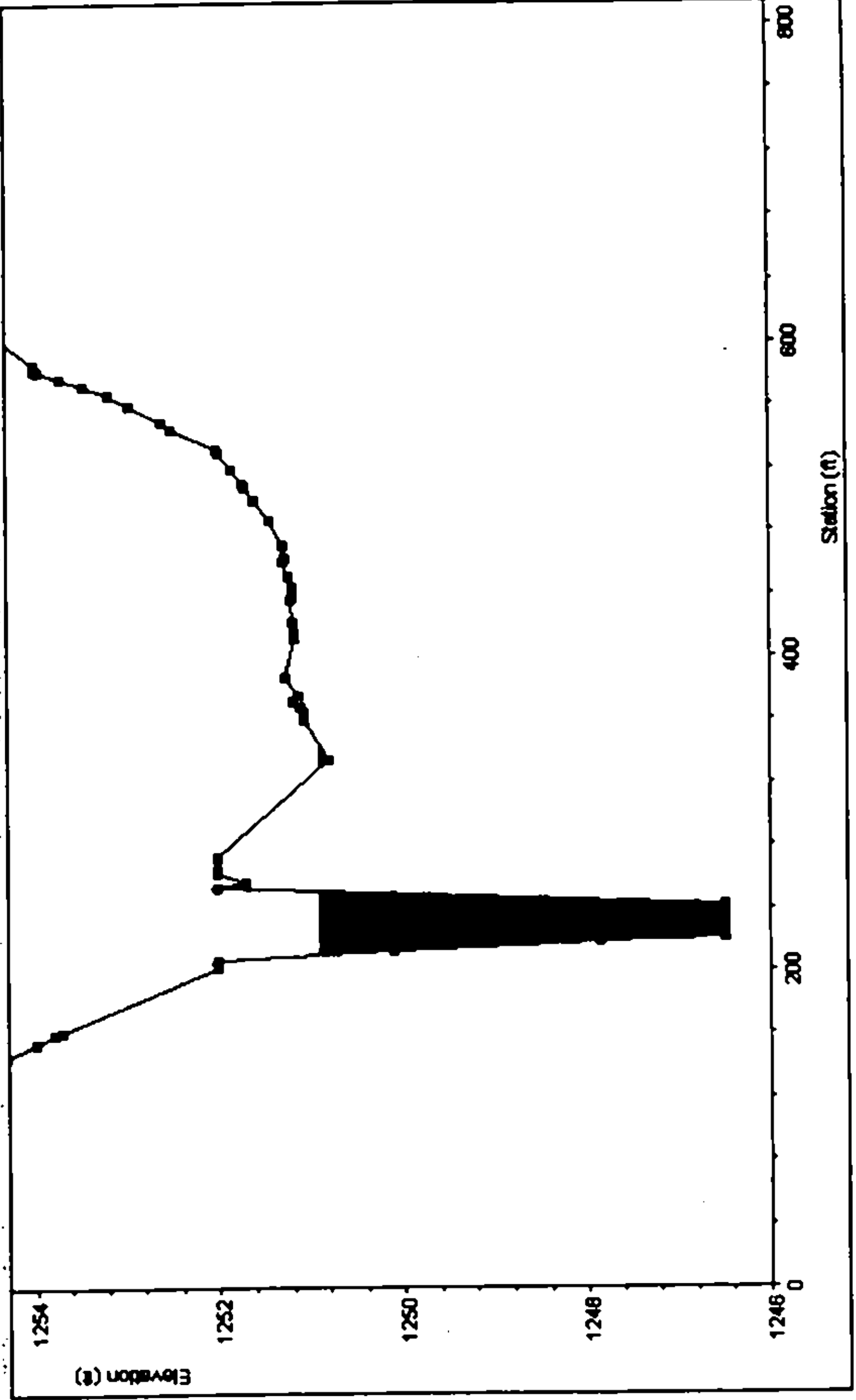


Cross section for 100-yr future storm Between Layton St. and Sang Ave.

Before
channel
improvements



After channel
improvements

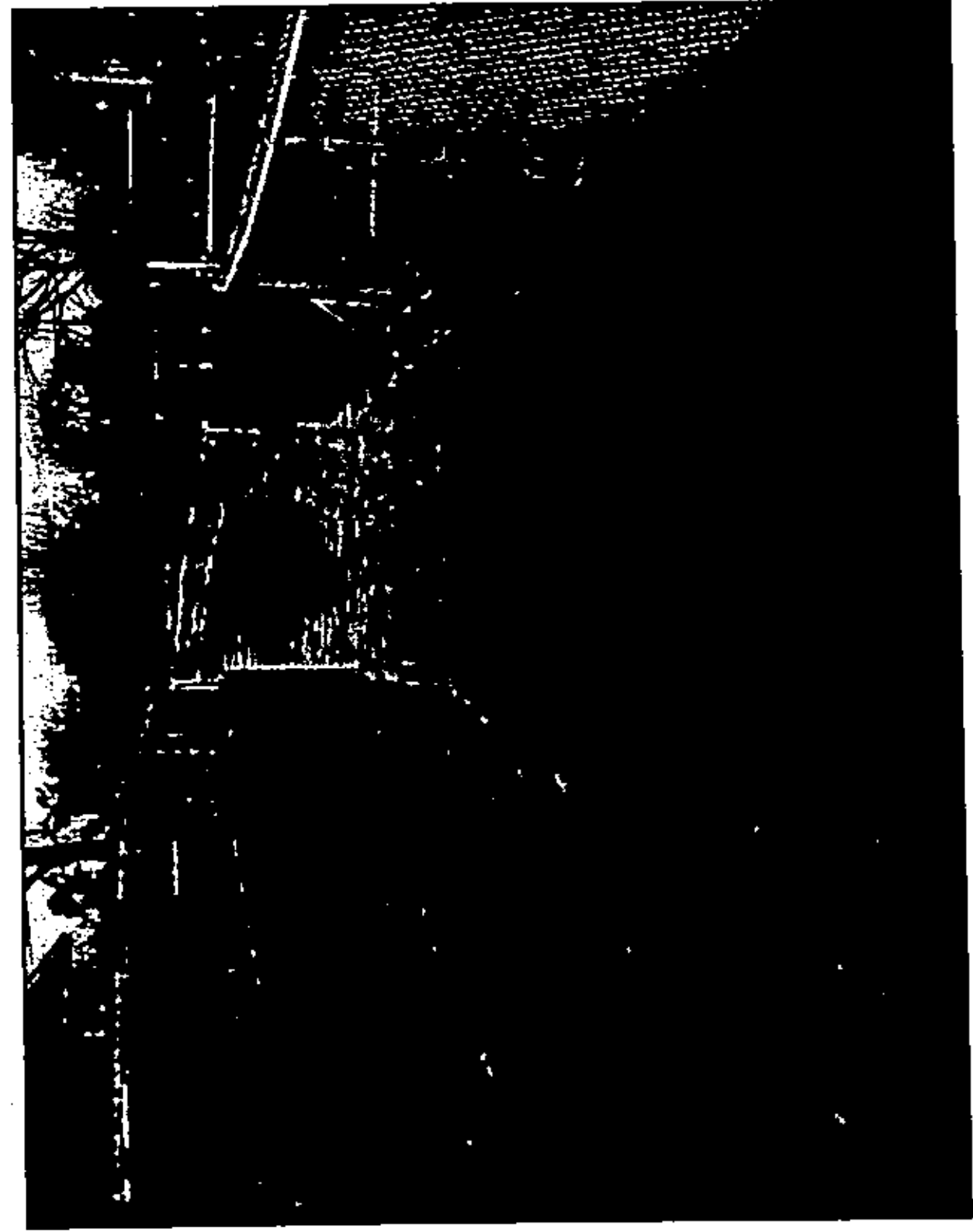




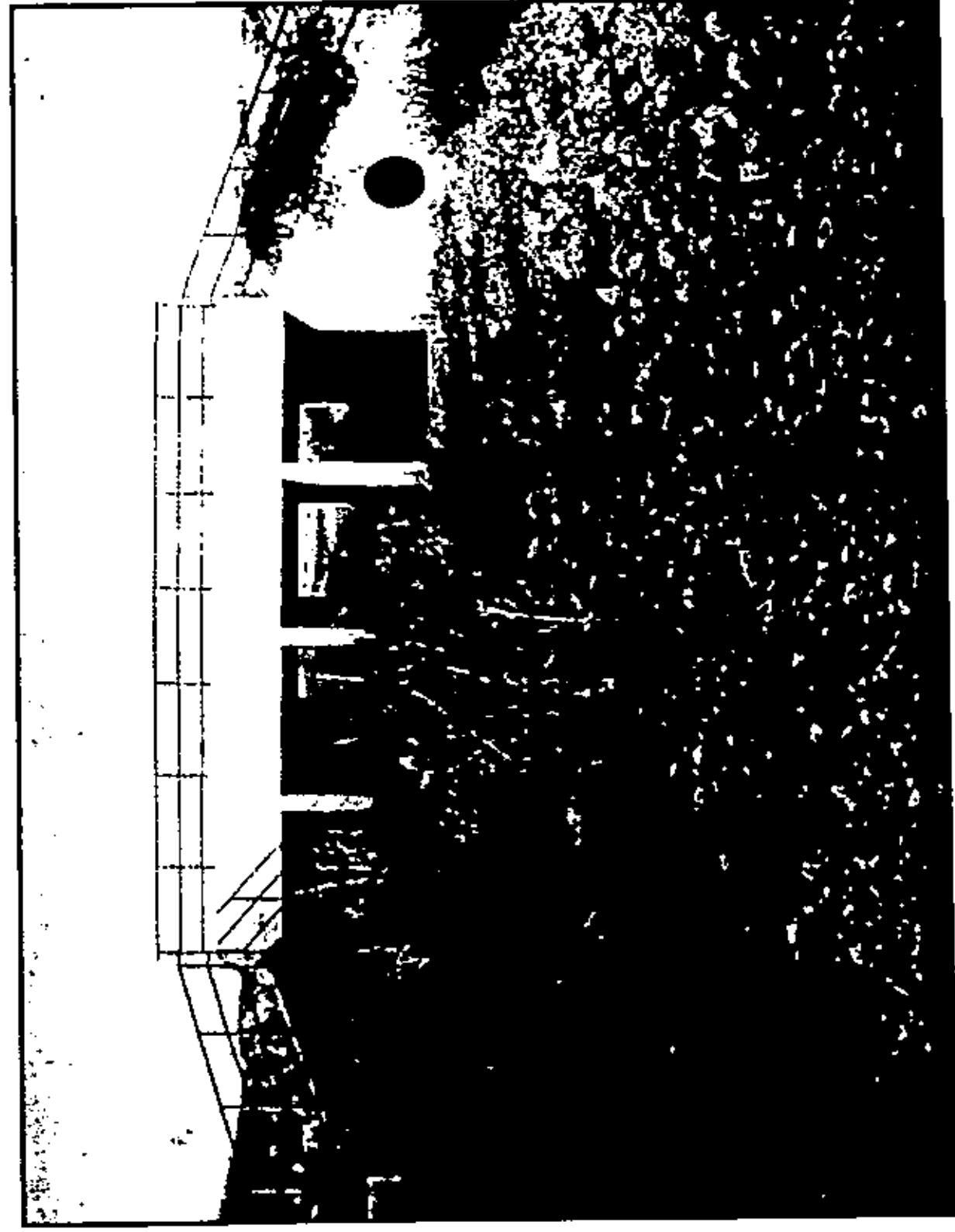
Regional Detention



Trickle Channels

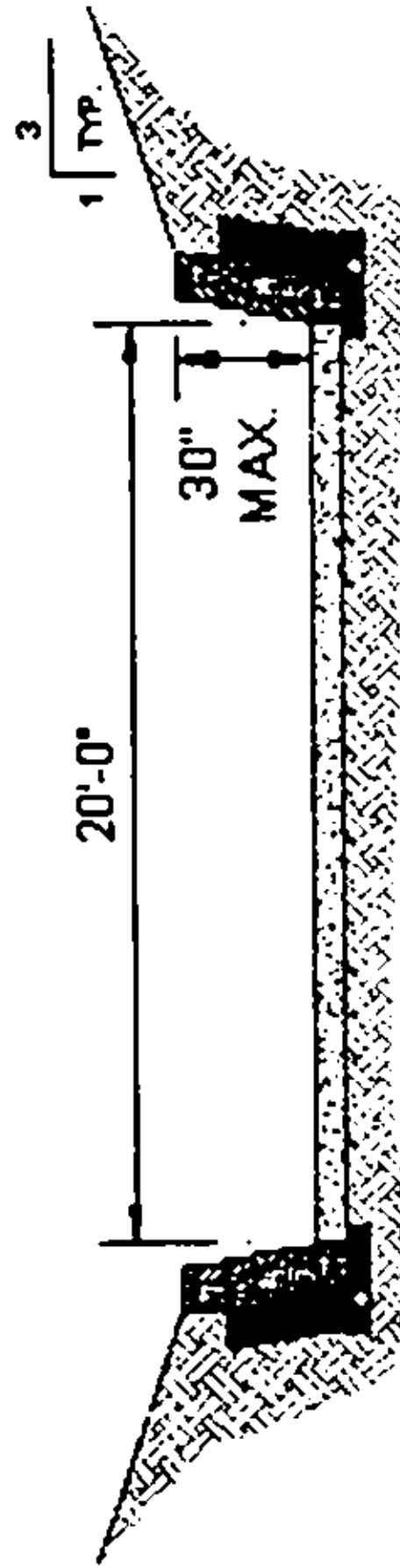


Rectangular Channels

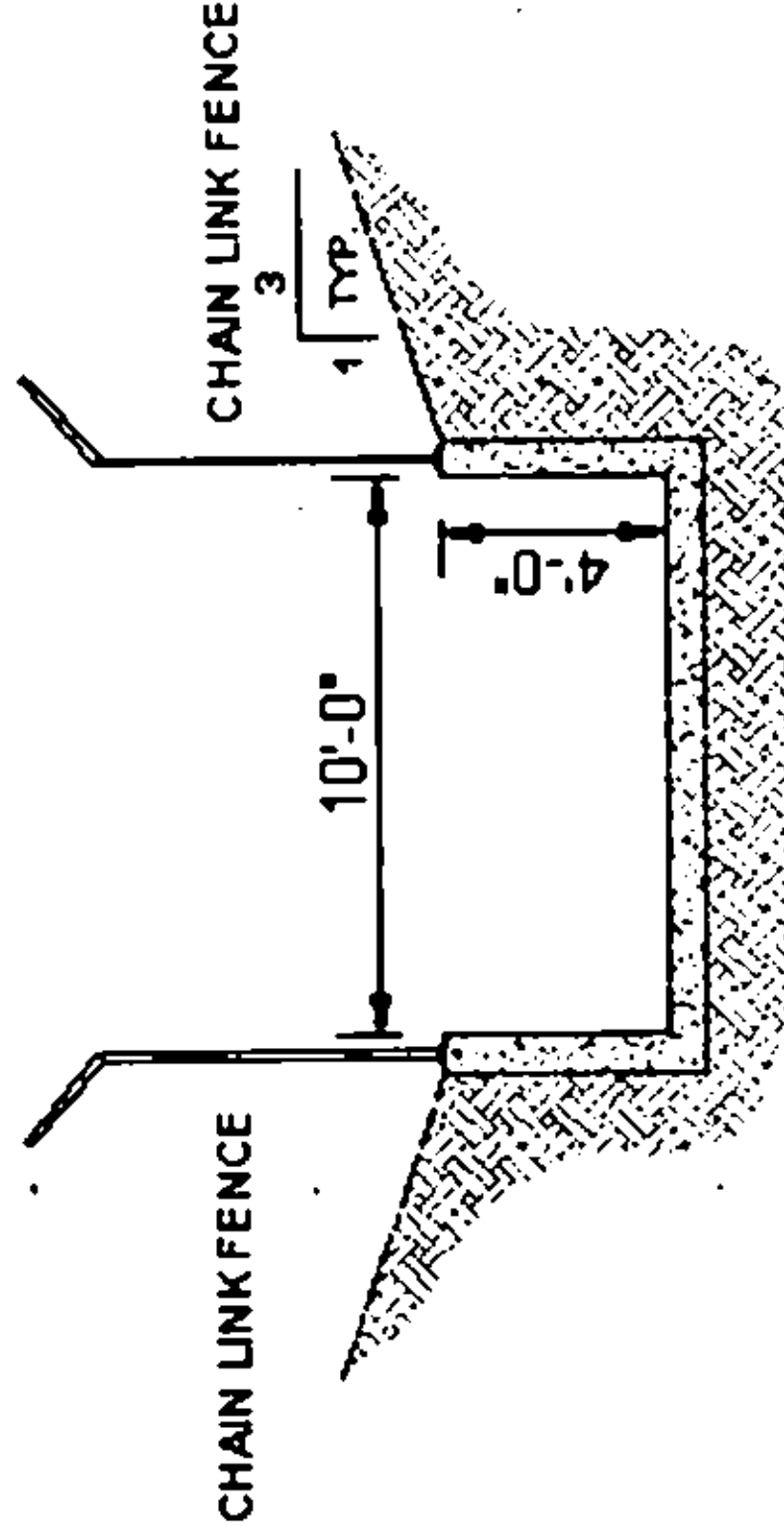


Box Culverts

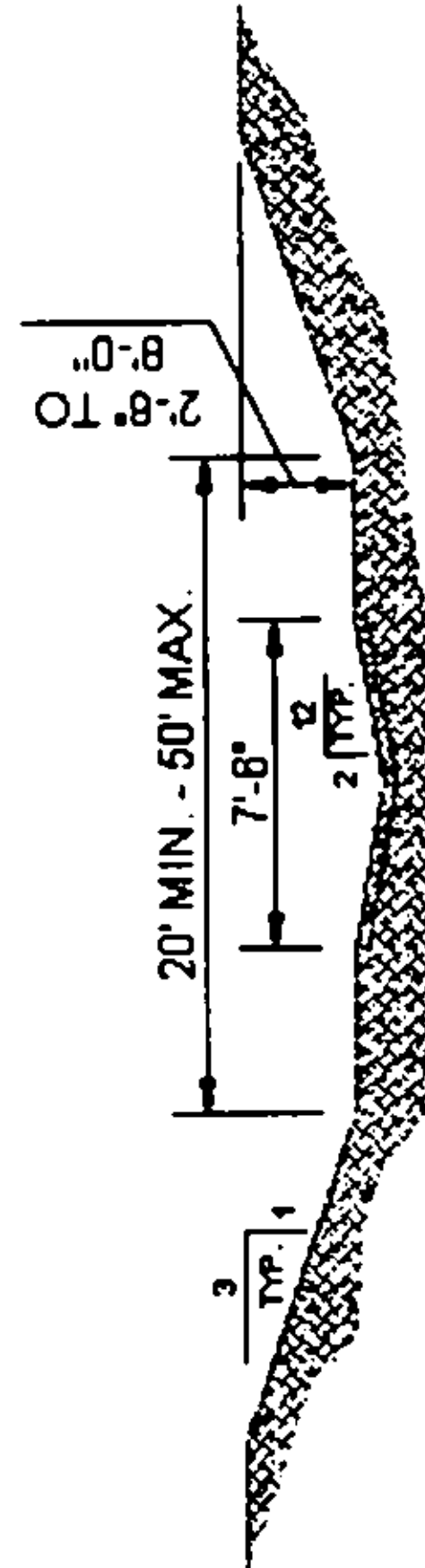
Optional Channel Improvement Designs



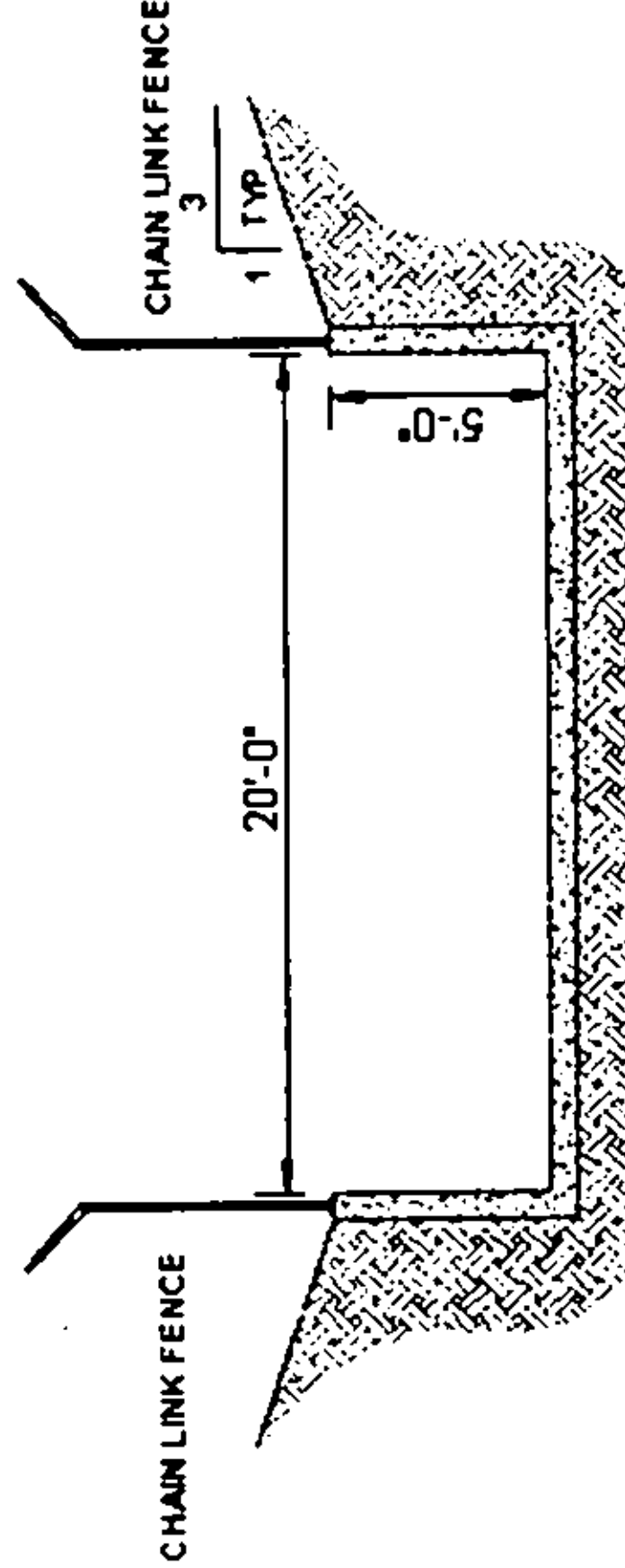
20' WIDE CONCRETE PAVED, FLAT BOTTOM
DITCH SECTION WITH SEGMENTED BLOCK WALLS



10' WIDE CONCRETE PAVED, FLAT BOTTOM DITCH SECTION



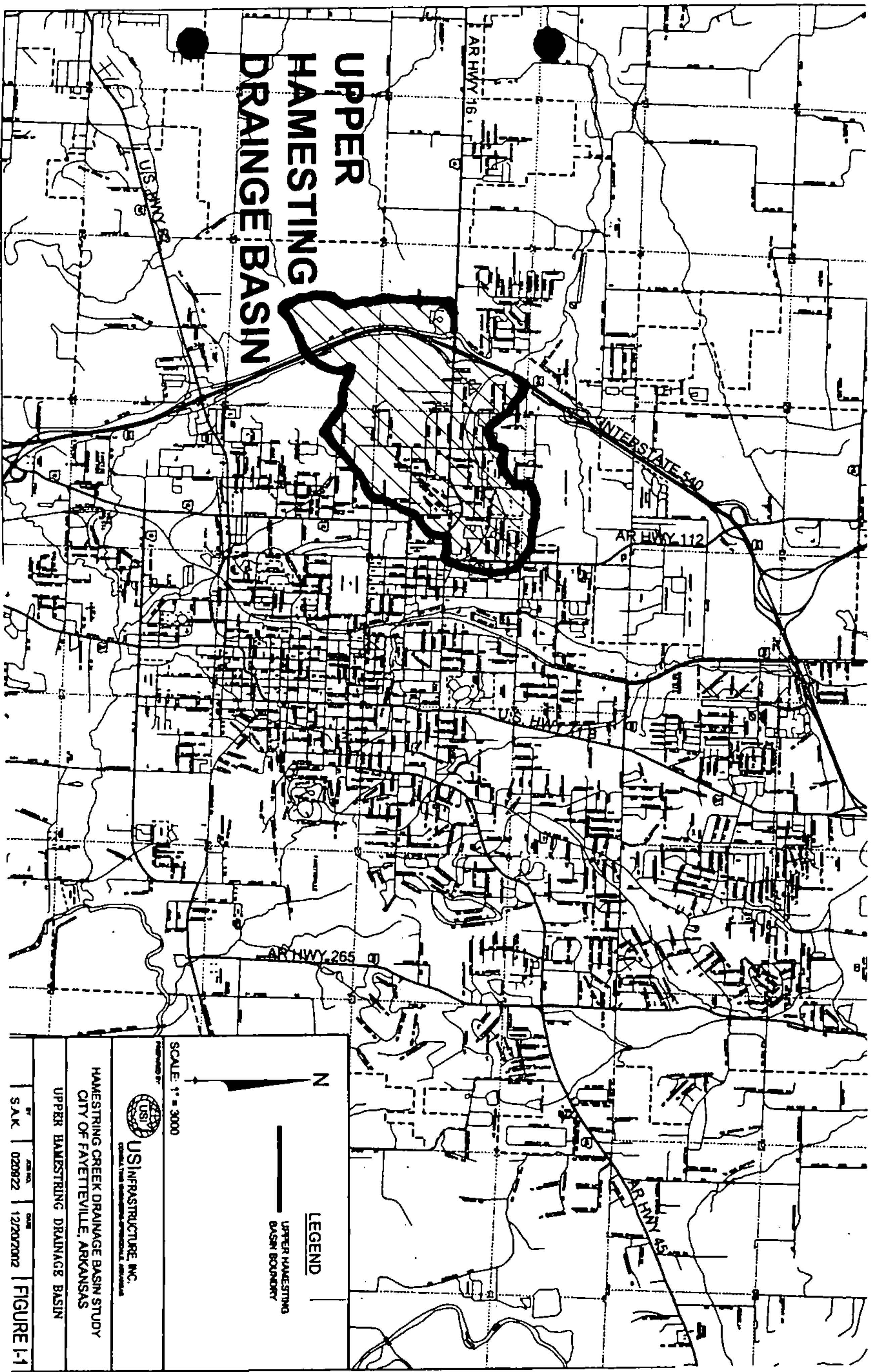
15' WIDE CONCRETE PAVED
TRICKLE DITCH SECTION



20' WIDE CONCRETE PAVED, FLAT BOTTOM DITCH SECTION

Questions?





UPPER HAMESTRING DRAINAGE BASIN

LEGEND

— UPPER HAMESTRING
BASIN BOUNDARY

SCALE: 1" = 3000'

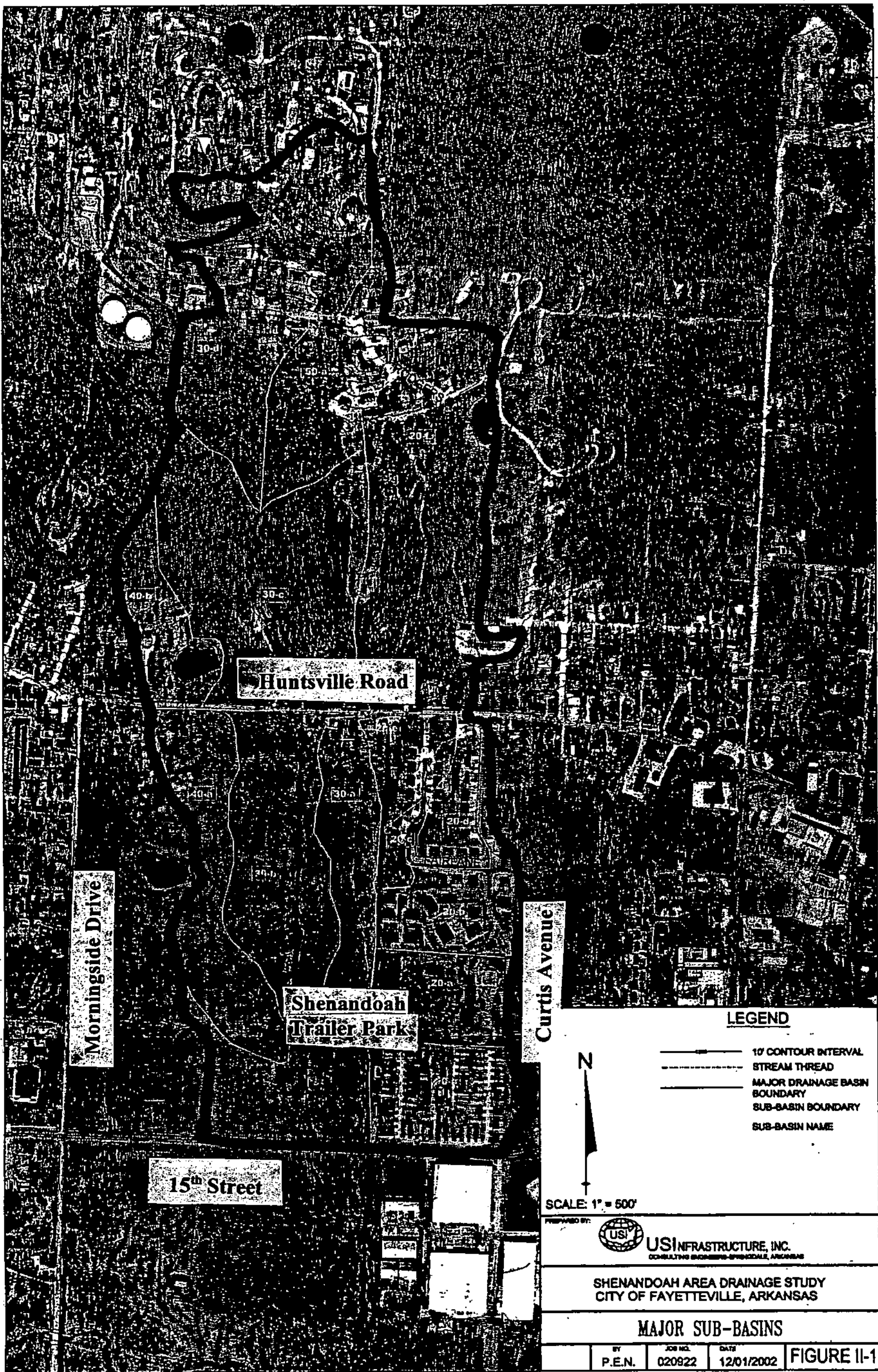
N

US Infrastructure, Inc.
CONSULTING ENGINEERS, ARCHITECTS
AND PLANNERS

HAMESTRING CREEK DRAINAGE BASIN STUDY
CITY OF FAYETTEVILLE, ARKANSAS

UPPER HAMESTRING DRAINAGE BASIN

FIGURE 1-1



LEGEND

- 10' CONTOUR INTERVAL
- - - - - STREAM THREAD
- MAJOR DRAINAGE BASIN BOUNDARY
- SUB-BASIN BOUNDARY
- SUB-BASIN NAME



SCALE: 1" = 500'

PREPARED BY:



US INFRASTRUCTURE, INC.
CONSULTING ENGINEERS-SPRINGDALE, ARKANSAS

SHENANDOAH AREA DRAINAGE STUDY
CITY OF FAYETTEVILLE, ARKANSAS

MAJOR SUB-BASINS

BY	JOB NO.	DATE	FIGURE II-1
P.E.N.	020922	12/01/2002	

**MINUTES OF A MEETING
OF THE
CITY COUNCIL
FEBRUARY 4, 2003**

A meeting of the Fayetteville City Council was held on February 4, 2003 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Mayor Coody, Aldermen Marr, Rhoads, Davis, Lucas, Jordan, Thiel, Cook, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Mayor Coody welcomed the new City Clerk, Sondra Smith.

Mayor Coody recognized Kay Swanner for her contribution to the United Way campaign. Kay received the "Outstanding In-House Worker" award from the united way. Kay thanked the employees for their contributions to the United Way.

The Mayor gave the State of the City Address.

OMI Presentation

Greg Boettcher, Water and Wastewater Director, said there was a correction to some of the earlier information. Their contract increase for the coming year represents a 1 percent increase in variable cost from last year and last year it was zero percent. They have done a good job in meeting effluent standards, we had no violations and they are doing a good job in controlling cost.

Billy Ammons from OMI gave a presentation on the wastewater plant. Mr. Ammons said they are concerned about what comes to the facility. They measure what comes to the facility in various ways, one way is by the flow. Flow over the last five years has varied not necessarily directly related to the population base that we are serving. That variation can be effected by rain fall we receive during a given year and the time the rain occurs. In 2001 we had the highest annual average flow that we have had at the plant of 12.5 MGD (million gallons per day) which is 99% of the theoretical plant capacity based on this parameter. Looking at it a different way we could measure the loading or the organic strength of the wastewater that comes in. We measure that in BOD or biochemical oxygen demand the trend here is steadier, this is a better reflection of the population base that we are serving. There was a little peak in 2001 due to the number of gallons that was treated. We are at 72% capacity measured by this particular parameter. What goes out of the facility is a concern. The water from the Fayetteville facility was an average of 79% better than was required. We remove on the average 97% of pollutions from the water. Fayetteville does an excellent job in removing phosphorus from their water. There were some challenges last year, one was ADEQ decided we did not have approval to use plant

effluent for irrigation on the land application site. That is a problem for us due to restrictions on flow to the White River during the summer time that are unusual and very restrictive preventing us from discharging water when it is very hot and dry. If we cannot irrigate with that water we have a real problem in that we may be forced to violate our permit in one way or another. We are in the process of developing an application for a permit that will allow us that opportunity. ADEQ also decided that our reporting of the organic strength of the wastewater leaving the facility was inappropriate. They decided that we had to report a minimum of 2 milligrams per liter even if the water is cleaner than that. In months when we have higher flow that is a problem because we also have a limit based on the number of pounds that we discharge. We were able to get that decision reversed which is a large win for the City both for the current plant and especially for the consideration of a permit on the West side, without that permitting becomes a very large issue. The City will get a rebate of approximately \$95,000.00 this year.

Mayor Coody congratulated OMI for doing a good job for the City. The Mayor stated that since the City contracts with OMI if anything goes wrong its not our necks in the noose it is yours and you have done a very good job. The Council would like to tour the plant. The Mayor asked for everyone to check their calendars to see when this might be possible and for Mr. Ammons to get back in touch with him to see when they will be touring.

Alderman Jordan asked about the total organic and hydraulic loading to the wastewater treatment facility is expected to continue to increase during the year 2003. He asked what the organic and hydraulic loadings were. The hydraulic loading is the liquid loading and the organic loading is a measurement of the oxygen demand that would be placed upon the water if it were to become totally stable. The organic loading relates more to the population. The hydraulic loading is influenced by rainfall. Alderman Jordan stated there was a big difference in 2001 and 2002 and you said it was because of the difference in rainfall, what is the average rainfall amount per year in the area. Mr. Ammons stated about 44 inches. Alderman Jordan asked what the rainfall was in 2001 and 2002. Mr. Ammons stated he did not know what the rainfall was in 2001 and 2002 for this area. He stated it is important to keep in mind as you study that number that it is not an absolute direct relationship. It depends on when the rain comes and what the conditions are at the time as far as how much water we get in the collection system and become a problem. Alderman Jordan stated he would like to have the rainfall figures for 2001 and 2002. Mr. Ammons stated he would be happy to provide the information.

Alderman Marr stated the regulatory issues that were faced in 2002, one of them being sludge disposal depending on permitting request for that, could you share with us briefly what that might mean to us in terms of cost if we were required to do sludge removal. Mr. Ammons stated they are investigating the cost. Alderman Marr asked for a range. Mr. Ammons stated that if we have to stop land application and we choose another alternative, it will depend on what the alternative is. If we go with an alternative that does not require stabilization of the sludge, therefore not using the digesters for odor control, we incur a savings. If we choose a method that continues to require that we run

the digesters then that cost will not go away. If we are able to offset everything by turning off the digesters and odor control \$300,000.00 to \$500,000.00 more per year if not \$700,000.00 or more per year. What we have now is the least expensive alternate. Alderman Marr stated he has always heard that the capacity of the plant has been 99.6% or some number in that range. Is that the 12.5 gallons per day divided into the 12.6 permitted. Mr. Ammons stated yes. Alderman Marr stated this year if he uses the 11.97 then we are at 95% capacity. Mr. Ammons stated that is correct. Alderman Marr stated that even though we have had additional units come on board our capacity allowance we have more room so to speak because we have not had heavy rain fall on the wrong time of the year on the wrong day. Mr. Ammons said yes. Alderman Marr asked as things continue to build is there any hard data or factual research source that you can go to that says that when you add so many units that it does drive capacity or as you add a certain amount of development that results in more concrete that that results in runoff. Is there any resource out there that you would recommend someone to know about? Mr. Ammons stated there are some basis engineering guidelines, any of the consultants that you are using on the wastewater improvement project would be able to give you a good figure to use in that regard. Alderman Marr asked is it reasonable to think that a certain amount of units drives some capacity. Mr. Ammons stated an average person contributes .17 pounds of BOD per day. That is the standard that is used throughout the industry for calculation purposes. You can say that for every 10 people you get 1.7 pounds more and you will come closer to the theoretical maximum that the plant can handle. Alderman Rhoads said it was good to see that OMI was doing a fine job to keep the odor abated and everything is taken care of. You indicated in your report that you may have to seek a special permit and that you may have to come back to the Council in a couple of months, what would you be coming back to the council for? Mr. Ammons stated that the Council would need to make a decision on alternative the Council might want them to take due to the involvement of money. Mr. Boettcher stated as far as alternative sludge disposal we are ultimately going to a different plan. The land application process that we currently employ will be phased out and we will go to some other more proactive environmentally friendly process with increased cost. Because of concerns over some current site conditions at the sludge application site nothing that is a permit violation, but something that we may need to begin thinking about to be proactive, we may implement alternative sludge disposal in the coming year and that is why we are evaluating it. If it does incur increased cost we will come to the Council with alternatives and a recommendation as to an approach. Over the next four years we will phase out the sludge application site. Alderman Jordan asked if the rainfall amount is 44 inches exactly what that influence flow will be on 60,000.00 people if it is at 44 inches. Mr. Ammons stated he could not do that. He could give them a range and would have to calculate the numbers. Alderman Marr asked about the permitting issue he said Mr. Ammons made a statement that not only would we have an issue with our current situation but the impact it could have on permitting the new facility. Alderman Marr asked Mr. Ammons to expand on that. Mr. Ammons stated he was not the most qualified on this issue but he could give them his perspective. The stream modeling done for the discharge on the new plant so far indicates that the limits there may be a little tighter than they are at the current plant. The rule that I talked about on reporting a number that may or may not be real is a real

concern on the new plant. If they base the permit on a given flow and you have a flow for the month that is in excess of that but you are required to report this superficial number that doesn't really mean anything you may violate your permit even though your water doesn't actually violate the permit, this is just a reporting violation, none the less violations are violations. Having the ability to report the real quality of the effluent is a significant thing for the new plant.

Alderman Jordan moved to approve the Consent Agenda as read. Alderman Davis seconded. Upon roll call the motion carried unanimously.

CONSENT

APPROVAL OF THE MINUTES: Approval of the minutes from the January 21, 2003 City Council Meeting.

RAZORBACK ROAD: A resolution to approve a cost share with the University of Arkansas to fund the preliminary engineering agreement with the Arkansas Highway and Transportation Department for preliminary engineering services relative to Razorback Road. Total cost shall be \$35,000.00 with the City's share to be one-half totaling \$17,500.00.

RESOLUTION 14-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

AGREEMENT OF UNDERSTANDING: A resolution to approve the Agreement of Understanding between the City of Fayetteville and Arkansas Highway and Transportation Department.

RESOLUTION 15-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

FEDERAL-AID: A resolution to approve the Federal-Aid Project resolution as submitted by the Arkansas Highway and Transportation Department.

RESOLUTION 16-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

POLICE CARS: A resolution accepting the State of Arkansas contract award ST-03-0033, Item #7, 2003 Ford Crown Victoria Police Pursuit Sedan including Option "IO" and modifications to "ee" with authorization to purchase nine units. The vendor for this purchase will be Landers Ford in Little Rock in the amount of \$184,401.00

RESOLUTION 17-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

BID 02-72: A resolution awarding Bid 02-72 to the lowest qualified bidder, Arkansas Power Steering and Hydraulics, for the purchase of three Freightliner FL70 w/mounted SAC Recycle Body in the amount of \$432,681.00. Approval of a budget adjustment is also requested.

RESOLUTION 18-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

BID 02-73: A resolution awarding Bid 02-73 to the lowest qualified bidder, River City Hydraulics, Inc. for the purchase of a demonstrator self powered mobile vacuum with leaf mulcher attachment in the amount of \$35,930.00. Approval of a budget adjustment is also requested.

RESOLUTION 19-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

OMI: A resolution approving Amendment No. 8 to OMI'S contract for operation and maintenance of the Wastewater Treatment Facilities, the annual contract amount for 2003 being \$3,874,501.00, including a fixed fee of \$92,509.00, non-overwrite costs for odor control of \$170,000.00 and Phase IV SCADA upgrade of \$44,000.00. Approval of a budget adjustment is also requested.

RESOLUTION 20-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

HANGAR COMPLEX: A resolution approving Change Order No. 1 to the contract with Tomlinson Asphalt, Inc. in the amount of \$67,197.85 for the required changes to water and sewer infrastructure. Approval of a budget adjustment is also requested.

RESOLUTION 21-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

OLD BUSINESS

NEW BUSINESS

BROYLES ROAD: A resolution to express the City Council's intent to extend Broyles Road north to Wedington Drive.

Mayor Coody said this is basically a way to save approximately a million dollars in cost in building roads and a way to avoid going through an additional neighborhood and a way to avoid a couple of 90 degree turns.

Alderman Jordan said some of the homeowners had problems and they were suppose to meet with Mr. Boettcher, he asked Mr. Boettcher if they had meet with him. Mr. Boettcher stated that Ron Petrie in Engineering has contacted two of the property owners out there. He thinks he has met with both of them and had some discussions regarding the road extension that would be adjacent to or upon their properties. At this point, I can't speak for their opinions I was not there. I think both have some concerns. One of the issues on the road before the Council is approval of the concept so that we can proceed with some detailed design and find out how much right of way we need, look at where the road would cross the properties, talk with the property owners and try to move

forward. The property owners have some concerns and we are trying our best to resolve them.

Mayor Coody said this is not an approval of the extension it is an approval that lets us negotiate with the neighbors.

Mr. Boettcher stated the idea of the resolution is to empower us to move forward with some degree of confidence that the road is a logical extension of Broyles Road.

Fire Chief Chris Bosch said the addition or extension of Broyles Road would probably be beneficial to the fire department in that it will allow again access back into the wastewater treatment plant if necessary an also to areas that are growing in that portion of the City. Anytime we can add a straight shoot through rather than have to make a lot of 90 degree turns it reduces the likelihood of potential accidents. This would really be beneficial to us.

Alderman Jordan asked if we come out of those two roads would the wastewater treatment trucks be coming up those roads. Mr. Boettcher said approximately two loads of dewatered processed sludge per day would be on the roads from the wastewater treatment plant. Alderman Jordan asked Mr. Boettcher is he thought it would impact the neighbors in that area. Mr. Boettcher said he did not believe the traffic coming from the plant would adversely impact any neighbor.

Alderman Davis moved to approve the resolution. Alderman Lucas seconded. Upon roll call the motion carried unanimously.

RESOLUTION 22-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

STUDENT HOUSING: An ordinance authorizing the Fayetteville Public Facilities Board to develop student housing facilities and to issue revenue bonds for the purpose of financing student housing to be developed in compliance with all city development ordinances.

Mayor Coody said after talking to the University today they would like for the Council to table this because they do not want to move forward with this at this time.

Alderman Marr moved to table indefinitely. Alderman Jordan seconded. Upon roll call the motion carried unanimously.

VA 03-1.00: An ordinance approving vacation request VA 03-1.00 as submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of S. School Avenue on 9th Street. The request is to vacate a section of the street right of way as shown and described on the attached map and legal description.

Mr. Williams read the ordinance.

Alderman Thiel would like this left on the first reading since some of the Council was not able to attend the Council tour. This land is about ½ of an acre of heavily wooded area on South School that basically has no trees left, it also forms a large natural drainage area. Based on our recent study showing that Fayetteville has lost over 18% of its heavy tree canopy I think we need to carefully consider giving away land that we already own that has some of the properties that we need to maintain.

Gary Harvey of AMC offered himself to answer any questions the Council might have.

THE ORDINANCE WAS LEFT ON THE FIRST READING.

ANX 03-01.00: An ordinance approving annexation request ANX 03-01.00 for property owned by George and Sara Lee Anderson and located at 3632 East Zion Road. The parcel is in the Planning Area and contains 57.00 acres. The request is to annex into the City.

Mr. Williams read the ordinance.

Alderman Davis moved to suspend the rules and move to the second reading. Alderman Rhoads seconded. Upon roll call the motion failed 3-4. Marr, Jordan, Thiel and Cook voting nay.

THE ORDINANCE WAS LEFT ON THE FIRST READING.

RZN 03-4.00: An ordinance approving rezoning request RZN 03-4.00 as submitted by Michele Harrington of Harrington, Miller, Neihouse & Krug on property owned by George and Sara Lee Anderson and located at 3632 East Zion Road. The property is currently in the Planning Area with a request to be annexed into the City of Fayetteville pending and contains approximately 57.00 acres. The request is to rezone to R-1, Low Density Residential.

Mickey Harrington of Harrington, Miller, Neihouse & Krug said this is another phase of Copper Creek and will look similar in appearance. She will be happy to answer any questions.

Mr. Williams read the ordinance.

Tim Conklin, Interim Director of Planning & Engineering Services, distributed yesterday information regarding traffic counts that the City of Fayetteville conducted last Friday and also information from the Arkansas Highway Transportation Department. The 2001 traffic count map for Arkansas Transportation Department showed about 14,000 vehicles per day near the intersection Hearthstone Street and 265. Hearthstone Street is the street that does provide standard city street access from Highway 265 through the Stonewood

Subdivision into Copper Creek Phase 1 Subdivision. Our traffic division did traffic counts last Friday south of Hearthstone Street on 265, the northbound traffic was 9,358 vehicles and the southbound traffic was 9,411 vehicles. Mr. Conklin said our master street plan cross section in traffic volume recommendation states up to 20, 600 vehicles per day so we are still within that range. I also provided zoning information how much is developed and undeveloped acres. R-1 zoning total acres in Fayetteville is 9,162 acres of that about 3,359 acres is currently undeveloped.

THE ORDINANCE WAS LEFT ON THE FIRST READING.

RZN 02-14.00: An ordinance approving rezoning request RZN 02-14.00 as submitted by Raymond Smith, Attorney on behalf of John & Janet Kesner for a parcel containing 3.12 acres located at the northeast corner of Crossover and East Zion Road from A-1, Agricultural to R-O, Residential Office.

Mr. Williams read the ordinance.

Tim Conklin said this ordinance is basically correcting a previous ordinance. He requested that all three readings be done today. The Council had already approved this zoning.

Alderman Davis moved to suspend the rules and go to the second reading. Alderman Marr seconded. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Alderman Davis moved to suspend the rules and go to the third and final reading. Alderman Marr seconded. Upon roll call the motion passed unanimously

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

ORDINANCE 4458 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZN 03-1.00: An ordinance approving rezoning request RZN 03-1.00 as submitted by Laura Kelly of Rob Sharp Architects on behalf of David McClinton for property located at 240 Block Avenue. The property is zoned C2, Thoroughfare Commercial and contains approximately 1.08 acres. The request is to rezone to C-3, Central Commercial.

Mr. Williams read the ordinance.

Laura Kelly, of Rob Sharp Architects, said the proposed development on this site is designed to help bring pedestrian scale to Dickson Street which is impossible with the current zoning because of the setbacks.

Cyrus Young, a citizen, stated he was concerned with the parking of the existing building and the future building. It is my understanding this project will go through the large scale development process and that issue will be addressed at that time.

Alderman Davis moved to suspend the rules and go to the second reading. Alderman Marr seconded. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Alderman Marr asked Mr. Conklin is this property 1.08 acres and will it go through large scale development. Mr. Conklin stated the legal description that is attached, that is part of the ordinance is 1.08 acres, it is over an acre it will require a large scale development that projects over 10,000 square feet require. Combined together any development that is an acre or over and adds more than 10,000 square feet has to go through the site plan approval process through Planning Commission. So yes it will go through large scale development.

Alderman Marr moved to suspend the rules and go to the third and final reading. Alderman Jordan seconded. Upon roll call the motion passed unanimously

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

ORDINANCE 4459 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZN 03-3.00 LOW DENSITY: An ordinance approving rezoning request RZN 03-3.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property located at the southeast corner of Crossover and Albright Road. The property is zoned A-1, Agricultural and contains approximately 6.65 acres. The request is to rezone to R-1, Low Density Residential.

Mr. Williams read the ordinance.

Alderman Davis moved to suspend the rules and go to the second reading. Alderman Marr seconded. Upon roll call the motion passed unanimously

Mr. Williams read the ordinance

Chris Brackett from Jorgenson and Associates said he was there to answer any questions the Council might have. Mayor Coody asked is this going to be the standard subdivision or do you think this might be more along the line of the new traditional neighborhood development that we would like to see here in town. Mr. Brackett stated currently what they have laid out is two residential lots that are over 1½ acres and there is one residential lot that has over 3 acres where the current house is sitting. The lot adjoining Crossover would be the R-O which is part of this rezoning and they are looking at an office complex there.

Alderman Davis moved to suspend the rules and go to the third and final reading. Alderman Marr seconded. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

ORDINANCE 4460 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZN 03-3.00 RESIDENTIAL OFFICE: An ordinance approving rezoning request RZN 03-3.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property located at the southeast corner of Crossover and Albright Road. The property is zoned A-1, Agricultural and contains approximately 3.36 acres. The request is to rezone to R-0, Residential –Office.

Mr. Williams asked Mr. Conklin when you drafted this ordinance at that point it was zoned A-1 but did we not just rezone it to R-1, or is this a different property? Alderman Davis said it is not part of the 6 acres that was rezoned.

Mr. Williams read the ordinance

Alderman Davis moved to suspend the rules and go to the second reading. Alderman Lucas seconded. Upon roll call the motion passed unanimously

Mr. Williams read the ordinance

Alderman Davis asked how many lots would be on the R-O property should the ordinance pass.

Mr. Brackett said one lot of three acres. One lot of R-O one development. Alderman Rhoads asked does that mean one office building. Mr. Brackett said he did not know how many buildings, but it would be one development. He has not seen a concept plat for this. Alderman Davis said he did not see a problem with it.

Alderman Davis moved to suspend the rules and go to the third and final reading. Alderman Jordan seconded. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance

Alderman Marr said that the City of Fayetteville zoning acreage that Mr. Conklin handed out to us on a prior item, the annexation is a great tool and something we should probably keep when we look at rezoning. I do want to note that 45% of the land that we have zoned R-O undeveloped at this point. We need to be cautious if that gets over 50%.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

ORDINANCE 4461 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

ENVIRONMENTAL CONCERNS: An ordinance repealing Ordinance 3922 and adopting a new ordinance governing the Environmental Concerns Committee.

Mr. Williams read the ordinance

Alderman Thiel moved to suspend the rules and go to the second reading. Alderman Davis seconded. Upon roll call the motion passed unanimously

Mr. Williams read the ordinance

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Marr seconded. Upon roll call the motion passed unanimously.

Alderman Thiel said basically the only thing this is changing is the composition of the membership, we reduced it down to one Alderman and we reduced an Environmental Law member. We also staggered the terms.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

ORDINANCE 4462 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Mayor Coody asked the Council about having a rule of thumb for the meetings that if someone speaks on an issue on the agenda from the public that they can speak once in the evening, in a rare case twice but not on every single issue that comes up. Would that be acceptable? Can we ask people to basically choose what they are going to speak on when they come? There was a discussion that followed with the Council not wanting to put a limit on the number of times a person can speak.

Meeting adjourned at 7:55 PM.

**MINUTES OF A SPECIAL MEETING
OF THE
CITY COUNCIL
JANUARY 27, 2003**

A special meeting of the Fayetteville City Council was held on January 27, 2003 at 4:30 p.m. in Room 326 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Aldermen, Marr, Reynolds, Davis, Rhoads, Lucas, Jordan, Thiel, Cook, City Attorney Kit Williams, City Clerk Heather Woodruff, Staff, Press and Audience.

CITY CLERK: Special meeting to interview the Nominating Committee's selection from the City Clerk applicants; and to appoint a City Clerk.

Alderman Marr presented a packet of information. In the packet there is the list of questions the nominating committee came up with to help us be objective in listening to each persons answers. List 1, 2 or 3 on the answers given by the candidates. We asked that each applicant fill out the City application which is attached. Resumes and letters of recommendations for candidates are also attached. You have everything the City received. There is also a recap of the nominating committee meeting and their recommended process. There will be two minutes per question, Michelle from Human Resources will be the time keeper. Reference checks on each of the applicants are also included in the package. The committee recommended they draw for numbers and we will interview them in the order drawn. We have allowed 15 minutes for each applicant and we will interview them individually. The eight questions are based on the job descriptions that Heather gave them. They also met with Gina to get any ideas or skills she thought should be considered.

Alderman Davis asked Heather to explain to the full Council the duties of the office. City Clerk Heather Woodruff stated the clerk takes care of the Council agendas, City archives and maintains a variety of different filing systems. It would be helpful if the person is well organized and can work with a variety of different kinds of filing systems. The clerk is on the Fire and Police Pension Board as secretary and voting member. The clerk works with the City staff on bonds and makes sure on elections that everything goes smooth. The clerk handles a lot of the advertising for the City and has to work very close with the City Attorney's office.

Alderman Marr stated the person needs to have supervisory experience, must be able to multi task, must be able to work well with other people and have good customer service skills. They need to be independent thinkers, have the ability to tell people no, be detailed and organized.

Alderman Davis asked that Alderman Marr explain the process.

Alderman Marr said there are eight questions so each alderman will ask one questions and they will just go around the table starting with Alderman Rhoads. There will be two minutes for each question to be answered. There is a stop light that will be used, it will be green when they start, yellow when they have 30 seconds and red when they need to stop. When the stop light turns red the applicant will be allowed to finish their sentence and then must stop speaking.

Alderman Davis asked Michelle to explain to the applicants the process and to go ahead and bring in the first applicant.

The applicants were interviewed in the following order:

Sondra Smith
Claudia Smith
Maureen Hoover
Renee Thomas
Kay Swanner
Barry Herzog
David Hansberger

The interview being completed Alderman Davis asked what the direction of the council is at this point.

Alderman Thiel said she thinks the applicants should be narrowed down to the applicants that know the job, know what it entails and has some experience in the public industry.

Alderman Marr stated the nominating committee used a screening process, looking at the supervisory experience of the applicants. He thinks the persons understanding of the job should be looked at.

Alderman Rhoads agreed. I would boil it down to two Sondra Smith and Maureen Hoover. I would also talk about the positives of the candidates

Alderman Thiel stated that unless they wanted to go into executive session she thought they should stay away from the negatives.

Alderman Reynolds stated they might want to go into executive session to talk about what they have in front of them.

Alderman Davis asked if they would like to make a motion to bring it down to two candidates.

Alderman Rhoads moved to consider two candidates, Maureen Hoover and Sondra Smith. Alderman Thiel seconded.

Alderman Marr would like to amend the motion to include Claudia Smith. Alderman Jordan agreed.

Alderman Davis asked if there was any discussion on the amendment.

Alderman Thiel stated she felt Claudia Smith had not worked with the public.

Alderman Marr stated she was the strongest applicant that was not a City employee. He felt she had skill sets that could be transferred to the City.

Alderman Davis agreed with Alderman Marr.

Alderman Jordan said another thing with Claudia Smith was that she has lived here all her life so she understands Fayetteville and that makes a big difference. Her organization skills were excellent. Given the chance she would be as good as the rest.

City Attorney Kit Williams stated that the only vote that is going to count is the vote that you are going to do at the end to select the actual person.

Alderman Davis asked if there was any more discussion on the amendment to the motion.

Alderman Reynolds stated they if everyone wrote the scores on their sheets they could add their scores up.

Alderman Davis asked if there was anymore discussion regarding the amendment.

Upon roll call the amendment passed unanimously.

Upon roll call the motion to discuss three applicants, Maureen Hoover, Claudia Smith and Sondra Smith passed unanimously.

Alderman Reynolds moved to go to executive session. Alderman Thiel seconded the motion.

City Attorney Kit Williams stated if you do move to go into executive session you will immediately go into executive session with only the alderman present. You are not to take any votes, even straw votes while in executive session. You can talk about personnel issues and who you support but you must reconvene in public session and at that time a vote may be taken, no votes in executive session.

Alderman Davis asked if there was any discussion.

Alderman Marr asked why Alderman Reynolds felt they needed to go into executive session.

Alderman Reynolds stated he felt questions among them could be solved in executive session. He felt when then come out of executive session they would have a candidate in their minds.

Alderman Marr asked Alderman Reynolds if there were sensitive issues or pros and cons that you don't want to discuss in public, if not Alderman Marr would choose to keep it open.

Alderman Cook said he did not want anyone to feel as they are being dragged over the coals. There are some things I would like to say that I would rather not say in public.

City Attorney Kit Williams stated the reason behind executive session is that the Alderman as a group are going to have to work with the City Clerk, so sometimes it is easier not to have been an opponent of the person that gets selected.

Alderman Rhoads felt executive session should be used sparingly. Perhaps if you are going to discipline or fire someone you might be more apt to go into executive session. When you have three good candidates you should be able to speak to those candidates in

a way that you are only talking about the positives. Alderman Rhoads stated he would probably vote against executive session.

Alderman Davis stated the reason he would go to a closed session is that people have applied for a position and this is on the public airways and the press and media are here and anything that could be said about that individual could reflect negatively and could possibly affect job opportunities in the future for them if something was said wrong. If we all speak nothing but positives we have no reason to go into executive session. The problem with doing the rose colored glass is if someone has a view and wants to express it they may not express it in front of the camera and media.

Alderman Davis asked if there was anymore discussion about going into executive session.

Upon roll call the motion failed due to a tie with Alderman Marr, Rhoads, Lucas and Jordan voting nay.

City Attorney Kit Williams stated any motion requires five votes.

Alderman Davis stated he would like to let the applicants go home if they wish and have Michelle call them when the selection is completed.

A discussion followed on the applicants.

Alderman Davis asked if there was anymore discussion.

Upon roll call Aldermen Cook, Rhoads, Davis, Lucas, Reynolds and Thiel voted for Sondra Smith. Aldermen Marr and Jordan voted for Maureen Hoover.

City Attorney Kit Williams stated Sondra Smith has now been selected and if there was no further discussion the meeting would adjourn.

Meeting adjourned at 6:55 PM.

**REVISED
MINUTES OF A MEETING
OF THE
CITY COUNCIL
DECEMBER 3, 2002**

A meeting of the Fayetteville City Council will be held on December 3, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Alderman Santos, Jordan, Reynolds, Marr, Thiel, Young, Bechard, Davis, City Attorney Kit Williams, Deputy City Clerk Gina Roberts, Staff, Press, and Audience.

CONSENT

APPROVAL OF THE MINUTES

PUBLIC ACCESS: A resolution accepting a contract for public access television services from January 1, 2003 until March 31, 2003.

BKD, LLP: A resolution approving a contract amendment to the contract with BKD, LLP in the amount of \$6,000 for additional audit costs.

INSITUFORM TECHNOLOGIES: A resolution awarding a construction contract to Insituform Technologies for sanitary sewer main line and service lateral lining, cured in place pipe method; approval of the first term in the amount of \$308,250, with a contingency of \$30,000 and approval of the second term in the amount of \$308,250 with a contingency of \$30,000, contingent upon approval of the 2003 budget including the sewer rehabilitation project contained therein.

MOTOROLA: A resolution approving a radio maintenance contract in the amount of \$93,965.48 to Motorola.

MERIT ELECTRIC: A resolution approving a contract with Merit Electric for the installation of new ball field lighting at Lake Fayetteville Softball Complex in the amount of \$256,000 with a project contingency amount of \$38,400 for a total cost of \$294,400 along with the approval of a budget adjustment.

• AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

*pulled from
 final agenda
 and moved to*

For the Fayetteville City Council Meeting of: February 18, 2003

FROM:

Kevin Springer

Budget & Research

Finance & Internal Services

Name

Division

Department

*first meeting
 in March,
 2003*

ACTION REQUIRED:

City Council is requested to approve a budget adjustment which will allow for the rollforward and rebudget of all projects or items in progress which were appropriated in the 2002 Budget. The items which are approved will become part of the 2003 budget.

COST TO CITY:

<u>See Attachment</u>	<u>See Attachment</u>	<u>See Attachment</u>
Cost of this request	Category/Project Budget	Program Category / Project Name
<u>See Attachment</u>	<u>See Attachment</u>	<u>See Attachment</u>
Account Number	Funds Used to Date	Program / Project Category Name
<u>See Attachment</u>	<u>See Attachment</u>	<u>See Attachment</u>
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW:

<u>Budgeted Item</u>	<u>X</u>	<u>Budget Adjustment Attached</u>
<u>2-4-03</u>	<u>[Signature]</u>	<u>2-6-03</u>
Budget Manager	Finance & Internal Svcs. Director	Date

CONTRACT/GRANT/LEASE REVIEW:

<u>[Signature]</u>	<u>2/6/03</u>	<u>[Signature]</u>	<u>2/6/03</u>
Accounting Manager	Date	Internal Auditor	Date
<u>[Signature]</u>	<u>2/6/03</u>		
City Attorney	Date	ADA Coordinator	Date
<u>[Signature]</u>	<u>2/6/03</u>		
Purchasing Manager	Date	Grant Coordinator	Date

STAFF RECOMMENDATION:

Staff recommends approval of the rollforward budget adjustment.

<u>[Signature]</u>	<u>2-4-03</u>
Division Head	Date
<u>[Signature]</u>	<u>2-6-03</u>
Department Director	Date
<u>[Signature]</u>	<u>2-6-03</u>
Administrative Services Director	Date
<u>[Signature]</u>	<u>2/6/03</u>
Mayor	Date

Cross Reference

New Item: **Yes** **No**

Previous Ord/Res#: _____

Orig. Contract Date _____

Orig. Contract Number _____

Description 2003 Budget Rollforwards Meeting Date February 18, 2003

Comments:

Budget Manager

Reference Comments:

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT WHICH WILL ALLOW FOR THE ROLL-FORWARD TO THE CURRENT BUDGET OF ALL PROJECTS OR ITEMS IN PROGRESS WHICH WERE APPROPRIATED IN THE 2002 BUDGET.

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 which will allow for the roll-forward to the current budget of all projects or items in progress which were appropriated in the 2002 budget. A schedule of roll-forwards marked Exhibit "A" is attached hereto and made a part hereof

PASSED and APPROVED this 18th day of February, 2003.

APPROVED:

By:

DAN COODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and Fayetteville City Council

THRU: Hugh Earnest, Chief Administrative Officer 
Stephen Davis, Finance & Internal Services Director 

FROM: Kevin Springer, Budget Manager 

DATE: February 6, 2003

SUBJECT: **2002 Re-budget/Rollforward Request**

Please find attached a schedule of operating and capital amounts by fund which were included in the 2002 Budget but did not incur a financial obligation during the 2002 fiscal year. The 2002 estimated unreserved fund balance/retained earnings for the respective funds reflects the cost of the requested re-budget/rollforwards. Therefore, approval for these items to be made part of the 2003 appropriations, will not impact the City's budgeted financial position.

The rollforward/re-budget of prior year's appropriated projects and items is a normal operating procedure and is generally for one-time expenses. Approval of this request will allow the 2003 Budget to be increased to reflect the attached information. Several of the requested re-budget/rollforwards include a revenue offset in the form of grant revenues. This year's re-budget/rollforward process provides the City the opportunity to supplement funding removed during the 2003 Annual Budget review and approval process conducted in November/December 2002.

In order to more adequately match revenues and expenses for 2003, funding City-wide was reduced to meet 2003 budgeted revenues. City Council was advised that some of the funding would be requested to be replenished during the rollforward process. The current request before you replenishes some of the funding reduced in developing the 2003 Annual Budget. In addition to the 2003 reductions, other requests for re-budgets have been made to fund projected cost increases not anticipated as part of the 2003 Annual Budget.

The following criteria was utilized to develop this re-budget/rollforward proposal to City Council:

1. Funding for projects or work items that were planned for 2002 but that were postponed until 2003.
2. Materials and equipment necessary to address any issues/concerns that improve the safety of patrons/citizens.

3. Materials, equipment, and maintenance funding necessary to perform program functions.
4. Travel & Training and Publications & Dues funds for staff that need the funding to maintain registrations, skill set retention, quality of work, etc.
5. Materials and equipment needed to upgrade staff efficiency.
6. Restore funding for extra services and contracted services where the current funding level will present a hardship on existing staff to perform routine duties.

In General Fund, after 2002 financial activity, \$1,231,622 was remaining to go back to fund balance. With the current rollforward/rebudget request of \$730,972, an additional \$500,650 in funds will be used to replenish the General Fund balance. The final amount is subject to change with any year end payments and audit changes. A General Fund balance schedule is included with this memo.

Total requested re-budgets/rollforwards for all funds are \$66,002,992 as reflected in the following two tables. A summary of all re-budget/rollforwards requiring City Council action is described in the table below.

City Council Approval Requested (Unobligated Re-budget Rollforwards)

Funding Source	Amount
General	\$ 613,977
Street	19,186
Off Street Parking	368,009
Community Development - Grant Revenues	(523,389)
Community Development - Grant Expenses	523,389
Parks Development - Grant Revenues	(89,142)
Parks Development	758,855
Library Construction	1,872,626
Replacement	450
Sales Tax Construction - Grant Revenue	(214,203)
Sales Tax Construction	11,106,985
Wastewater Improvements Project	13,200,000
Water & Sewer	9,328,496
Solid Waste	941,249
Airport - Grant Revenue	(497,948)
Airport	562,307
Town Center	1,200
Shop	1,976,859
Total All Funds	<u><u>\$ 39,948,906</u></u>

In addition to the projects and items discussed above, \$26,054,086 of projects and items were in progress at the end of the year. The unexpended budget on these financial obligations will also be rolled forward and become a part of the 2003 budget. These items do not require additional action by Council because these items have either a contractual agreement or have been authorized by purchase order. For your information, a summary by funding source is included in the table below.

Contractually Obligated Rollforwards

Funding Source	Amount
General	\$ 116,995
Street	2,493
Parks Development - Grant Revenues	(10,858)
Parks Development	287,839
Library Construction	15,738,300
Sales Tax Construction - Grant Revenue	(1,292,123)
Sales Tax Construction	6,898,820
Water & Sewer	1,450,207
Solid Waste	1,113,102
Airport - Grant Revenue	(957,501)
Airport	1,525,172
Municipal Judge Retirement	640
Shop	1,181,000
Total All Funds	<u>\$ 26,054,086</u>

Please note that the actual non-obligated (\$39,948,906) and obligated (\$26,054,086) amounts to be rolled forward may be less than what is requested in this memo. The actual amounts will not be determined until all of the December 2002 expenses are processed. Once a final listing has been made, it will be submitted to the Mayor for approval before the appropriation is implemented. This submitted request is to prevent any time delays in City operations and projects that would occur if prior year funding was not re-appropriated.

If you have any questions concerning the attachment or the procedure, please feel free to contact the Budget & Research Division. Thank you.

City of Fayetteville, Arkansas
General Fund

2002 BUDGET
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	Actual 2001	Budgeted 2002	Actual 2002 Subject to Audit	Budgeted 2003
Beginning Fund Balance	\$ 10,274,934	\$ 9,697,723	\$ 9,697,723	\$ 8,578,925
Resources				
Revenues:				
Sales Tax - County	8,353,312	8,325,000	8,617,527	8,857,000
Alcoholic Beverage Taxes	289,521	290,000	316,162	290,000
Franchise Fees	3,335,148	3,228,500	3,031,433	3,619,900
Licenses & Permits	755,604	821,000	842,666	969,000
Intergovernmental	1,558,970	1,713,217	1,715,692	1,386,000
Charges for Services	1,080,418	1,197,500	1,185,073	1,095,700
Fines & Forfeitures	1,247,063	1,171,000	1,253,452	1,405,000
Investment Earnings	504,808	422,000	316,342	214,000
Other	141,265	787,693	914,247	118,000
Total Revenue	17,266,109	17,955,910	18,192,594	17,954,600
Operating Transfers In:				
Off Street Parking	39,105	34,000	48,404	43,000
Community Development Block Grant	28,194	23,540	23,540	0
Sales Tax - City	2,983,968	2,841,000	2,841,004	4,557,000
Total Transfers In	3,051,267	2,898,540	2,912,948	4,600,000
Total Resources	20,317,376	20,854,450	21,105,542	22,554,600
Uses				
Expenditures:				
General Government	3,637,055	4,481,591	3,759,439	5,117,914
Cost Reimbursements	(2,420,448)	(2,541,468)	(2,541,468)	(2,235,786)
Community Planning & Engineering Services	2,156,131	2,452,980	2,207,887	2,263,615
Operations	2,311,013	2,467,965	2,236,822	2,512,300
Finance & Internal Services	2,840,195	3,382,193	3,157,557	2,904,717
Police	7,395,163	8,224,854	7,902,043	8,244,551
Fire	4,480,675	4,936,349	4,918,911	4,977,285
Water & Wastewater	140,800	146,030	132,493	150,632
Total Expenditures	20,540,584	23,550,494	21,773,684	23,935,228
Operating Transfers Out:				
Arts Center Bond Fund	319,200	282,640	403,228	407,115
Drug Law Enforcement Fund	34,803	53,000	47,428	69,886
Replacement Fund	0	16,800	0	0
Total Operating Transfers Out	354,003	352,440	450,656	477,001
Total Uses	20,894,587	23,902,934	22,224,340	24,412,229
Net Resources (Uses)	(577,211)	(3,048,484)	(1,118,798)	(1,857,629)
Ending Fund Balance	\$ 9,697,723	\$ 6,649,239	\$ 8,578,925	\$ 6,721,296
2003 Approved Ending Fund Balance				5,489,674
Funds Available for Rollforwards				1,231,622
2002 Amount of Rollforwards				730,972
Surplus Funds Added to Fund Balance				\$ 500,650

City of Fayetteville, Arkansas

Rollforward Workpapers - Four Year Comparison of Roll Forwards

	1999 to 2000	2000 to 2001	2001 to 2002	2002 to 2003
Rebudgeted Amounts	\$ 17,622,762	\$ 20,748,849	\$ 22,296,891	\$ 39,948,906
Rollforwarded Amounts	15,229,199	7,518,254	5,063,707	26,054,086
Total Rebudgets/Rollfowards	<u>\$ 32,851,961</u>	<u>\$ 28,267,103</u>	<u>\$ 27,360,598</u>	<u>\$ 66,002,992</u>

Less - Major One Time Capital Projects:

New Central Library	\$ (17,610,926)
Wastewater Treatment Plant Expansion	<u>(13,200,000)</u>
	<u>(30,810,926)</u>

Revised Rollforward/Rebudget Amounts for 2003	<u><u>\$ 35,192,066</u></u>
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City of Fayetteville, Arkansas

2003 Annual Budget

Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
1010.0001.4309.00	Police	Federal Grants - Vests	(23,500)	0	(23,500)
1010.0210.5200.00	City Attorney	Office Supplies	1,075	0	1,075
1010.0210.5209.00	City Attorney	Computer Law Program Software	250	0	250
1010.0210.5210.00	City Attorney	Minor Equipment	998	0	998
1010.0210.5304.00	City Attorney	Travel & Training	3,500	0	3,500
1010.0210.5314.00	City Attorney	Professional Services	2,834	0	2,834
1010.0210.5314.01	City Attorney	Outside Attorney	4,650	0	4,650
1010.0210.5416.00	City Attorney	Software Maintenance	500	0	500
1010.0350.5209.00	Hot Check	Software	11,200	0	11,200
1010.0350.5416.00	Hot Check	Software Maintenance	645	0	645
1010.0600.5200.00	Cable Administration	Special Tapes	306	0	306
1010.0600.5200.00	Cable Administration	DVDs for conversion from tape	3,300	0	3,300
1010.0600.5200.00	Cable Administration	Bulbs, Asst per List	0	114	114
1010.0600.5314.00	Cable Administration	Contract to Evaluate Cox Comm	0	6,400	6,400
1010.0600.5405.00	Cable Administration	System Reconfiguration by Engineers	3,600	0	3,600
1010.1210.5111.00	Human Resources	Worker's Compensation	45,000	0	45,000
1010.1210.5301.00	Human Resources	Public Notification	8,000	0	8,000
1010.1210.5315.00	Human Resources	Benefit Valuation & Other Serv	0	7,151	7,151
1010.1310.5200.00	Accounting & Audit	Office Supplies	1,500	0	1,500
1010.1310.5209.00	Accounting & Audit	Crystal Reporting Software	1,000	0	1,000
1010.1310.5210.00	Accounting & Audit	Laser Printer/Calculators	1,200	0	1,200
1010.1310.5301.00	Accounting & Audit	Publication Of The Financials	1,700	0	1,700
1010.1310.5304.00	Accounting & Audit	GASB 34 Training	2,900	0	2,900
1010.1310.5304.30	Accounting & Audit	Education Reimbursement	2,200	0	2,200
1010.1310.5307.00	Accounting & Audit	Unexpected Audit Costs	850	0	850
1010.1310.5401.00	Accounting & Audit	Office Machine Maintenance	160	0	160
1010.1330.5210.00	Budget & Research	Camera (CIP Development)	500	0	500
1010.1330.5304.00	Budget & Research	Travel & Training (Costing Services)	2,500	0	2,500
1010.1330.5315.00	Budget & Research	Contract Services for User Fee Study	25,000	0	25,000
1010.1360.5209.00	Internal Audit	Software	400	0	400
1010.1360.5210.00	Internal Audit	Minor Equipment	890	0	890
1010.1360.5303.00	Internal Audit	Publications & Dues	400	0	400
1010.1360.5304.00	Internal Audit	GFOA 2003 Conference Attendance	1,707	0	1,707
1010.1360.5314.00	Internal Audit	Risk Assessment Analysis	15,000	0	15,000

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City of Fayetteville, Arkansas

2003 Annual Budget

Rollforward Requests Submitted by Divisions: (Operational & Capital)

2002 BUDGET
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Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
1010.1380.5209.00	Utilities Mgt. - Telecom.	Software for Managing Structure Cable	1,000	0	1,000
1010.1380.5210.00	Utilities Mgt. - Telecom.	Minor Equipment for cabling	3,000	0	3,000
1010.1380.5304.00	Utilities Mgt. - Telecom.	Travel And Training	3,000	0	3,000
1010.1380.5315.00	Utilities Mgt. - Telecom.	Contract Services	5,000	0	5,000
1010.1380.5801.00	Utilities Mgt. - Telecom.	Add-on module for existing dictaphone	16,000	0	16,000
1010.1410.5400.00	Building Services	Railing, for City Hall	0	103	103
1010.1410.5400.00	Building Services	Materials, for Exercise Room	0	163	163
1010.1410.5400.00	Building Services	Replace Shower Tile in Exercise	0	541	541
1010.1510.5200.00	City Clerk	Binders & Printing of Ordinances Code	3,000	0	3,000
1010.1510.5210.00	City Clerk	CD Writer & Printers	3,000	0	3,000
1010.1510.5313.00	City Clerk	Tab Sheets/Binders Code of Ordinances	4,729	0	4,729
1010.2010.5200.01	District Court	Copier lease	750	0	750
1010.2020.5304.00	District Court	Travel And Training	464	0	464
1010.2030.5210.00	District Court	Minor Equipment	294	0	294
1010.2600.5103.00	Central Dispatch	Overtime for shift coverage	12,191	0	12,191
1010.2600.5105.00	Central Dispatch	FICA for above overtime	939	0	939
1010.2600.5303.00	Central Dispatch	City Directory	230	0	230
1010.2600.5304.00	Central Dispatch	Training	8,731	0	8,731
1010.2600.5402.00	Central Dispatch	Radio Maintenance - Motorola	15,249	0	15,249
1010.2710.5315.00	Animal Services	Services Pertaining To An Emergency	200	0	200
1010.2710.5402.00	Animal Services	Radio Repairs	300	0	300
1010.2720.5200.00	Animal Services	Office Supplies And Printing	140	0	140
1010.2720.5200.00	Animal Services	City Tags, (2,000)	0	108	108
1010.2720.5204.00	Animal Services	Chemicals	300	0	300
1010.2720.5205.00	Animal Services	Dog Food and Supplies	500	0	500
1010.2720.5303.00	Animal Services	Dues To Welfare Organizations	320	0	320
1010.2720.5310.00	Animal Services	Increase In Utilities	2,000	0	2,000
1010.2720.5314.00	Animal Services	Professional Services	105	0	105
1010.2720.5400.00	Animal Services	Incinerator repairs	5,600	0	5,600
1010.2720.5400.00	Animal Services	Rebuild Incinerator Fire Box	0	6,250	6,250
1010.2730.5200.00	Animal Services	Literature for Spay/Neuter Program	600	0	600
1010.2730.5200.00	Animal Services	Office Supplies, per List	0	22	22
1010.2730.5200.03	Animal Services	Veterinarian Supplies	23,200	0	23,200
1010.2730.5200.03	Animal Services	Vaccines & Heartworm Tests	0	626	626

City of Fayetteville, Arkansas

2003 Annual Budget

Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
1010.2730.5204.00	Animal Services	Euthanasia Chemicals	2,600	0	2,600
1010.2730.5204.00	Animal Services	Kennel Sol (5gal)	0	1,102	1,102
1010.2730.5210.00	Animal Services	Additional Equipment	8,500	0	8,500
1010.2730.5210.00	Animal Services	Computer Software for Animal	0	9,017	9,017
1010.2730.5302.00	Animal Services	Uniforms	1,000	0	1,000
1010.2730.5302.00	Animal Services	Printing, Logo & Name Imprint	0	163	163
1010.2730.5303.00	Animal Services	Publications And Dues	550	0	550
1010.2730.5315.00	Animal Services	Contract Vet Services	2,720	0	2,720
1010.2730.5407.00	Animal Services	Maintenance On Medical Equipment	490	0	490
1010.2900.5200.04	Police	Suicide Smocks	412	0	412
1010.2900.5203.00	Police	Cleaning Supplies	500	0	500
1010.2900.5209.00	Police	Software Upgrades	9,000	0	9,000
1010.2900.5210.00	Police	Office furniture/new position	550	0	550
1010.2900.5210.00	Police	Prisoner lockers	1,100	0	1,100
1010.2900.5210.00	Police	Jail Restraint Chair	1,405	0	1,405
1010.2900.5210.00	Police	Typewriters/Mattress Rack for Jail	1,500	0	1,500
1010.2900.5210.00	Police	Chairs, Calculators, Transcription equip	2,500	0	2,500
1010.2900.5210.00	Police	Four Personal Digital Assistants (PDA)	3,000	0	3,000
1010.2900.5210.00	Police	Washer And Dryer Replacement	3,445	0	3,445
1010.2900.5210.00	Police	Servers And CPUs	9,000	0	9,000
1010.2900.5301.00	Police	Two Auctions	300	0	300
1010.2900.5304.00	Police	Educational Assistance	2,000	0	2,000
1010.2900.5304.00	Police	2 Asst. Chiefs to Intl. COP Conference	4,000	0	4,000
1010.2900.5304.00	Police	Travel and Training for IT staff	6,000	0	6,000
1010.2900.5400.00	Police	Counter Top And Carpet Replacement	800	0	800
1010.2900.5400.00	Police	Paint For Jail Cells	1,000	0	1,000
1010.2900.5400.00	Police	Carpet Tiles, to Finish	0	1,875	1,875
1010.2940.5209.00	Police	Forensic & Accident Scene Software	1,700	0	1,700
1010.2940.5209.00	Police	Century Ident. Software/Block Grant	4,020	0	4,020
1010.2940.5210.00	Police	E-Z shelter for ERT	250	0	250
1010.2940.5210.00	Police	Leg Restraints	400	0	400
1010.2940.5210.00	Police	Equip. for Accident Investigators	500	0	500
1010.2940.5210.00	Police	Ice maker	1,160	0	1,160
1010.2940.5210.00	Police	Radio batteries/chairs	3,000	0	3,000

2002 BUDGET
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City of Fayetteville, Arkansas

2003 Annual Budget

Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
1010.2940.5210.00	Police	Four (4) Cannondale Bicycles	3,800	0	3,800
1010.2940.5210.00	Police	Detective/Crime Scene Equipment	4,100	0	4,100
1010.2940.5210.00	Police	Projector, PC, printer/Block Grant	8,900	0	8,900
1010.2940.5210.00	Police	Lash Headset LSH2357DP-MS	0	1,315	1,315
1010.2940.5302.00	Police	Bicycle patrol equipment	2,175	0	2,175
1010.2940.5302.00	Police	ERT equipment	8,825	0	8,825
1010.2940.5302.00	Police	Vests-9,000 grant/9,000 city	18,000	0	18,000
1010.2940.5302.00	Police	Badge, BC2068 No# Pin & Clip T	0	180	180
1010.2940.5302.00	Police	Badge, BC2068 No#, Pin Type	0	1,024	1,024
1010.2940.5302.00	Police	Xtreme XS Soft Body Armor and	0	2,682	2,682
1010.2940.5401.00	Police	Laptop repairs	3,000	0	3,000
1010.2940.5402.00	Police	Radio Maintenance - Motorola	5,984	0	5,984
1010.3010.5210.00	Fire	Minor Equipment	355	0	355
1010.3020.5200.00	Fire	Office Supplies And Printing	1,700	0	1,700
1010.3020.5209.00	Fire	Software	857	0	857
1010.3020.5302.00	Fire	To change to Quartermaster System	6,788	0	6,788
1010.3020.5310.01	Fire	Office Systems Upgrade	1,600	0	1,600
1010.3020.5407.00	Fire	Small Equipment Maintenance	1,400	0	1,400
1010.5210.5217.00	Parks & Recreation	Rescue Tubes	0	455	455
1010.5210.5400.00	Parks & Recreation	Cement Lip Replacement for Pool	12,000	0	12,000
1010.5210.5400.00	Parks & Recreation	Repairs, Wilson Swimming Pool	0	10,567	10,567
1010.5220.5102.00	Parks & Recreation	Work Study	1,200	0	1,200
1010.5220.5200.00	Parks & Recreation	Materials for Coaches Program	1,600	0	1,600
1010.5220.5200.00	Parks & Recreation	Spring Soccer Postcards	0	71	71
1010.5220.5200.05	Parks & Recreation	Replace/Repair Old Soccer Equipment	400	0	400
1010.5220.5200.05	Parks & Recreation	Chest Protectors For Youth	0	1,021	1,021
1010.5220.5200.05	Parks & Recreation	Soccer Uniforms, Bid # 02-27	0	7,493	7,493
1010.5220.5209.00	Parks & Recreation	Autocad for Park Planner	3,500	0	3,500
1010.5220.5310.00	Parks & Recreation	New Lighting-Lake Fay & White River	3,500	0	3,500
1010.5220.5311.01	Parks & Recreation	Secondary Insurance	4,600	0	4,600
1010.5220.5315.00	Parks & Recreation	Guest Speakers For Coaches	1,000	0	1,000
1010.5220.5315.00	Parks & Recreation	Volunteers Appreciation	2,000	0	2,000
1010.5220.5801.00	Parks & Recreation	Printer, Laser Jet HP8550DN Co	0	5,410	5,410
1010.5260.5210.00	Parks & Recreation	Time Clock	500	0	500

City of Fayetteville, Arkansas

2003 Annual Budget

Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
1010.5260.5303.00	Parks & Recreation	Park Planner Dues	535	0	535
1010.5260.5304.00	Parks & Recreation	Park Planner/Licenses	7,650	0	7,650
1010.5260.5331.00	Parks & Recreation	Square Garden Vehicle	1,236	0	1,236
1010.5260.5331.01	Parks & Recreation	Square Garden Vehicle	937	0	937
1010.5260.5331.02	Parks & Recreation	Square Garden Vehicle	1,056	0	1,056
1010.5260.5400.00	Parks & Recreation	Renovation Kiosk Square Garden	600	0	600
1010.5260.5400.00	Parks & Recreation	Repair Brick Flower Beds-Sq. Garden	9,000	0	9,000
1010.5260.5400.00	Parks & Recreation	Supplies, Misc	0	701	701
1010.5260.5402.00	Parks & Recreation	Radio Maintenance - Motorola	922	0	922
1010.5300.5100.00	Utilities Mgt. - Parking	Deck Custodian-Town Center Parking	4,445	0	4,445
1010.5300.5105.00	Utilities Mgt. - Parking	Deck Custodian-Town Center Parking	342	0	342
1010.5300.5304.00	Utilities Mgt. - Parking	Parking Conference for Parking Coord.	2,000	0	2,000
1010.6220.5200.00	Engineering	Office Supplies & Printing/Shared Copier	2,500	0	2,500
1010.6220.5209.00	Engineering	Drainage Software	13,381	0	13,381
1010.6220.5304.00	Engineering	Travel And Training	9,200	0	9,200
1010.6230.5314.00	Engineering	Professional Services for ROW Acquis.	6,879	0	6,879
1010.6240.5210.00	Engineering	Chair, Office Global Posture	0	358	358
1010.6300.5200.00	Planning	Uniform Setup for new office	3,386	0	3,386
1010.6300.5210.00	Planning	Misc. Equipment for new office	2,063	0	2,063
1010.6300.5210.00	Planning	New Office Maintenance Needs	5,782	0	5,782
1010.6300.5301.00	Planning	Public Notification	3,315	0	3,315
1010.6300.5303.00	Planning	For NWARPC dues	15,531	0	15,531
1010.6300.5314.00	Planning	Training And NWARPC Dues	1,351	0	1,351
1010.6300.5400.00	Planning	New Office Maintenance Needs	220	0	220
1010.6400.5200.00	Building Safety	Office Supplies And Printing of Mailings	850	0	850
1010.6400.5210.00	Building Safety	Minor Equipment due to relocation	2,100	0	2,100
1010.6400.5304.00	Building Safety	Recertifications & Hansen	5,500	0	5,500
1010.6400.5801.00	Building Safety	Automated Field Inspection System	19,700	0	19,700
1010.6420.5315.00	Community Resources	Removal and Cleanup Work	12,000	0	12,000
1010.6600.5314.00	Miscellaneous	Research & High Tech Park	79,203	26,724	105,927
1010.6600.5314.00	Miscellaneous	Sales Tax Study	0	9,576	9,576
1010.6600.5314.00	Miscellaneous	Leadership & Strategic	0	15,100	15,100
1010.6600.5410.00	Miscellaneous	Maint Contract Mt Sequoyah	0	683	683
			<u>613,977</u>	<u>116,995</u>	<u>730,972</u>

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Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
2100.4100.5302.00	Transportation - Street	Uniforms / Personal Equipment	1,718	0	1,718
2100.4100.5302.00	Transportation - Street	Winter Wear per List	0	1,862	1,862
2100.4100.5315.00	Transportation - Street	Benefit Valuation & Other Serv	0	631	631
2100.4100.5402.00	Transportation - Street	Radio Maintenance - Motorola	838	0	838
2100.4100.5723.00	Transportation - Street	Ozark Regional Transit	5,117	0	5,117
2100.4100.5728.00	Transportation - Street	Razorback Transit	5,000	0	5,000
2100.5530.5209.00	Transportation - Sidewalks	Software for replacement PC	500	0	500
2100.5530.5210.00	Transportation - Sidewalks	Small Equipment	3,323	0	3,323
2100.5530.5302.00	Transportation - Sidewalks	Rain gear	628	0	628
2100.5530.5311.01	Transportation - Sidewalks	Emergency Funds	500	0	500
2100.5530.5407.00	Transportation - Sidewalks	Small Equipment Maintenance	1,562	0	1,562
			19,186	2,493	21,679
2130.9130.5209.00	Utilities Mgt. - Off Street	Upgrade Parking Enf. Software	2,300	0	2,300
2130.9130.5314.00	Utilities Mgt. - Off Street	Parking Garage(s)	30,000	0	30,000
2130.9130.5315.00	Utilities Mgt. - Off Street	Downtown Parking Master Plan	35,772	0	35,772
2130.9130.5315.00	Utilities Mgt. - Off Street	Cleanups and ice removal	2,500	0	2,500
2130.9130.5343.00	Utilities Mgt. - Off Street	Deck Operation Expenses	10,000	0	10,000
2130.9130.5400.00	Utilities Mgt. - Off Street	Parking Lots And Storage Facilities	2,500	0	2,500
2130.9130.5411.00	Utilities Mgt. - Off Street	Parking Deck Rehabilitation	170,454	0	170,454
2130.9130.5416.00	Utilities Mgt. - Off Street	Software Maintenance	1,345	0	1,345
2130.9130.5819.00	Utilities Mgt. - Off Street	Parking Lot Overlays	81,000	0	81,000
2130.9130.5890.00	Utilities Mgt. - Off Street	Parking Deck Automation Equipment	7,631	0	7,631
2130.9130.5890.00	Utilities Mgt. - Off Street	Gated Parking Conversion	24,507	0	24,507
			368,009	0	368,009

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Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
2180.0918.4320.00	Community Resources	CDBG Grant Funding	(523,389)	0	(523,389)
2180.4930.5200.00	Community Resources	Office supplies	1,525	0	1,525
2180.4930.5304.00	Community Resources	Travel & Training	2,030	0	2,030
2180.4930.5320.01	Community Resources	Bank Charges	150	0	150
2180.4940.5200.00	Community Resources	Office supplies	2,500	0	2,500
2180.4940.5301.00	Community Resources	Public Notification	600	0	600
2180.4940.5304.00	Community Resources	Travel & Training	1,000	0	1,000
2180.4940.5315.00	Community Resources	Contract Services	103,006	0	103,006
2180.4940.5390.32	Community Resources	SFCDC Home	24,100	0	24,100
2180.4940.5390.35	Community Resources	LBP Hazard	5,465	0	5,465
2180.4970.5315.01	Community Resources	Aging Transportation	2,877	0	2,877
2180.4990.5390.24	Community Resources	SE Comm Center	58,224	0	58,224
2180.4990.5390.27	Community Resources	DomViolence Shelter	195,488	0	195,488
2180.4990.5390.30	Community Resources	Sage House	100,769	0	100,769
2180.4990.5390.37	Community Resources	Walker Playground Equip	25,655	0	25,655
			0	0	0

2250.0925.4302.00	Parks & Recreation	Skate Park (State Grants)	(89,142)	(10,858)	(100,000)
2250.9250.5308.03	Parks & Recreation	Lights of the Ozarks	0	4,780	4,780
2250.9250.5314.00	Parks & Recreation	Skate Park	0	1,000	1,000
2250.9250.5314.00	Parks & Recreation	Tennis/Basketball Surface Renovation	20,431	8,151	28,582
2250.9250.5315.00	Parks & Recreation	Lights of the Ozarks	45,942	0	45,942
2250.9250.5315.00	Parks & Recreation	Lake Fay Softball Complex Improvements	0	1,433	1,433
2250.9250.5315.00	Parks & Recreation	Benefit Valuation & Other Serv	0	235	235
2250.9250.5400.00	Parks & Recreation	Lake Fay Softball Complex Improvements	15,680	0	15,680
2250.9250.5415.00	Parks & Recreation	Landscape Maint Items per List	0	445	445
2250.9250.5804.00	Parks & Recreation	Walker Park Senior Complex	91,000	0	91,000
2250.9250.5805.00	Parks & Recreation	Trail/Park Land Acquisition/Development	39,000	0	39,000
2250.9250.5806.00	Parks & Recreation	Wilson Park Improvements	937	0	937
2250.9250.5806.00	Parks & Recreation	Bundrick Park Development	1,842	0	1,842
2250.9250.5806.00	Parks & Recreation	Red Oak Park Development	3,370	0	3,370
2250.9250.5806.00	Parks & Recreation	White River Baseball Complex Improvement	4,686	0	4,686
2250.9250.5806.00	Parks & Recreation	Park Beautifications	36,714	0	36,714

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Rollforward Requests Submitted by Divisions: (Operational & Capital)

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Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
2250.9250.5806.00	Parks & Recreation	Community Park Development	76,173	0	76,173
2250.9250.5806.00	Parks & Recreation	Lake Fayetteville/Sequoyah Improvements	218,595	0	218,595
2250.9250.5806.00	Parks & Recreation	Skate Park	89,142	70,795	159,937
2250.9250.5806.00	Parks & Recreation	Lake Fay Softball Complex Improvements	23,087	201,000	224,087
2250.9250.5814.00	Parks & Recreation	Lake Fayetteville Trails	73,146	0	73,146
2250.9250.5819.00	Parks & Recreation	Gary Hampton Softball Complex	11,468	0	11,468
2250.9250.5890.00	Parks & Recreation	Red Oak Park Development	7,642	0	7,642
			669,713	276,981	946,694
4150.9150.5314.03	Library Construction	New Central Library Building	19	370,995	371,014
4150.9150.5804.00	Library Construction	New Central Library Building	1,865,502	15,367,305	17,232,807
4150.9150.5805.00	Library Construction	New Central Library Building	7,105	0	7,105
			1,872,626	15,738,300	17,610,926
4270.9270.5307.00	Replacement Fund	Audit Expense Increase	450	0	450
			450	0	450
4470.9470.5801.00	Sales Tax Capital	Automated Citizen Information System	1,596	7,981	9,577
4470.9470.5801.00	Sales Tax Capital	Automated Field Inspection System	77,000	0	77,000
4470.9470.5817.00	Sales Tax Capital	Betty Jo Drainage Improvements	271,883	0	271,883
4470.9470.5804.00	Sales Tax Capital	Blue Building Renovation - Rock Street	2,760	0	2,760
4470.9470.5801.00	Sales Tax Capital	Budgeting & Planning Software System	150,000	0	150,000
4470.9470.5400.00	Sales Tax Capital	Building Improvements	501,948	0	501,948
4470.9470.5400.00	Sales Tax Capital	Building Improvements - Leased Buildings	7,417	0	7,417
4470.9470.5314.03	Sales Tax Capital	City Administration Building Renovation	0	3,867	3,867
4470.9470.5801.00	Sales Tax Capital	City Shop/Public Works Facility Security	75,000	0	75,000
4470.9470.5809.00	Sales Tax Capital	Cleveland Street Improvements	111,972	1,042,698	1,154,670
4470.9470.5308.03	Sales Tax Capital	CMN Development - Traffic Signals	0	313	313
4470.9470.5890.00	Sales Tax Capital	CMN Development - Traffic Signals	0	58,277	58,277
4470.9470.5400.00	Sales Tax Capital	Concession/Restroom Improvements	3,626	0	3,626
4470.9470.5809.00	Sales Tax Capital	Dickson Street Enhancements	128,163	2,850,078	2,978,241

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Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
4470.0947.4309.00	Sales Tax Capital	Dickson Street Enhancements (Federal Grant)	0	(1,200,000)	(1,200,000)
4470.0947.4302.00	Sales Tax Capital	Dickson Street Enhancements (State Grant)	0	(20,000)	(20,000)
4470.9470.5801.00	Sales Tax Capital	Document Imaging System	88,188	0	88,188
4470.9470.5817.00	Sales Tax Capital	Double Springs Road Bridge Replacement	24,746	0	24,746
4470.9470.5314.00	Sales Tax Capital	Drainage Study/Master Plan	397,830	29,964	427,794
4470.9470.5315.00	Sales Tax Capital	Economic Development Matches	425,000	0	425,000
4470.0947.4302.00	Sales Tax Capital	Economic Development Matches (State Grants)	(20,000)	0	(20,000)
4470.9470.5805.00	Sales Tax Capital	Employee Parking Lot	147,600	0	147,600
4470.9470.5806.00	Sales Tax Capital	Fayetteville Boys & Girls Club Expansion	0	196,311	196,311
4470.9470.5808.00	Sales Tax Capital	Fayetteville Boys & Girls Club Imprvs	31,854	16,859	48,713
4470.9470.5809.00	Sales Tax Capital	Fayetteville Boys & Girls Club Imprvs	0	5,296	5,296
4470.9470.5814.00	Sales Tax Capital	Fayetteville Multi Use Trail	194,203	159,745	353,948
4470.0947.4309.00	Sales Tax Capital	Fayetteville Multi Use Trail (Federal Grant)	(194,203)	(72,123)	(266,326)
4470.9470.5802.00	Sales Tax Capital	Fire Apparatus - Ladder Truck	197,367	0	197,367
4470.9470.5400.00	Sales Tax Capital	Fire Facility Maintenance	2,657	0	2,657
4470.9470.5804.00	Sales Tax Capital	Fire Station #7 - Escrow Funds	395,100	0	395,100
4470.9470.5315.00	Sales Tax Capital	Forestry Program	47,645	13,920	61,565
4470.9470.5809.00	Sales Tax Capital	Gregg & Appleby Intersection	121,074	0	121,074
4470.9470.5809.00	Sales Tax Capital	Gregg Ave. Hwy. 71 to Mud Creek Bridge	35,000	0	35,000
4470.9470.5817.00	Sales Tax Capital	Holly & Vista Dr Drainage Improvements	600,000	0	600,000
4470.9470.5809.00	Sales Tax Capital	Hollywood St-6th & Sang Ave Intersection	615,087	0	615,087
4470.9470.5314.00	Sales Tax Capital	Infrastructure Appraisal Services	20,000	0	20,000
4470.9470.5809.00	Sales Tax Capital	In-House Pavement Improvements	426,872	0	426,872
4470.9470.5400.00	Sales Tax Capital	Kennel Upgrades & Improvements	0	2,218	2,218
4470.9470.5804.00	Sales Tax Capital	Kennel Upgrades & Improvements	0	25,364	25,364
4470.9470.5890.00	Sales Tax Capital	L.E.D. Traffic Signal Lens Replacement	1,485	56,532	58,017
4470.9470.5400.00	Sales Tax Capital	Lake Fayetteville/Sequoyah Improvements	61,700	0	61,700
4470.9470.5804.00	Sales Tax Capital	Lewis/Asbell Athletic Complex Developmen	15,184	0	15,184
4470.9470.5314.00	Sales Tax Capital	Lk.Fay.Dam - Emergency Action Plan	5,954	0	5,954
4470.9470.5212.00	Sales Tax Capital	M.U.T.C.D. Sign Material	18,015	0	18,015
4470.9470.5890.00	Sales Tax Capital	Microcomputer Replacements	2,738	0	2,738
4470.9470.5314.02	Sales Tax Capital	Multi-Level Parking Deck	0	226,939	226,939
4470.9470.5801.00	Sales Tax Capital	Municipal Management System	20,296	47,215	67,511
4470.9470.5806.00	Sales Tax Capital	Neighborhood Park Development	8,217	38,000	46,217

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Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
4470.9470.5314.03	Sales Tax Capital	New Central Library Building	11,899	6,206	18,105
4470.9470.5804.00	Sales Tax Capital	New Central Library Building	100,000	0	100,000
4470.9470.5209.00	Sales Tax Capital	New World Systems Supplemental Software	0	4,900	4,900
4470.9470.5315.00	Sales Tax Capital	New World Systems Supplemental Software	968	6,387	7,355
4470.9470.5809.00	Sales Tax Capital	Old Missouri - Stubblefield to Rolling H	570,000	0	570,000
4470.9470.5809.00	Sales Tax Capital	Old Missouri Road Improvements	1,192,670	115,848	1,308,518
4470.9470.5817.00	Sales Tax Capital	Ora Drive Drainage Improvements	111,273	0	111,273
4470.9470.5817.00	Sales Tax Capital	Other Drainage Improvements	144,671	38,135	182,806
4470.9470.5315.00	Sales Tax Capital	Other Park & Safety Improvements	29,100	0	29,100
4470.9470.5400.00	Sales Tax Capital	Other Park & Safety Improvements	0	1,123	1,123
4470.9470.5890.00	Sales Tax Capital	P.E.G. Television Center - Equipment	47,317	266	47,583
4470.9470.5814.00	Sales Tax Capital	Park Trail Development	177,020	0	177,020
4470.9470.5890.00	Sales Tax Capital	Playground & Picnic Improvements	11,400	0	11,400
4470.9470.5400.00	Sales Tax Capital	Police Building Improvements	152,039	24,996	177,035
4470.9470.5314.00	Sales Tax Capital	Police Computer System & Network Upgrade	97,579	0	97,579
4470.9470.5890.00	Sales Tax Capital	Police Computer System & Network Upgrade	23,356	0	23,356
4470.9470.5890.00	Sales Tax Capital	Printer Replacements	29,884	0	29,884
4470.9470.5890.00	Sales Tax Capital	Research & High Tech Park	1,626,317	115,600	1,741,917
4470.9470.5809.00	Sales Tax Capital	Ripple Rd Extension - South of Hwy 16 W	7,996	753,920	761,916
4470.9470.5815.00	Sales Tax Capital	Sanitary Sewer Rehabilitation	253	25,809	26,062
4470.9470.5809.00	Sales Tax Capital	School Avenue Improvements	5,750	0	5,750
4470.9470.5400.00	Sales Tax Capital	Shelter Quarantine Upgrade	24,331	0	24,331
4470.9470.5817.00	Sales Tax Capital	Shenandoah Drainage Improvements	249,975	0	249,975
4470.9470.5809.00	Sales Tax Capital	Shiloh & Futrell - Intersection & Signal	193,962	0	193,962
4470.9470.5814.00	Sales Tax Capital	Sidewalk Improvements	193,796	210,999	404,795
4470.9470.5209.00	Sales Tax Capital	Software Upgrades - City Wide	18,828	0	18,828
4470.9470.5890.00	Sales Tax Capital	Specialized Police Equipment	30,531	0	30,531
4470.9470.5809.00	Sales Tax Capital	Starr Drive Street Improvements	0	61,200	61,200
4470.9470.5809.00	Sales Tax Capital	Steele Property - Street Improvements	34,362	0	34,362
4470.9470.5809.00	Sales Tax Capital	Street ROW / Intersection / Cost Sharing	581	0	581
4470.9470.5804.00	Sales Tax Capital	TCA Annex Renovation - Phase II	1,304	13,597	14,901
4470.9470.5890.00	Sales Tax Capital	Traffic Signal Improvements	78,523	0	78,523
4470.9470.5314.00	Sales Tax Capital	Traffic Study - City Wide	20,602	0	20,602
4470.9470.5808.00	Sales Tax Capital	Traffic Study - City Wide	0	172,590	172,590

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Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
4470.9470.5806.00	Sales Tax Capital	Trail & Drainage Improvements	155,000	0	155,000
4470.9470.5806.00	Sales Tax Capital	Trail/Park Land Acquisition/Development	500,000	0	500,000
4470.9470.5804.00	Sales Tax Capital	Walker Park Senior Complex	0	354,028	354,028
4470.9470.5808.00	Sales Tax Capital	Water System Master Plan Study	20,000	199,285	219,285
4470.9470.5315.00	Sales Tax Capital	Web Site Design & Construction	4,728	9,685	14,413
4470.9470.5806.00	Sales Tax Capital	Wilson Park Improvements	5,576	0	5,576
4470.9470.5806.00	Sales Tax Capital	Wilson Pool Improvements	217	2,669	2,886
			10,892,782	5,606,697	16,499,479
4480.9480.5815.00	Wastewater Project	15th Street Sewer Transmission Line Repl	4,000,000	0	4,000,000
4480.9480.5815.00	Wastewater Project	Lift Station 21 - Force Main Repl/Lining	9,200,000	0	9,200,000
			13,200,000	0	13,200,000
5400.1810.5210.00	Billing and Collections	Furniture And Equipment	73,000	0	73,000
5400.1810.5305.00	Billing and Collections	Postage	15,000	0	15,000
5400.1820.5103.00	Water & Sewer Services	Overtime	14,600	0	14,600
5400.1820.5210.00	Water & Sewer Services	Equipment for new facility	44,000	0	44,000
5400.1820.5307.00	Water & Sewer Services	Increase in Audit costs	10,590	0	10,590
5400.1820.5308.00	Water & Sewer Services	Lease Cost for trailer during construction	1,000	0	1,000
5400.1820.5310.01	Water & Sewer Services	Telephone Lines Relocation/construct	1,500	0	1,500
5400.1820.5311.01	Water & Sewer Services	Insurance-Self	2,500	0	2,500
5400.1820.5314.00	Water & Sewer Services	Water & Sewer Rate/Operations Study	38	13,043	13,081
5400.1820.5314.00	Water & Sewer Services	Supplemental Oper. Rate Study	33,800	0	33,800
5400.1820.5400.00	Water & Sewer Services	Temporary Shelving - construction	600	0	600
5400.1820.5402.00	Water & Sewer Services	Relocate equipment during construction	1,000	0	1,000
5400.1820.5811.00	Water & Sewer Services	Water Meters	372,926	0	372,926
5400.1820.5890.00	Water & Sewer Services	Cash Register Replacement	8,197	0	8,197
5400.1830.5100.00	Water & Sewer Services	Overtime	7,600	0	7,600
5400.1830.5210.00	Water & Sewer Services	Meter testing equipment	85,000	0	85,000
5400.1830.5304.00	Water & Sewer Services	Four emp. to meter maintenance school	4,000	0	4,000
5400.1830.5305.00	Water & Sewer Services	Postage	900	0	900
5400.1830.5890.00	Water & Sewer Services	Backflow Prevention Assemblies	56,922	0	56,922

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Rollforward Requests Submitted by Divisions: (Operational & Capital)

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Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
5400.4000.5200.00	Water & Sewer Maint.	New water map books	5,500	0	5,500
5400.4000.5209.00	Water & Sewer Maint.	ARCView & AutoCad Software	1,000	0	1,000
5400.4000.5217.00	Water & Sewer Maint.	Two (2) new Gas Detectors	4,200	0	4,200
5400.4000.5304.00	Water & Sewer Maint.	Water & Sewer Licenses	6,500	0	6,500
5400.4000.5309.00	Water & Sewer Maint.	Lease Cost for winter/covered storage	12,000	0	12,000
5400.4000.5310.00	Water & Sewer Maint.	Increase Costs	10,000	0	10,000
5400.4000.5314.02	Water & Sewer Maint.	Winterize Benson Water Tank Design	10,000	0	10,000
5400.4000.5315.00	Water & Sewer Maint.	Benefit Valuation & Other Serv	0	1,018	1,018
5400.4000.5315.00	Water & Sewer Maint.	Repair Goshen Water Tank	0	4,878	4,878
5400.4000.5401.05	Water & Sewer Maint.	Sewer Camera Maintenance	5,000	0	5,000
5400.4000.5407.00	Water & Sewer Maint.	Small Equipment Maintenance	13,000	0	13,000
5400.4000.5408.00	Water & Sewer Maint.	Batteries For ADS 4000	0	1,457	1,457
5400.4000.5408.00	Water & Sewer Maint.	Maint Contract, Sewer Monitori	0	6,389	6,389
5400.4310.5308.03	Water & Sewer Maint.	Equipment Rental for projects	15,000	0	15,000
5400.4410.5100.00	Water & Sewer Maint.	Equipment Rental for projects	5,000	0	5,000
5400.5600.5314.00	Water & Sewer Capital	Water & Sewer Operations Center Building	19,888	64,311	84,199
5400.5600.5804.00	Water & Sewer Capital	Water & Sewer Operations Center Building	1,966,814	0	1,966,814
5400.5600.5808.00	Water & Sewer Capital	Garland Avenue - Water/Sewer Relocations	50,560	138,106	188,666
5400.5600.5808.00	Water & Sewer Capital	36" Water Line Replacement & Protection	1,082,670	0	1,082,670
5400.5600.5808.00	Water & Sewer Capital	White River Bridge 45 East Waterline	81,894	0	81,894
5400.5600.5808.00	Water & Sewer Capital	East Ridgeway - Water Line Extension	309,712	0	309,712
5400.5600.5808.00	Water & Sewer Capital	Hinkle Mobile Home Park-Water Line Repl	48,777	0	48,777
5400.5600.5808.00	Water & Sewer Capital	North College Waterline - Maple to North	848,789	13,365	862,154
5400.5600.5808.00	Water & Sewer Capital	Rodgers Drive Water Tank	247,357	25,158	272,515
5400.5600.5808.00	Water & Sewer Capital	Water and Sewer Cost Sharing	291,679	30,232	321,911
5400.5600.5808.00	Water & Sewer Capital	Lake Fayetteville Dam - Monitor Wells	30,718	0	30,718
5400.5600.5808.00	Water & Sewer Capital	W & S Improvements - Defined By Study	105,951	0	105,951
5400.5600.5808.00	Water & Sewer Capital	Waterline Replacement - Accelerated	1,223,052	275,000	1,498,052
5400.5600.5808.00	Water & Sewer Capital	Gregg Ave Waterline Relocation	15,453	73,660	89,113
5400.5600.5808.00	Water & Sewer Capital	Highway 265 - Water/Sewer Relocations	30,096	0	30,096
5400.5600.5808.00	Water & Sewer Capital	Double Springs Bridge-Water Relocations	51,000	0	51,000
5400.5620.5801.00	Water & Sewer Maint.	Equipment Trailer Purchase	7,400	0	7,400
5400.5700.5301.00	Water & Sewer Capital	Wastewater Treatment Plant - Engineering	1,243	0	1,243
5400.5700.5314.00	Water & Sewer Capital	Wastewater Treatment Plant - Engineering	494,925	52,119	547,044

City of Fayetteville, Arkansas

2003 Annual Budget

Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
5400.5700.5314.01	Water & Sewer Capital	Wastewater Treatment Plant - Engineering	0	21,500	21,500
5400.5700.5315.00	Water & Sewer Capital	S.C.A.D.A. System Upgrade	2,589	0	2,589
5400.5700.5815.00	Water & Sewer Capital	Sanitary Sewer Rehabilitation	1,214,532	703,101	1,917,633
5400.5700.5815.00	Water & Sewer Capital	I-540 Sewer Rehabilitation	67,722	22,730	90,452
5400.5800.5400.00	Wastewater Capital	W.W.T.P. Building Improvements	70,000	0	70,000
5400.5800.5400.00	Wastewater Capital	Upgrade/Replace Lift Stations - W.W.T.P.	32,803	0	32,803
5400.5800.5414.00	Wastewater Capital	Plant Pumps and Equipment - W.W.T.P.	123,417	0	123,417
5400.5800.5801.00	Wastewater Capital	Ultraviolet Disinfection System	54,184	0	54,184
5400.5800.5890.00	Wastewater Capital	Testing Equipment - W.W.T.P.	10,254	0	10,254
5400.5800.5890.00	Wastewater Capital	Computer System Upgrades - W.W.T.P.	10,596	4,140	14,736
5400.5800.5890.00	Wastewater Capital	Safety Equipment Improvements - W.W.T.P.	14,048	0	14,048
			9,328,496	1,450,207	10,778,703

5500.5000.5200.00	Solid Waste & Recycling	Decals, for Dumpsters	0	622	622
5500.5000.5200.00	Solid Waste & Recycling	Brochures for Cart Program	0	1,594	1,594
5500.5000.5301.00	Solid Waste & Recycling	Ad for Labor Day (8 days)	0	21	21
5500.5000.5302.00	Solid Waste & Recycling	Winter Wear	0	45	45
5500.5000.5314.00	Solid Waste Capital	Solid Waste Rate Study	14,771	0	14,771
5500.5000.5314.00	Solid Waste & Recycling	Container Welding per Bid #02-	0	21,670	21,670
5500.5000.5315.00	Solid Waste & Recycling	Benefit Valuation & Other Serv	0	764	764
5500.5010.5302.00	Solid Waste & Recycling	Winter Wear	0	175	175
5500.5010.5302.00	Solid Waste & Recycling	Hats	0	312	312
5500.5020.5212.00	Solid Waste & Recycling	Trash Stickers for Cart Progra	0	2,229	2,229
5500.5020.5302.00	Solid Waste & Recycling	Winter Wear	0	307	307
5500.5020.5802.00	Solid Waste Capital	Solid Waste Expansion Vehicles	13,386	196,488	209,874
5500.5020.5890.00	Solid Waste Capital	Residential Carts - Volume Based Program	14,119	865,881	880,000
5500.5060.5301.00	Solid Waste & Recycling	Ad for Labor Day (8 days)	0	1,500	1,500
5500.5060.5302.00	Solid Waste & Recycling	Winter Wear	0	557	557
5500.5060.5802.00	Solid Waste Capital	Solid Waste Expansion Vehicles	479,926	0	479,926
5500.5060.5816.00	Solid Waste Capital	Dumpster Lease Program	37,759	0	37,759
5500.5060.5870.00	Solid Waste Capital	Dumpster Lease Program	115,000	0	115,000
5500.5060.5890.00	Solid Waste Capital	Roll-Off Containers	6,894	0	6,894
5500.5070.5217.00	Solid Waste & Recycling	Safety Devices	1,000	0	1,000

2002 BUDGET
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City of Fayetteville, Arkansas

2003 Annual Budget

Rollforward Requests Submitted by Divisions: (Operational & Capital)

2002 BUDGET
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Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
5500.5070.5302.00	Solid Waste & Recycling	Winter Wear	0	85	85
5500.5070.5816.00	Solid Waste Capital	Composting Pad Replacement	200,000	0	200,000
5500.5070.5816.00	Solid Waste Capital	Composting Site Improvements	58,394	20,852	79,246
			<u>941,249</u>	<u>1,113,102</u>	<u>2,054,351</u>
5550.0955.6803.00	Airport Capital	Pavement Maintenance & Rehabilitationm (Grants)	(6,182)	(20,269)	(26,451)
5550.0955.6803.00	Airport Capital	East Taxiway & Hangar Apron Extensions (Grants)	(5,837)	0	(5,837)
5550.0955.6805.00	Airport Capital	South Hangar Apron Complex (State Grants)	0	(372,382)	(372,382)
5550.0955.6805.00	Airport Capital	FBO Hangar (State Grants)	0	(200,000)	(200,000)
5550.0955.6805.00	Airport Capital	Professional Services - Airport (State Grants)	(169,600)	0	(169,600)
5550.0955.6805.00	Airport Capital	Hangar Rehabilitation (State Grants)	(100,000)	0	(100,000)
5550.0955.6820.29	Airport Capital	Pavement Maintenance & Rehabilitationm (Grants)	(111,272)	(364,850)	(476,122)
5550.0955.6820.30	Airport Capital	East Taxiway & Hangar Apron Extensions (Grants)	(105,057)	0	(105,057)
5550.3940.5301.00	Airport	Advertising- 5 Ads + 1/1/4 Pag	0	360	360
5550.3940.5314.00	Airport	Survey Analysis & Presentation	475	0	475
5550.3940.5314.00	Airport	Survey Analysis & Presentation	0	475	475
5550.3940.5315.00	Airport	Benefit Valuation & Other Serv	0	104	104
5550.3940.5400.00	Airport	Maintenance Agreement On HVAC	699	0	699
5550.3940.5400.00	Airport	Repair, Replace Pilot Regulator	0	314	314
5550.3940.5400.00	Airport	Maint Agreement on HVAC	0	699	699
5550.3950.5403.00	Airport	Fuel Pump	0	53	53
5550.3960.5314.00	Airport Capital	Hangar Rehabilitation	0	761	761
5550.3960.5314.00	Airport Capital	South Hangar Apron Complex	0	45,321	45,321
5550.3960.5314.00	Airport Capital	Professional Services - Airport	97,100	93,365	190,465
5550.3960.5315.00	Airport Capital	Professional Services - Airport	114,121	0	114,121
5550.3960.5400.00	Airport Capital	Hangar Rehabilitation	48,207	28,251	76,458
5550.3960.5804.00	Airport Capital	South Hangar Apron Complex	8,435	385,680	394,115
5550.3960.5804.00	Airport Capital	FBO Hangar	52,904	564,400	617,304
5550.3960.7820.29	Airport Capital	Pavement Maintenance & Rehabilitation	123,636	405,389	529,025
5550.3960.7820.30	Airport Capital	East Taxiway & Hangar Apron Extensions	116,730	0	116,730
			<u>64,359</u>	<u>567,671</u>	<u>632,030</u>

City of Fayetteville, Arkansas

2003 Annual Budget

Rollforward Requests Submitted by Divisions: (Operational & Capital)

Account	Program	Description	Rollforward Proposed	Rollforward Committed	Amount To Roll
5600.9600.5307.00	Town Center Fund	Audit Expense Increase	1,200	0	1,200
			1,200	0	1,200
6820.9820.5307.00	Municipal Judge Retire	Audit Expense Increase	0	40	40
6820.9820.5314.00	Municipal Judge Retire	Actuarial Services Muni Judge	0	600	600
			0	640	640
9700.1910.5200.00	Fleet Operations	Office Supplies And Printing	1,300	0	1,300
9700.1910.5202.00	Fleet Operations	Shop Supplies	2,000	0	2,000
9700.1910.5203.00	Fleet Operations	Cleaning Supplies/Wash Bay Soap	7,000	0	7,000
9700.1910.5212.00	Fleet Operations	Signs/Price increase in bids	2,000	0	2,000
9700.1910.5214.01	Fleet Operations	Tires	10,000	0	10,000
9700.1910.5217.00	Fleet Operations	Safety Devices for new mechanics	1,000	0	1,000
9700.1910.5315.00	Fleet Operations	Contract Services	115,000	0	115,000
9700.1910.5315.00	Fleet Operations	Benefit Valuation & Other Serv	0	245	245
9700.1920.5801.00	Fleet Capital	Fleet Operations Maintenance System	70,659	0	70,659
9700.1920.5802.00	Fleet Capital	Fire Vehicles/Equipment - Replacement	62,926	0	62,926
9700.1920.5802.00	Fleet Capital	Fleet - Medium/Heavy Utility Vehicles	87,121	0	87,121
9700.1920.5802.00	Fleet Capital	Fleet - Back Hoe/Loaders	138,605	0	138,605
9700.1920.5802.00	Fleet Capital	Fleet - Other Vehicles/Equipment	290,145	0	290,145
9700.1920.5802.00	Fleet Capital	Fleet - Tractor/Mower	293,532	0	293,532
9700.1920.5802.00	Fleet Capital	Fleet - Light/Medium Utility Vehicles	366,408	0	366,408
9700.1920.5802.00	Fleet Capital	Fleet - Police/Passenger Vehicles	472,160	0	472,160
9700.1920.5802.00	Fleet Capital	Fleet - Sanitation Vehicles/Equipment	0	1,178,928	1,178,928
9700.1920.5804.00	Fleet Capital	Wash Bay & Covered Storage Improvements	40,090	0	40,090
9700.1920.5890.00	Fleet Capital	Fuel Storage Improvements - Replacement	16,913	0	16,913
9700.1920.5890.00	Fleet Capital	Fleet - Sanitation Vehicles/Equipment	0	1,827	1,827
			1,976,859	1,181,000	3,157,859
			\$ 39,948,906	\$ 26,054,086	\$ 66,002,992

STAFF REVIEW FORM

PUBLIC ACCESS
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☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of February 18, 2003

FROM:

Marvin Hilton
Name

Cable Administration
Division

Administration
Department

ACTION REQUIRED:

Passage of a resolution accepting a contract for public access television services from March 1, 2003 until December 31, 2003.

COST TO CITY:

\$57,500.00

Cost of this Request

1010-0600-5713

Account Number

Project Number

69,000

Category/Project Budget

11,500

Funds Used To Date

57,500

Remaining Balance

Public Access
Contract

Category/Project Name

Cable Administration

Program Name

General

Fund

BUDGET REVIEW:

☒

Budgeted Item

☐

Budget Adjustment Attached

[Signature]
Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

[Signature]
Accounting Manager

2/4/03
Date

[Signature]
Internal Auditor

2/4/03
Date

[Signature]
City Attorney

2/5/03
Date ADA Coordinator

Date

[Signature]
Purchasing Officer

2/5/03

Date Grant Coordinator

Date

STAFF RECOMMENDATION:

[Signature]
Division Head

Date

Cross Reference

[Signature]
Department Director

1-30-03
Date

New Item: ☒ Yes ☐ No

[Signature]
Administrative Services Director

2-3-03
Date

Prev Ord/Res #:

Mayor

Date

Orig Contract Date:

Orig Contract Number:

OK [Signature]
Chief Administrative Officer 2/5/03

STAFF REVIEW FORM - Page 2

Description _____ Meeting Date _____

Comments:

Budget Manager

Reference Comments:

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

Grants Coordinator

THE CITY OF FAYETTEVILLE, ARKANSAS

Date: January 6, 2003

To: The Mayor and Council

From: Hugh Earnest 
Chief Administrative Officer

Subject: Public Access Television Contract

Background

2002 was the last year of the five year contract for services between the City and Community Access Television. Last fall, the Telecommunication Board prepared a Request for Services and received two responses. After considerable discussion and evaluation of the merits of the two proposals by a sub-committee formed for this specific task, Community Access Television was recommended by the sub-committee as the preferred provider. The recommendation was forwarded to the Telecommunication Board and the Board accepted the recommendation at their January 22nd meeting.

Current Situation

The contract with CAT was negotiated by a sub-committee of the Telecom Board with input from a number of interested parties. The contract, a copy of which is attached, is very specific in detailing performance requirements expected of CAT. Several of the more significant requirements are listed as follows:

- ✓ The CAT budget requires that a minimum of 2% of the City annual funding be allocated for public outreach
- ✓ CAT is expected to develop a plan for generating revenue to decrease reliance on City funds.
- ✓ The contract also contains language clearly delineating CAT's responsibility in training producers in public access programming.
- ✓ In the area of performance monitoring, the contract contains three important steps

- A 90 day probationary period
 - A quarterly review process
 - An annual performance review

- ✓ Failure in any of these areas will subject CAT to immediate recommendation of cancellation by the Telecommunication Board to the City Council.

- ✓ The contract itself runs through December 31st, 2003 with renewal possible for two (2) consecutive one year terms.
- ✓ Either party may cancel this contract, at any time after the probationary period, with a thirty (30) day written notice.

Recommendation

The Telecommunication Board and the sub-committee who worked on the contract all deserve our heartfelt appreciation for producing a document that clearly defines for both parties the work product expected. It is our recommendation that the Council approve the contract as submitted.

DRAFT

CONTRACT BETWEEN CITY OF FAYETTEVILLE, ARKANSAS
AND
COMMUNITY ACCESS TELEVISION (CAT)
A 501-C-3 NONPROFIT ORGANIZATION

AGREEMENT

This Agreement is made this _____ day of _____, 2003, by and between the City of Fayetteville, a municipal corporation ("City"), and Community Access Television, a nonprofit corporation ("CAT"), who agrees as follows:

PURPOSE AND INTENT

1. The City desires to provide support for the use of cable television public, educational, and government ("PEG") access channels provided pursuant to federal law.
2. The purpose of the public access television is to provide training for the public for public access television productions and to ensure "first-come, first-served, non-discriminatory" programming, in accordance with the First Amendment, as a limited public forum for citizens.
3. The City is currently in negotiation with Cox Cable Company for renewal of a franchise to operate cable facilities within the City. This contract for the public access television station is contingent upon the City retaining a franchise contract with a cable operator, such as it is at present.
4. The franchise agreement with Cox Cable Company provides that certain channel capacity be provided for PEG access for non-commercial programming.
5. The City's Telecommunications Board Ordinance #4219 provides for a standing body to advise the City Council on telecommunications issues and to coordinate and oversee use of the public rights of way designated for public, educational, and governmental use on any telecommunication system serving the City of Fayetteville.
6. The City has determined that it will provide support for PEG access and that it will provide physical space and equipment located at the PEG Center, 101 W. Rock Street, Fayetteville.

DRAFT

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth herein, the parties agree as follows:

SECTION 1. SCOPE OF SERVICES. In exchange for the funding provided by the City to CAT, pursuant to this Agreement, CAT shall provide the following services and report progress in each area to the Telecommunications Board on a monthly basis:

A. OPERATE PUBLIC ACCESS CABLE CHANNEL. Operate the public access cable channel for non-commercial, public/community access programming purposes in a manner that is consistent with the principals set forth in this contract and the Telecommunications Board Ordinance. CAT will:

- Devise and monitor equipment check-in, check-out procedures and provide reports quantifying the amount of usage
- Schedule and monitor editing facilities and studio, maintaining scheduling records, and coverage documents, should any request for review be required
- Operate the public access channel for a minimum of 40 hours per week, Monday through Friday
- Have at least one staff member present during the required customer service hours to assist citizens with their productions

B. PROVIDE EQUAL ACCESS. CAT will honor the First Amendment rights of members of the community who wish to use the public access station. CAT will provide access to the use of the equipment, facilities, channel, and services provided hereunder to all members of the community for non-commercial programming purposes, whether individuals, groups, or organizations, on a first-come, first-served non-discriminatory basis, pursuant to operating rules promulgated by CAT which are in compliance with the City's operating rules for the PEG Center (Addendum A).

C. DEVELOP OPERATING POLICIES AND PROCEDURES. CAT will develop policies for the use and operation of the public access channel in compliance with the City's operating rules of the PEG Center. CAT will file such policies with the Telecommunications Board and the City, and any changes in CAT policies will be posted on the web site and presented to the Telecommunications Board and the City as an information item 15 days prior to implementation. CAT will:

- Devise and maintain administrative policies
- Provide budget for review by Telecommunications Board, allocating for public outreach at least 2% of the city's annual funding for public access television services
- Define process for CAT's communication with and coordination of its activities in accordance with the Telecommunications Ordinance, so as to inform the Telecommunications Board in a timely manner
- All communication between the City and the CAT with regard to contractual matters will be directed through the Cable Administrator, or any other such representative as may be appointed by the City, and the

CAT's duly appointed representative. In the event of a disagreement over the administration of this agreement, either party may appeal to the Telecommunications board who shall make recommendations to the Mayor or City Council, as may be required.

- Define priorities for expenditures to be compatible with both current and emerging technology standards maintained by the city
- Define decision-making process and criteria for program frequency and selection of fill-ins
- Define public access utilization goals with minimum standards for non-repeat programming

D. DEVELOP FUNDING – CAT will develop a plan for generating revenue to decrease reliance on city funds.

- CAT will develop a general underwriting policy station supporters
- CAT will hold a minimum of two fundraising events per year
- CAT may form fundraising partnerships with other 501C3 non-profit organizations that provide services in its cablecast area. CAT and its fundraising partners combined shall not cablecast more than 4 fundraising events per year
- CAT will seek and devise a timely procedure for solicitation and collection of donations and other contributions to be recorded on a monthly budget process. These procedures could include, but not be limited to, telethons, web-based donation collections, etc.

E. COMPLIANCE WITH LAWS RULES, AND REGULATIONS. CAT will administer the public access channel and facilities in compliance with the Telecommunications Board Ordinance, with applicable laws, rules, regulations, and with the franchise agreement between the City and Cox Cable Company. All business and information maintained by CAT or the CAT Board of Directors is subject to the terms of the Arkansas Freedom of Information Act (FOIA).

F. TRAINING. CAT will train city and area residents in the techniques of video production, and provide technical advice in the execution of productions. CAT will:

- Create and provide training curriculum to emphasize video proficiency and production quality in public access programming
- Certify a minimum of 20 new producers per year
- Include public service requirement as part of the certification process that results in at least one cablecast quality program per trainee
- Encourage the use of the digital video editing capabilities and stay abreast of emerging technologies
- Create a monthly schedule of relevant workshops to publish on the public access television channel's bulletin board and its web site

G. PLAYBACK/ CABLECASTING. CAT will provide for playback/cable casting of programs on the public access channel. CAT shall cablecast a minimum of 40

hours of local original, replayed and imported programming per week. This excludes the community message board. CAT will:

- Develop a policy and method for the scheduling of public access programs and cablecast programs on the public access channel
- Maintain accurate cablecast logs and report number of programs per month in each of the categories specified by the operating and programming policy
- Maintain a tape library of all produced shows to be available for review and use at the PEG Center
- A copy of all live and/or taped programs are required to be held for 4 days past the original date of play if said programs are not submitted to the videotape library
- CAT shall require access producers to sign an agreement warranting that the program they are submitting does not contain:
 - i. any violation of any state or federal law relating to obscenity
 - ii. any material that is libelous, slanderous, or other defamation of character, or an unlawful invasion of privacy
 - iii. any advertising or material which promotes any commercial product or service
 - iv. any use of material which violates copyright law; or any material contrary to local, state or federal laws, regulations, procedures and policy

H. INFORMATION. CAT shall submit quarterly/annual reports on the operations of the public access channel and other such special reports as listed below to the Telecommunications Board and the City:

- Reports of stolen or damaged equipment within one working day of learning of each occurrence
- Requests for changes in any procedures or rules pertaining to protection or preservation of City owned equipment and facilities
- All corporate documents, including but not limited to the CAT's by-laws, articles of incorporation, certification of compliance with affirmative action plan and EEO standards, and a list of Board members
- At any reasonable time and as often as the Telecommunications Board or the City may deem necessary, the CAT shall make available to them, or any of its authorized representatives, all of CAT's records related to all matters covered by this Agreement and shall permit the Telecommunications Board or the City to audit, examine, make excerpts and copies of such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to matters covered by this Contract
- During the term of this Contract, the CAT shall cause to be delivered to the Telecommunications Board and the City copies of all notices of meetings of its Board of Directors, setting forth the time and place thereof. Such notice shall be delivered in a timely manner to give adequate notice and shall also include an agenda

- Minutes of all meetings, if taken, and materials distributed in meetings of the CAT's Board of Directors, or committees thereof, shall be submitted to the Telecommunications Board and the City
- At such times and in such form as the Telecommunications Board or the City may require, the CAT shall furnish such statements, records, reports, data and information deemed pertinent to matters covered by this Agreement

I. PROMOTION. CAT will actively promote the use and benefit of the public access television station and facilities to cable subscribers, the public, and Cox Cable Company.

- Maintain web site for publication of all reports and scheduled events
- Create a periodic newsletter and provide promotional spots/bulletin boards on the station that promote the use and benefits of the public access television station and facilities to cable subscribers and the general public

SECTION 2. PERFORMANCE. CAT will be evaluated through three phases of performance measurement and review, including a 90 day initial new contract probationary period, quarterly evaluations, and an annual performance review.

- CAT shall undergo a 90 day probationary period to ensure that all fundamental elements of this contract are being met on a daily basis. While overall performance in meeting the goals for the year cannot be measured within this 90 day time period, the following terms must be met without fail on a daily basis or the contract will be subject to immediate termination during this probationary period:
 - i. If there is a substantial breach of any of the terms of this contract within the first 90 days, it can be immediately cancelled upon determination by the Telecommunications Board with recommendation to City Council
 - ii. Any intentional non-compliance with public record-keeping or the Arkansas FOIA, which is brought to the attention of the Telecommunications Board under its procedures for filing complaints through the Cable Administrator, will be considered a breach of this contract
- Quarterly evaluations will be performed in accordance with the criteria set by the Telecommunications Board, consistent with the process for oversight as specified in the Telecommunications Ordinance
- A Performance Review shall be conducted by CAT and presented to the October meeting of the Telecommunications Board in order to ensure timely delivery of information to the City Council during annual budget review

- i. This review shall include an opportunity for CAT public access users and cable subscribers to provide input. In turn, the Telecommunications Board will evaluate the CAT Performance Review, basing the evaluation on the terms of this contract and citizen input. The Telecommunications Board will present its performance assessment and recommendations to the City Council in November and begin the process of negotiation for the following contractual year that begins January 1.
- ii. All Telecommunication Board findings and recommendations regarding the Performance Review will be provided as feedback to CAT. In the event that the Board recommendation is for non-renewal of the CAT contract, an exit interview will be conducted to discuss all relevant facts.

SECTION 3. USE OF CITY PROPERTY/ OWNERSHIP. CAT recognizes that it is performing services for the City on City-owned property and that while on such property, CAT shall not engage in any activity that is not directly related to the services provided pursuant to this Agreement. Ownership title to all capital acquisition, supplies, material or any other property purchased with funds received under this Contract, is vested with the City, and possession of such property shall, upon termination of the Contract, revert to the City unless otherwise provided for by the City, in writing. Any equipment secured through fund-raising efforts to benefit the public access television station shall remain the property of the city's PEG Access Center. Ownership of the library of programs collected during the performance of this contract shall, upon termination of this contract, revert to the city.

- All changes to the facility and equipment array shall be approved by the City before being undertaken
- The City shall make at least two telephone lines available for CAT's business use. CAT shall be responsible for reimbursing the City, on a quarterly basis, for this expense at a rate of \$20 per line per month
- CAT shall be responsible for its own long distance telephone calls
- CAT shall be responsible for paying the costs of their listing in the telephone directory
- The City shall furnish and maintain up to three computers for the office use of the CAT. This is in addition to those computers that are part of the video systems.
- The City shall provide access to the world wide web for the CAT
- There shall be no charge to citizens of Fayetteville for the use of cable casting time on the public access channel, nor for the use of the facilities or equipment. However, CAT's fees and charges may apply for such services as, but not limited to, instructions on video production and internet use, video tapes, video tape duplication, annual producer's fee and contracts for video productions

MAINTENANCE

- The City shall be responsible for the payment of the Access Center utilities, routine building and grounds maintenance and maintenance of the structure
- The CAT may use the City's current copier at the Access Center for a charge of \$.039 per copy. Additionally, the CAT may use the copier located at the City Administration Building for the standard charge as is allocated per copy to the City Departments and Divisions. If the City upgrades the copier located in the Access Center, CAT shall pay an adjusted charge per copy, up to, but not to exceed the standard City rate charged to City Departments and Divisions as determined annually.
- Copy machine maintenance costs will be paid by the City

VIDEO EQUIPMENT:

- The City shall repair and maintain the video equipment except as otherwise noted. All in-kind maintenance shall be mutually agreed upon by the City and the CAT
- CAT shall make minor repairs to equipment used for public access productions such as repairing microphones, cables, cleaning recording heads, and camera lenses
- Certain equipment, to be designated by the City, shall not be available for public access checkout. The reserved equipment shall be used only for government productions, CAT's contract productions, and CAT's promotional programs. Use of the reserved equipment will be only by CAT Staff and City Staff certified by a procedure established by the City.
- Use of the PEG Center video equipment and facilities will be coordinated by the City using a reservation system readily available at all times. This in no way relieves the CAT of the responsibility of making sure that all of the City's equipment used for public access purposes is checked out and returned in good working order.
- CAT will notify the City immediately of any problems with the equipment
- All video production equipment owned by the City and used for public, educational and/or government access productions shall be covered under the City's insurance policy

SECTION 4. CONTRACT PERIOD. Initial contract period will be from March 1, 2003 December 31, 2003 (with the exception for probation noted above). However, this agreement may be renewed for two (2) consecutive one (1) year terms. Each such annual renewal term shall be subject to a favorable recommendation from the Telecommunications Board to the City Council, approval of renewal by the City Council, and budget approval by the City Council. In addition, either party may cancel this contract, at any time after the probationary period, with a thirty (30) day written notice.

SECTION 5. FUNDING. The City hereby agrees to pay CAT the monthly sum of \$5,750 for services performed under the terms of this contract. Each monthly payment will be remitted on or before the 15th day of each month, beginning March 15, 2003.

The Contractor agrees to provide the City with a monthly financial report summarizing activity during the preceding 30 day period. Said report shall include income and balance sheet statements. Contractor shall have an independent certified public accountant complete an official review of its financial records annually. This report shall be submitted to the City by the last day of the third month after the end of Contractor's fiscal year.

SECTION 6. LEGAL AUTHORITY. CAT assures and guarantees that it possesses the legal authority to enter into this Agreement. Further, that the person or persons signing and executing this Agreement on behalf of CAT have been fully authorized by CAT to execute this Agreement. That such authority is evidenced pursuant to a proper, appropriate and official motion and resolution, which was passed and approved specifically to enter into this Agreement and shall legally bind CAT to all the terms, performances, and provisions here set forth. A copy of such resolution shall be provided upon execution of this Agreement. The City may exercise its right to either temporarily suspend or permanently terminate this Agreement if there is a dispute as to the legal authority of CAT or the person signing the Agreement. The City shall not be obligated to pay CAT for any performance of the provisions of this Agreement after the City has suspended or terminated this Agreement as provided in this Section.

SECTION 7. PERSONNEL. CAT shall adequately staff the public access operation to meet the services and duties outlined in this agreement. Staff for public, educational, and government channels will be expected to work together in a cooperative manner with all groups using the facility. Personnel policies shall be established by CAT and shall be available for examination by the City.

Upon termination of an employee by the City Cable Administrator, and in the event that the CAT's manager wishes to hire the employee over the objections of the Cable Administrator, an appeal of the action may be brought by the Cable Administrator to the CAT's Board of Directors. Similarly, upon termination of an employee by the CAT, and in the event that the Cable Administrator wishes to hire the employee over the objections of the CAT's manager, an appeal of the action may be brought by the CAT's manager to the Telecommunications Board.

SECTION 8. EQUAL OPPORTUNITY. CAT shall comply with all applicable equal opportunity, affirmative action, and ADA laws or regulations, including those of the City of Fayetteville.

SECTION 9. INSURANCE. CAT shall obtain and keep in force during the term of this agreement a policy of public liability and property damage insurance. The coverage, at a minimum, shall be in the following amounts:

General Liability

a. General Aggregate	\$1,000,000
b. Products/Completed Oper. Aggr.	\$1,000,000

c. Personal and Advertising Injury	\$1,000,000
d. Each Occurrence	\$100,000
e. Fire Damage (any one fire)	\$50,000
f. Medical Expense (any one person)	\$5,000

Worker's Compensation for all employees as required by Arkansas Statute

Bonding: CAT shall obtain a fidelity bond covering all persons handling funds received or disbursed and/or signing or co-signing checks to disburse funds under this agreement, within 10 days of the contract execution. The fidelity bond shall be in an amount equal to 10% of the city grant award or \$5,000, whichever is less. CAT shall furnish the city proof of an adequate fidelity bond prior to the first payment of funds under this agreement.

SECTION 10. POLITICAL/SECTARIAN ACTIVITY. CAT management shall not initiate or sponsor political or religious programming. The staff shall work on a content neutral basis and shall not determine programming content except for programs produced for the purpose of promoting the use of the channel. Staff produced programs, such as short-takes and contract productions shall be open to participation by all citizens on a first-come, first-served, non-discriminatory basis. Though, the facility can be used for legitimate first amendment purposes, no portion of the funds received by CAT shall be used to directly produce any programs nor participate in any CAT-sponsored activities that establish any religion or prohibit the free exercise thereof.

SECTION 11. PUBLICITY. In any news release, sign, brochure, or other medium disseminating information prepared or distributed by or for CAT, mention shall be made of the City of Fayetteville having made the project possible, i.e. "Community Access Television' is a project partially funded by the City of Fayetteville.

SECTION 12. HOLD HARMLESS. It is expressed understood and agreed by both parties that the City is contracting with CAT as an independent contractor and that as such, CAT shall save and hold the City, its officers, agents and employees harmless from all liability of any nature of any kind, including costs and expenses for, or on account of, any claims, audit exceptions, demands, suits or damages of any character whatsoever resulting from injuries or damages sustained by persons or property, resulting in whole or in part from the performance or omission of any employee, agent or representative of CAT. This Agreement shall not be construed in any manner or form as a waiver of that Tort Immunity as set out under Arkansas Law.

SECTION 13. CONFLICT OF INTEREST. The CAT covenants that neither it nor any member of its Board of Directors currently has any interest or shall acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Agreement. The CAT further covenants that in the performance of this Agreement no person having such interest shall be employed or appointed as a member of its Board of Directors.

The CAT further covenants that no member of its Board of Directors or its staff or employees shall possess any interest in or use their position for a purpose that is or gives the appearance of being motivated by desire for private gain for themselves, or others particularly, those with which they have family, business, or other ties.

No officer, member, or employee of the City and no member of its governing body who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of this Agreement, shall participate in any decision relating to the Agreement which affects his or her personal interest or the interest of any corporation, partnership, or association in which he has a personal financial direct or indirect interest; or have any personal financial interest, direct or indirect, in this Agreement or the proceeds thereof.

CONTRACT ENTIRE AGREEMENT. This Agreement constitutes the entire agreement between the parties hereto, and any prior agreement, whether written or oral, shall have no force or effect. Any subsequent agreements will have no effect unless properly executed in writing and recorded as an addendum to this Agreement.

SEVERABILITY. If any section, subsection, sentence, clause, phrase or word of this agreement is held to be invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or word will be deemed as a separate, distinct and independent provision, and such holding will not effect the validity of the remaining provisions of this agreement.

COMMUNITY ACCESS TELEVISION

By: _____

Title: _____

ATTEST:

By: _____

Title: _____

CITY OF FAYETTEVILLE, ARKANSAS

By: _____

Dan Coody, Mayor

ATTEST:

By: _____

Sondra Smith, City Clerk

ADDENDUM A
CAT CONTRACT
CITY'S PEG CENTER RULES

1. The use of alcohol, tobacco products and illegal drugs is strictly prohibited in the PEG Center.
2. Contractor's and City's employees shall not park in the spaces in front of the Access Center.
3. Food and drink shall not be taken into the production areas which includes all editing bays, the studio control and cable casting areas and the Multi-Media Editing and Internet Access room.
4. PEG Center users shall not leave items to be stored in the PEG Center without permission from the Public Access Manager or the Cable Administrator. In the event that there is a disagreement about what can be stored in the PEG Center, the city shall make the final decision.
5. PEG Center users shall not leave unattended items such as coats, hats, cups, props, dishes, papers, books, magazines, food, drinks and other items in inappropriate places. Each user shall leave the break room and other rooms in the PEG Center in a reasonable state of order and neatness.
6. All equipment use shall be entered into the appropriate reservation book before being used.
7. If a producer is 20 minutes late or more, without notification, for an equipment reservation, the equipment may be reserved by another producer.
8. In order to maintain the Conference-Breakroom as a space for use by the public and all PEG Center personnel, the door between the CAT Manager's office and the breakroom shall act as a permanent partition and remain locked except under dire emergencies.
9. Public Access Contractor and City shall each bear one-half of the costs of supplies used by everyone in the facility's break room.
10. The staffs for the public access and government channels will be working closely together at the PEC Center. Members of both staffs will be expected to work in a cooperative manner.
11. All persons shall behave in a respectful, courteous and orderly manner while in the PEG Center.

RESOLUTION NO. _____

A RESOLUTION APPROVING A RENEWAL CONTRACT IN THE AMOUNT OF FIFTY-SEVEN THOUSAND FIVE HUNDRED FIFTY DOLLARS (\$57,500.00) WITH COMMUNITY ACCESS TELEVISION, TO PROVIDE PUBLIC ACCESS TELEVISION SERVICES FROM MARCH 1 THROUGH DECEMBER 31, 2003.

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 renewal contract in the amount of Fifty-Seven Thousand Five Hundred Fifty Dollars (\$57,500.00) with Community Access Television, to provide public access television services from March 1 through December 31, 2003. A copy of the renewal contract, marked Exhibit "A" is attached hereto and made a part hereof.

PASSED and APPROVED this 18th day of February, 2003.

APPROVED:

By: _____

DAN GOODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

RESOLUTION NO. _____

A RESOLUTION NAMING THE NEW FAYETTEVILLE PUBLIC LIBRARY THE BLAIR LIBRARY.

WHEREAS, Mr. James Blair has committed three million dollars to the capital campaign to support the new Fayetteville Public Library, in honor of his late wife, Diane Divers Blair; his grandmother, Bessie Motley Blair; and his aunt, Dr. Mary Grace Blair; and,

WHEREAS, the citizens of the City of Fayetteville will enjoy the benefits of this generous contribution for many years to come.

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, in recognition of the Blair family's many contributions to our community, hereby resolves to name the new Fayetteville Public Library the Blair Library.

PASSED and APPROVED this 18th day of February, 2003.

APPROVED:

By:

DAN COODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of February 18, 2003.

FROM:

Tim Conklin, Interim Director Community Planning and Engineering Services

Name	Division	Department
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ACTION REQUESTED: To approve ADM 03-3.00 to consider amending the Bill of Assurance associated with RZN 02-15.00 (Larry Garriott) for property located north of Persimmon Street and west of 46th Street, Fayetteville, Arkansas. The amendment would alter the minimum lot widths, decrease the number of entrances onto 46th Street, and replace the required concrete privacy fence with a decorative fence.

COST TO CITY:

\$0

Cost of this request	Category/Project Budget	Category/Project Name
----------------------	-------------------------	-----------------------

Account Number	Funds used to date	Program Name
----------------	--------------------	--------------

Project Number	Remaining balance	Fund
----------------	-------------------	------

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Coordinator	Chief Administrative Officer
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CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager <i>[Signature]</i>	Date 1/31/03	ADA Coordinator	Date
City Attorney	Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommends approval.

[Signature]
Division Head

1-31-03
Date

Cross Reference

Department Director

1-3-03
Date

New Item: **Yes** **No**

Chief Administrative Officer

Prev Ord/Res#: _____

Mayor

2/4/03
Date

Orig Contract Date: _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Sara Edwards, Associate Planner
THRU: Tim Conklin, A.I.C.P., City Planner
DATE: January 31, 2003

ADM 03-3.00: Administrative Item: An administrative item to consider amending the Bill of Assurance associated with RZN 02.15.00 (Larry Garriott) for property located north of Persimmon Street and west of 46th Street. The amendment would alter the minimum lot widths, decrease the number of entrances onto 46th Street and replace the required concrete privacy fence with a decorative fence.

BACKGROUND:

This property was rezoned on September 3, 2002 from A-1, Agricultural to R-1, Single-Family Residential. A Bill of Assurance was offered as part of the proposed rezoning. The Bill of Assurance required a minimum lot width of 83 feet, two entrances onto 46th and a concrete privacy fence.

The applicant is proposing to amend the Bill of Assurance to decrease the minimum lot width to 80 feet, to have one entrance onto 46th Street, and to use a decorative fence in place of a concrete privacy fence. Approximately 51 of the lots are proposed to be 80 feet wide with the balance of the lots remaining at 83 feet in width. The final number of lots and widths may vary due to minor changes in the subdivision design which are required to meet development ordinances.

The lot width and entrance change was precipitated by the City requesting a right-of-way dedication for a collector street through the proposed subdivision. This will provide for Broyles Road to be extended to the north through the subject property from the proposed Wastewater Treatment Plant site. Due to the redesign of the subdivision the second entrance onto 46th Street will not be necessary.

The change in fencing type has been requested by the applicant.

CURRENT STATUS:

This will be the first time this change has been considered.

RECOMMENDATION:

Staff recommends approval of the request to amend the Bill of Assurance to reduce the lot widths to 80 feet and to reduce the number of streets onto 46th Street to one.

Staff has no recommendation regarding the change in the fencing type. This is an architectural feature agreed upon by the developer and the adjoining neighborhood. There are no city regulations requiring fencing around subdivisions.

BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE

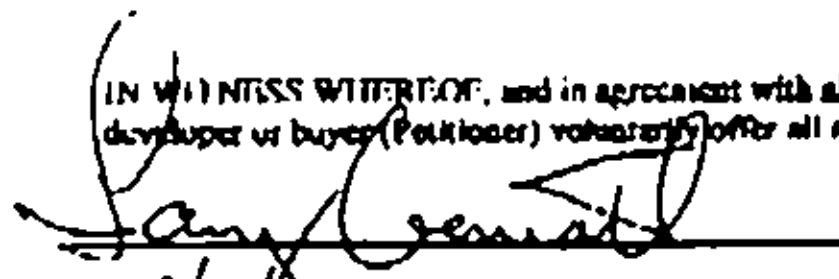
The buyer / developer of property located at the NW Corner of 46th & Persimmon Street more particularly described as approximately 59.60 Acres in part of section 11 and part of section 12 of T16N, R 31W in Washington county Arkansas hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas. This Bill of Assurance is offered to assist in the rezoning of the above described property.

The petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Chancery/Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, substantial irreparable damage justifying injunctive relief has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will reasonably rely upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows if Petitioner's rezoning is approved by the Fayetteville City Council.

1. The use of Petitioner's property shall be limited to single-family only with 156 building lots. Minimum lot width shall be 33' at the setback line except at curves and cul de sacs.
2. Interiors of homes shall have 80% brick.
3. Minimum house size shall be 1890 SF heated and air conditioned space.
4. Each house shall have a 2 car garage.
5. All yards shall be seeded.
6. Roof pitch shall be 7 1/2" in 12" with architectural shingles.
7. A concrete privacy fence shall be installed along Persimmon & 46th street.
8. There shall be 2 entrances onto 46th street and 1 onto Persimmon Street and each entrance will be landscaped and pool fence installed similar to the Jowers's property.
9. All improvements shall be made in Persimmon & 46th Street as required by the City.
10. Quality of construction of all houses shall be reviewed and approved by an architectural committee.
11. Maintenance of all common space shall be made by a Property Owners Association.
12. All mailboxes shall be decorative iron and identical throughout the project.
13. The developer shall install trees along the north property line extending from 46th Street west 5011'. Size shall be 2" and spaced 30' apart where possible. Existing trees in this area will be saved if possible.
14. Protective covenants shall be filed for control of all of the above items.
15. Petitioner specifically agrees that all such restrictions and terms shall run with the land and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's Property.

IN WITNESS WHEREOF, and in agreement with all the terms and conditions stated above, as the owner, developer or buyer (Petitioner) voluntarily offer all such assurances.


9/3/02

Date

Date

NOTARY OATH

STATE OF ARKANSAS)
COUNTY OF WASHINGTON)

And now on this _____ day of _____, 2002, appeared before me, Larry Garrison and after having placed upon his oath swore or affirmed that they agreed with the terms of the Bill Assurance and signed their names above.

My Commission Expires _____

Notary Public

RESOLUTION NO. _____

A RESOLUTION APPROVING AMENDMENTS TO THE BILL OF ASSURANCE SUBMITTED WITH ORDINANCE NO. 4411, PASSED AND APPROVED BY THE CITY COUNCIL ON SEPTEMBER 3, 2002.

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

Section 1: That the City Council of Fayetteville, Arkansas, hereby approves amendments to the Bill of Assurance, which was submitted with rezoning Ordinance No. 4411, passed and approved by the City Council on September 3, 2002. A copy of the revised Bill of Assurance, marked Exhibit "A" is attached hereto and made a part hereof.

PASSED and APPROVED this 18th Day of February, 2003.

APPROVED:

By: **DRAFT**
DAN COODY, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

(REVISED) BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE

The buyer / developer of property located at the NW Corner of 46th & Persimon Street more particularly described as approximately 59.60 Acres in part of section 11 and part of section 12 of T16N, R 31W in Washington County Arkansas hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Chancery/Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, substantial irreparable damage justifying injunctive relief has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will reasonably rely upon all of the terms and conditions within this Bill of Assurance.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows:

1. The use of Petitioner's property shall be limited to single-family only with 158 building lots maximum. Minimum lot width shall be 80' at the setback line except at curves and cul de sacs.
2. Exterior of homes shall have 80% brick.
3. Minimum house size shall be 1850 SF heated and air-conditioned space.
4. Each house shall have a 2 car garage.
5. All yards shall be sodded.
6. Roof pitch shall be 7" to 12" with architectural shingles.
7. A decorative privacy fence shall be installed along Persimon & 46th street.
8. There shall be 1 entrance onto 46th street and 1 onto Persimon Street and each entrance will be landscaped and steel fence installed similar to the Jower's property.
9. All improvements shall be made to Persimon & 46th Street as required by the City.
10. Quality of construction of all houses shall be reviewed and approved by an architectural committee.
11. Maintenance of all common space shall be made by a Property Owners Association.
12. All mailboxes shall be decorative brick and identical throughout the project.
13. The developer shall install trees along the north property line extending from 46th Street west 500'. Size shall be 2" and spaced 30' apart where possible. Existing trees in this area will be saved if possible.
14. Protective covenants shall be filed for control of all of the above items.
15. Petitioner specifically agrees that all such restrictions and terms shall run with the land and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office and shall be noted on the Final Plat, which includes some or all of Petitioner's Property.

IN WITNESS WHEREOF, and in agreement with all the terms and conditions stated above, as the owner, developer or buyer (Petitioner) voluntarily offer all such assurances.

Date

Date

NOTARY OATH

STATE OF ARKANSAS)
COUNTY OF WASHINGTON)

And now on this _____ day of _____, 2003, appeared before me, Carl Walker and after being placed upon his oath swore or affirmed that they agreed with the terms of the Bill Assurance and signed their names above.

My Commission Expires: _____

Notary Public

EXHIBIT "A"

HAY GROUP: A resolution amending the 2002 Budget authorizing the employment of the Hay Group for work associated with personnel issues and for other purposes.

RESOLUTION 137-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

SKATE PARK: A resolution approving an agreement with Tony Hawk Foundation. The Foundation will provide a \$5,000 grant to the Fayetteville Skate Park upon receiving the signed agreement.

RESOLUTION 138-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

HWY 180: A resolution affirming that the City of Fayetteville shall assume responsibility for the entire section of Highway 180 upon completion of the improvements from Township to Futrall.

RESOLUTION 139-02 RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Santos moved to approve the consent agenda. Alderman Reynolds seconded. The motion carried unanimously.

OLD BUSINESS

RZN 02-15.00: An ordinance approving rezoning request RZN 02-15.00 as submitted by Dave Jorgensen on behalf of Larry Garriott for property located north of Persimmon Street and west of 46th Street. The property is zoned A-1, Agricultural and contains approximately 57.82 acres. The request is to rezone to R-1, Low Density Residential; and to accept the attached Bill of Assurance. The ordinance was tabled on the second reading at the August 20, 2002 meeting.

Alderman Santos moved to suspend the rules and move to the third and final reading. Alderman Davis seconded. Upon roll call the motion carried unanimously.

Mr. Williams read the ordinance.

Mr. Dave Jorgensen presented a revised bill of assurance as a result of the meetings that they had had. They had agreed to go to 83 foot wide lot minimums with a maximum of 158 building lots. The second compromise was the 80% brick. The third item was 1,850 square foot houses minimum.

Alderman Young asked if on the bill of assurance who the architectural committee would be.

Mr. Jorgensen stated it would be the owners of the project at first, until 50% of the ownership takes over similar to the POA at which time the committee would be the property owners association.

Ms. Sharon Davison, an area resident, expressed concern about the capacity of the sewer plant and the traffic.

Mr. Gary Adams, an area resident, stated two years ago the city council had said no to a subdivision in the same area because there was not enough infrastructure there to support it. He thought very few changes had been made since then. He expressed concern about the traffic and the schools in the area beginning at capacity. The sewage system was three to four years away.

Mr. Beshem zeta???? an area resident, stated he thought the revised bill of assurance took care of a lot of his concerns. One major concern that he did not believe the developer could not address, which was 46th Avenue. He expressed concern about the width of the street and the lack of sidewalks. He recommended that the city complete the improvements all the way to Hwy 16.

In response to questions, Mr. Beottcher, Public Works Director, stated that there were currently no plans to improve 46th Street, but there were plans to improve Broyles street from the new sewer plant to Farmington and to use that as the primary egress and ingress. He thought it might be wise to look at a through street.

Alderman Young stated the developers use to be required to sign a statement knowledge that they would not be guaranteed hook ups to the sewer, but Mayor Coody had done away with that requirement.

Alderman Thiel stated that had been something that this council had approved and she did not know why it had been done away with. It needed to stay in place.

Mr. Williams stated it had been a notice that they could not guarantee service. They did not really guarantee service anyway until they got a tap. This was to put people on notice before the election. Certainly, Alderman Young stated he had wanted that notice to continue, he was sure that was what they were doing now. It would not change until they passed a resolution. Their sewer plant was being designed and they were moving forward. If it was done by resolution, it would continue until they passed another resolution.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed by a vote of 5-2, Santos and Jordan voting nay.

ORDINANCE 4411 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

OFF STREET PARKING: An ordinance amending Section 172.01, Off-Street Parking Lot Design Requirement, of the UDO to provide a method for reducing off-street parking requirements for properties that share a common parking facility and to revise parking ratios for certain uses. Ordinance was left on the first reading at the August 20, 2002 meeting.

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of February 18, 2003

FROM:

<u>Jim Beavers</u>	<u>Engineering</u>	<u>CPE Services</u>
Name	Division	Department

ACTION REQUIRED:

Approval of a Resolution authorizing the Mayor or his designee to submit the City of Fayetteville's "Storm water Phase II" permit application to the Arkansas Department of Environmental Quality (ADEQ). Such permit application shall be submitted no later than March 10, 2003. Compliance shall be phased over a time period of up to five years according to a schedule to be developed with ADEQ complying with all Federal and State requirements.

COST TO CITY:

<u>\$ TBD</u>	<u>\$200,000</u>	<u>Bridge and Drainage</u>
Cost of this Request	Category/Project Budget 2003	Category/Project Name
<u>4470-9470-5817.00</u>	<u>\$0</u>	<u>Drainage & Phase II</u>
Account Number	Funds Used To Date 2003	Program Name
<u>02097</u>	<u>\$200,000</u>	<u>Sales Tax</u>
Project Number	Remaining Balance 2003	Fund

BUDGET REVIEW: ☒ Budgeted Item ☐ Budget Adjustment Attached

[Signature]
Budget Manager

Finance and Internal Services Director

CONTRACT/GRANT/LEASE REVIEW:

Marcia Fathin
Accounting Manager

1/29/03
Date

GRANTING AGENCY:

Danny Smith
Internal Auditor

1/29/03
Date

[Signature] 1/29/03
City Attorney Date

[Signature] 1/31/03
Purchasing Officer Date

ADA Coordinator Date

Grant Coordinator Date

STAFF RECOMMENDATION: Approval of the requested resolution

[Signature] 01-27-03
Division Head Date

Cross Reference

[Signature] 1-28-03
Department Director Date

New Item: Yes__ No x

[Signature] 1-31-03
Finance and Internal Services Director Date

Prev Ord/Res #: 102-02

Date July 2, 2002

[Signature] 2-4-03
Chief Administrative Officer Date

Orig Contract Date:

[Signature] 2/3/03
Mayor Date

Orig Contract No:

STAFF REVIEW FORM

Page 2

Description Storm water Phase II

Meeting Date February 18, 2003

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

Grant Coordinator

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.

Fayetteville, AR 72701

Engineering Division

To: Dan Coody, Mayor
Fayetteville City Council

Thru: Staff Review

From: Jim Beavers, Engineering *Jim Beavers*

Date: January 27, 2003

Re: City Council Meeting February 18, 2003, Storm water "Phase II NPDES"
Requirements, Request for the City Council to Authorize the Mayor to submit the City's
application to the Arkansas Department of Environmental Quality (ADEQ).

1. Background

The City of Fayetteville, in compliance with Federal Law, is required to submit an initial application to the Arkansas Department of Environmental Quality (ADEQ) no later than March 10, 2003 for the "Phase II" National Pollution Discharge Elimination System (NPDES) Storm Water requirements. The application should be approved and signed by the Mayor or his specified designee. Specific background information is included in an accompanying memorandum (Enclosure 1) and attachments (Enclosures 2 - 8).

2. Current Status

The Phase II Rule requires that affected entities submit a permit application by March 10, 2003. The City will have up to 5 years to implement the plan. The EPA Fact Sheets recommend 4 year schedules to prepare and implement the requirements. Additional guidance concerning the time line and submittal requirements is anticipated from the Arkansas Department of Environmental Quality (ADEQ) in 2003. (The EPA and ADEQ are late in providing general submittal recommendations and requirements, ADEQ guidance is not anticipated prior to the submittal deadline).

3. Recommendation/Request

A. Immediate help from the City Council:

Staff requests that the City Council approve a Resolution authorizing the Mayor or his designee to submit the City of Fayetteville's "Storm water Phase II" permit application to the Arkansas Department of Environmental Quality (ADEQ). Such permit application shall be submitted no later than March 10, 2003. Compliance shall be phased over a time period of up to five years according to a schedule to be developed with ADEQ complying with all Federal and State requirements.

Please note as of this date (January 27, 2003) the submission has not been drafted. Two possible drafts are included as Enclosures 5 and 6. The final submittal will be developed by staff with assistance from Administration, the City Attorney's Office and guidance from the City Council. The submission will be standard and generic in nature and allow the City additional time to formulate specific actions and/or future ordinances.

B. Further guidance and opportunities:

As the program and plan is developed and implemented, the City Council, Administration and the public will have opportunities to provide guidance. Such guidance may include input on the plan, the new and/or revised ordinances, and policy decisions. One very important policy decision to be made will be the City of Fayetteville's definition and application of "Maximum Extent Practicable". Competing interests within the community and the region have expressed differing views on "Maximum Extent" and "Practicable".

Enclosures.

1. Memorandum dated January 24, 2003, Storm Water Phase II Requirements, Jim Beavers.
2. Copies of the power point presentations from the January 23, 2003 Phase II meeting held at the Fayetteville Town Center: A. Brent Larson (EPA), B. Findlay Edwards (U of A Professor), C. Richard Mays (Environmental Attorney).
3. Copies of EPA Phase II Facts Sheets 1.0, 2.0, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 3.0, 3.1, 4.0.
4. Population for Storm Water Entities as Defined by the 2000 Census and published by the EPA.
5. Draft model permit (EPA).
6. Draft model permit Asist, Inc. (under review by the NWARPC focus group).
7. Environmental storm water structure lid.
8. Informational brochure developed by the University of Arkansas Cooperative Extension Service.

Enclosure 1

Memorandum dated January 24, 2003, Storm Water Phase II Requirements, Jim Beavers

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.

Fayetteville, AR 72701

Engineering Division

To: Dan Coody, Mayor
Fayetteville City Council

From: Jim Beavers, Engineering



Date: January 24, 2003

Re: City Council Meeting February 18, 2003,
Storm water "Phase II NPDES" requirements - Supplemental information.

1. Introduction:

A. March 10, 2003 application deadline.

The City of Fayetteville, in compliance with Federal Law, is required to submit an initial application to the Arkansas Department of Environmental Quality (ADEQ) no later than March 10, 2003 for the "Phase II" National Pollution Discharge Elimination System (NPDES) Storm Water requirements.

B. Background.

The Federal Water Pollution Control Act Amendments of 1972, more commonly known as "The Clean Water Act" (CWA) was enacted October 18, 1972 (PL 92-500). This law required and enabled Local, State and Federal water quality programs and requirements. Goals of the CWA include the elimination of discharged pollutants to Waters of the U.S. and to restore all waters to "fishable and swimmable".

Polluted storm water runoff, including chemicals, nutrients, sediments and siltation, has been cited as a cause of impairment for waterways and water bodies. This impairment contributes to loss of aquatic habitat, loss of aesthetic value, loss of recreational waterways and potential threats to public drinking water supplies and public health.

The 1987 amendments to the Clean Water Act (CWA) authorized the Environmental Protection Agency (EPA) to regulate non-point source discharges including storm water discharges. The regulation has been implemented through a phased program using the National Pollution Discharge Elimination System (NPDES).

The "Phase I" NPDES Storm water rule was implemented in November 1990. This rule addressed storm water discharges from Medium and Large municipal Separate Storm Sewer Systems (MS4's) for urbanized areas with a population greater than 100,000, for all construction sites with disturbed areas greater than 5 acres and ten categories of industrial activities. The City of Little Rock is the only "Phase I" city within Arkansas. The "Phase I" requirements included regulation of the construction activities disturbing 5 acres or greater, certain industrial storm water runoff, mandatory monitoring, permit specific requirements and permit specific activities.

The "Phase II" Storm water Final Rule was approved October 1999 and published in the Federal Register on December 8, 1999 (64FR96722). "Phase II" NPDES will regulate Small MS4's within urbanized areas, construction sites with disturbances of 1 – 5 acres and certain industrial activities. "Phase II" requirements will differ from "Phase I" in that monitoring is to be established by the "Permitting Authority", the Small MS4's are required to formulate a storm water management plan based upon "best management practices", develop measurable goals based upon reducing pollution to the "maximum extent practicable" and develop a time frame of up to five years to implement the program.

2. Phase II Final Rule Requirements.

A. Affected Municipalities and Urbanized areas.

Urbanized areas have been defined by the EPA as a central place (or places) and the adjacent densely settled surrounding area that together have a minimum population of 50,000 and an average density of 1,000/square mile in the core area plus a band with an average density of 500/square mile. The MS4's include the urbanized areas and interconnected systems.

Area Municipalities affected by the Phase II requirements include Fayetteville, Springdale, Rogers, Bentonville, Elkins, Farmington, Johnson, and Greenland. Please refer to Enclosure 4 for specific locations listed in Arkansas by the EPA.

The Permitting Authority (ADEQ), has the authority to phase in the requirements or exempt from the requirements those municipalities with a population of less than 10,000 where ADEQ can provide documentation of "no potential for significant water quality impairment".

B. Specific Requirements of the Rule.

The Phase II Final Rule (law) includes six specific requirements:

1. Public education and outreach
2. Public involvement and participation
3. Illicit discharge detection and elimination
4. Construction site storm water runoff control
5. Post construction storm water management in new development and redevelopment

6. Pollution prevention/good housekeeping for municipal operations

Each of the six specific requirements noted above have detailed and specific requirements which include:

1. Best Management Practices (BMPs)
2. Measurable goals
3. Schedule of action(s)
4. Responsible person (s)
5. Record keeping
6. Reporting

Other requirements to implement the program will include:

1. System Inventory and designation of outfalls.
2. Operation and maintenance of the drainage system.
3. An ordinance prohibiting illicit discharges.
4. Storm Water Pollution Prevention Plans may be required for construction sites including individual residential lots that are a part of the overall development plan (awaiting final decision by ADEQ).
5. Note that monitoring is not required in Phase II by the EPA but may be added by the Permitting Authority (ADEQ) or the local municipality.

(source: EPA/40 CFR Parts 9,122,123 and 124; EPA Region 6/Brent Larson)

C. Delegation of Authority and Responsibility:

EPA >> ADEQ >> Municipalities (MS4's)

EPA:

- * Oversight of program/regulation
- * Referrals (problems that the municipalities and States cannot resolve)
- * Evaluations

State ADEQ:

- * Administration of program/regulation
- * Enforcement
- * Reviews of reports and actions of permittees
- * Data entry
- * Evaluation of program

Municipalities/MS4's/Permittees:

- * Implementation of the regulation specifics
- * Inspection
- * Enforcement
- * Reporting

The EPA is delegating the responsibility for inspections and compliance to the Permitting Authority (ADEQ) which is in turn delegating the responsibility to the City. Currently all construction activities which disturb 5 acres or greater are permitted by the State. The City does not enforce the specifics of the State's requirements. The City does enforce the City's "Grading" and "Drainage" Ordinances.

As the Storm Water Phase II Rule is implemented, the disturbed area requirements drops to 1 acre or greater and the municipalities are the enforcement agency. The EPA and State requirements for storm water pollution prevention plans are currently more stringent than the City's. The City and ADEQ must verify the requirements as the plan is implemented over the next five years.

3. The City of Fayetteville.

- a. Representatives from the Engineering Division have attended seminars concerning Phase II sponsored by the EPA, American Public Works Association, the University of Arkansas and manufacturing representatives.
- b. We participate with other local representatives and citizens in the NWA Regional Planning Commission's Storm Water Focus group.
- c. The City of Fayetteville is ahead of most municipalities in that we have, and enforce, ordinances to control grading and drainage including construction site erosion control and post construction water quantity. The City's existing ordinances are good starting positions but do not fully develop the requirements for Phase II water quality.
- d. On May 2, 2002 Engineering amended the City of Fayetteville's Drainage Criteria Manual to require the use of a Phase II environmental message on all new storm water structure lids. A copy of the requirement is attached as Enclosure 7.
- e. The City will continue to develop the plan and time schedule in compliance with EPA guidelines, ADEQ directives and the City Council's guidance.
- f. The City of Fayetteville's submittal for March 10, 2003 deadline will be developed by staff with assistance from Administration and the City Council as applicable. The submitted plan/permit will be standard and generic in nature in that it will allow the City additional time to

formulate any specific actions and/or future ordinances. Such plan or permit shall be phased over a time period of up to five years according to a schedule to be developed with ADEQ complying with all Federal and State requirements. There will be many opportunities and challenges to formulate the City's plan. Such opportunities include public education and public participation. Challenges include new policies on drainage maintenance including channels and detention ponds and the struggle to balance Phase II water quality standards with the goals of a developer friendly region.

4. NWARPC storm water focus group.

The NWA Regional Planning Commission (NWARPC) Storm Water Focus Group has been meeting regularly since May 2002 to develop Public Education and Public participation tools, share information and knowledge and to further work together on the plan/permit application. The focus group includes representatives from Regional Planning, the University, the Cooperative Extension Service, Arkansas Soil and Water Conservation Commission (ASWCC), the Cities of Bentonville, Rogers, Springdale, Fayetteville, Farmington, Greenland, Bethel Heights, Washington County and interested private citizens. The Focus Group's objective is to formulate BMP's and Tools which may be applied cohesively across the Northwest Arkansas (NWA) region. It is desired that all NWA communities adopt a general standard set of BMP's and requirements to protect the watersheds, to provide a common set of requirements for developers and builders and to help to provide a level competitive atmosphere between NWA municipalities. Further the cooperation within the NWARPC focus group should reduce the planning and permit development costs to any given entity.

The NWARPC focus group also promotes the potential cooperation with the University, the Arkansas Highway and Transportation Department, and other municipalities; and opens for discussion the potential for Watershed or Regional storm water districts.

It is noted that the NWARPC has no regulatory powers and each municipality may enact requirements that are different from or more stringent than the base BMP's and Tools developed by the focus group.

Congressman Boozman's Office, The Cooperative Extension Service and the NWARPC Focus Group hosted the NWA Regional Storm water Phase II meeting held this past January 23 at the Town Center. Elected officials from NWA communities were invited. Copies of the presentations ("Overview of the Storm water Program", Brent Larson; "What do the New Storm water NPDES Regulations mean for Northwest Arkansas?", Dr. Findlay Edwards; "Municipal Storm water Management Enforcement Considerations", Richard Mays), from the January 23 meeting are attached (Enclosure 2).

5. Arkansas Department of Environmental Quality.

The EPA has delegated the Permitting Authority to the Arkansas Department of Environmental Quality.

Although, ADEQ had previously committed to providing additional information to the affected urbanized areas in January or February 2003, ADEQ reported on January 23, 2003 that the information would not be available until after the permit submittal deadline of March 10, 2003.

ADEQ reports that the EPA has been late in providing information to ADEQ and thus ADEQ will be late in providing information to the Cities and other MS4's.

Lacking specific guidance from the Permitting Authority (ADEQ) the City's submittal must be standard and generic in nature such that it will allow the City additional time to formulate any specific actions and/or future ordinances

6. Estimated costs and Funding source.

A. Estimated costs to implement and administer the program.

Implementation. Fayetteville will develop the program "in-house" within the City's Engineering Division cooperating with other applicable Divisions which may include Transportation and Water/Sewer. Other municipalities which do not have in-house engineering may find it necessary to hire consultants to establish their program and obtain their permit. The cooperation within the NWARPC focus group should lessen the costs to any one entity.

The EPA estimates that the first year costs of the program will range from \$1.39 to \$7.83 per capita. For a City of 50,000 this will be \$69,500 to \$391,500. (Source: EPA Region 6/Brent Larson)

Administration. Additional staff may be required to perform the functions and requirements noted in the regulations. Staffing requirements will be formulated over the next 1 – 4 years as the plan specifics are determined and implemented. The additional staff may include engineers, scientists, inspectors and maintenance workers. Portions of such work may be contracted to area providers in lieu of additional staffing.

The EPA estimates that the annual costs to administer the program will range from \$1.23 to \$5.73 per capita. For a City of 50,000 this will be \$61,500 to \$286,500. (Source: EPA Region 6/Brent Larson)

The Regulation (Rule) lists the national average annual costs as \$9.16 per household. Please note that we understand that the estimates given represent a significant range of values. Plan reviews, reporting, inspections and maintenance will be key elements of the permit. Certain

Phase I municipalities have found it necessary to add maintenance crews dedicated to additional maintenance of inlets, boxes, catch basins, ponds, ditches, channels ... A more accurate determination of the costs will be determined as the plan is implemented over the next 1 – 4 years.

B. Funding.

The Regulation is an "unfunded mandate".

Potential sources for funding include:

- * General Funds
- * Sales Tax
- * General Obligation Bonds
- * Impact and Service Fees
- * Special Assessment Districts
- * Storm Water Utility

Based upon presentations at EPA seminars, the Storm Water Drainage Utility appears to be a popular approach for Phase I Cities in Oklahoma and Texas. Average charges for residential properties are \$2.00 -3.00 per month. Commercial and Industrial charges are based upon measured impervious area.

The Arkansas Legislature approved regulations in 2001 (Bill 1737) to allow the formation of storm water utilities and regional storm water utilities.

Advantages of a Storm Water Utility:

- * Does not take General Funds or Sales tax funds away from existing programs or projects.
- * Fees based upon the measured or averaged amount or percentage of impervious coverage.
- * Stable source of income.
- * Allows for increased maintenance of the drainage system including flood prevention.
- * Must be equitable and fair and conform to State law.
- * Potential credits for on-site improvements.
- * Can use existing billing system (water bill, solid waste, etc.)

The City of Fayetteville has budgeted Sales Tax (Capital Improvement Program) money for the design and initial implementation of the program. Storm drainage maintenance is a regularly budgeted item with the Transportation (Street) Division's budget. The City of Fayetteville may be interested in investigating a Storm Water Drainage utility for the perpetual administration of the program. Such investigation of forming a utility will include guidance from the citizens and elected officials.

7. Phase II Proposed Time Line/Schedule.

The City of Fayetteville will have time to complete and implement the plan.

The Rule requires that the affected entities submit the general plan or permit by March 10, 2003. The City will have up to 5 years to implement the plan.

The EPA Fact Sheets recommend 4 year schedules to prepare and implement the requirements. Copies of the EPA Fact Sheets are attached as Enclosure 3.

Additional guidance concerning the time line and submittal requirements are anticipated from ADEQ in 2003.

8. Requested Resolution and Authorization.

A. Immediate help from the City Council:

Engineering requests that the City Council approve a Resolution authorizing the Mayor or his designee to submit the City of Fayetteville's "Storm water Phase II" permit application to the Arkansas Department of Environmental Quality (ADEQ). Such permit application shall be submitted no later than March 10, 2003. Compliance shall be phased over a time period of up to five years according to a schedule to be developed with ADEQ complying with all Federal and State requirements.

Please note as of this date (January 24, 2003) the submission has not been drafted. Two possible drafts are included as Enclosures 5 and 6. The final submittal will be developed by staff with assistance from Administration, the City Attorney's Office and guidance from the City Council. The submission will be standard and generic in nature in that it will allow the City additional time to formulate specific actions and/or future ordinances.

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As the program and plan is developed and implemented, the City Council, Administration and the public will have opportunities to provide guidance. Such guidance may include input on the plan, the new and/or revised ordinances, and policy decisions. One very important policy decision to be made will be the City of Fayetteville's definition and application of "Maximum Extent Practicable". Competing interests within the community and the region have expressed differing views on "Maximum Extent" and "Practicable".

9. Additional resources.

There are numerous public and private resources including texts, model ordinances, BMP's, and websites available to help plan and implement the "Phase II" requirements. Some of the best have been produced by the EPA and are available at EPA and related websites. Such resources include the EPA Fact Sheets for Storm Water Phase II (Enclosure 3).

Other excellent local resources include Findlay Edwards, P.E., PhD, University of Arkansas, Katie Teague, University Cooperative Extension Service, Bob Morgan, ASWCC, NWARPC and the Focus Group.

The efforts of the University of Arkansas Cooperative Extension Service deserve special recognition for their ongoing public education programs for young people and adults in Fayetteville and NW Arkansas.

10. Enclosures.

1. This memorandum dated January 24, 2003, Storm Water Phase II Requirements, Jim Beavers (presented as an enclosure to the cover memorandum dated January 27, 2003).
2. Copies of the power point presentations from the January 23, 2003 Phase II meeting held at the Fayetteville Town Center: A. Brent Larson (EPA), B. Findlay Edwards (U of A Professor), C. Richard Mays (Environmental Attorney).
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Enclosure 2

Copies of the power point presentations from the January 23, 2003 Phase II meeting held at the Fayetteville Town Center.

A. Brent Larson (EPA), "Overview of the Storm water Program"

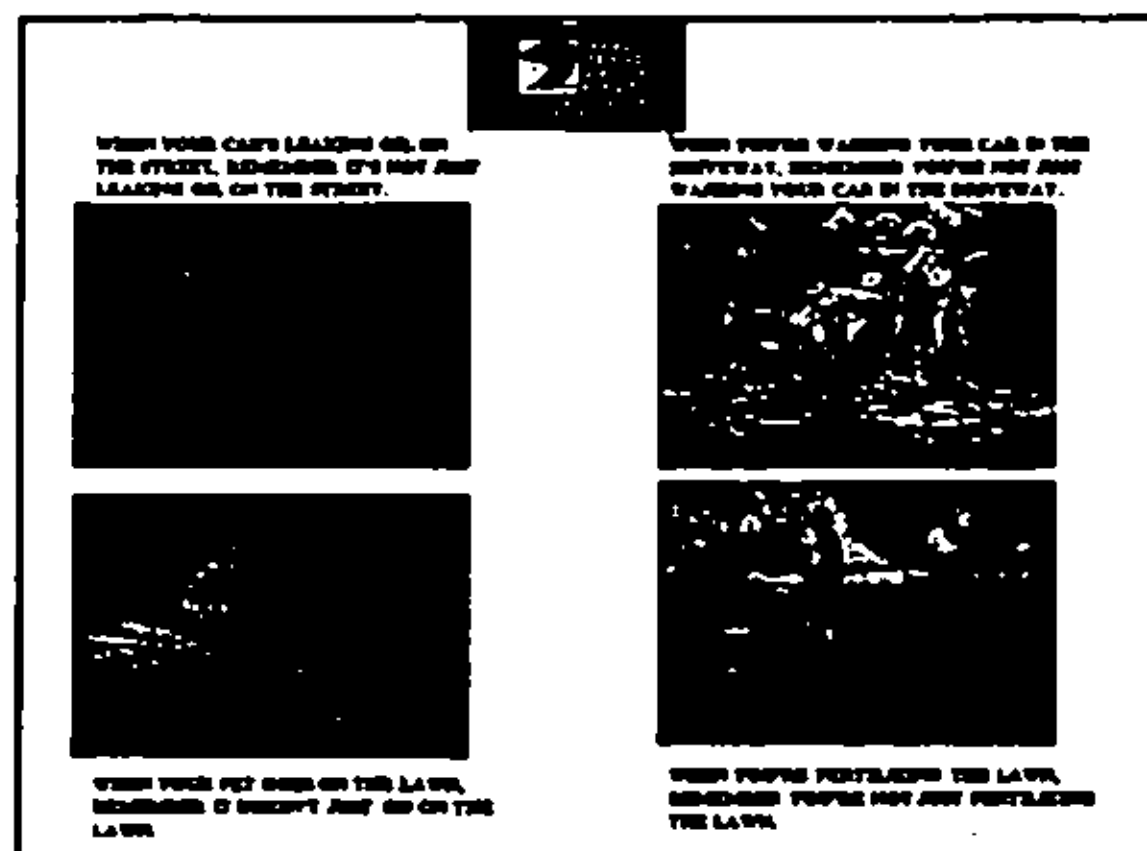
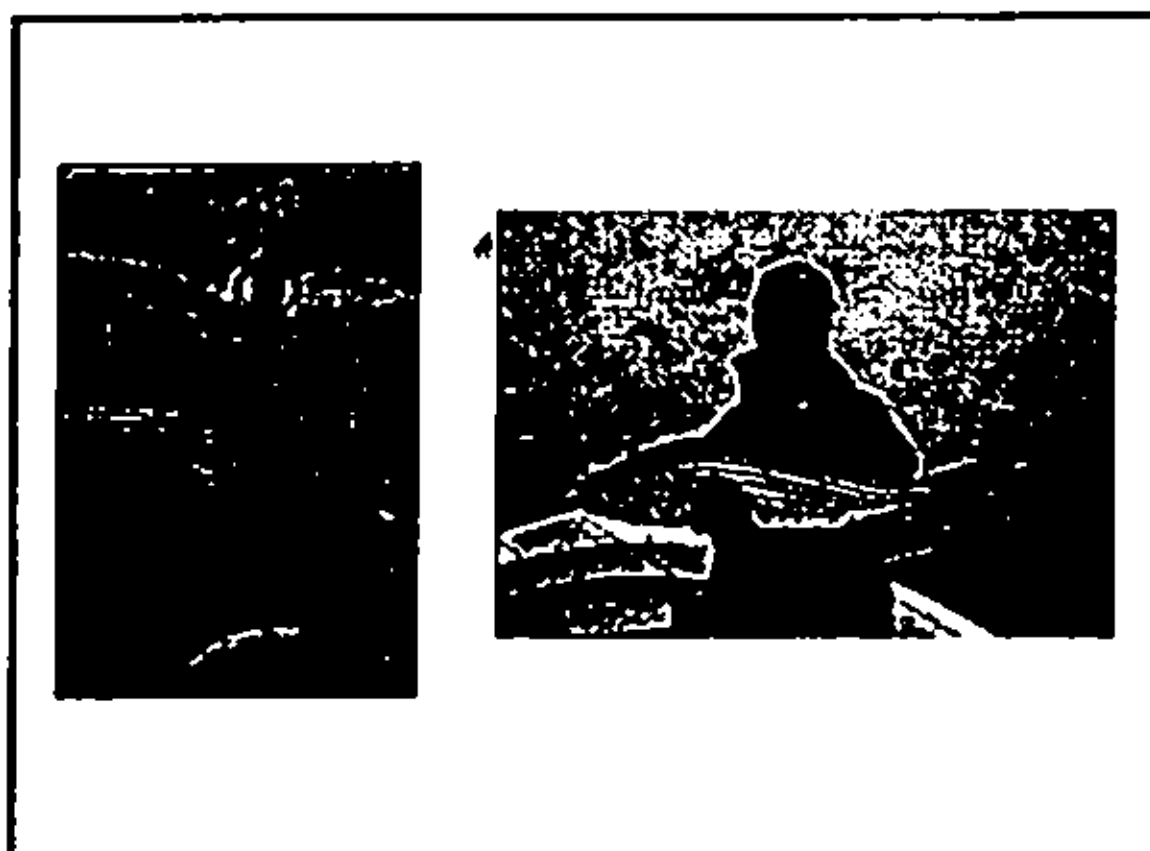
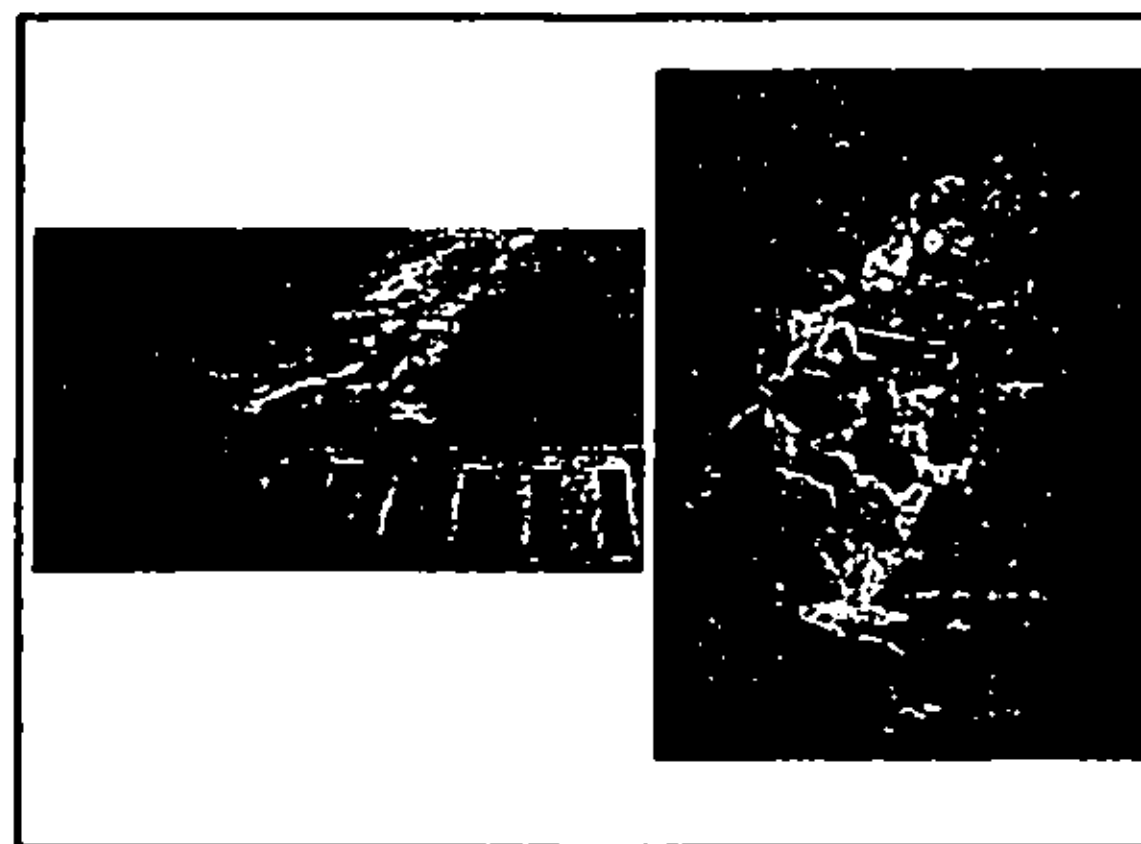
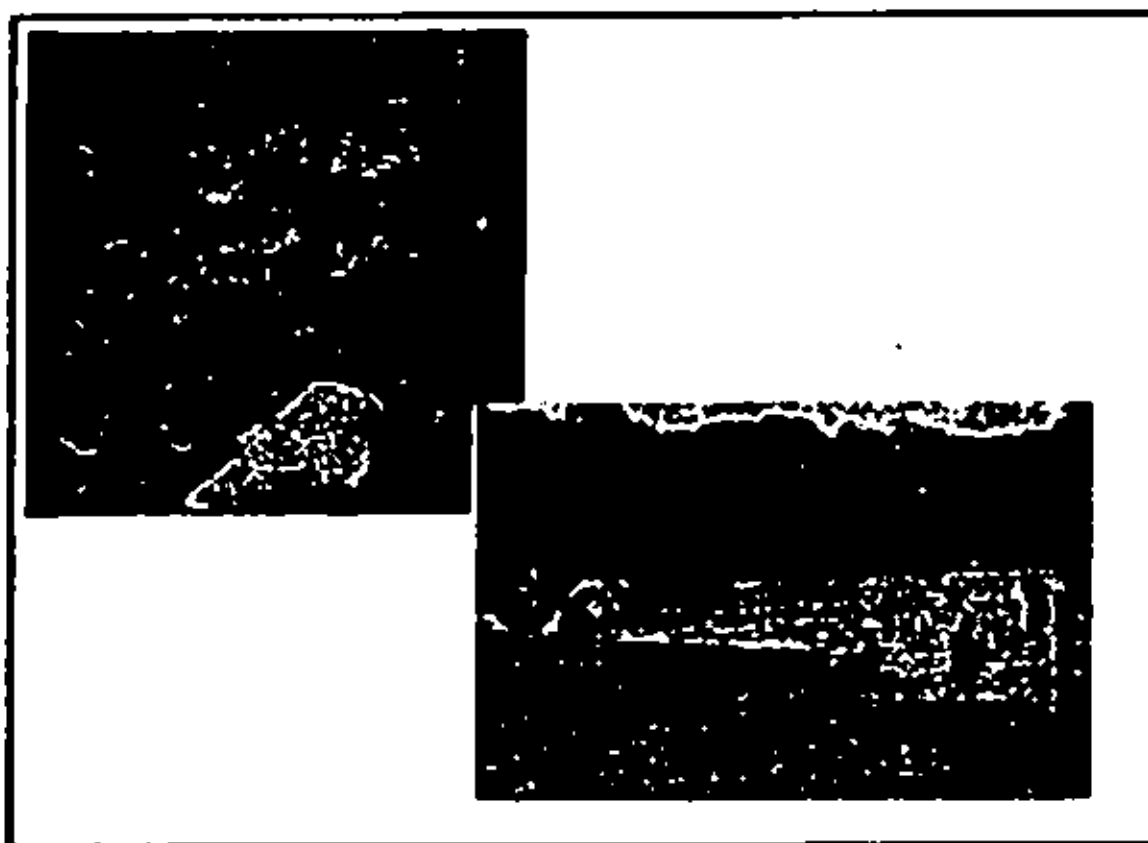
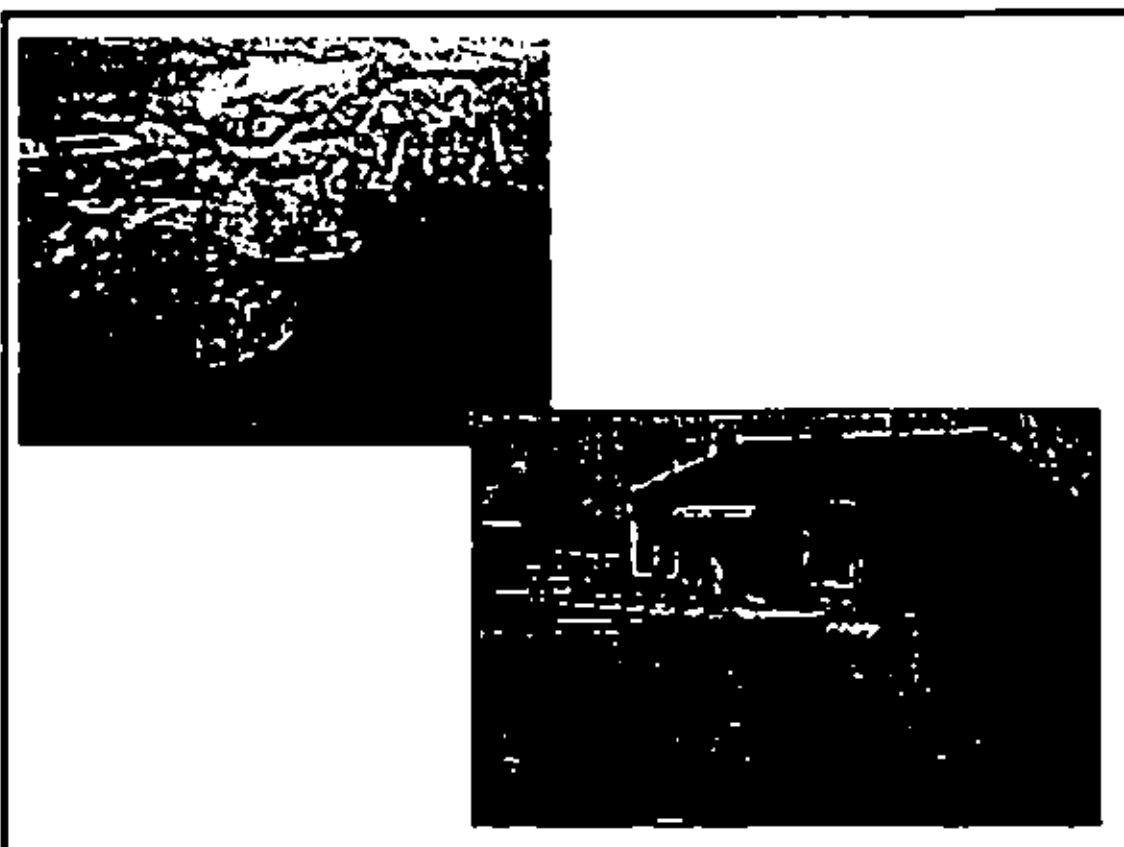
B. Dr. Findlay Edwards (U of A Professor), "What do the New Storm water NPDES Regulations mean for Northwest Arkansas?"

C. Richard Mays (Environmental Attorney) "Municipal Storm water Management Enforcement Considerations"

Overview of the Storm Water Program

NORPC Phase II Storm Water
Small MS4 Workshop
1/23/03

EPA Region 6



What Do States Identify as the Leading Causes and Sources Affecting Impaired Waters?

- **Leading Causes:** Siltation, nutrients, bacteria, metals (primarily mercury), and oxygen depleting substances
- **Leading Sources:** Pollution from urban and agricultural land that is transported by precipitation and runoff

Storm Water Pollutants

- Sediment
- Nutrients
- Bacteria
- Oxygen Demand
- Oil and Grease
- Trace Metals
- Toxic Chemicals
- Chlorides
- Thermal Impacts

Why is Storm Water a Problem?

- Developed and disturbed land contributes to problems
 - Quality
 - Quantity
- Other pollutants enter storm sewer systems and pollute storm water
 - Illicit discharges
 - Illicit connections

Potential Impacts from Storm Water

- Destruction/Degradation of aquatic habitat
- Accelerated loss of storage in lakes/reservoirs
- Diminished water recreation experiences
- Reduced aesthetic and preservation values
- Increased hydroelectric facility impairment
- Accelerated stream bank erosion
- Increased flood damages
- Reduced infiltration/groundwater recharge

Sources of Impairment

- According to 2000 305b report, of the 32% of the nation's waters that were assessed, 40% were impaired:
 - **Rivers & Streams:** 19% assessed, 39% impaired, 11% of impairment due to urban runoff/storm sewers
 - **Lakes & Ponds:** 43% assessed, 45% impaired, 18% of impairment due to urban runoff/storm sewers
 - **Estuarine:** 36% assessed, 51% impaired, 32% of impairment due to urban runoff/storm sewers
 - >50% of impaired shoreline miles are impaired due to urban runoff/storm sewers

Some Impaired Waters in Arkansas and White River Basins

- Stone Dam Creek – nutrients
- Whig Creek – nutrients
- Poteau River – metals
- Clear Creek – siltation/turbidity
- Town Branch – nutrients
- Hicks Creek – nutrients
- White River – siltation
- Holman Creek - nutrients

Impairment - TMDLs

- Total Maximum Daily Load is required for all impaired waters
- Storm water point sources must be included and assigned a portion of the available load
- Permits must be consistent with the TMDL

WHY REGULATE STORM WATER?

- CWA "Fishable/Swimmable" goal
- Water Quality Inventory Reports indicate storm water is a large source of impairment
- Preventing degradation of good water quality

Expected Benefits

- Enhanced commercial, recreational and subsistence fishing
- Enhanced opportunities for swimming, boating and noncontact recreation
- Reduced flood damage
- Drinking water benefits
- Navigational benefits
- Reduced illness from consuming contaminated seafood and swimming in contaminated water
- Enhanced aesthetic value

Goals of 1972 Federal Water Pollution Control Act

- Eliminate discharge of pollutants to waters of the U.S.
- All waters of the U.S. should be fishable and swimmable by 1985.
- While only 1/3 of waters of U.S. met this criteria in 1972, around 2/3's of waters of the U.S. now meet this standard.

Clean Water Act - 1977

- Received its common name now used by public and industry.
- First legislative use of the term "Best Management Practices" - primarily describing activities performed for compliance with NPDES permits to meet ESA requirements.

First Decade Dilemma

- Many NPDES permits issued.
- Scientific effluent data supports improved water quality in 305(b) reports to Congress.
- Many water bodies removed from the 303(d) list of impaired water bodies.
- However, the goals of the Act are not being achieved in that all waters of the U.S. are not fishable and swimmable.

NURP

- National Urban Runoff Program report.
- Authorized by Congress.
- Started in 1978.
- Final report to Congress in 1983.
- Concluded that there was no way to achieve the goals of the Act without addressing urbanized discharges (storm water).

Natural Resource Defense Council

- Primary environmental group judicially and legislatively pursuing implementation of federal storm water requirements.
- Early 1980's was both suing EPA for failure to implement NPDES storm water permits and was lobbying congress to reauthorize the Act with specific storm water provisions.
- Their judicial suits were the first to point out EPA's legal authority to administer large numbers of permittees through a general permitting program.

Water Quality Protection Act - 1987

- Section 402(p) requires EPA to permit storm water discharges.
- EPA Promulgated regulations in a phased approach.

How is Storm Water Regulated Under the NPDES Program?

- Phase I: Regulates discharges from large and medium MS4s (100k+ pop.) and industrial activity (includes construction 5+ acres)
- Phase II: Regulates discharges from small MS4s (Urbanized Areas & MS4 Designations 10-50K) and small construction (1-5 acres)

Storm Water Phase I Program Overview

- November 16, 1990 Final Phase I Rule
- Permit Applications Required for Storm Water Discharges From:
 - MS4s Serving Population $\geq 100,000$
 - 11 Categories of Industrial Activity
 - Construction Over 5 Acres Covered as Industrial Activity

Storm Water Phase II Program Overview

- Final Rule Published 12/8/99
- Phase II Sources Covered:
 - "Regulated" Small MS4s
 - Construction Under 5 Acres
 - No New Industrial/Commercial Sources
- New Phase I "No Exposure" exemption
- Deadline for ISTEA small municipality Phase I industrial activities

Storm Water Phase II Program
Regulated Small MS4 Definition

Automatic Nationwide Designation:

All Small MS4s Located Within
"Urbanized Areas" (UAs)

Includes Federal Storm Sewer Systems in
Urbanized Areas

Storm Water Phase II Program
"Urbanized Area" Definition

A central place (or places) and the adjacent
densely settled surrounding area that
together have a minimum population of
50,000 and an average density of
1,000/sq.mi. in core area plus band with
500/sq. mi.

(Bureau of the Census geographers liken it to flying over
an urban area and drawing a line around the built-up,
developed area as seen from the air)

Storm Water Phase II Program
Arkansas "Urbanized Areas"

Fayetteville-Springdale
Fort Smith (AR-OK)
Hot Springs
Jonesboro
Little Rock
Memphis (TN-MS-AR)
Pine Bluff
Texarkana (TX-AR)

Storm Water Phase II Program
Regulated Small MS4 Permit
Requirements

Minimum Control Measures:

- *Public Education and Outreach*
- *Public Involvement/Participation*
- *Illicit Discharge Detection and Elimination*
- *Construction Site Storm Water Runoff Control*
- *Post-Construction Storm Water Management in New Development and Redevelopment*
- *Pollution Prevention/Good Housekeeping for Municipal Operations*

Phase II Cost Estimates

Paraphrased from NPDES Phase II
Program Cost Estimates by Andy Reese,
Ogden Environmental and Energy
Services, Inc. (given at the Tools for Urban
Water Resource Management Conference
in Chicago, February 2000)

Basis for Estimates

- City with 50,000
- Moderate Development Pressure
- Absolute bare minimum vs. really trying to address current and head off future problems
- Heavy reliance on other programs vs. stand alone program

Cost Comparison (per capita)

<u>Program</u>	<u>Initial Year</u>	<u>Annual</u>
Very Basic	\$0.75	\$1.63
Expanded	\$6.16	\$7.64
EPA Estimate	\$1.39 to \$7.83	\$1.23 to \$5.73

Andy's Cost Range Est. for
50,000 pop. MS4 Program

- Year 1: \$37,600 to \$308,150
- Year 2-5: \$81,700 - \$381,850
- Note: Andy warns Minimum Program may not pass muster with EPA/State

Reducing "New" Costs

- Build on existing programs
- Don't reinvent the wheel
- Regional cooperation
- What can you do in-house?

EPA: Phase II Net Total
Benefits

- Estimate somewhere between a \$34 million benefit to a \$531 million cost
- NOTE: Much harder to quantify cost benefits - what is clean water worth to quality of life, desirability of living in one community over another, tourism, reduced health risks, etc.

HOT TOPICS

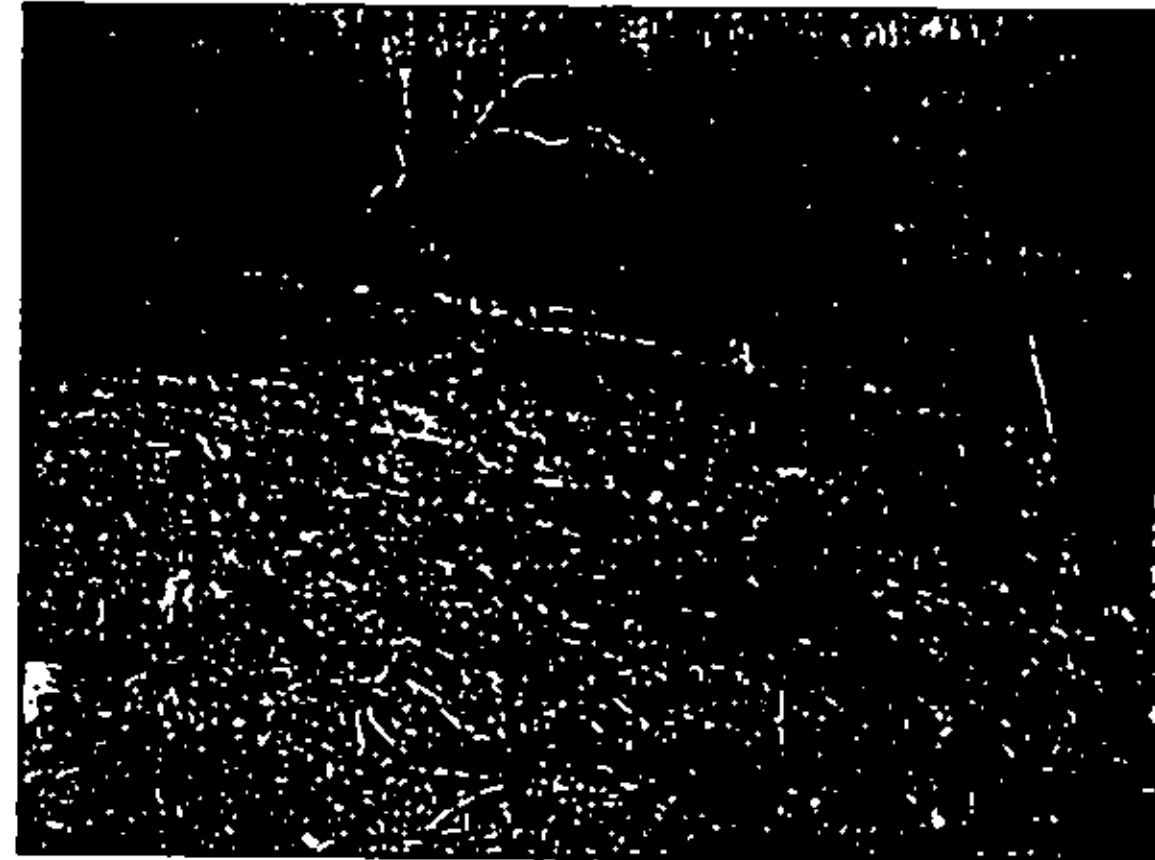
- EPA BMP and Measurable Goal Guidance – On Web Now
- 9th Circuit ruled on Phase II challenges– 1/14/03

Storm Water Program
Internet Resources

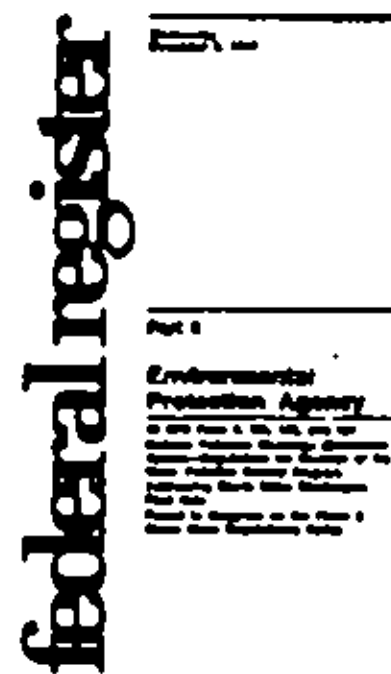
- Region 6:
www.epa.gov/region6/sws
(permits)
www.epa.gov/region6/sw
(enforcement)
- SWMRC:
www.stormwatercenter.net/

**What Do the New
Stormwater NPDES
Regulations Mean for
Northwest Arkansas?**

Findlay G. Edwards, Ph.D., P.E.
Department of Civil Engineering
University of Arkansas



**NPDES Phase II
Regulations
For MS4s,
Construction Sites,
and Industries**



**What Is Required for Municipal
Separate Stormwater Systems (MS4s)?**

Six Minimum Control Measures for MS4s

- Public involvement and participation
- Public education and outreach
- Illicit discharge detection and elimination
- Construction site storm water runoff control
- Post-construction storm water management
- Pollution prevention or good housekeeping for municipal operations

Public Education and Outreach

Why?

- Greater public support
- Greater compliance

What is required?

- Implement a public education program
- Develop measurable goals for this control measure

How?

- Educational displays, pamphlets, fliers, booklets
- TV, radio, newspaper PSAs
- Presentations to classes at schools
- Utility bill inserts
- Webpage

Public Involvement and Participation

Why?

- Greater public support
- Shorter implementation schedule
- Broader base of expertise and economic benefit

What is required?

- Comply with public notice requirements
- Implement a public involvement program
- Develop measurable goals for this control measure

How?

- Stakeholders meetings
- Surveys
- Watershed organizations
- Adopt-a-stream, inlet stenciling

Illicit Discharge Detection and Elimination

Why?

- To eliminate wastewater in storm water
- To eliminate hazardous wastes in storm water

What is required?

- Know the stormwater system
- Prohibit illicit discharges
- Develop measurable goals for this control measure

How?

- Public education
- Map the stormwater system (incl. discharge points)
- Pass an ordinance prohibiting illicit discharges
- Enforce the ordinance

Construction Site Runoff Control Measure

Why?

- Construction runoff accounts for most urban stormwater pollution

What is required?

- Require implementation of E&S controls and control of other wastes on construction sites > 1 acre
- Receive and consider information submitted by the public
- Develop measurable goals for this control measure

Construction Site Runoff Control Measure

How?

- Pass an ordinance requiring implementation of E&S controls and control of other wastes
- Review construction plans for impact in water quality
- Conduct inspections of construction site stormwater control measures
- Enforce sanctions to ensure compliance
- Setup a hotline to receive citizen complaints



What Is Required for Construction Sites?

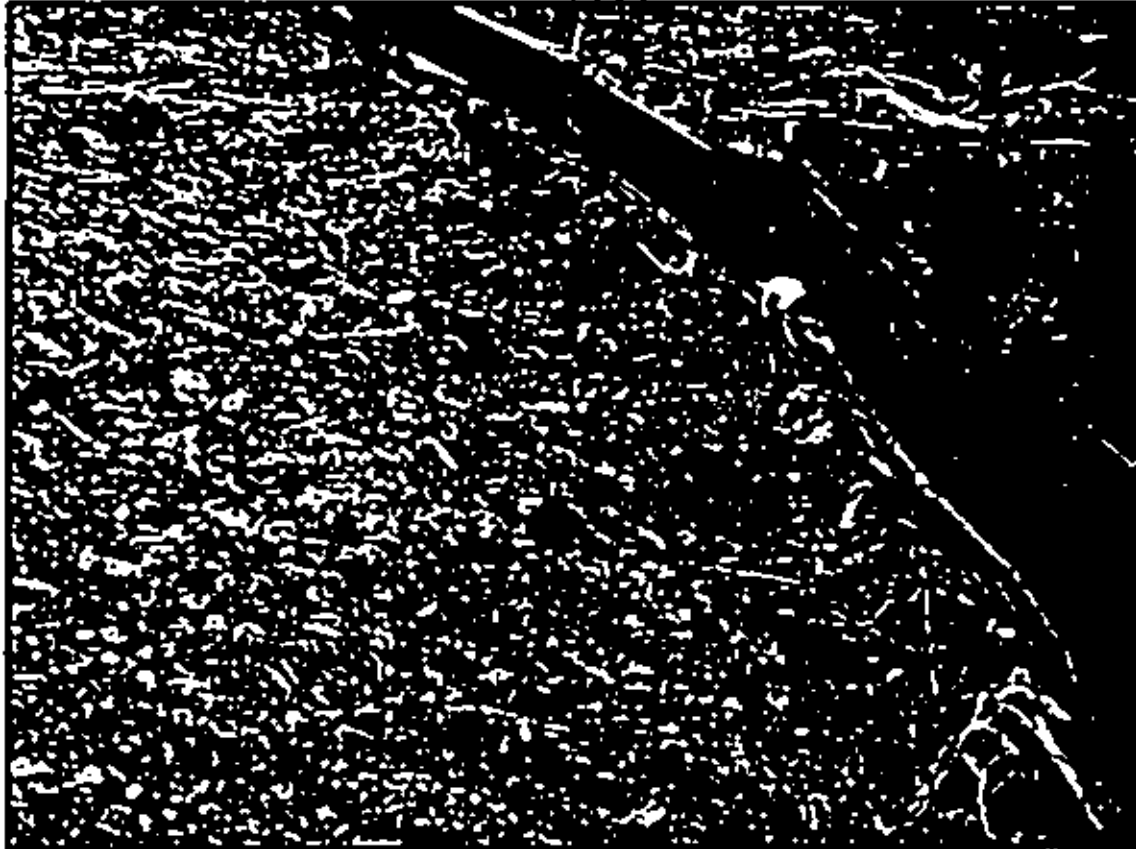
Six Minimum Control Measures for Operators of Construction Sites

- Notice of Intent
- Certification that the activity will not impact endangered or threatened species
- Develop a Storm Water Pollution Prevention Plan (SWPPP)
- Place and maintain appropriate BMPs to minimize the discharge of pollutants
- Notice of Termination

What Is Required for Construction Sites?

Construction Site Inspections by Operators

- Performed every 14 days or after each 1/2 inch (or greater) rain
- Determine the major discharge of sediment from the site
- Record locations of BMPs in need of maintenance
- Record locations of BMPs not working
- Record locations which need additional BMPs



Post-Construction Site Runoff Control Measure

Why?

- Urban runoff is the cause of 40 % of U.S. water bodies that do not meet water quality standards

What is required?

- Require implementation of stormwater pollution controls on developed sites
- Develop measurable goals for this control measure

Post-Construction Site Runoff Control Measure

How?

- Pass an ordinance requiring implementation of post-construction controls
- Implement strategies for structural and/or non-structural BMPs
- Ensure adequate long-term operation and maintenance of controls

Pollution Prevention & Good Housekeeping

Why?

- Improperly maintained operations cause pollutants to get into the runoff

What is required?

- Regularly clean MS4's operations
- Protect streams from MS4's operations
- Develop measurable goals for this control measure

How?

- Implement an O&M program to prevent or reduce pollutant runoff into storm sewer systems
- Structure street sweeping to remove pollutants
- Train employees in P2/good housekeeping



Does Every MS4 Have To Go It Alone?

NO!

- EPA strongly encourages partnerships and the watershed approach as the management framework for efficiently, effectively, and consistently protecting and restoring aquatic ecosystems and protecting public health
- In 2001 Arkansas passed Bill 1737 which allows for the formation of Storm Water Utility Districts

What Resources are Available

EPA

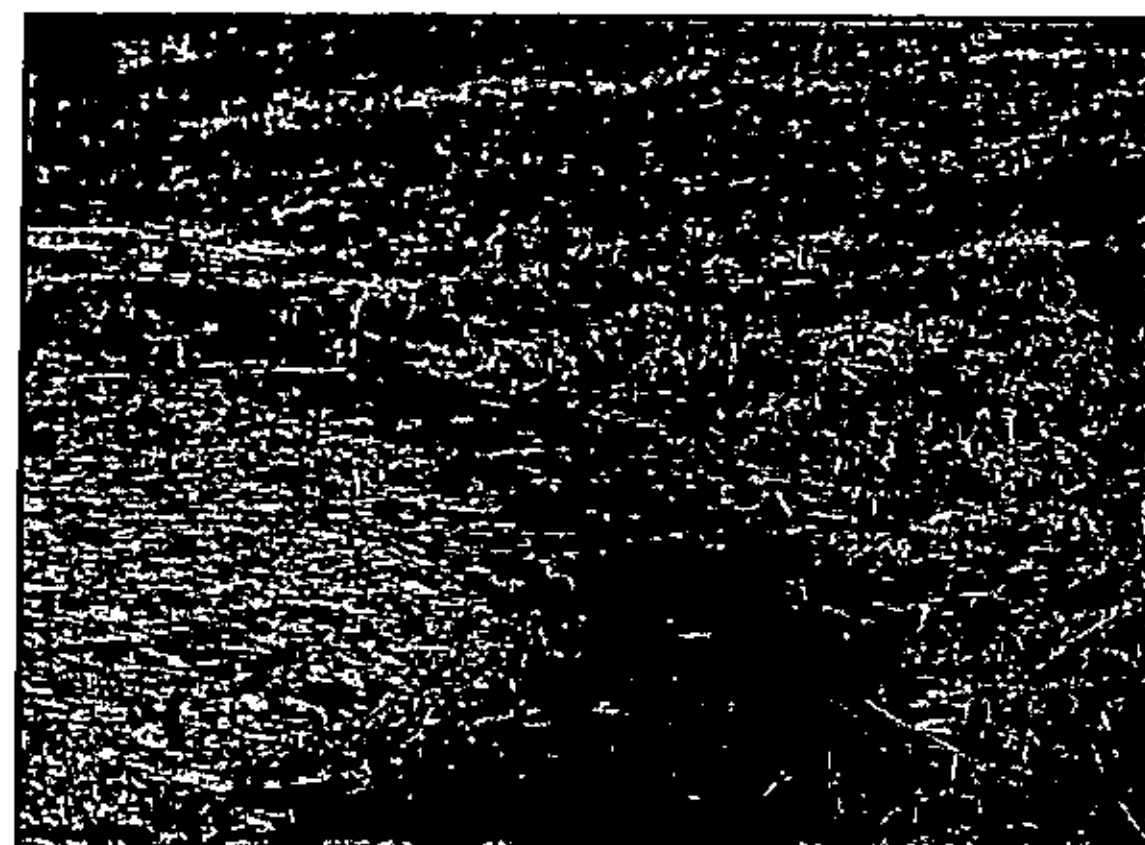
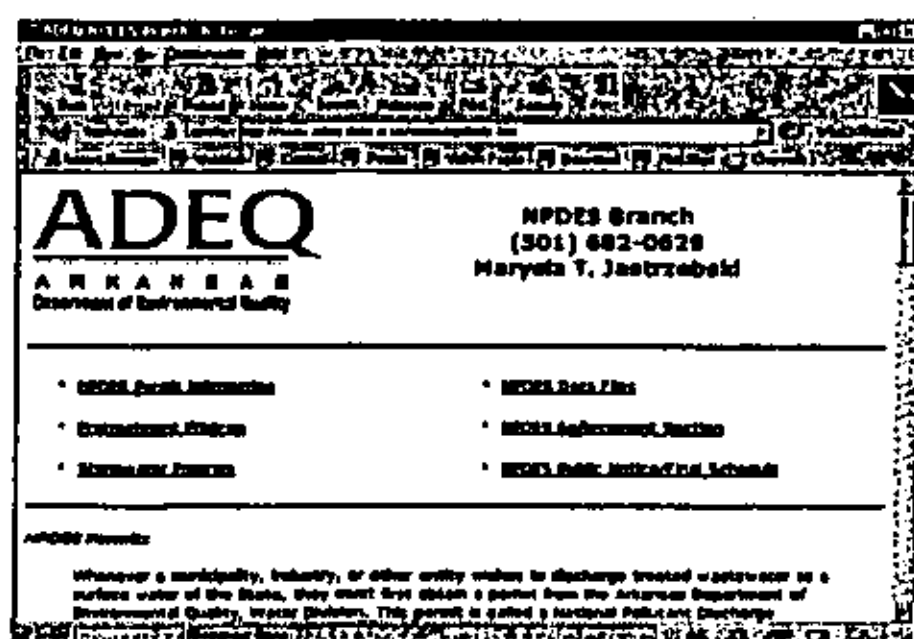
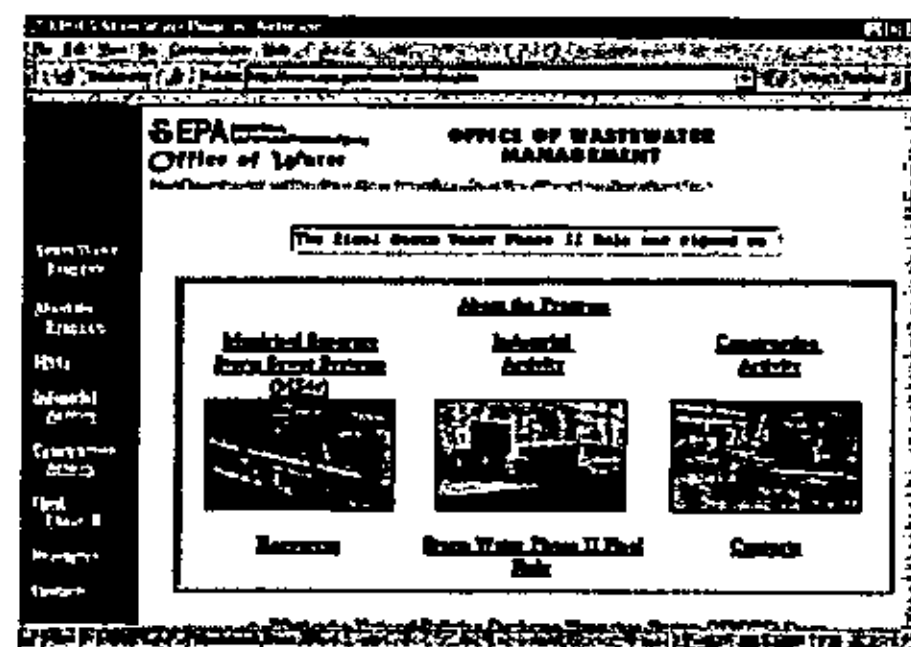
- Model ordinances
- Model programs of successful MS4s
- Suggested BMPs
- Model methods to measure success of BMPs

ADEQ

- Contacts to answer questions

NWARPC

- Construction and Development BMP Guidance Manual
- Guidance on other BMPs
- Coordination of efforts



**MUNICIPAL STORM WATER
MANAGEMENT**

ENFORCEMENT CONSIDERATIONS

RICHARD H. MAYS
ENVIRONMENTAL LEGAL SERVICES
CANTRELL VALLEY PLAZA - SUITE 200
2725 CANTRELL ROAD
LITTLE ROCK, ARKANSAS 72202
(501) 378-5555

**MS4 PERMIT REQUIREMENTS
TAKE THEM SERIOUSLY!**

Storm water runoff from industrial sites and in municipal storm sewer systems is a major contributor to sedimentation and contamination of the nation's waterways.

Reducing those discharges is a high priority for EPA.

First step was to issue and enforce the Phase I storm water permit requirements for medium and large MS4s, and certain "industrial" dischargers.

Next step is the Phase II requirements that go into effect on March 10th, bringing small MS4s into the program

EPA emphasizes its priority programs by enforcement.

It will select groups of MS4s in each of its regions who have not complied, and will file coordinated administrative or judicial actions against them.

EPA/DOJ issue press releases when filing the cases, painting the defendants as major polluters.

Consequences of enforcement action:

- Failure to file application for permit (NOI) by March 10th means any storm water discharges after that date are illegal.
 - Discharging pollutants without a permit under the Clean Water Act could be punished by civil penalties.
 - Criminal penalties (fine and/or incarceration) are possible.
- These are easy violations for EPA to prove.

Failure to implement the requirements of the Permit and the MS4s plan can also be the basis for enforcement actions.

Each violation of a particular requirement can be the subject of a separate penalty.

Enforcement action will likely result in a consent decree or order in which the MS4 will be required to:

- Pay a penalty
- Comply with the MS4 permit requirements on a tight schedule
- Pay stipulated penalties for failure to comply with the decree or order

MS4 program in Arkansas is delegated by EPA to the state ADEQ.

ADEQ is generally more responsive to local concerns than EPA.

However, EPA has authority under the CWA to take direct enforcement action in a delegated state against a violator of a federal program.

Biggest enforcement threat to MS4 operators may be citizens' suits under Clean Water Act.

A citizen (e.g., environmental organization) has a right under Section 505 of the CWA to file an action against any person, governmental agency or instrumentality alleged to be in violation of an effluent standard or limitation of the Act (subject to restrictions of 11th Amendment to Constitution).

Same penalties, injunctive relief, plus attorney fees, can be recovered in a citizens' suit.

Conclusion

Not complying with the MS4 permit requirements is like playing Russian roulette.

You may dodge the bullet for awhile, but the odds will get you eventually.

You can save money over the long term, and have the satisfaction of complying with the law, by complying with the MS4 program requirements.

Enclosure 3

Environmental Protection Agency (EPA) Phase II Fact Sheets

1.0, 2.0, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 3.0, 3.1, 4.0



Storm Water Phase II Final Rule

An Overview

Storm Water Phase II Final Rule Fact Sheet Series

Overview

1.0 - Storm Water Phase II Final Rule: An Overview

Small MS4 Program

2.0 - Small MS4 Storm Water Program Overview

2.1 - Who's Covered? Designation and Waivers of Regulated Small MS4s

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Minimum Control Measures

2.3 - Public Education and Outreach

2.4 - Public Participation/Involvement

2.5 - Illicit Discharge Detection and Elimination

2.6 - Construction Site Runoff Control

2.7 - Post-Construction Runoff Control

2.8 - Pollution Prevention/Good Housekeeping

2.9 - Permitting and Reporting: The Process and Requirements

2.10 - Federal and State-Operated MS4s: Program Implementation

Construction Program

3.0 - Construction Program Overview

3.1 - Construction Rainfall Erosivity Waiver

Industrial "No Exposure"

4.0 - Conditional No Exposure Exclusion for Industrial Activity

Why Is the Phase II Storm Water Program Necessary?

Since the passage of the Clean Water Act (CWA), the quality of our Nation's waters has improved dramatically. Despite this progress, however, degraded waterbodies still exist. According to the 1996 National Water Quality Inventory (Inventory), a biennial summary of State surveys of water quality, approximately 40 percent of surveyed U.S. waterbodies are still impaired by pollution and do not meet water quality standards. A leading source of this impairment is polluted runoff. In fact, according to the Inventory, 13 percent of impaired rivers, 21 percent of impaired lake acres and 45 percent of impaired estuaries are affected by urban/suburban storm water runoff and 6 percent of impaired rivers, 11 percent of impaired lake acres and 11 percent of impaired estuaries are affected by construction site discharges.

Phase I of the U.S. Environmental Protection Agency's (EPA) storm water program was promulgated in 1990 under the CWA. Phase I relies on National Pollutant Discharge Elimination System (NPDES) permit coverage to address storm water runoff from: (1) "medium" and "large" municipal separate storm sewer systems (MS4s) generally serving populations of 100,000 or greater, (2) construction activity disturbing 5 acres of land or greater, and (3) ten categories of industrial activity.

The Storm Water Phase II Final Rule is the next step in EPA's effort to preserve, protect, and improve the Nation's water resources from polluted storm water runoff. The Phase II program expands the Phase I program by requiring additional operators of MS4s in urbanized areas and operators of small construction sites, through the use of NPDES permits, to implement programs and practices to control polluted storm water runoff. See Fact Sheets 2.0 and 3.0 for overviews of the Phase II programs for MS4s and construction activity.

Phase II is intended to further reduce adverse impacts to water quality and aquatic habitat by instituting the use of controls on the unregulated sources of storm water discharges that have the greatest likelihood of causing continued environmental degradation. The environmental problems associated with discharges from MS4s in urbanized areas and discharges resulting from construction activity are outlined below.

MS4s in Urbanized Areas

Storm water discharges from MS4s in urbanized areas are a concern because of the high concentration of pollutants found in these discharges. Concentrated development in urbanized areas substantially increases impervious surfaces, such as city streets, driveways, parking lots, and sidewalks, on which pollutants from concentrated human activities settle and remain until a storm event washes them into nearby storm drains. Common pollutants include pesticides, fertilizers, oils, salt, litter and other debris, and sediment. Another concern is the possible illicit connections of sanitary sewers, which can result in fecal coliform bacteria entering the storm sewer system. Storm water runoff picks up and transports these and other harmful pollutants then discharges them - untreated - to waterways via storm sewer systems. When left uncontrolled, these discharges can result in fish kills, the destruction of spawning and wildlife habitats, a loss in aesthetic value, and contamination of drinking water supplies and recreational waterways that can threaten public health.

Construction Activity

Uncontrolled runoff from construction sites is a water quality concern because of the devastating effects that sedimentation can have on local waterbodies, particularly small streams. Numerous studies have shown that the amount of sediment transported by storm water runoff from construction sites with no controls is significantly greater than from sites with controls. In addition to sediment, construction activities yield pollutants such as pesticides, petroleum products, construction chemicals, solvents, asphalts, and acids that can contaminate storm water runoff. During storms, construction sites may be the source of sediment-laden runoff, which can overwhelm a small stream channel's capacity, resulting in streambed scour, streambank erosion, and destruction of near-stream vegetative cover. Where left uncontrolled, sediment-laden runoff has been shown to result in the loss of in-stream habitats for fish and other aquatic species, an increased difficulty in filtering drinking water, the loss of drinking water reservoir storage capacity, and negative impacts on the navigational capacity of waterways.

Are Municipally Operated Sources Exempted by the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 Affected by the Final Rule?

Provisions within ISTEA temporarily delayed the deadline for Phase I industrial activities (with the exception of power plants, airports, and uncontrolled sanitary landfills) operated by municipalities with populations of less than 100,000 people to obtain an NPDES storm water discharge permit. Congress delayed the permitting deadline for these facilities to allow small municipalities additional time to comply with NPDES requirements. The Phase II Final Rule ended this temporary exemption from permitting and set a deadline of no later than March 10, 2003 for all ISTEA-exempted municipally operated industrial activities to obtain permit coverage.

How Was the Phase II Final Rule Developed?

EPA developed the Phase II Final Rule during extensive consultations with a cross-section of interested stakeholders brought together on a subcommittee chartered under the Federal Advisory Committee Act, and with representatives of small entities participating in an advisory process mandated under the Small Business Regulatory Enforcement Fairness Act. In addition, EPA considered comments submitted by over 500 individuals and organizations during a 90-day public comment period on the proposed rule.

Why Does Part of the Phase II Final Rule Use a Question and Answer Format?

The provisions pertaining to operators of small MS4s are written in a "readable regulation" form that uses the "plain language" method. Questions and answers are used to create more reader-friendly and understandable regulations. The plain language method uses "must" instead of "shall" to indicate a requirement and words like "should," "could," or "encourage" to indicate a recommendation or guidance.

Who Is Covered by the Phase II Final Rule?

The final rule "automatically" covers two classes of storm water dischargers on a nationwide basis:

- (1) Operators of small MS4s located in "urbanized areas" as delineated by the Bureau of the Census. A "small" MS4 is any MS4 not already covered by Phase I of the NPDES storm water program. See Fact Sheets 2.1 and 2.2 for more information on small MS4 coverage.
- (2) Operators of small construction activities that disturb equal to or greater than 1 (one) and less than 5 (five) acres of land. See Fact Sheet 3.0 for more information on small construction activity coverage.

Waivers

Permitting authorities may waive "automatically designated" Phase II dischargers if the dischargers meet the necessary criteria. See Fact Sheets 2.1 (small MS4 waivers overview), 3.0 (construction waivers overview) and 3.1 (construction rainfall erosivity waiver) for details.

Phased-in Permit Coverage

Permitting authorities may phase-in permit coverage for small MS4s serving jurisdictions with a population under 10,000 on a schedule consistent with a State watershed permitting approach.

Additional Designations by the Permitting Authority

Small MS4s located outside of urbanized areas, construction activity disturbing less than 1 acre, and any other storm water discharges can be designated for coverage if the NPDES permitting authority or EPA determines that storm water controls are necessary. See Fact Sheet 2.1 for more information on the designation of small MS4s located outside of urbanized areas.

What Does the Phase II Final Rule Require?

Operators of Phase II-designated small MS4s and small construction activity are required to apply for NPDES permit coverage, most likely under a general rather than individual permit, and to implement storm water discharge management controls (known as “best management practices” (BMPs)). Specific requirements for each type of discharge are listed below.

Small MS4s

- ☐ A regulated small MS4 operator must develop, implement, and enforce a storm water management program designed to reduce the discharge of pollutants from their MS4 to the “maximum extent practicable,” to protect water quality, and to satisfy the appropriate water quality requirements of the CWA. The rule assumes the use of narrative, rather than numeric, effluent limitations requiring implementation of BMPs.
- ☐ The small MS4 storm water management program must include the following six minimum control measures: public education and outreach; public participation/involvement; illicit discharge detection and elimination; construction site runoff control; post-construction runoff control; and pollution prevention/good housekeeping. See Fact Sheets 2.3 through 2.8 for more information on each measure, including BMPs and measurable goals.
- ☐ A regulated small MS4 operator must identify its selection of BMPs and measurable goals for each minimum measure in the permit application. The evaluation and assessment of those chosen BMPs and measurable goals must be included in periodic reports to the NPDES permitting authority. See Fact Sheet 2.9 for more information on permitting and reporting.

Small Construction Activity

- ☐ The specific requirements for storm water controls on small construction activity will be defined by the NPDES permitting authority on a State-by-State basis.
- ☐ EPA expects that the NPDES permitting authorities will use their existing Phase I general permits for large construction activity as a guide for their Phase II permits for small construction activity. If

this occurs, a storm water pollution prevention plan will likely be required for small construction activity. See Fact Sheet 3.0 for more information on potential program requirements and appropriate BMPs for small construction activity.

What Is the Phase II Program Approach?

The Phase II program, based on the use of federally enforceable NPDES permits:

- ☐ Encourages the use of general permits;
- ☐ Provides flexibility for regulated operators to determine the most appropriate storm water controls;
- ☐ Allows for the recognition and inclusion of existing NPDES and non-NPDES storm water programs in Phase II permits;
- ☐ Includes public education and participation efforts as primary elements of the small MS4 program;
- ☐ Attempts to facilitate and promote watershed planning and to implement the storm water program on a watershed basis; and
- ☐ Works toward a unified and comprehensive NPDES storm water program with Phase I of the program.

How Does the Phase II Final Rule Address the Phase I Industrial “No Exposure” Provision?

In addition to establishing a deadline for ISTEA facilities and designating two new classes of dischargers, the Phase II Final Rule revises the “no exposure” provision originally included in the 1990 regulations for Phase I of the NPDES storm water program. The provision was remanded to EPA for further rulemaking and, subsequently, included in its revised form in the Phase II rule.

Under the Phase II Final Rule, a conditional no exposure exclusion is available to operators of *all* categories of Phase I regulated industrial activity (except category (x) construction activity) who can certify that all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. To obtain the no exposure exclusion, written certification must be submitted to the NPDES permitting authority. The final rule includes a *No Exposure Certification* form for use only by operators of industrial activity in areas where EPA is the NPDES permitting authority. See Fact Sheet 4.0 for more information on the conditional no exposure exclusion for industrial activity.

What Is the Phase II Program Implementation "Tool Box?"

EPA is committed to providing tools to facilitate implementation of the final Phase II storm water program in an effective and cost-efficient manner. The "tool box" will include the following components:

- Fact Sheets;
- Guidance Documents;
- Menu of BMPs;
- Information Clearinghouse/Web Site;
- Training and Outreach Efforts;
- Technical Research;
- Support for Demonstration Projects; and
- Compliance Monitoring/Assistance Tools.

A preliminary working toolbox is available on EPA's web site at www.epa.gov/npdes/stormwater. Three years after publication of the final rule, when the general permits are issued, a fully operational tool box is scheduled to be available.

What Is the Schedule for the Phase II Rule?

- ☐ The Phase II Final Rule was published in the *Federal Register* on December 8, 1999 (64 FR 68722).
- ☐ The Conditional No Exposure Exclusion option is available February 7, 2000, in States where EPA is the permitting authority.
- ☐ The NPDES permitting authority will issue general permits for Phase II-designated small MS4s and small construction activity by December 9, 2002.
- ☐ Operators of Phase II "automatically" designated regulated small MS4s and small construction activity must obtain permit coverage within 90 days of permit issuance.
- ☐ The NPDES permitting authority may phase-in coverage for small MS4s serving jurisdictions with a population under 10,000 on a schedule consistent with a State watershed permitting approach.
- ☐ Operators of regulated small MS4s must fully implement their storm water management programs by the end of the first permit term, typically a 5-year period.

For Additional Information

Contacts

- U.S. EPA Office of Wastewater Management
 - Internet: www.epa.gov/npdes/stormwater
 - Phone: 202-564-9545

- Your NPDES Permitting Authority. A list of names and telephone numbers for each EPA Region and State is located at: www.epa.gov/npdes/stormwater, then click on "Contacts."

Reference Documents

- Storm Water Phase II Final Rule Fact Sheet Series
 - Internet: cfpub.epa.gov/npdes/stormwater/swfinal.cfm
- Storm Water Phase II Final Rule (64 FR 68722)
 - Internet: www.epa.gov/npdes/regulations/phase2.pdf



Storm Water Phase II Final Rule

Small MS4 Storm Water Program Overview

Storm Water Phase II Final Rule Fact Sheet Series

Overview

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Small MS4 Program

2.0 - Small MS4 Storm Water Program Overview

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2.2 - Urbanized Areas: Definition and Description

Minimum Control Measures

2.3 - Public Education and Outreach

2.4 - Public Participation/Involvement

2.5 - Illicit Discharge Detection and Elimination

2.6 - Construction Site Runoff Control

2.7 - Post-Construction Runoff Control

2.8 - Pollution Prevention/Good Housekeeping

2.9 - Permitting and Reporting: The Process and Requirements

2.10 - Federal and State-Operated MS4s: Program Implementation

Construction Program

3.0 - Construction Program Overview

3.1 - Construction Rainfall Erosivity Waiver

Industrial "No Exposure"

4.0 - Conditional No Exposure Exclusion for Industrial Activity

Polluted storm water runoff is often transported to municipal separate storm sewer systems (MS4s) and ultimately discharged into local rivers and streams without treatment. EPA's Storm Water Phase II Rule establishes an MS4 storm water management program that is intended to improve the Nation's waterways by reducing the quantity of pollutants that storm water picks up and carries into storm sewer systems during storm events. Common pollutants include oil and grease from roadways, pesticides from lawns, sediment from construction sites, and carelessly discarded trash, such as cigarette butts, paper wrappers, and plastic bottles. When deposited into nearby waterways through MS4 discharges, these pollutants can impair the waterways, thereby discouraging recreational use of the resource, contaminating drinking water supplies, and interfering with the habitat for fish, other aquatic organisms, and wildlife.

In 1990, EPA promulgated rules establishing Phase I of the National Pollutant Discharge Elimination System (NPDES) storm water program. The Phase I program for MS4s requires operators of "medium" and "large" MS4s, that is, those that generally serve populations of 100,000 or greater, to implement a storm water management program as a means to control polluted discharges from these MS4s. The Storm Water Phase II Rule extends coverage of the NPDES storm water program to certain "small" MS4s but takes a slightly different approach to how the storm water management program is developed and implemented.

What Is a Phase II Small MS4?

A small MS4 is any MS4 not already covered by the Phase I program as a medium or large MS4. The Phase II Rule automatically covers on a nationwide basis all small MS4s located in "urbanized areas" (UAs) as defined by the Bureau of the Census (unless waived by the NPDES permitting authority), and on a case-by-case basis those small MS4s located outside of UAs that the NPDES permitting authority designates. For more information on Phase II small MS4 coverage, see Fact Sheets 2.1 and 2.2.

What Are the Phase II Small MS4 Program Requirements?

Operators of regulated small MS4s are required to design their programs to:

- ☐ Reduce the discharge of pollutants to the "maximum extent practicable" (MEP);
- ☐ Protect water quality; and
- ☐ Satisfy the appropriate water quality requirements of the Clean Water Act.

Implementation of the MEP standard will typically require the development and implementation of BMPs and the achievement of measurable goals to satisfy each of the six minimum control measures.

The Phase II Rule defines a small MS4 storm water management program as a program comprising six elements that, when implemented in concert, are expected to result in significant reductions of pollutants discharged into receiving waterbodies.

The six MS4 program elements, termed “minimum control measures,” are outlined below. For more information on each of these required control measures, see Fact Sheets 2.3 – 2.8.

1 Public Education and Outreach

Distributing educational materials and performing outreach to inform citizens about the impacts polluted storm water runoff discharges can have on water quality.

2 Public Participation/Involvement

Providing opportunities for citizens to participate in program development and implementation, including effectively publicizing public hearings and/or encouraging citizen representatives on a storm water management panel.

3 Illicit Discharge Detection and Elimination

Developing and implementing a plan to detect and eliminate illicit discharges to the storm sewer system (includes developing a system map and informing the community about hazards associated with illegal discharges and improper disposal of waste).

4 Construction Site Runoff Control

Developing, implementing, and enforcing an erosion and sediment control program for construction activities that disturb 1 or more acres of land (controls could include silt fences and temporary storm water detention ponds).

5 Post-Construction Runoff Control

Developing, implementing, and enforcing a program to address discharges of post-construction storm water runoff from new development and redevelopment areas. Applicable controls could include preventative actions such as protecting sensitive areas (e.g., wetlands) or the use of structural BMPs such as grassed swales or porous pavement.

6 Pollution Prevention/Good Housekeeping

Developing and implementing a program with the goal of preventing or reducing pollutant runoff from municipal operations. The program must include municipal staff training on pollution prevention measures and techniques (e.g., regular street sweeping, reduction in the use of pesticides or street salt, or frequent catch-basin cleaning).

What Information Must the NPDES Permit Application Include?

The Phase II program for MS4s is designed to accommodate a general permit approach using a Notice of Intent (NOI) as the permit application. The operator of a regulated small MS4 must include in its permit application,

or NOI, its chosen BMPs and measurable goals for each minimum control measure. To help permittees identify the most appropriate BMPs for their programs, EPA will issue a “menu,” of BMPs to serve as guidance. NPDES permitting authorities can modify the EPA menu or develop their own list. For more information on application requirements, see Fact Sheet 2.9.

What Are the Implementation Options?

The rule identifies a number of implementation options for regulated small MS4 operators. These include sharing responsibility for program development with a nearby regulated small MS4, taking advantage of existing local or State programs, or participating in the implementation of an existing Phase I MS4's storm water program as a co-permittee. These options are intended to promote a regional approach to storm water management coordinated on a watershed basis.

What Kind of Program Evaluation/Assessment Is Required?

Permittees need to evaluate the effectiveness of their chosen BMPs to determine whether the BMPs are reducing the discharge of pollutants from their systems to the “maximum extent practicable” and to determine if the BMP mix is satisfying the water quality requirements of the Clean Water Act. Permittees also are required to assess their progress in achieving their program's measurable goals. While monitoring is not required under the rule, the NPDES permitting authority has the discretion to require monitoring if deemed necessary. If there is an indication of a need for improved controls, permittees can revise their mix of BMPs to create a more effective program. For more information on program evaluation/assessment, see Fact Sheet 2.9.

For Additional Information

Contact

- ☛ U.S. EPA Office of Wastewater Management
 - Internet: www.epa.gov/npdes/stormwater
 - Phone: 202-564-9545

Reference Documents

- ☛ Storm Water Phase II Final Rule Fact Sheet Series
 - Internet: cfpub.epa.gov/npdes/stormwater/swfinal.cfm
- ☛ Storm Water Phase II Final Rule (64 FR 68722)
 - Internet: www.epa.gov/npdes/regulations/phase2.pdf



Storm Water Phase II Final Rule

Who's Covered? Designation and Waivers of Regulated Small MS4s

Storm Water Phase II Final Rule Fact Sheet Series

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2.10 - Federal and State-Operated MS4s: Program Implementation

Construction Program

3.0 - Construction Program Overview

3.1 - Construction Rainfall Erosivity Waiver

Industrial "No Exposure"

4.0 - Conditional No Exposure Exclusion for Industrial Activity

Who Is Affected by the Phase II Small MS4 Program?

The Storm Water Phase II Final Rule applies to operators of *regulated small* municipal separate storm sewer systems (MS4s), which are designated based on the criteria discussed in this fact sheet. In this fact sheet, the definition of an MS4 and the distinction between small, medium, and large MS4s is reviewed. Conditions under which a small MS4 may be designated as a *regulated* small MS4, as well as the conditions for a waiver from the Phase II program requirements, are outlined. This fact sheet also attempts to clarify possible implementation issues related to determining one's status as an operator of a regulated small MS4.

What Is a Municipal Separate Storm Sewer System (MS4)?

What constitutes an MS4 is often misinterpreted and misunderstood. The term MS4 does not solely refer to municipally-owned storm sewer systems, but rather is a term of art with a much broader application that can include, in addition to local jurisdictions, State departments of transportation, universities, local sewer districts, hospitals, military bases, and prisons. An MS4 also is not always just a system of underground pipes – it can include roads with drainage systems, gutters, and ditches. The regulatory definition of an MS4 is provided below.

According to 40 CFR 122.26(b)(8), "*municipal separate storm sewer* means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law)...including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges into waters of the United States.
- (ii) Designed or used for collecting or conveying storm water;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2."

What Is a Small, Medium, or Large MS4?

- ☐ EPA's NPDES (National Pollutant Discharge Elimination System) storm water permitting program labels MS4s as either "small," "medium," or "large" for the purposes of regulation.
- ☐ A *small* MS4 is any MS4 that is not already covered by the Phase I storm water program. Small MS4s include Federally-owned systems, such as military bases.
- ☐ The Phase I storm water program covers *medium* and *large* MS4s. Phase I MS4s were automatically designated nationwide as *medium* MS4s if they were located in an incorporated place or county with a population between 100,000 - 249,999 or as *large* MS4s if located in an incorporated place or county with a population of 250,000 or greater. Many MS4s in areas below 100,000 in population, however, have been individually brought into the Phase I program by NPDES permitting authorities. Such already regulated MS4s do not have to develop a Phase II program.

Are All Small MS4s Covered by the Phase II Final Rule?

No. The universe of small MS4s is quite large since it includes every MS4 except for the approximately 900 medium and large MS4s already regulated under the Phase I storm water program. Only a select sub-set of small MS4s, referred to as *regulated small MS4s*, is covered by the Phase II Final Rule, either through automatic nationwide designation or designation on a case-by-case basis by the NPDES permitting authority.

How Is A Small MS4 Designated as a Regulated Small MS4?

A small MS4 can be designated by the permitting authority as a *regulated small MS4* in one of three ways:

① Automatic Nationwide Designation

The Phase II Final Rule requires nationwide coverage of all operators of small MS4s that are located within the boundaries of a Bureau of the Census-defined "urbanized area" (UA) based on the latest decennial Census. Once a small MS4 is designated into the program based on the UA boundaries, it cannot be waived from the program if in a subsequent UA calculation the small MS4 is no longer within the UA boundaries. An automatically designated small MS4 remains regulated unless, or until, it meets the criteria for a waiver.

☐ Urbanized Areas

An *urbanized area* (UA) is a land area comprising one or more places – central place(s) – and the adjacent densely settled surrounding area – urban fringe – that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile. It is a calculation used by the Bureau of the Census to determine the geographic boundaries of the most heavily developed and dense urban areas.

Before the time of permit issuance (which must be by December 9, 2002), UA calculations based on the 2000 Census should be published. The regulated universe then will be based on these new calculations. For more information on UAs, see Fact Sheet 2.2.

☐ Preamble of the Phase II Final Rule: Appendix 6

A listing of governmental entities that are located either fully or partially within a UA according to the 1990 Census can be found in Appendix 6 to the Preamble. The list is a general geographic reference intended to help operators of small MS4s determine whether or not they are located in a UA and, consequently, required to comply with the regulation; it is not a list of all Phase II regulated MS4s. For example, the list does not include small MS4 operators such as colleges and universities, Federal prison complexes, and State highway departments located within a UA. See Fact Sheet 2.2 for more information on how to determine potential coverage under the Phase II program. Appendix 6 can be obtained from the EPA Office of Wastewater Management (OWM) or downloaded from the OWM web site.

② Potential Designation by the NPDES Permitting Authority – Required Evaluation

An operator of small MS4 located outside of a UA may be designated as a regulated small MS4 if the NPDES permitting authority determines that its discharges cause, or have the potential to cause, an adverse impact on water quality. The Phase II Final Rule requires the NPDES permitting authority to develop a set of designation criteria and apply them, *at a minimum*, to all small MS4s located outside of a UA serving a jurisdiction with a population of at least 10,000 and a population density of at least 1,000 people/square mile.

☐ **Designation Criteria**

EPA recommends that the NPDES permitting authority use a balanced consideration of the following designation criteria on a watershed or other local basis:

- ✓ Discharge to sensitive waters;
- ✓ High population density;
- ✓ High growth or growth potential;
- ✓ Contiguity to a UA;
- ✓ Significant contributor of pollutants to waters of the United States; and
- ✓ Ineffective protection of water quality concerns by other programs.

☐ **Preamble of the Phase II Final Rule:
Appendix 7**

A listing of governmental entities located outside of a UA, that have a population of at least 10,000 and a population density of at least 1,000 people per square mile can be found in Appendix 7 to the Preamble of the Phase II Final Rule. Similar to Appendix 6, the list is a geographic reference only – it is not a list of regulated entities. Operators of small MS4s located within a listed area could be examined by their NPDES permitting authority for potential designation into the Phase II program. Furthermore, the NPDES permitting authority reserves the right to designate for regulation any small MS4 that is contributing pollutants to waters of the United States, whether or not its jurisdiction is found in Appendix 7. Appendix 7 can be obtained from the EPA Office of Wastewater Management or downloaded from the OWM web site.

☐ **Deadline for Designation**

The NPDES permitting authority is required to designate small MS4s meeting the designation criteria by December 9, 2002 or by December 8, 2004 if a watershed plan is in place.

③ Potential Designation by the NPDES Permitting Authority – Physically Interconnected

Under the final rule, the NPDES permitting authority is required to designate any small MS4 located outside of a UA that contributes substantially to the pollutant loadings of a *physically interconnected* MS4 regulated by the NPDES storm water program. The final rule does not set a deadline for designation of small MS4s meeting this criterion.

Physically interconnected means that one MS4 is connected to a second MS4 in such a way that it allows for *direct* discharges into the second system.

Are Waivers from the Phase II Permit/Program Requirements Possible?

Yes, two waiver options are available to operators of automatically designated small MS4s if discharges do not cause, or have the potential to cause, water quality impairment.

The first applies where:

- (1) the jurisdiction served by the system is less than 1,000 people;
- (2) the system is not contributing substantially to the pollutant loadings of a physically interconnected regulated MS4; and
- (3) if the small MS4 discharges any pollutants identified as a cause of impairment of any water body to which it discharges, storm water controls are not needed based on wasteload allocations that are part of an EPA approved or established "total maximum daily load" (TMDL) that addresses the pollutant(s) of concern.

TMDLs are water quality assessments that determine the source or sources of pollutants of concern for a particular waterbody, consider the maximum amount of pollutants the waterbody can assimilate, and then allocate to each source a set level of pollutants that it is allowed to discharge (i.e., a "wasteload allocation"). Small MS4s that are not given a wasteload allocation would meet the third criterion above.

Pollutants of Concern include biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment in any water body to which the MS4 discharges.

The second applies where:

- (1) the jurisdiction served by the system is less than 10,000 people;
- (2) an evaluation of all waters of the U.S. that receive a discharge from the system shows that storm water controls are not needed based on wasteload allocations that are part of an EPA approved or established TMDL that addresses the pollutant(s) of concern or an equivalent analysis; and
- (3) it is determined that future discharges from the small MS4 do not have the potential to result in exceedances of water quality standards.

The NPDES permitting authority is required to periodically review any waivers granted to MS4 operators to determine whether any information required for granting the waiver has changed. Minimally, such a review needs to be conducted once every five years.

Are There Allowances for Phasing-in Permit Coverage?

Yes. Small MS4s serving a jurisdiction with a population under 10,000 can be phased-in for permit coverage, following establishment of a State watershed permitting approach. NPDES permitting authorities that choose this option must establish a schedule to phase-in permit coverage annually for approximately 20 percent of all small MS4s that qualify for such phased-in coverage. Where this option is followed, all regulated small MS4s are required to have permit coverage no later than March 8, 2007.

Can More than One MS4 in the Same Political Jurisdiction Be Automatically Designated?

Yes. Since the final rule provides automatic coverage of all small MS4s within a UA, the result would likely be coverage of several governments and agencies with multiple, perhaps overlapping, jurisdictions. For example, a city that is located within a UA and operates its own small MS4 could be designated alongside the State's department of transportation (DOT) and the county's DOT if the State and county operate roads that are within the borders of the city. All three entities would be responsible for developing a storm water management program for the portion of their respective MS4s within the city limits. In such a case, the permittees are strongly encouraged to work together to form a unified storm water management program.

Who Is Responsible if the Small MS4 Operator Lacks the Necessary Legal Authority?

Some regulated small MS4s may lack the necessary legal authority to implement one or more of the required minimum control measures that comprise the Phase II storm water management program. For example, a local government that is a small MS4 operator may be in a State that does not have an enabling statute that allows local regulatory control of construction site runoff into the sewer system. Another example is a State DOT that may not have the legal authority to require and enforce controls on illicit discharges into its system. In these situations the small MS4 is encouraged to work with the neighboring regulated small MS4s. As co-permittees, they could form a shared storm water management program in which each permittee is responsible for activities that are within their individual legal authorities and abilities.

For Additional Information

Contact

- ☛ U.S. EPA Office of Wastewater Management
 - Phone: (202) 564-9545
 - Internet: www.epa.gov/npdes/stormwater

Reference Documents

- ☛ Storm Water Phase II Final Rule Fact Sheet Series
 - Internet: cfpub.epa.gov/npdes/stormwater/swfinal.cfm
- ☛ Storm Water Phase II Final Rule (64 FR 68722)
 - Internet: www.epa.gov/npdes/regulations/phase2.pdf



Storm Water Phase II Final Rule

Urbanized Areas: Definition and Description

Storm Water Phase II Final Rule Fact Sheet Series

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3.0 - Construction Program Overview

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Industrial "No Exposure"

4.0 - Conditional No Exposure Exclusion for Industrial Activity

As discussed in Fact Sheet 2.1, *Who's Covered? Designation and Waivers of Regulated Small MS4s*, the Phase II Final Rule covers all small municipal separate storm sewer systems (MS4s) located within an "urbanized area" (UA). Based on the 1990 Census, there are 405 UAs in the United States that cover 2 percent of total U.S. land area and contain approximately 63 percent of the Nation's population. These numbers include Puerto Rico — the only U.S. Territory with UAs.

UAs constitute the largest and most dense areas of settlement. UA calculations delineate boundaries around these dense areas of settlement and, in doing so, identify the areas of concentrated development. UA designations are used for several purposes in both the public and private sectors. For example, the Federal Government has used UAs to calculate allocations for transportation funding, and some planning agencies and development firms use UA boundaries to help ascertain current, and predict future, growth areas.

What Is an Urbanized Area (UA)?

The Bureau of the Census determines UAs by applying a detailed set of published UA criteria (see 55 *FR* 42592, October 22, 1990) to the latest decennial census data. Although the full UA definition is complex, the Bureau of the Census' general definition of a UA, based on population and population density, is provided below.

An *urbanized area* is a land area comprising one or more places — central place(s) — and the adjacent densely settled surrounding area — urban fringe — that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile.

The basic unit for delineating the UA boundary is the census block. Census blocks are based on visible physical boundaries, such as the city block, when possible, or on invisible political boundaries, when not. An urbanized area can comprise places, counties, Federal Indian Reservations, and minor civil divisions (MCDs - towns and townships).

How Can Status as a Regulated Small MS4 Be Determined?

The drawing below (see Figure 1) is a simplified UA illustration that demonstrates the concept of UAs in relation to the Phase II Final Rule. The "urbanized area" includes within its boundaries incorporated places, a portion of a Federal Indian reservation, an entire MCD, a portion of another MCD, and portions of two counties. Any and all operators of small MS4s located within the boundaries of the UA are covered under the Phase II Final Rule, regardless of political boundaries. Operators of small MS4s located outside of the UA are subject to potential designation into the Phase II MS4 program by the NPDES permitting authority.

Operators of small MS4s can determine if they are located within a UA, and therefore covered by the Phase II storm water program, through the following two steps:

— STEP 1 —

Refer to a listing of incorporated places, MCDs, and counties that are located entirely or partially within a UA. Such a listing, based on the 1990 Census, can be found in Appendix 6 to the Preamble of the Phase II Final Rule; it does not include governmental entities already permitted under Phase I. If a small MS4 is located in a listed incorporated place, MCD, or county, then the operator of the small MS4 should follow step (2) below. (Note: Appendix 6 can be obtained from the EPA Office of Wastewater Management (OWM) or downloaded from the OWM web site.)

— STEP 2 —

Some operators of small MS4s may find that they are located within an entity listed in Appendix 6 but not know if their systems are within the urbanized portion of the listed entity. In such a case, they should contact one or more of the following institutions for more detailed information on the location of the UA boundary:

- ☐ **The State or NPDES Permitting Authority**
(may be the State or the U.S. EPA Region)

Storm Water Coordinators: The NPDES permitting authority may be the State or the U.S. EPA Region. The Storm Water Coordinators for each U.S. EPA Region are listed in the *For Additional Information* section in Fact Sheet 2.9. These regional contacts can assist with UA information and provide the names of State storm water contacts. Regional and State contact information can also be obtained from OWM.

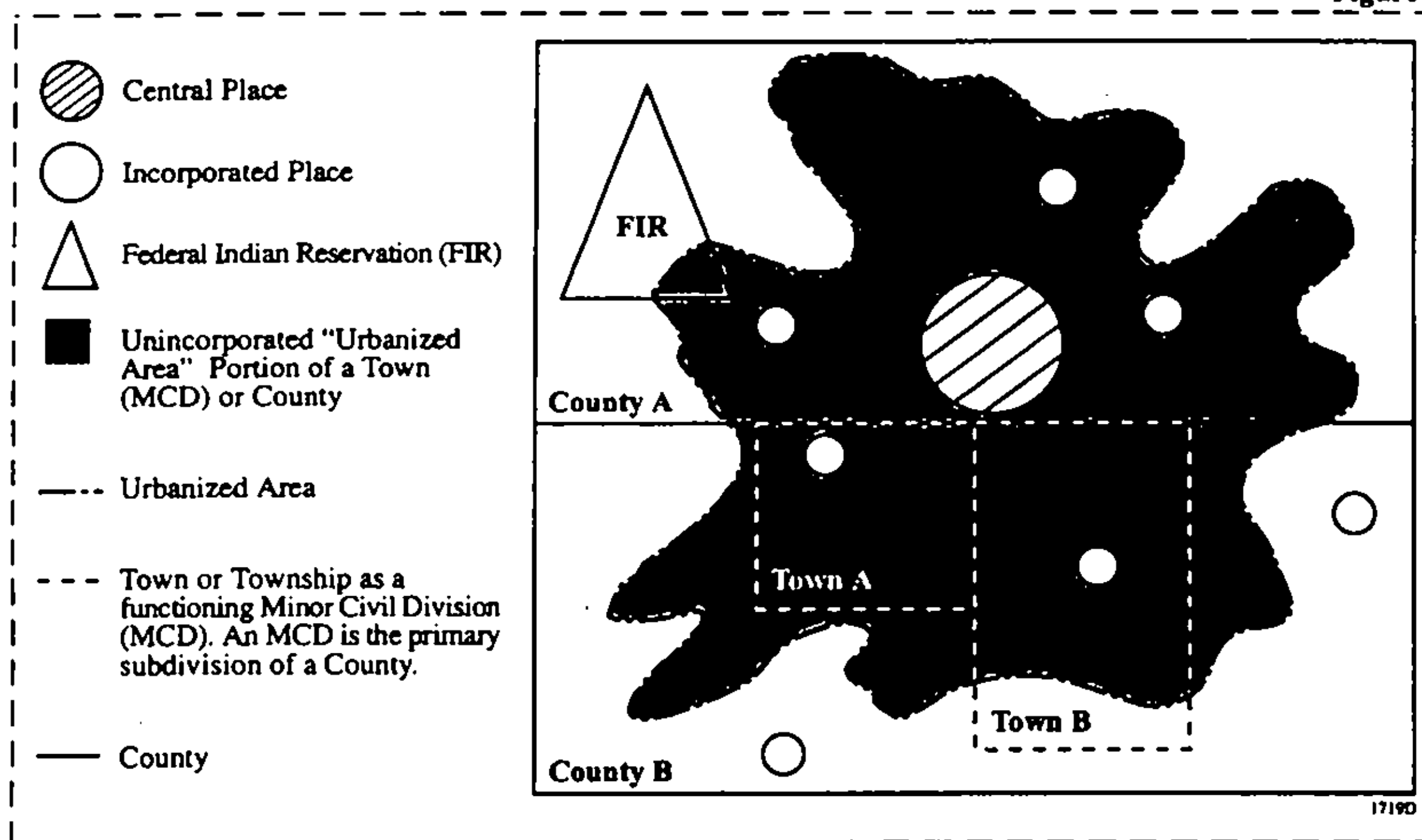
State Data Centers: Each State's Data Center receives listings of all entities that are located in UAs, as well as detailed maps and electronic files of UA boundaries. The Bureau of the Census web site includes a list of contact names and phone numbers for the data in each State at www.census.gov/sdc/www.

State Planning/Economic/Transportation Agencies: These agencies typically use UAs to assess current development and forecast future growth trends and, therefore, should have detailed UA information readily available to help determine the UA boundaries in any given area.

- ☐ **County or Regional Planning Commissions/Boards**

As with State agencies, these entities are likely to have detailed UA data and maps to help determine UA boundaries.

Figure 1



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□ **The Bureau of the Census**

Urbanized Areas Staff: 301 457-1099

Web Site: www.census.gov

The site provides information on purchasing UA maps and electronic files for use with computerized mapping systems. Obtain free UA cartographic boundary files (Arc/Info export format) for Geographical Information System (GIS) use at: www.census.gov:80/geo/www/cob/ua.html.

UA Maps: Detailed UA maps are available for purchase with a \$25 minimum order (\$5 per map sheet). Each map sheet measures 36 by 42 inches. For prices and a listing of UAs, visit www.census.gov/mp/www/geo/msgeo12.html. Order from the Department of Commerce, Bureau of the Census (MS 1921), P.O. Box 277943, Atlanta, GA 30384-7943 (Phone: 301 457-4100; Toll-free fax: 1-888-249-7295).

□ **U.S. EPA**

EPA is modifying a web-based geographic program called *Enviromapper*. This will allow MS4 operators to enter a location and see a detailed map of the UA boundary. Information about *Enviromapper* will be available at www.epa.gov/owm/phase2.

How Will the Year 2000 Census Affect the Determination of Status as a Regulated Small MS4?

The listing of incorporated places, MCDs, and counties located within UAs in the United States and Puerto Rico, found in Appendix 6, is based on the 1990 Census. New listings for UAs based on the 2000 Census are scheduled to be available by July or August of 2001. Once the official 2000 Census listings are published by the Bureau of the Census, operators of small MS4s located within the revised boundaries of former 1990 UAs, or in any newly defined 2000 UAs, become regulated small MS4s and must develop a storm water management program.

Any additional automatic designations of small MS4s based on subsequent census years is governed by the Bureau of the Census' definition of a UA in effect for that year and the UA boundaries determined as a result of the definition.

Once a small MS4 is designated into the Phase II storm water program based on the UA boundaries, it can not be waived from the program if in a subsequent UA calculation the small MS4 is no longer within the UA boundaries. An automatically designated small MS4 will remain regulated unless, or until, it meets the criteria for a waiver (see Fact Sheet 2.1 for more information on the regulated small MS4 waiver option).

For Additional Information

Contact

- ☛ U.S. EPA Office of Wastewater Management
 - Phone: (202) 564-9545
 - Internet: www.epa.gov/npdes/stormwater

Reference Documents

- ☛ Storm Water Phase II Final Rule Fact Sheet Series
 - Internet: cfpub.epa.gov/npdes/stormwater/swfinal.cfm
- ☛ Storm Water Phase II Final Rule (64 FR 68722)
 - Internet: www.epa.gov/npdes/regulations/phase2.pdf



Storm Water Phase II Final Rule

Public Education and Outreach Minimum Control Measure

Storm Water Phase II Final Rule Fact Sheet Series

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Construction Program

3.0 – Construction Program Overview

3.1 – Construction Rainfall Erosivity Waiver

Industrial "No Exposure"

4.0 – Conditional No Exposure Exclusion for Industrial Activity

This fact sheet profiles the Public Education and Outreach minimum control measure, one of six measures an operator of a Phase II-regulated small municipal separate storm sewer system (MS4) is required to include in its storm water management program to meet the conditions of its National Pollutant Discharge Elimination System (NPDES) storm water permit. This fact sheet outlines the Phase II Final Rule requirements and offers some general guidance on how to satisfy them. It is important to keep in mind that the regulated small MS4 operator has a great deal of flexibility in choosing exactly how to satisfy the minimum control measure requirements.

Why Is Public Education and Outreach Necessary?

An informed and knowledgeable community is crucial to the success of a storm water management program since it helps to ensure the following:

- *Greater support* for the program as the public gains a greater understanding of the reasons why it is necessary and important. Public support is particularly beneficial when operators of small MS4s attempt to institute new funding initiatives for the program or seek volunteers to help implement the program; and
- *Greater compliance* with the program as the public becomes aware of the personal responsibilities expected of them and others in the community, including the individual actions they can take to protect or improve the quality of area waters.

What Is Required?

To satisfy this minimum control measure, the operator of a regulated small MS4 needs to:

- ☐ Implement a public education program to distribute educational materials to the community, or conduct equivalent outreach activities about the impacts of storm water discharges on local waterbodies and the steps that can be taken to reduce storm water pollution; and
- ☐ Determine the appropriate best management practices (BMPs) and measurable goals for this minimum control measure. Some program implementation approaches, BMPs (i.e., the program actions/activities), and measurable goals are suggested below.

What Are Some Guidelines for Developing and Implementing This Measure?

Three main action areas are important for successful implementation of a public education and outreach program:

① **Forming Partnerships**

Operators of regulated small MS4s are encouraged to enter into partnerships with other governmental entities to fulfill this minimum control measure's requirements. It is generally more cost-effective to use an existing program, or to develop a new regional or state-wide education program, than to have numerous operators developing their own local programs. Operators also are encouraged to seek assistance from non-governmental organizations (e.g., environmental, civic, and industrial organizations), since many already have educational materials and perform outreach activities.

② **Using Educational Materials and Strategies**

Operators of regulated small MS4s may use storm water educational information provided by their State, Tribe, EPA Region, or environmental, public interest, or trade organizations instead of developing their own materials. Operators should strive to make their materials and activities relevant to local situations and issues, and incorporate a variety of strategies to ensure maximum coverage. Some examples include:

- **Brochures or fact sheets** for general public and specific audiences;
- **Recreational guides** to educate groups such as golfers, hikers, paddlers, climbers, fishermen, and campers;
- **Alternative information sources**, such as web sites, bumper stickers, refrigerator magnets, posters for bus and subway stops, and restaurant placemats;
- **A library of educational materials** for community and school groups;
- **Volunteer citizen educators** to staff a **public education task force**;
- **Event participation** with educational displays at home shows and community festivals;
- **Educational programs** for school-age children;
- **Storm drain stenciling** of storm drains with messages such as "Do Not Dump - Drains Directly to Lake;"
- **Storm water hotlines** for information and for citizen reporting of polluters;
- **Economic incentives** to citizens and businesses (e.g., rebates to homeowners purchasing mulching lawnmowers or biodegradable lawn products); and
- **Tributary signage** to increase public awareness of local water resources.

③ **Reaching Diverse Audiences**

The public education program should use a mix of appropriate local strategies to address the viewpoints and concerns of a variety of audiences and communities, including minority and disadvantaged communities, as well as children. Printing posters and brochures in more than one language or posting

large warning signs (e.g., cautioning against fishing or swimming) near storm sewer outfalls are methods that can be used to reach audiences less likely to read standard materials. Directing materials or outreach programs toward specific groups of commercial, industrial, and institutional entities likely to have significant storm water impacts is also recommended. For example, information could be provided to restaurants on the effects of grease clogging storm drains and to auto garages on the effects of dumping used oil into storm drains.

What Are Appropriate Measurable Goals?

Masurable goals, which are required for each minimum control measure, are intended to gauge permit compliance and program effectiveness. The measurable goals, as well as the BMPs, should reflect the needs and characteristics of the operator and the area served by its small MS4. Furthermore, they should be chosen using an integrated approach that fully addresses the requirements and intent of the minimum control measure. An integrated approach for this minimum measure could include the following measurable goals:

Target Date	Activity
1 year.....	Brochures developed (bilingual, if appropriate) and distributed in water utility bills; a storm water hotline in place; volunteer educators trained.
2 years.....	A web site created; school curricula developed; storm drains stenciled.
3 years.....	A certain percentage of restaurants no longer dumping grease and other pollutants down storm sewer drains.
4 years.....	A certain percentage reduction in litter or animal waste detected in discharges.

For Additional Information

Contact

- ☛ U.S. EPA Office of Wastewater Management
 - Internet: www.epa.gov/npdes/stormwater
 - Phone: 202-564-9545

Reference Documents

- ☛ Storm Water Phase II Final Rule Fact Sheet Series
 - Internet: cfpub.epa.gov/npdes/stormwater/swfinal.cfm
- ☛ Storm Water Phase II Final Rule (64 FR 68722)
 - Internet: www.epa.gov/npdes/regulations/phase2.pdf



Storm Water Phase II Final Rule

Public Participation/Involvement Minimum Control Measure

Storm Water Phase II Final Rule Fact Sheet Series

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2.7 - Post-Construction Runoff Control Minimum Control Measure

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Construction Program

3.0 - Construction Program Overview

3.1 - Construction Rainfall Erosivity Waiver

Industrial "No Exposure"

4.0 - Conditional No Exposure Exclusion for Industrial Activity

This fact sheet profiles the Public Participation/Involvement minimum control measure, one of six measures the operator of a Phase II regulated small municipal separate storm sewer system (MS4) is required to include in its storm water management program to meet the conditions of its National Pollutant Discharge Elimination System (NPDES) permit. This fact sheet outlines the Phase II Final Rule requirements and offers some general guidance on how to satisfy them. It is important to keep in mind that the small MS4 operator has a great deal of flexibility in determining how to satisfy the minimum control measure requirements.

Why Is Public Participation and Involvement Necessary?

EPA believes that the public can provide valuable input and assistance to a regulated small MS4's municipal storm water management program and, therefore, suggests that the public be given opportunities to play an active role in both the development and implementation of the program. An active and involved community is crucial to the success of a storm water management program because it allows for:

- **Broader public support** since citizens who participate in the development and decision making process are partially responsible for the program and, therefore, may be less likely to raise legal challenges to the program and more likely to take an active role in its implementation;
- **Shorter implementation schedules** due to fewer obstacles in the form of public and legal challenges and increased sources in the form of citizen volunteers;
- **A broader base of expertise and economic benefits** since the community can be a valuable, and free, intellectual resource; and
- **A conduit to other programs** as citizens involved in the storm water program development process provide important cross-connections and relationships with other community and government programs. This benefit is particularly valuable when trying to implement a storm water program on a watershed basis, as encouraged by EPA.

What Is Required?

To satisfy this minimum control measure, the operator of a regulated small MS4 must:

- ☐ Comply with applicable State, Tribal, and local public notice requirements; and
- ☐ Determine the appropriate best management practices (BMPs) and measurable goals for this minimum control measure. Possible implementation approaches, BMPs (i.e., the program actions and activities), and measurable goals are described below.

What Are Some Guidelines for Developing and Implementing This Measure?

Operators of regulated small MS4s should include the public in developing, implementing, and reviewing their storm water management programs. The public participation process should make every effort to reach out and engage all economic and ethnic groups. EPA recognizes that there are challenges associated with public involvement. Nevertheless, EPA strongly believes that these challenges can be addressed through an aggressive and inclusive program. Challenges and example practices that can help ensure successful participation are discussed below.

Implementation Challenges

The best way to handle common notification and recruitment challenges is to know the audience and think creatively about how to gain its attention and interest. Traditional methods of soliciting public input are not always successful in generating interest, and subsequent involvement, in all sectors of the community. For example, municipalities often rely solely on advertising in local newspapers to announce public meetings and other opportunities for public involvement. Since there may be large sectors of the population who do not read the local press, the audience reached may be limited. Therefore, alternative advertising methods should be used whenever possible, including radio or television spots, postings at bus or subway stops, announcements in neighborhood newsletters, announcements at civic organization meetings, distribution of flyers, mass mailings, door-to-door visits, telephone notifications, and multilingual announcements. These efforts, of course, are tied closely to the efforts for the public education and outreach minimum control measure (see Fact Sheet 2.3).

In addition, advertising and soliciting for help should be targeted at specific population sectors, including ethnic, minority, and low-income communities; academia and educational institutions; neighborhood and community groups; outdoor recreation groups; and business and industry. The goal is to involve a diverse cross-section of people who can offer a multitude of concerns, ideas, and connections during the program development process.

Possible Practices (BMPs)

There are a variety of practices that could be incorporated into a public participation and involvement program, such as:

- **Public meetings/citizen panels** allow citizens to discuss various viewpoints and provide input concerning appropriate storm water management policies and BMPs;
- **Volunteer water quality monitoring** gives citizens first-hand knowledge of the quality of local water bodies and provides a cost-effective means of collecting water quality data;
- **Volunteer educators/speakers** who can conduct workshops, encourage public participation, and staff special events;

- **Storm drain stenciling** is an important and simple activity that concerned citizens, especially students, can do;
- **Community clean-ups** along local waterways, beaches, and around storm drains;
- **Citizen watch groups** can aid local enforcement authorities in the identification of polluters; and
- **"Adopt A Storm Drain" programs** encourage individuals or groups to keep storm drains free of debris and to monitor what is entering local waterways through storm drains.

What Are Appropriate Measurable Goals?

Measurable goals, which are required for each minimum control measure, are intended to gauge permit compliance and program effectiveness. The measurable goals, as well as the BMPs, greatly depend on the needs and characteristics of the operator and the area served by the small MS4. Furthermore, they should be chosen using an integrated approach that fully addresses the requirements and intent of the minimum control measure. An integrated approach for this minimum measure could include the following measurable goals:

<u>Target Date</u>	<u>Activity</u>
1 year.....	Notice of a public meeting in several different print media and bilingual flyers; citizen panel established; volunteers organized to locate outfalls/illicit discharges and stencil drains.
2 years.....	Final recommendations of the citizen panel; radio spots promoting program and participation.
3 years.....	A certain percentage of the community participating in community clean-ups.
4 years.....	Citizen watch groups established in a certain percentage of neighborhoods; outreach to every different population sector completed.

For Additional Information

Contact

- ☛ U.S. EPA Office of Wastewater Management
 - Phone: (202) 564-9545
 - Internet: www.epa.gov/npdes/stormwater

Reference Documents

- ☛ Storm Water Phase II Final Rule Fact Sheet Series
 - Internet: cfpub.epa.gov/npdes/stormwater/swfinal.cfm
- ☛ Storm Water Phase II Final Rule (64 FR 68722)
 - Internet: www.epa.gov/npdes/regulations/phase2.pdf



Storm Water Phase II Final Rule

Illicit Discharge Detection and Elimination Minimum Control Measure

Storm Water Phase II Final Rule Fact Sheet Series

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Construction Program

3.0 - Construction Program Overview

3.1 - Construction Rainfall Erosivity Waiver

Industrial "No Exposure"

4.0 - Conditional No Exposure Exclusion for Industrial Activity

This fact sheet profiles the Illicit Discharge Detection and Elimination minimum control measure, one of six measures the operator of a Phase II regulated small municipal separate storm sewer system (MS4) is required to include in its storm water management program to meet the conditions of its National Pollutant Discharge Elimination System (NPDES) permit. This fact sheet outlines the Phase II Final Rule requirements and offers some general guidance on how to satisfy them. It is important to keep in mind that the small MS4 operator has a great deal of flexibility in choosing exactly how to satisfy the minimum control measure requirements.

What Is An "Illicit Discharge"?

Federal regulations define an illicit discharge as "...any discharge to an MS4 that is not composed entirely of storm water..." with some exceptions. These exceptions include discharges from NPDES-permitted industrial sources and discharges from fire-fighting activities. Illicit discharges (see Table 1) are considered "illicit" because MS4s are not designed to accept, process, or discharge such non-storm water wastes.

Why Are Illicit Discharge Detection and Elimination Efforts Necessary?

Discharges from MS4s often include wastes and wastewater from non-storm water sources. A study conducted in 1987 in Sacramento, California, found that almost one-half of the water discharged from a local MS4 was not directly attributable to precipitation runoff. A significant portion of these dry weather flows were from illicit and/or inappropriate discharges and connections to the MS4.

Illicit discharges enter the system through either direct connections (e.g., wastewater piping either mistakenly or deliberately connected to the storm drains) or indirect connections (e.g., infiltration into the MS4 from cracked sanitary systems, spills collected by drain outlets, or paint or used oil dumped directly into a drain). The result is untreated discharges that contribute high levels of pollutants, including heavy metals, toxics, oil and grease, solvents, nutrients, viruses, and bacteria to receiving waterbodies. Pollutant levels from these illicit discharges have been shown in EPA studies to be high enough to significantly degrade receiving water quality and threaten aquatic, wildlife, and human health.

Table 1

Sources of Illicit Discharges

Sanitary wastewater
Effluent from septic tanks
Car wash wastewaters
Improper oil disposal
Radiator flushing disposal
Laundry wastewaters
Spills from roadway accidents
Improper disposal of auto and household toxics

What Is Required?

Recognizing the adverse effects illicit discharges can have on receiving waters, the final rule requires an operator of a regulated small MS4 to develop, implement and enforce an illicit discharge detection and elimination program. This program must include the following:

- ☐ A storm sewer system map, showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls;
- ☐ Through an ordinance, or other regulatory mechanism, a prohibition (to the extent allowable under State, Tribal, or local law) on non-storm water discharges into the MS4, and appropriate enforcement procedures and actions;
- ☐ A plan to detect and address non-storm water discharges, including illegal dumping, into the MS4;
- ☐ The education of public employees, businesses, and the general public about the hazards associated with illegal discharges and improper disposal of waste; and
- ☐ The determination of appropriate best management practices (BMPs) and measurable goals for this minimum control measure. Some program implementation approaches, BMPs (i.e., the program actions/activities), and measurable goals are suggested below.

Does This Measure Need to Address All Illicit Discharges?

No. The illicit discharge detection and elimination program does not need to address the following categories of non-storm water discharges or flows unless the operator of the regulated small MS4 identifies them as significant contributors of pollutants to its MS4:

- Water line flushing;
- Landscape irrigation;
- Diverted stream flows;
- Rising ground waters;
- Uncontaminated ground water infiltration;
- Uncontaminated pumped ground water;
- Discharges from potable water sources;
- Foundation drains;
- Air conditioning condensation;
- Irrigation water;
- Springs;
- Water from crawl space pumps;

- Footing drains;
- Lawn watering;
- Individual residential car washing;
- Flows from riparian habitats and wetlands;
- Dechlorinated swimming pool discharges; and
- Street wash water.

What Are Some Guidelines for Developing and Implementing This Measure?

The objective of the illicit discharge detection and elimination minimum control measure is to have regulated small MS4 operators gain a thorough awareness of their systems. This awareness allows them to determine the types and sources of illicit discharges entering their system; and establish the legal, technical, and educational means needed to eliminate these discharges. Permittees could meet these objectives in a variety of ways depending on their individual needs and abilities, but some general guidance for each requirement is provided below.

The Map

The storm sewer system map is meant to demonstrate a basic awareness of the intake and discharge areas of the system. It is needed to help determine the extent of discharged dry weather flows, the possible sources of the dry weather flows, and the particular waterbodies these flows may be affecting. An existing map, such as a topographical map, on which the location of major pipes and outfalls can be clearly presented demonstrates such awareness.

EPA recommends collecting all existing information on outfall locations (e.g., review city records, drainage maps, storm drain maps), and then conducting field surveys to verify locations. It probably will be necessary to walk (i.e., wade through small receiving waters or use a boat for larger waters) the streambanks and shorelines for visual observation. More than one trip may be needed to locate all outfalls.

Legal Prohibition and Enforcement

EPA recognizes that some permittees may have limited authority under State, Tribal or local law to establish and enforce an ordinance or other regulatory mechanism prohibiting illicit discharges. In such a case, the permittee is encouraged to obtain the necessary authority, if possible.

The Plan

The plan to detect and address illicit discharges is the central component of this minimum control measure. The plan is dependant upon several factors, including the permittee's available resources, size of staff, and degree and character of its illicit discharges. EPA envisions a plan similar to the one Michigan recommends for use in meeting their NPDES storm

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water general permit for small MS4s. As guidance only, the four steps of a recommended plan are outlined below:

① Locate Problem Areas

EPA recommends that priority areas be identified for detailed screening of the system based on the likelihood of illicit connections (e.g., areas with older sanitary sewer lines). Methods that can locate problem areas include: public complaints; visual screening; water sampling from manholes and outfalls during dry weather; and use of infrared and thermal photography.

② Find the Source

Once a problem area or discharge is found, additional efforts usually are necessary to determine the source of the problem. Methods that can find the source of the illicit discharge include: dye-testing buildings in problem areas; dye- or smoke-testing buildings at the time of sale; tracing the discharge upstream in the storm sewer; employing a certification program that shows that buildings have been checked for illicit connections; implementing an inspection program of existing septic systems; and using video to inspect the storm sewers.

③ Remove/Correct Illicit Connections

Once the source is identified, the offending discharger should be notified and directed to correct the problem. Education efforts and working with the discharger can be effective in resolving the problem before taking legal action.

④ Document Actions Taken

As a final step, all actions taken under the plan should be documented. This illustrates that progress is being made to eliminate illicit connections and discharges. Documented actions should be included in annual reports and include information such as: the number of outfalls screened; any complaints received and corrected; the number of discharges and quantities of flow eliminated; and the number of dye or smoke tests conducted.

Educational Outreach

Outreach to public employees, businesses, property owners, the general community, and elected officials regarding ways to detect and eliminate illicit discharges is an integral part of this minimum measure that will help gain support for the

permittee's storm water program. Suggested educational outreach efforts include:

- Developing *informative brochures, and guidances* for specific audiences (e.g., carpet cleaning businesses) and school curricula;
- Designing a program to *publicize and facilitate public reporting* of illicit discharges;
- *Coordinating volunteers* for locating, and visually inspecting, outfalls or to stencil storm drains; and
- Initiating *recycling programs* for commonly dumped wastes, such as motor oil, antifreeze, and pesticides.

What Are Appropriate Measurable Goals?

Measurable goals, which are required for each minimum control measure, are intended to gauge permit compliance and program effectiveness. The measurable goals, as well as the BMPs, should reflect the needs and characteristics of the operator and the area served by its small MS4. Furthermore, they should be chosen using an integrated approach that fully addresses the requirements and intent of the minimum control measure. An integrated approach for this minimum measure could include the following measurable goals:

<u>Target Date</u>	<u>Activity</u>
1 year.....	Sewer system map completed; recycling program for household hazardous waste in place.
2 years.....	Ordinance in place; training for public employees completed; a certain percentage of sources of illicit discharges determined.
3 years.....	A certain percentage of illicit discharges detected; illicit discharges eliminated; and households participating in quarterly household hazardous waste special collection days.
4 years.....	Most illicit discharge sources detected and eliminated.

The educational outreach measurable goals for this minimum control measure could be combined with the measurable goals for the Public Education and Outreach minimum control measure (see Fact Sheet 2.3).

For Additional Information

Contact

- ☛ U.S. EPA Office of Wastewater Management
 - Phone: (202) 564-9545
 - Internet: www.epa.gov/npdes/stormwater

Reference Documents

- ☛ Storm Water Phase II Final Rule Fact Sheet Series
 - Internet: cfpub.epa.gov/npdes/stormwater/swfinal.cfm
- ☛ Storm Water Phase II Final Rule (64 FR 68722)
 - Internet: www.epa.gov/npdes/regulations/phase2.pdf

Sources

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U.S. EPA Office of Water. 1993. *Investigation of Inappropriate Pollutant Entries into Storm Drainage Systems: A User's Guide*. EPA/600/R-92/238. Washington, D.C.

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Storm Water Phase II Final Rule

Construction Site Runoff Control Minimum Control Measure

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Industrial "No Exposure"

4.0 - Conditional No Exposure Exclusion for Industrial Activity

This fact sheet profiles the Construction Site Runoff Control minimum control measure, one of six measures that the operator of a Phase II regulated small municipal separate storm sewer system (MS4) is required to include in its storm water management program to meet the conditions of its National Pollutant Discharge Elimination System (NPDES) permit. This fact sheet outlines the Phase II Final Rule requirements and offers some general guidance on how to satisfy them. It is important to keep in mind that the small MS4 operator has a great deal of flexibility in choosing exactly how to satisfy the minimum control measure requirements.

Why Is The Control of Construction Site Runoff Necessary?

Polluted storm water runoff from construction sites often flows to MS4s and ultimately is discharged into local rivers and streams. Of the pollutants listed in Table 1, sediment is usually the main pollutant of concern. Sediment runoff rates from construction sites are typically 10 to 20 times greater than those of agricultural lands, and 1,000 to 2,000 times greater than those of forest lands. During a short period of time, construction sites can contribute more sediment to streams than can be deposited naturally during several decades. The resulting siltation, and the contribution of other pollutants from construction sites, can cause physical, chemical, and biological harm to our nation's waters. For example, excess sediment can quickly fill rivers and lakes, requiring dredging and destroying aquatic habitats.

Table 1

Pollutants Commonly Discharged From Construction Sites

Sediment
Solid and sanitary wastes
Phosphorous (fertilizer)
Nitrogen (fertilizer)
Pesticides
Oil and grease
Concrete truck washout
Construction chemicals
Construction debris

What Is Required?

The Phase II Final Rule requires an operator of a regulated small MS4 to develop, implement, and enforce a program to reduce pollutants in storm water runoff to their MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. The small MS4 operator is required to:

- ☐ Have an ordinance or other regulatory mechanism requiring the implementation of proper erosion and sediment controls, and controls for other wastes, on applicable construction sites;
- ☐ Have procedures for site plan review of construction plans that consider potential water quality impacts;
- ☐ Have procedures for site inspection and enforcement of control measures;
- ☐ Have sanctions to ensure compliance (established in the ordinance or other regulatory mechanism);

- ☐ Establish procedures for the receipt and consideration of information submitted by the public; and
- ☐ Determine the appropriate best management practices (BMPs) and measurable goals for this minimum control measure. Suggested BMPs (i.e., the program actions/activities) and measurable goals are presented below.

What Are Some Guidelines for Developing and Implementing This Measure?

Further explanation and guidance for each component of a regulated small MS4's construction program is provided below.

Regulatory Mechanism

Through the development of an ordinance or other regulatory mechanism, the small MS4 operator must establish a construction program that controls polluted runoff from construction sites with a land disturbance of greater than or equal to one acre. Because there may be limitations on regulatory legal authority, the small MS4 operator is required to satisfy this minimum control measure only to the maximum extent practicable and allowable under State, Tribal, or local law.

Site Plan Review

The small MS4 operator must include in its construction program requirements for the implementation of appropriate BMPs on construction sites to control erosion and sediment and other waste at the site. To determine if a construction site is in compliance with such provisions, the small MS4 operator should review the site plans submitted by the construction site operator before ground is broken.

Site plan review aids in compliance and enforcement efforts since it alerts the small MS4 operator early in the process to the planned use or non-use of proper BMPs and provides a way to track new construction activities. The tracking of sites is useful not only for the small MS4 operator's recordkeeping and reporting purposes, which are required under their NPDES storm water permit (see Fact Sheet 2.9), but also for members of the public interested in ensuring that the sites are in compliance.

Inspections and Penalties

Once construction commences, BMPs should be in place and the small MS4 operator's enforcement activities should begin. To ensure that the BMPs are properly installed, the small MS4 operator is required to develop procedures for site inspection and enforcement of control measures to deter infractions. Procedures could include steps to identify priority sites for inspection and enforcement based on the nature and extent of

the construction activity, topography, and the characteristics of soils and receiving water quality. Inspections give the MS4 operator an opportunity to provide additional guidance and education, issue warnings, or assess penalties. To conserve staff resources, one possible option for small MS4 operators is to have these inspections performed by the same inspector that visits the sites to check compliance with health and safety building codes.

Information Submitted by the Public

A final requirement of the small MS4 program for construction activity is the development of procedures for the receipt and consideration of public inquiries, concerns, and information submitted regarding local construction activities. This provision is intended to further reinforce the public participation component of the regulated small MS4 storm water program (see Fact Sheet 2.4) and to recognize the crucial role that the public can play in identifying instances of noncompliance.

The small MS4 operator is required only to *consider* the information submitted, and may not need to follow-up and respond to every complaint or concern. Although some form of enforcement action or reply is not required, the small MS4 operator is required to demonstrate acknowledgment and consideration of the information submitted. A simple tracking process in which submitted public information, both written and verbal, is recorded and then given to the construction site inspector for possible follow-up will suffice.

What Are Appropriate Measurable Goals?

Measurable goals, which are required for each minimum control measure, are intended to gauge permit compliance and program effectiveness. The measurable goals, as well as the BMPs, should reflect the needs and characteristics of the operator and the area served by its small MS4. Furthermore, they should be chosen using an integrated approach that fully addresses the requirements and intent of the minimum control measure. An integrated approach for this minimum measure could include the following measurable goals:

<u>Target Date</u>	<u>Activity</u>
1 year.....	Ordinance or other regulatory mechanism in place; procedures for information submitted by the public in place.
2 years.....	Procedures for site inspections implemented; a certain percentage rate of compliance achieved by construction operators.
3 years.....	Maximum compliance with ordinance; improved clarity and reduced sedimentation of local waterbodies.
4 years.....	Increased numbers of sensitive aquatic organisms in local waterbodies.

Are Construction Sites Already Covered Under the NPDES Storm Water Program?

Yes. EPA's Phase I NPDES storm water program requires operators of construction activities that disturb five or more acres to obtain a NPDES construction storm water permit. General permit requirements include the submission of a Notice of Intent and the development of a storm water pollution prevention plan (SWPPP). The SWPPP must include a site description and measures and controls to prevent or minimize pollutants in storm water discharges. The Phase II Final Rule similarly regulates discharges from smaller construction sites disturbing equal to or greater than one acre and less than five acres (see Fact Sheet 3.0 for information on the Phase II construction program).

Even though all construction sites that disturb more than one acre are covered nationally by an NPDES storm water permit, the construction site runoff control minimum measure for the small MS4 program is needed to induce more localized site regulation and enforcement efforts, and to enable operators of regulated small MS4s to more effectively control construction site discharges into their MS4s.

To aid operators of regulated construction sites in their efforts to comply with both local requirements and their NPDES permit, the Phase II Final Rule includes a provision that allows the NPDES permitting authority to reference a "qualifying State, Tribal or local program" in the NPDES general permit for construction. This means that if a construction site is located in an area covered by a qualifying local program, then the construction site operator's compliance with the local program constitutes compliance with their NPDES permit. A regulated small MS4's storm water program for construction could be a "qualifying program" if the MS4 operator requires a SWPPP, in addition to the requirements summarized in this fact sheet.

The ability to reference other programs in the NPDES permit is intended to reduce confusion between overlapping and similar requirements, while still providing for both local and

national regulatory coverage of the construction site. The provision allowing NPDES permitting authorities to reference other programs has no impact on, or direct relation to, the small MS4 operator's responsibilities under the construction site runoff control minimum measure profiled here.

Is a Small MS4 Required to Regulate Construction Sites that the Permitting Authority has Waived from the NPDES Construction Program?

No. If the NPDES permitting authority waives requirements for storm water discharges associated with small construction activity (see 122.26(b)(15)(i)), the small MS4 operator is not required to develop, implement, and/or enforce a program to reduce pollutant discharges from such construction sites.

For Additional Information**Contact**

- ☛ U.S. EPA Office of Wastewater Management
 - Phone: (202) 564-9545
 - Internet: www.epa.gov/npdes/stormwater

Reference Documents

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 - Internet: www.epa.gov/npdes/regulations/phase2.pdf



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Post-Construction Runoff Control Minimum Control Measure

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Industrial "No Exposure"

4.0 – Conditional No Exposure Exclusion for Industrial Activity

This fact sheet profiles the Post-Construction Runoff Control minimum control measure, one of six measures that the operator of a Phase II regulated small municipal separate storm sewer system (MS4) is required to include in its storm water management program in order to meet the conditions of its National Pollutant Discharge Elimination System (NPDES) permit. This fact sheet outlines the Phase II Final Rule requirements for post-construction runoff control and offers some general guidance on how to satisfy those requirements. It is important to keep in mind that the small MS4 operator has a great deal of flexibility in choosing exactly how to satisfy the minimum control measure requirements.

Why Is The Control of Post-Construction Runoff Necessary?

Post-construction storm water management in areas undergoing new development or redevelopment is necessary because runoff from these areas has been shown to significantly effect receiving waterbodies. Many studies indicate that prior planning and design for the minimization of pollutants in post-construction storm water discharges is the most cost-effective approach to storm water quality management.

There are generally two forms of substantial impacts of post-construction runoff. The first is caused by an increase in the type and quantity of pollutants in storm water runoff. As runoff flows over areas altered by development, it picks up harmful sediment and chemicals such as oil and grease, pesticides, heavy metals, and nutrients (e.g., nitrogen and phosphorus). These pollutants often become suspended in runoff and are carried to receiving waters, such as lakes, ponds, and streams. Once deposited, these pollutants can enter the food chain through small aquatic life, eventually entering the tissues of fish and humans. The second kind of post-construction runoff impact occurs by increasing the quantity of water delivered to the waterbody during storms. Increased impervious surfaces interrupt the natural cycle of gradual percolation of water through vegetation and soil. Instead, water is collected from surfaces such as asphalt and concrete and routed to drainage systems where large volumes of runoff quickly flow to the nearest receiving water. The effects of this process include streambank scouring and downstream flooding, which often lead to a loss of aquatic life and damage to property.

What Is Required?

The Phase II Final Rule requires an operator of a regulated small MS4 to develop, implement, and enforce a program to reduce pollutants in post-construction runoff to their MS4 from new development and redevelopment projects that result in the land disturbance of greater than or equal to 1 acre. The small MS4 operator is required to:

- ☐ Develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs);
- ☐ Have an ordinance or other regulatory mechanism requiring the implementation of post-construction runoff controls to the extent allowable under State, Tribal or local law,

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- ☐ Ensure adequate long-term operation and maintenance of controls;
- ☐ Determine the appropriate best management practices (BMPs) and measurable goals for this minimum control measure.

What Is Considered a “Redevelopment” Project?

The term “redevelopment” refers to alterations of a property that change the “footprint” of a site or building in such a way that there is a disturbance of equal to or greater than 1 acre of land. The term does not include such activities as exterior remodeling. Because redevelopment projects may have site constraints not found on new development sites, the rule provides flexibility for implementing post-construction controls on redevelopment sites that consider these constraints.

What Are Some Guidelines for Developing and Implementing This Measure?

This section includes some sample non-structural and structural BMPs that could be used to satisfy the requirements of the post-construction runoff control minimum measure. It is important to recognize that many BMPs are climate-specific, and not all BMPs are appropriate in every geographic area. Because the requirements of this measure are closely tied to the requirements of the construction site runoff control minimum measure (see Fact Sheet 2.6), EPA recommends that small MS4 operators develop and implement these two measures in tandem. Sample BMPs follow.

☐ Non-Structural BMPs

- **Planning and Procedures.** Runoff problems can be addressed efficiently with sound planning procedures. Master Plans, Comprehensive Plans, and zoning ordinances can promote improved water quality by guiding the growth of a community away from sensitive areas and by restricting certain types of growth (industrial, for example) to areas that can support it without compromising water quality.
- **Site-Based Local Controls.** These controls can include buffer strip and riparian zone preservation, minimization of disturbance and imperviousness, and maximization of open space.

☐ Structural BMPs

- **Storage Practices.** Storage or detention BMPs control storm water by gathering runoff in wet ponds, dry basins, or multichamber catch basins and slowly releasing it to receiving waters or drainage systems. These practices both control storm water volume and settle out particulates for pollutant removal.

- **Infiltration Practices.** Infiltration BMPs are designed to facilitate the percolation of runoff through the soil to ground water, and, thereby, result in reduced storm water quantity and reduced mobilization of pollutants. Examples include infiltration basins/trenches, dry wells, and porous pavement.
- **Vegetative Practices.** Vegetative BMPs are landscaping features that, with optimal design and good soil conditions, enhance pollutant removal, maintain/improve natural site hydrology, promote healthier habitats, and increase aesthetic appeal. Examples include grassy swales, filter strips, artificial wetlands, and rain gardens.

What Are Appropriate Measurable Goals?

Measurable goals, which are required for each minimum control measure, are intended to gauge permit compliance and program effectiveness. The measurable goals, as well as the BMPs, should reflect needs and characteristics of the operator and the area served by its small MS4. Furthermore, the measurable goals should be chosen using an integrated approach that fully addresses the requirements and intent of the minimum control measure. An integrated approach for this minimum measure could include the following goals:

<u>Target Date</u>	<u>Activity</u>
1 year.....	Strategies developed that include structural and/or non-structural BMPs.
2 years.....	Strategies codified by use of ordinance or other regulatory mechanism.
3 years.....	Reduced percent of new impervious surfaces associated with new development projects.
4 years.....	Improved clarity and reduced sedimentation of local waterbodies.

For Additional Information**Contact**

- ☛ U.S. EPA Office of Wastewater Management
 - Phone: (202) 564-9545
 - Internet: www.epa.gov/npdes/stormwater

Reference Documents

- ☛ Storm Water Phase II Final Rule Fact Sheet Series
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 - Internet: www.epa.gov/npdes/regulations/phase2.pdf



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Pollution Prevention/Good Housekeeping Minimum Control Measure

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4.0 – Conditional No Exposure Exclusion for Industrial Activity

This fact sheet profiles the Pollution Prevention/Good Housekeeping for Municipal Operations minimum control measure, one of six measures the operator of a Phase II regulated small municipal separate storm sewer system (MS4) is required to include in its storm water management program to meet the conditions of its National Pollutant Discharge Elimination System (NPDES) permit. This fact sheet outlines the Phase II Final Rule requirements and offers some general guidance on how to satisfy them. It is important to keep in mind that the small MS4 operator has a great deal of flexibility in choosing exactly how to satisfy the minimum control measure requirements.

Why Is Pollution Prevention/Good Housekeeping Necessary?

The Pollution Prevention/Good Housekeeping for municipal operations minimum control measure is a key element of the small MS4 storm water management program. This measure requires the small MS4 operator to examine and subsequently alter their own actions to help ensure a reduction in the amount and type of pollution that: (1) collects on streets, parking lots, open spaces, and storage and vehicle maintenance areas and is discharged into local waterways; and (2) results from actions such as environmentally damaging land development and flood management practices or poor maintenance of storm sewer systems.

While this measure is meant primarily to improve or protect receiving water quality by altering municipal or facility operations, it also can result in a cost savings for the small MS4 operator, since proper and timely maintenance of storm sewer systems can help avoid repair costs from damage caused by age and neglect.

What Is Required?

Recognizing the benefits of pollution prevention practices, the rule requires an operator of a regulated small MS4 to:

- ☐ Develop and implement an operation and maintenance program with the ultimate goal of preventing or reducing pollutant runoff from municipal operations into the storm sewer system;
- ☐ Include employee training on how to incorporate pollution prevention/good housekeeping techniques into municipal operations such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance. To minimize duplication of effort and conserve resources, the MS4 operator can use training materials that are available from EPA, their State or Tribe, or relevant organizations;
- ☐ Determine the appropriate best management practices (BMPs) and measurable goals for this minimum control measure. Some program implementation approaches, BMPs (i.e., the program actions/activities), and measurable goals are suggested below.

What Are Some Guidelines for Developing and Implementing This Measure?

The intent of this control measure is to ensure that existing municipal, State or Federal operations are performed in ways that will minimize contamination of storm water discharges. EPA encourages the small MS4 operator to consider the following components when developing their program for this measure:

- *Maintenance activities, maintenance schedules, and long-term inspection procedures* for structural and non-structural controls to reduce floatables and other pollutants discharged from the separate storm sewers;
- *Controls for reducing or eliminating the discharge of pollutants* from areas such as roads and parking lots, maintenance and storage yards (including salt/sand storage and snow disposal areas), and waste transfer stations. These controls could include programs that promote recycling (to reduce litter), minimize pesticide use, and ensure the proper disposal of animal waste;
- *Procedures for the proper disposal of waste* removed from separate storm sewer systems and areas listed in the bullet above, including dredge spoil, accumulated sediments, floatables, and other debris; and
- *Ways to ensure that new flood management projects assess the impacts on water quality* and examine existing projects for incorporation of additional water quality protection devices or practices. EPA encourages coordination with flood control managers for the purpose of identifying and addressing environmental impacts from such projects.

The effective performance of this control measure hinges on the proper maintenance of the BMPs used, particularly for the first two bullets above. For example, structural controls, such as grates on outfalls to capture floatables, typically need regular cleaning, while non-structural controls, such as training materials and recycling programs, need periodic updating.

What Are Appropriate Measurable Goals?

Measurable goals, which are required for each minimum control measure, are meant to gauge permit compliance and program effectiveness. The measurable goals, as well as the BMPs, should consider the needs and characteristics of the operator and the area served by its small MS4. The measurable goals should be chosen using an integrated approach that fully addresses the requirements and intent of the minimum control measure. An integrated approach for this minimum measure could include the following measurable goals:

<u>Target Date</u>	<u>Activity</u>
1 year.....	Pollution prevention plan (the new BMPs and revised procedures) completed; employee training materials gathered or developed; procedures in place for catch basin cleaning after each storm and regular street sweeping.
2 years.....	Training for appropriate employees completed; recycling program fully implemented.
3 years.....	Some pollution prevention BMPs incorporated into master plan; a certain percentage reduction in pesticide and sand/salt use; maintenance schedule for BMPs established.
4 years.....	A certain percentage reduction in floatables discharged; a certain compliance rate with maintenance schedules for BMPs; controls in place for all areas of concern.

For Additional Information

Contact

- ☛ U.S. EPA Office of Wastewater Management
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Reference Documents

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- ☛ Storm Water Phase II Final Rule (64 FR 68722)
 - Internet: www.epa.gov/npdes/regulations/pbase2.pdf



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Permitting and Reporting: The Process and Requirements

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The Storm Water Phase II Final Rule requires operators of certain small municipal separate storm sewer systems (MS4s) to obtain National Pollutant Discharge Elimination System (NPDES) permit coverage because their storm water discharges are considered "point sources" of pollution. All point source discharges, unlike nonpoint sources such as agricultural runoff, are required under the Clean Water Act (CWA) to be covered by federally enforceable NPDES permits. Those systems already permitted under the NPDES Phase I storm water program, even systems serving less than 100,000 people, are not required to be permitted under the Phase II storm water program.

NPDES storm water permits are issued by an NPDES permitting authority, which may be a NPDES-authorized State or a U.S. EPA Region in non-authorized States (see the *For Additional Information* section for a list of U.S. EPA regional contacts). Once a permit application is submitted by the operator of a regulated small MS4 and a permit is obtained, the conditions of the permit must be satisfied (i.e., development and implementation of a storm water management program) and periodic reports must be submitted on the status and effectiveness of the program.

This fact sheet explains the various permit options that are available for operators of regulated small MS4s and details the permit application and reporting requirements. Important compliance deadlines also are highlighted. Program coverage and requirements for regulated small MS4s are explained in Fact Sheets 2.0 through 2.8.

What Permitting Options Are Available to Operators of Regulated Small MS4s?

Unlike the Phase I program that primarily utilizes individual permits for medium and large MS4s, the Phase II approach allows operators of regulated small MS4s to choose from as many as three permitting options as listed below. The NPDES permitting authority reserves the authority to determine, however, which options are available to the regulated small MS4s.

☐ General Permits

- General permits are strongly encouraged by EPA. The Phase II program has been designed specifically to accommodate a general permit approach.
- General permits prescribe one set of requirements for all applicable permittees. General permits are drafted by the NPDES permitting authority, then published for public comment before being finalized and issued.
- A Notice of Intent (NOI) serves as the application for the general permit. The permittee complies with the permit requirements by submitting an NOI to the NPDES permitting authority that describes the storm water management plan, including best management practices (BMPs) and measurable goals. A Phase II permittee has the flexibility to develop an individualized storm water program that addresses the particular characteristics and needs of its system, provided the basic requirements of the general permit are satisfied.

Fact Sheet 2.9 – Permitting and Reporting: The Process and Requirements

- Permittees also can choose to share responsibilities for meeting the Phase II program requirements. Those entities choosing to do so may submit jointly with the other municipalities or governmental entities an NOI that identifies who will implement which minimum measures within the area served by the MS4.
- The permittee then follows the Phase II permit application requirements (see discussion in next question below).

Minimize Duplication of Effort

Two permitting options tailored to minimize duplication of effort can be incorporated into the general permit by the NPDES permitting authority. First, the permitting authority can recognize in the permit that another governmental entity is responsible under an NPDES permit for implementing any or all minimum measures. Responsibility for implementation of the measure(s) would rest with the other governmental entity, thereby relieving the permittee of its responsibility to implement that particular measure(s). For example, the NPDES permitting authority could recognize a county erosion and sediment control program for construction sites that was developed to comply with a Phase I permit. As long as the Phase II MS4s in the county comply with the county's construction program, they would not need to develop and implement their own construction programs because such activity would already be addressed by the county.

Second, the NPDES permitting authority can include conditions in a general permit that direct a permittee to follow the requirements of an existing qualifying local program rather than the requirements of a minimum measure. A qualifying local program is defined as a local, State or Tribal municipal storm water program that imposes requirements that are equivalent to those of the Phase II MS4 minimum measures. The permittee remains responsible for the implementation of the minimum measure through compliance with the qualifying local program.

☐ Individual Permits

- Individual permits are required for Phase I "medium" and "large" MS4s, but not recommended by EPA for Phase II program implementation.
- The permittee can either submit an individual application for coverage by the Phase II MS4 program (see §122.34) or the Phase I MS4 program (see §122.26(d)).
- For individual coverage under Phase II, the permittee must follow Phase II permit application requirements and provide an estimate of square mileage served by the system and any additional information requested by the NPDES permitting authority. A permittee electing to apply for coverage under the Phase I

program must follow the permit application requirements detailed at §122.26(d).

- The NPDES permitting authority may allow more than one regulated entity to jointly apply for an individual permit.
- The NPDES permitting authority could incorporate in the individual permit either of the two permitting options explained above in the *Minimize Duplication of Effort* section.

☐ Modification of a Phase I Individual Permit – A Co-Permittee Option

- The operator of a regulated small MS4 could participate as a limited co-permittee in a neighboring Phase I MS4's storm water management program by seeking a modification of the existing Phase I individual permit. A list of Phase I medium and large MS4s can be obtained from the EPA Office of Wastewater Management (OWM) or downloaded from the OWM web site.
- The permittee must follow Phase I permit application requirements (with some exclusions).
- The permittee must comply with the applicable terms of the Phase I individual permit rather than the minimum control measures in the Phase II Final Rule.

What Does the Permit Application Require?

Operators of regulated small MS4s are required to submit in their NOI or individual permit application the following information:

- ☐ Best management practices (BMPs) are required for each of the six minimum control measures:
 - ① Public education and outreach on storm water impacts
 - ② Public participation/involvement
 - ③ Illicit discharge detection and elimination
 - ④ Construction site storm water runoff control
 - ⑤ Post-construction storm water management in new development/redevelopment
 - ⑥ Pollution prevention/good housekeeping for municipal operations

(See Fact Sheets 2.3 through 2.8 for full descriptions of each measure, including examples of BMPs and measurable goals)

- ☐ Measurable goals for each minimum control measure (i.e., narrative or numeric standards used to gauge program effectiveness);

- ☐ Estimated months and years in which actions to implement each measure will be undertaken, including interim milestones and frequency; and
- ☐ The person or persons responsible for implementing or coordinating the storm water program.

Relying on Another Entity

The Phase II permittee has the option of relying on other entities already performing one or more of the minimum control measures, provided that the existing control measure, or component thereof, is at least as stringent as the Phase II rule requirements. For example, a county already may have an illicit discharge detection and elimination program in place and may allow an operator of a regulated small MS4 within the county's jurisdiction to rely on the county program instead of formulating and implementing a new program. In such a case, the permittee would not need to implement the particular measure, but would still be ultimately responsible for its effective implementation. For this reason, EPA recommends that the permittee enter into a legally binding agreement with the other entity. If the permittee chooses to rely on another entity, they must note this in their permit application and subsequent reports. A Phase II permittee may even rely on another governmental entity regulated under the NPDES storm water program to satisfy all of the permittee's permit obligations. Should this option be chosen, the permittee must note this in its NOI, but does not need to file periodic reports.

What Does the Permit Require?

The operator of a regulated small MS4 has the flexibility to determine the BMPs and measurable goals, for each minimum control measure, that are most appropriate for the system. The chosen BMPs and measurable goals, submitted in the permit application, become the required storm water management program; however, the NPDES permitting authority can require changes in the mix of chosen BMPs and measurable goals if all or some of them are found to be inconsistent with the provisions of the Phase II Final Rule. Likewise, the permittee can change its mix of BMPs if it determines that the program is not as effective as it could be. Fact Sheets 2.3 through 2.8 further describe each of the minimum control measures, while the permit requirements for evaluation/assessment and recordkeeping activities are described in separate sections below.

Menu of BMPs

The BMPs for minimum measures 3 through 6 (as listed in the permit application requirements section, above) are not enforceable until the NPDES permitting authority provides a list, or "menu," of BMPs to assist permittees in the design and

implementation of their storm water management programs. The NPDES permitting authority is required to provide this menu as an aid for those operators that are unsure of the most appropriate and effective BMPs to use. Since the menu is intended to serve as guidance only, the operators can either select from the menu or identify other BMPs to meet the permit requirements. EPA is scheduled to develop a menu of BMPs by October 27, 2000.

What Standards Apply?

A Phase II small MS4 operator is required to design its program so that it:

- ☐ Reduces the discharge of pollutants to the "maximum extent practicable" (MEP);
- ☐ Protects water quality; and
- ☐ Satisfies the appropriate water quality requirements of the Clean Water Act.

Compliance with the technical standard of MEP requires the successful implementation of approved BMPs. The Phase II Final Rule considers narrative effluent limitations that require the implementation of BMPs and the achievement of measurable goals as the most appropriate form of effluent limitations to achieve the protection of water quality, rather than requiring that storm water discharges meet numeric effluent limitations.

EPA intends to issue Phase II NPDES permits consistent with its August 1, 1996, Interim Permitting Approach policy, which calls for BMPs in first-round storm water permits and expanded or better tailored BMPs in subsequent permits, where necessary, to provide for the attainment of water quality standards. In cases where information exists to develop more specific conditions or limitations to meet water quality standards, these conditions or limitations should be incorporated into the storm water permit. Monitoring is not required under the Phase II Rule, but the NPDES permitting authority has the discretion to require monitoring if deemed necessary.

What Evaluation/Reporting Efforts Are Required?

Frequency of Reports

Reports must be submitted annually during the first permit term. For subsequent permit terms, reports must be submitted in years 2 and 4 only, unless the NPDES permitting authority requests more frequent reports.

Required Report Content

The reports must include the following:

- ☐ The status of compliance with permit conditions, including an assessment of the appropriateness of the selected BMPs and progress toward achieving the selected measurable goals for each minimum measure;
- ☐ Results of any information collected and analyzed, including monitoring data, if any;
- ☐ A summary of the storm water activities planned for the next reporting cycle;
- ☐ A change in any identified best management practices or measurable goals for any minimum measure; and
- ☐ Notice of relying on another governmental entity to satisfy some of the permit obligations (if applicable).

A Change in Selected BMPs

If, upon evaluation of the program, improved controls are identified as necessary, permittees should revise their mix of BMPs to provide for a more effective program. Such a change, and an explanation of the change, must be noted in a report to the NPDES permitting authority.

What are the Recordkeeping Requirements?

Records required by the NPDES permitting authority must be kept for at least 3 years and made accessible to the public at reasonable times during regular business hours. Records need not be submitted to the NPDES permitting authority unless the permittee is requested to do so.

What Are the Deadlines for Compliance?

- ☐ The NPDES permitting authority issues general permits for regulated small MS4s by December 9, 2002.
- ☐ Operators of "automatically designated" regulated small MS4s in urbanized areas submit their permit applications within 90 days of permit issuance, no later than March 10, 2003.
- ☐ Operators of regulated small MS4s designated by the permitting authority submit their permit applications within 180 days of notice.
- ☐ Regulated small MS4 storm water management programs fully developed and implemented by the end of the first permit term, typically a 5-year period

What are the Penalties for Noncompliance?

The NPDES permit that the operator of a regulated small MS4 is required to obtain is federally enforceable, thus subjecting the permittee to potential enforcement actions and penalties by the NPDES permitting authority if the permittee does not fully comply with application or permit requirements. This federal enforceability also includes the right for interested parties to sue under the citizen suit provision (section 405) of the CWA.

For Additional Information**Contacts****☛ U.S. EPA Regional Storm Water Coordinators¹**

Region 1 (ME ² , NH ² , VT, MA ² , RI, CT):	Thelma Murphy	617 918-1615
Region 2 (NY, NJ, PR ² , VI):	Karen O'Brien	212 637-3717
Region 3 (PA, DE, DC ² , MD, VA, WV):	Mary Letzkus	215 814-2087
Region 4 (KY, TN, NC, SC, MS, AL, GA, FL):	Michael Mitchell	404 562-9303
Region 5 (MN, WI, IL, MI, IN, OH):	Peter Swenson	312 886-0236
Region 6 (NM ² , TX, OK, AR, LA):	Brent Larsen	214 665-7523
Region 7 (NE, KS, IA, MO):	Ralph Summers	913 551-7416
Region 8 (MT, ND, WY, SD, UT, CO):	Vernon Berry	303 312-6234
Region 9 (CA, NV, AZ ² , HI):	Eugene Bromley	415 744-1906
Region 10 (WA, OR, ID ² , AK ²):	Bob Robichaud	206 553-1448

¹ The U.S. EPA is the NPDES permitting authority for all federally recognized Indian Country Lands, and for Federal facilities in AK, American Samoa, AZ, CO, DE, DC, FL, Guam, ID, Johnston Atoll, ME, MA, Midway & Wake Islands, NH, NM, PR, VT, VI, and WA.

² Denotes a non-authorized State for the NPDES storm water program. For these States only, the U.S. EPA Region is the NPDES permitting authority. All other States serve as NPDES permitting authorities for the storm water program.

☛ U.S. EPA Office of Wastewater Management

- Phone: (202) 564-9545
- Internet: www.epa.gov/npdes/stormwater



Storm Water Phase II Final Rule

Federal and State-Operated MS4s: Program Implementation

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The program for small municipal separate storm sewer systems (MS4s) under the Storm Water Phase II Final Rule includes, in addition to local government jurisdictions, certain Federal and State-operated small MS4s. Federal facilities were not designated for regulation by the NPDES Phase I storm water program for MS4s. The Phase II Final Rule, however, includes the "United States" in the definition of a small MS4, thereby including Federal MS4 operators in the NPDES Phase II storm water program. Federal and State-operated small MS4s can include universities, prisons, hospitals, roads (i.e., departments of transportation), military bases (e.g., State Army National Guard barracks), parks, and office buildings/complexes.

The small MS4 program, largely designed with municipally-operated small MS4s in mind, raises a number of implementation issues for Federal and State operators of regulated small MS4s who must obtain an NPDES permit that requires the development and implementation of a storm water management program that includes the following six minimum control measures: public education and outreach, public participation/involvement, illicit discharge detection and elimination, construction site runoff control, post-construction runoff control, and good housekeeping/pollution prevention for municipal operations (for more information on each measure, see Fact Sheets 2.3 through 2.8). This fact sheet highlights potential implementation issues related to the minimum control measures, then discusses the implementation options included in the rule that may resolve these issues.

What Are Some Implementation Concerns?

This section profiles the three most common implementation issues raised in the public comments submitted regarding Federal/State implementation of the small MS4 program.

How Does the Final Rule Account for Unique Characteristics?

Federal and State small MS4s possess a number of characteristics that set them apart from their municipal counterparts. For example, whereas municipally-operated MS4s largely serve resident populations, many Federal or State-operated MS4s, such as medical clinics and departments of transportation (DOTs), do not. Other types of Federal and State MS4s, such as military bases, prisons, and State universities, serve populations that are different from a typical municipal population. Their unique characteristics might lead Federal or State MS4 operators to question either the need to implement the entire suite of minimum control measures or their ability to comply fully with their Phase II storm water permit. Responsibility for developing a storm water program that comprises the minimum measures lies with the operator of the Federal or State MS4.

What If the Operator Lacks Legal Authority?

Three of the minimum control measures (illicit discharge detection and elimination, and the two construction-related measures) require enforceable controls on third party activities to ensure successful implementation of the measure. Some Federal and State operators, however, may not have the necessary legal regulatory authority to adopt these enforceable controls in the same manner as do local governments.

For example, a State DOT that is responsible for the portions of its roads running through urbanized areas may not have the legal authority to impose restrictions on, and penalties against, illicit (i.e., non-storm water) discharges into its MS4 if the source of the discharge is outside the DOT's right-of-way or jurisdiction. As in the case of local governments that lack such authority, State and Federal MS4s are expected to utilize the authority they do possess and to seek cooperative arrangements.

How Can the Program Be Implemented in Areas Where There Are Multiple Regulated Entities?

Since the final rule provides automatic coverage of all small MS4s within an urbanized area, regardless of political boundaries, coverage of multiple governments and agencies in a single area is likely. For example, a city government that operates a small MS4 within an urbanized area must obtain permit coverage alongside the county, State, and Federal DOTs if they all operate a portion of the roads (i.e., MS4s) in the city. All four entities are responsible for developing a storm water management program for their MS4s (or portions thereof) within the urbanized area. EPA encourages State and Federal small MS4 operators to establish cooperative agreements with cities and counties in implementing their storm water programs.

Are There Implementation Strategies that Help Facilitate Program Implementation?

This section offers two hypothetical strategies for resolving the implementation issues raised above. The best solution may include a creative combination of strategies.

STRATEGY #1

A Focus on Choosing Appropriate BMPs

The final rule requires the permittee to choose *appropriate* best management practices (BMPs) for each minimum control measure. In other words, EPA expects Phase II permittees to tailor their storm water management plans and their BMPs to fit the particular characteristics and needs of the permittee and the area served by its MS4. Therefore, the Federal or State operator of a regulated storm sewer system can take advantage of the flexibility provided by the rule to utilize the most suitable minimum control measures for its MS4. Below is an example of tailored activities and BMPs that Federal or State operators can implement for each measure:

- ☐ **Public Education and Outreach.** Distribute brochures and post fliers to educate employees of a Federal hospital about the problems associated with storm water runoff and the steps they can take to

reduce pollutants in storm water discharges. For example, employees could be advised against carelessly discarding trash on the ground or allowing their cars to leak oil/fluids in the parking lot.

- ☐ **Public Participation/Involvement.** Provide notice of storm water management plan development and hold meetings at which employees of a Federal office complex are encouraged to voice their ideas and opinions about the effort. Request volunteers to help develop the plan.
- ☐ **Illicit Discharge Detection and Elimination.** Develop a map of the storm sewer system on a military base. Perform visual dry weather monitoring of any outfalls to determine whether the storm sewer system is receiving any non-storm water discharges from the base. If a dry weather flow is found, trace it back to the source and stop the discharge. Should a Federal military base identify an illicit discharge, the source of which is traced to the boundary of its system, the Federal operator should refer the discharge to the adjoining regulated MS4 for further action.
- ☐ **Construction Site Runoff Control.** Require the implementation of erosion and sediment controls, and control of waste, for any Federal or State DOT road construction. The DOT would review site plans for proper controls, perform inspections, and establish penalties in the construction contract if controls are not implemented. If construction is done directly by the regulated DOT instead of a private contractor, the DOT could be penalized by the NPDES permitting authority for non-compliance with its small MS4 permit in the event that controls are not properly implemented.
- ☐ **Post-Construction Runoff Control.** Require the implementation of post-construction storm water controls for any new construction on the grounds of a prison. This can be required as part of a construction contract, instituted as internal policy, and considered during site plan review.
- ☐ **Pollution Prevention/Good Housekeeping for Municipal Operations.** Train maintenance staff at a State university to employ pollution prevention techniques whenever possible. For example, routinely pick up trash/litter from the university grounds, use less salt on the parking lots and access roads in the winter, perform any maintenance of university vehicles under shelter only, limit pesticide use to the minimum needed, use vegetative buffer strips in the parking lots to filter runoff, and keep dumpster lids closed.

STRATEGY #2 *Working with Other Entities*

There may be instances when the Federal or State permittee has limited capabilities to satisfy one or more of the minimum control measures. As discussed above, the permittee may lack the proper legal authority to enforce controls (although it should try to obtain the necessary legal authority if at all possible).

In the case of limited capabilities, the permittee can work with neighboring operators of regulated small MS4s, preferably on a watershed basis, to form a shared storm water management program in which each permittee is responsible for activities that are within individual legal authorities and abilities. The final rule allows the permittee to rely on other entities, with their permission, to implement those minimum measures that the permittee is otherwise unable to implement. Three examples are:

- ☐ A State DOT with limited regulatory legal authority can reference a local sewer district's illicit detection and elimination program in its permit application, provided the program sufficiently addresses illicit discharges into the DOT's storm sewer system.
- ☐ The permittee or NPDES permitting authority can reference such programs as coastal nonpoint pollution control programs, State or local watershed programs, State or local construction programs, and environmental education efforts by public or private entities.
- ☐ The permittee can become a co-permittee with a neighboring Phase I MS4 through a modification of the Phase I MS4's individual permit. This may be the most logical and preferable option for those Federal and State entities located in close proximity to Phase I MS4s.

Choosing to work with other governmental entities as a co-permittee, or referencing parts of each other's plans, can help resolve issues that may arise where multiple regulated jurisdictions exist in the same area. Permittees can avoid duplicative efforts, as well as territorial or regulatory disputes, by working together to implement the storm water program. See Fact Sheet 2.9 for more information on permitting options for regulated small MS4s.

Suggested Steps for Working with Other Entities

- (1) Identify the boundaries of the urbanized area (see Fact Sheet 2.2 for more information on urbanized areas)
 - (2) Identify the operators of storm sewer systems or portions of the systems within the urbanized area such as local, State, Tribal or Federal governments or other entities.
 - (3) In seeking permit coverage:
 - (A) Identify where another entity's program may satisfy one or more minimum control measure. If a program has requirements that are equivalent to a minimum control measure's required elements, the operator of the regulated small MS4 may reference the program in its permit application, provided the other entity gives it permission to do so. While such an arrangement relieves the operator from performing the minimum measure itself, the operator remains ultimately responsible for the measure's effective implementation (see Fact Sheet 2.9 for more information on this option)
- OR
- (B) Team with an operator of a Phase I MS4 and become a co-permittee on its existing Phase I individual permit (see Fact Sheet 2.9 for more information on this option)

For Additional Information

Contact

- ☛ U.S. EPA Office of Wastewater Management
 - Phone: (202) 564-9545
 - Internet: www.epa.gov/npdes/stormwater

Reference Documents

- ☛ Storm Water Phase II Final Rule Fact Sheet Series
 - Internet: cfpub.epa.gov/npdes/stormwater/swfinal.cfm
- ☛ Storm Water Phase II Final Rule (64 FR 68722)
 - Internet: www.epa.gov/npdes/regulations/phase2.pdf



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The 1972 amendments to the Federal Water Pollution Control Act, later referred to as the Clean Water Act (CWA), prohibit the discharge of any pollutant to navigable waters of the United States from a point source unless the discharge is authorized by a National Pollutant Discharge Elimination System (NPDES) permit. Efforts to improve water quality under the NPDES program traditionally have focused on reducing pollutants in industrial process wastewater and municipal sewage treatment plant discharges. Over time, it has become evident that more diffuse sources of water pollution, such as storm water runoff from construction sites, are also significant contributors to water quality problems.

Sediment runoff rates from construction sites are typically 10 to 20 times greater than those from agricultural lands, and 1,000 to 2,000 times greater than those of forest lands. During a short period of time, construction activity can contribute more sediment to streams than can be deposited over several decades, causing physical and biological harm to our Nation's waters.

In 1990, EPA promulgated rules establishing Phase I of the NPDES storm water program. Phase I addresses, among other discharges, discharges from large construction activities disturbing 5 acres or more of land. Phase II of the NPDES storm water program covers small construction activities disturbing between 1 and 5 acres. Phase II became final on December 8, 1999 with small construction permit applications due by March 10, 2003 (specific compliance dates will be set by the NPDES permitting authority in each State). This fact sheet outlines the construction activities covered by Phase I and Phase II, including possible waiver options from Phase II coverage, and the Phase II construction program requirements.

Who Is Covered Under the Phase I Rule?

Sites Five Acres and Greater

The Phase I NPDES storm water rule identifies eleven categories of industrial activity in the definition of "storm water discharges associated with industrial activity" that must obtain an NPDES permit. Category (x) of this definition is construction activity, commonly referred to as "large" construction activity. Under category (x), the Phase I rule requires all *operators* of construction activity *disturbing 5 acres or greater of land* to apply for an NPDES storm water permit. Operators of sites disturbing less than 5 acres are also required to obtain a permit if their activity is part of a "larger common plan of development or sale" with a planned disturbance of 5 acres or greater. "Disturbance" refers to exposed soil resulting from activities such as clearing, grading, and excavating. Construction activities can include road building, construction of residential houses, office buildings, industrial sites, or demolition.

What Is Meant by a "Larger Common Plan of Development or Sale"?

As defined in EPA's NPDES storm water general permit for large construction activity, a "larger common plan of development or sale" means a contiguous area where multiple separate and distinct construction activities are occurring under one plan (e.g., the operator is building on three half-acre lots in a 6-acre development). The "plan" in a common plan of development or sale is broadly defined as any announcement or piece of documentation

(including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating that construction activities may occur on a specific plot.

What Is the Definition of an "Operator" of a Construction Site?

As defined in EPA's storm water general permit for large construction activity, an "operator" is the party or parties that has:

- ☐ Operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; *or*
- ☐ Day-to-day operational control of those activities that are necessary to ensure compliance with a storm water pollution prevention plan (SWPPP) for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions).

There may be more than one party at a site performing the tasks related to "operational control" as defined above. Depending on the site and the relationship between the parties (e.g., owner, developer, contractor), there can either be a single party acting as site operator and consequently be responsible for obtaining permit coverage, or there can be two or more operators, all obligated to seek permit coverage. It is important to note that NPDES-authorized States may use a different definition of "operator" than the one above.

How Is the Phase II Construction Rule Related to the Phase I Construction Rule?

In 1992, the Ninth Circuit court remanded for further proceedings portions of EPA's existing Phase I storm water regulation related to the category (x) discharges from large construction activity (NRDC v. EPA, 966 F.2d at 1292). EPA responded to the court's decision by designating under Phase II storm water discharges from construction activity disturbing less than 5 acres as sources that should be regulated to protect water quality. The Phase II Rule designates these sources as "storm water discharges associated with *small construction* activity," rather than as another category under "storm water associated with *industrial* activity."

Who Is Covered Under the Phase II Construction Rule?

Sites Between One and Five Acres

The Storm Water Phase II Rule automatically designates, as small construction activity under the NPDES storm water permitting program, all operators of construction site activities that result in a *land disturbance of equal to or greater than 1 and less than 5 acres*.

Sites Less Than One Acre

Site activities disturbing less than 1 acre are also regulated as small construction activity if they are part of a larger common plan of development or sale with a planned disturbance of equal to or greater than 1 acre and less than 5 acres, or if they are designated by the NPDES permitting authority. The NPDES permitting authority or EPA Region may designate construction activities disturbing less than 1 acre based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the United States.

Are Waivers Available for Operators of Regulated Construction Activity?

Yes, but only for small, not large, construction activity. Under the Phase II Rule, NPDES permitting authorities have the option of providing a waiver from the requirements to operators of small construction activity who certify to either one of two conditions:

- ① Low predicted rainfall potential (i.e., activity occurs during a negligible rainfall period), where the rainfall erosivity factor ("R" in the Revised Universal Soil Loss Equation [RUSLE]) is less than 5 during the period of construction activity; *or*
- ② A determination that storm water controls are not necessary based on either:
 - (A) A "total maximum daily load" (TMDL) that address the pollutant(s) of concern for construction activities; **OR**
 - (B) An equivalent analysis that determines allocations are not needed to protect water quality based on consideration of instream concentrations, expected growth in pollutant concentrations from all sources, and a margin of safety.

Pollutants of concern include sediment or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation) and any other pollutant that has been identified as a cause of

The intent of the waiver provision is to waive only those sites that are highly unlikely to have a negative effect on water quality. Therefore, before applying for a waiver, operators of small construction activity are encouraged to consider the potential water quality impacts that may result from their project and to carefully examine such factors as proximity to water resources and sensitivity of receiving waters.

a. **What is the Rainfall Erosivity Factor in Waiver ①?**

Waiver ① uses the Rainfall Erosivity Factor to determine whether the potential for polluted discharge is low enough to justify a waiver from the requirements. It is one of six variables used by the Revised Universal Soil Loss Equation (RUSLE)—a predictive tool originally used to measure soil loss from agricultural lands at various times of the year on a regional basis—to predict soil loss from construction sites. The Rainfall Erosivity Factor waiver is time-sensitive and is dependent on when during the year a construction activity takes place, how long it lasts, and the expected rainfall and intensity during that time. For information about the rainfall erosivity waiver, see Fact Sheet 3.1. Charts detailing the value of the Rainfall Erosivity Factor by particular regions can be found in Chapter 2 of the RUSLE user's guide, which can be downloaded at: <http://www.epa.gov/owm/sw/phase2>.

b. **What is a "TMDL" in Waiver ②?**

For impaired waters where technology-based controls required by NPDES permits are not achieving State water quality standards, the CWA requires implementation of the TMDL process. The TMDL process establishes the maximum amount of pollutants a waterbody can assimilate before water quality is impaired, then requires that this maximum level not be exceeded.

A TMDL is done for each pollutant that is found to be contributing to the impairment of a waterbody or a segment of a waterbody. To allow a waiver for construction activities, a TMDL would need to address sediment, or a parameter that addresses sediment such as total suspended solids, turbidity, or siltation. Additional TMDLs addressing common pollutants from construction sites such as nitrogen, phosphorus, and oil and grease also may be necessary to ensure water quality protection and allow a waiver from the NPDES storm water program.

A TMDL assessment determines the source or sources of a pollutant of concern, considers the maximum allowable level of that pollutant for the waterbody, then allocates to each source or category of sources a set level of the pollutant that it is allowed to discharge into the waterbody. Allocations to point sources are called wasteload allocations.

How Would an Operator Qualify for, and Certify to, Waiver ②?

EPA expects that when TMDLs, or equivalent analyses are completed, there may be a determination that certain classes of sources, such as small construction activity, would not have to control their contribution of pollutants of concern to the waterbody in order for the waterbody to be in attainment with water quality standards (i.e., these sources were not assigned wasteload allocations). In such a case, to qualify for waiver ②, the operator of the construction site would need to certify that its construction activity will take place, and the storm water discharges will occur, within the area covered either by the TMDLs or equivalent analysis. A certification form would likely be provided by the NPDES permitting authority for this purpose.

What Does the Phase II Construction Program Require?

The Phase II Final Rule requires operators of Phase II small construction sites, nationally, to obtain an NPDES permit and implement practices to minimize pollutant runoff. It is important to note that, locally, these same sites also may be covered by State, Tribal, or local construction runoff control programs (see Fact Sheets 2.6 and 2.7 for information on the Phase II small MS4's construction program). For the Phase II small construction program, EPA has taken an approach similar to Phase I where the program requirements are not fully defined in the rule but rather in the NPDES permit issued by the NPDES permitting authority.

EPA recommends that the NPDES permitting authorities use their existing Phase I large construction general permits as a guide to developing their Phase II small construction permits. In doing so, the Phase II requirements would be similar to the three general Phase I requirements summarized below.

- ☐ Submission of a *Notice of Intent* (NOI) that includes general information and a certification that the activity will not impact endangered or threatened species. This certification is unique to EPA's NOI and is not a requirement of most NPDES-delegated State's NOIs;
- ☐ The development and implementation of a *Storm Water Pollution Prevention Plan* (SWPPP) with appropriate BMPs to minimize the discharge of pollutants from the site; and

- ☐ Submission of a *Notice of Termination* (NOT) when final stabilization of the site has been achieved as defined in the permit or when another operator has assumed control of the site.

Can the Permitting Authority Reference a Qualifying Erosion and Sediment Control Program in NPDES Construction Permits?

Yes. The Phase II Rule allows the NPDES permitting authority to include in its NPDES permits for large and for small construction activity conditions that incorporate by reference qualifying State, Tribal, or local erosion and sediment control program requirements. A qualifying program must include the following requirements:

- ☐ Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;
- ☐ Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste that may cause adverse impacts to water quality;
- ☐ Requirements for construction site operators to develop and implement a storm water pollution prevention plan; and
- ☐ Requirements to submit a site plan for review that incorporates consideration of potential water quality impacts.

In addition to the four elements above, a qualifying program for large construction activities must also include any additional requirements necessary to achieve the applicable technology-based standards of "Best Available Technology" (BAT) and "Best Conventional Technology" (BCT) based on the best professional judgment of the permit writer.

Should a State, Tribal, or local program include one or more, but not all, of the elements listed above, the permitting authority can reference the program in the permit, provided it also lists the missing element(s) as a condition in the permit.

What are Some Recommended BMPs for Small Construction Sites?

The approach and BMPs used for controlling pollutants in storm water discharges from small construction sites may vary from those used for large sites since their characteristics can differ in many ways. For example, operators of small sites may have more limited access to qualified design personnel and technical information. Also, small sites may have less space for installing and maintaining certain BMPs.

As is the case with all construction sites, erosion and sediment control at small construction sites is best accomplished with proper planning, installation, and maintenance of controls. The following practices have shown to be efficient, cost effective, and versatile for small construction site operators to implement. The practices are divided into two categories: non-structural and structural.

☐ Non-Structural BMPs

- Minimizing Disturbance
- Preserving Natural Vegetation
- Good Housekeeping

☐ Structural BMPs

Erosion Controls

- Mulch
- Grass
- Stockpile Covers

Sediment Controls

- Silt Fence
- Inlet Protection
- Check Dams
- Stabilized Construction Entrances
- Sediment Traps

Most erosion and sediment controls require regular maintenance to operate correctly. Accumulated sediments should be removed frequently and materials should be checked periodically for wear. Regular inspections by qualified personnel, which can allow problem areas to be addressed, should be performed after major rain events.

For Additional Information

Contact

- ☛ U.S. EPA Office of Wastewater Management
 - Internet: www.epa.gov/npdes/stormwater
 - Phone: (202)-564-9545

- ☛ Your local soil conservation district office. They can provide assistance with RUSLE and other conservation related issues.
 - A list of conservation district contacts is available at: www.nacdnet.org/resources/cdsonweb.html

Reference Documents

- ☛ Storm Water Phase II Final Rule Fact Sheet Series
 - Internet: cfpub.epa.gov/npdes/stormwater/swfinal.cfm

- ☛ Storm Water Phase II Final Rule (64 FR 68722)
 - Internet: www.epa.gov/npdes/regulations/phase2.pdf

- ☛ *Agricultural Handbook Number 703, Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE)*, Chapter 2, pp. 21-64, January 1997.
 - Internet: www.epa.gov/npdes/pubs/ruslech2.pdf

- ☛ *Guidance for Water Quality Based Decisions: The TMDL Process*. April 1991. U.S. EPA Office of Water. EPA 440/4-91-001.
 - Internet: www.epa.gov/OWOW/tmdl

- ☛ *NPDES General Permit for Storm Water Discharges from Construction Activities* (63 FR 7857).
 - Internet: www.epa.gov/npdes/pubs/cgp-nat.pdf
www.epa.gov/npdes/pubs/cgp-nat2.pdf
www.epa.gov/npdes/pubs/cgp-nat3.pdf
www.epa.gov/npdes/pubs/cgp-nat4.pdf



Storm Water Phase II Final Rule

Construction Rainfall Erosivity Waiver

Storm Water Phase II Final Rule Fact Sheet Series

Overview

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Proposed Rule Overview

Small MS4 Program

2.0 – Small MS4 Storm Water
Program Overview

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and Waivers of Regulated Small
MS4s

2.2 – Urbanized Areas: Definition
and Description

Minimum Control Measures

2.3 – Public Education and
Outreach

2.4 – Public Participation/
Involvement

2.5 – Illicit Discharge Detection
and Elimination

2.6 – Construction Site Runoff
Control

2.7 – Post-Construction Runoff
Control

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Housekeeping

2.9 – Permitting and Reporting:
The Process and Requirements

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Industrial "No Exposure"

4.0 – Conditional No Exposure
Exclusion for Industrial Activity

The 1972 amendments to the Federal Water Pollution Control Act, later referred to as the Clean Water Act (CWA), prohibit the discharge of any pollutant to navigable waters of the United States unless the discharge is authorized by a National Pollutant Discharge Elimination System (NPDES) permit. Because construction site storm water runoff can contribute significantly to water quality problems, the Phase I Storm Water Rule imposed a requirement that all construction sites with a planned land disturbance of 5 acres or more obtain an NPDES permit and implement storm water runoff control plans. Phase II extends the requirements of the storm water program to sites of between 1 and 5 acres. The Rainfall erosivity waiver, along with the water quality waiver, allows permitting authorities to waive those sites that do not have adverse water quality impacts.

What is Erosivity?

Erosivity is the term used to describe the potential for soil to wash off disturbed, devegetated earth into waterways during storms. The potential for erosion is in part determined by the soil type and geology of the site. For instance, dense, clay-like soils on a glacial plain will erode less readily when it rains than will sandy soils on the side of a hill. Another important factor is the amount and force of precipitation expected during the time the earth will be exposed. While it is impossible to predict the weather several months in advance of construction, for many areas of the country, there are definite optimal periods, such as a dry season when rain tends to fall less frequently and with less force. When feasible, this is the time to disturb the earth, so that the site is stabilized by the time the seasonal wet weather returns. There are many other important factors to consider in determining erosivity, such as freeze/thaw cycles and snow pack.

How Is Site Erosivity Determined?

The method for determining if a site qualifies for the erosivity waiver is based on the Universal Soil Loss Equation (USLE) developed by the U.S. Department of Agriculture (USDA) in the 1950s to help farmers conserve their valuable topsoil. The USLE has been updated to the Revised USLE (RUSLE). Using a computer model supported by decades worth of soil and rainfall data, USDA established estimates of annual erosivity values (R) for sites throughout the country. These R factors are used as surrogate measures of the impact that rainfall had on erosion from a particular site. They have been mapped using isoelement contours, as shown in Figures 2 through 5.

USDA developed the Erosivity Index Table (EI Table, provided here in Table 1), to show how the annual erosivity factor is distributed throughout the year in two-week increments. Table 1 is based on 120 rainfall distribution zones for the continental U.S. Detailed instructions for calculating a project R Factor are provided later in this fact sheet.

The Storm Water Phase II rule allows permitting authorities to waive NPDES requirements for small construction sites if the value of the rainfall erosivity factor is less than 5 during the period of construction activity (see § 122.26(b)(15)(i)(A)). Note that the permitting authority has the option to not allow waivers for small construction activity. If the permitting authority in a State chooses to use the rainfall erosivity waiver, it will not become effective until permits are required from small construction activity.

If the R Factor for the period of construction calculates to 5 or lower, and the permitting authority allows the use of the waiver, the site owner may apply for a waiver under the low rainfall erosivity provision of the applicable NPDES Construction General Permit. When applying, owners are encouraged to consider other site-specific factors, such as proximity to water resources and the sensitivity of receiving waters to sedimentation impacts. The small construction operator must certify to the permitting authority that the construction activity will take place during a period when the rainfall erosivity factor is less than 5.

The start and end dates used for the construction activity will be the initial date of disturbance and the anticipated date when the site will have achieved final stabilization as defined by the permit. If the construction continues beyond this period, the operator will need to recalculate the EI for the site based on this new ending date (but keeping the old start date) and either resubmit the certification form or apply for NPDES permit coverage.

What Other Factors Can Affect Waiver Availability and Eligibility?

EPA has established the R Factor of 5 or lower as the criteria for determining waiver eligibility. However, since the intent is to waive only those construction activities that will not adversely impact water quality, State and Tribal permitting authorities have considerable discretion in determining where, when, and how to offer it. They can establish an R Factor threshold lower than 5, or they can suspend the waiver within an area where watersheds are known to be heavily impacted by, or sensitive to, sedimentation. They can also suspend the waiver during certain periods of the year. They may opt not to offer the waiver at all. NOTE: This waiver is not available to sites that will disturb more than 5 acres of land (large construction).

What if My Site Is Not Eligible?

If your site is not eligible for a waiver, you must submit a Notice of Intent under the NPDES General Permit, and comply with its requirements. These requirements are described in more detail in Storm Water Phase II Fact Sheet 3.0.

How Do I Compute the R Factor for My Project?

1. Estimate the construction start date. This is the day you expect to begin disturbing soils, including grubbing, stockpiling, excavating, and grading activities. Pick the 15-day period for your start date (e.g., June 1-15.)
2. Estimate the day you expect to have a permanent vegetative cover of at least 70%, or as defined by your permitting authority, over all previous disturbed areas. Round to the nearest 15-day period.

3. Refer to Figure 1 to find your Erosivity Index (EI) Zone based on your geographic location.
4. Refer to Table 1, the Erosivity Index (EI) Table. Find the number of your EI Zone in the left column. Locate the EI values for the 15-day periods that correspond to the project start and end periods you identified in Steps 1 and 2. Subtract the start value from the end value to find the % EI for your site. The maximum annual EI value for a project is 100%.
5. Refer to the appropriate Isoerodent Map (Figures 2 through 5). Interpolate the annual isoerodent value for your area. This is the annual R Factor for your site.
6. Multiply the percent value obtained in Step 4 by the annual isoerodent value obtained in Step 5. This is the R Factor for your scheduled project.

Examples

1. Construction started and completed in one calendar year.

Find the R value of a construction site in Denver, Colorado. Assume the site will be disturbed from March 1 to May 15.

The EI distribution zone is 84 (Figure 1). Referring to Table 1, the project period will span from March 1 to May 15. The difference in values between these two periods is 4.7% ($4.9 - 0.2 = 4.7$). Since the annual erosion index for this location is about 45 (interpolated from Figure 2), the R Factor for the scheduled construction project is 4.7% of 45, or 2.1.

Because 2.1 is less than 5, the operator of this site would be able to seek a waiver under the low rainfall erosivity provision.

2. Construction spanning two calendar years.

Find the R value for a construction site in Pittsburgh, Pennsylvania. Assume the site will be disturbed from August 1 to April 15.

The EI distribution zone is 111 (Figure 1). Referring to Table 1, the project will span from August 1 to April 15. The difference in values between August 1 and December 30 is 35% ($100 - 65.0 = 35.0$). The difference between January 1 and April 15 is 8%. The total percentage EI for this project is 43% ($35 + 8$). Since the annual erosion index for this location is 112 (interpolated from Figure 2), the R Factor for the scheduled construction is 43% of 112, or 48.

Since 48 is greater than 5, the operator of this site would not be able to seek a waiver under the low rainfall erosivity provision.

Can I Use A Personal Computer to Calculate the R Factor?

The computer program used by USDA to develop the current R Factor maps and table is called the Revised Universal Soil Loss Equation, or RUSLE. The current version of RUSLE (v. 1.60) will calculate the R factor for the entire year for a limited number of cities in the U.S., but does not allow the R factor to be easily adjusted based on a shorter period of construction. If you are interested in using RUSLE; Version 1.06 for Mined Lands, Construction Sites, and Reclaimed Lands, is downloadable free of charge from the Internet at <http://www.sedlab.olemiss.edu/rusle>.

Where Can I Get Help?

- ☐ A copy of "Chapter 2, Rainfall-Runoff Erosivity Factor (R)" from the *USDA Handbook 703 - Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE)*, January 1997, is available on EPA's web site at <http://www.epa.gov/npdes/stormwater>.
- ☐ Your local soil conservation district office can provide assistance with R Factors and other conservation-related issues. To find the office nearest you, look in the government section of the phone book under soil conservation district, conservation district, natural resource conservation district, etc.

For Additional Information

Reference Documents

- ☐ Storm Water Phase II Final Rule Fact Sheet Series
 - Internet: cfpub.epa.gov/npdes/stormwater/swfinal.cfm
- ☐ Storm Water Phase II Final Rule(64 FR 68722)
 - Internet: www.epa.gov/npdes/regulations/phase2.pdf
 - Contact the U.S. EPA Water Resource Center
 - Phone: (202) 564-9545
- ☐ *Agricultural Handbook Number 703, Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE)*, Chapter 2, pp. 21-64, January 1997.
 - Internet: www.epa.gov/npdes/pubs/ruslech2.pdf

Figure 1. Erosivity Index Zone Map

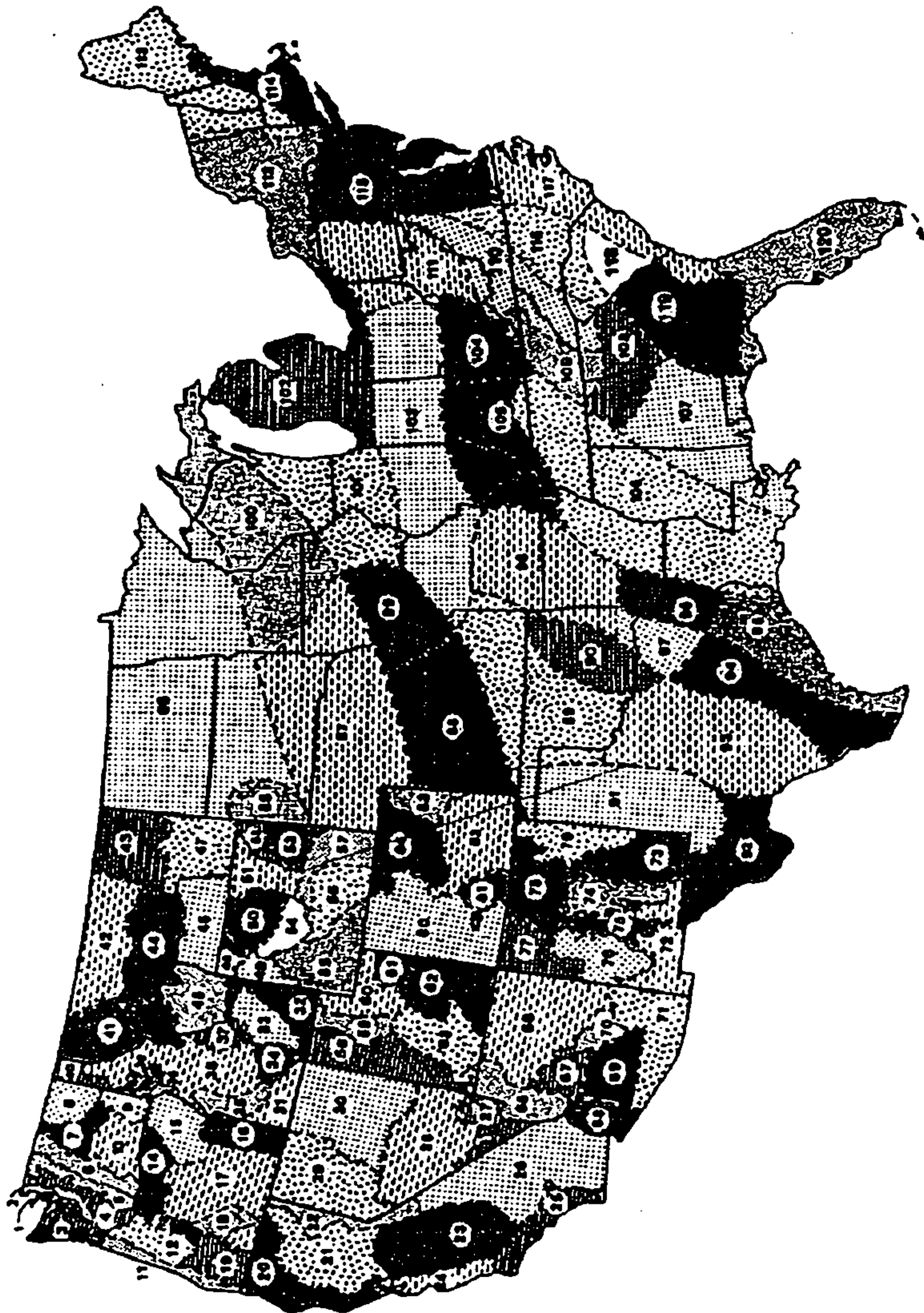
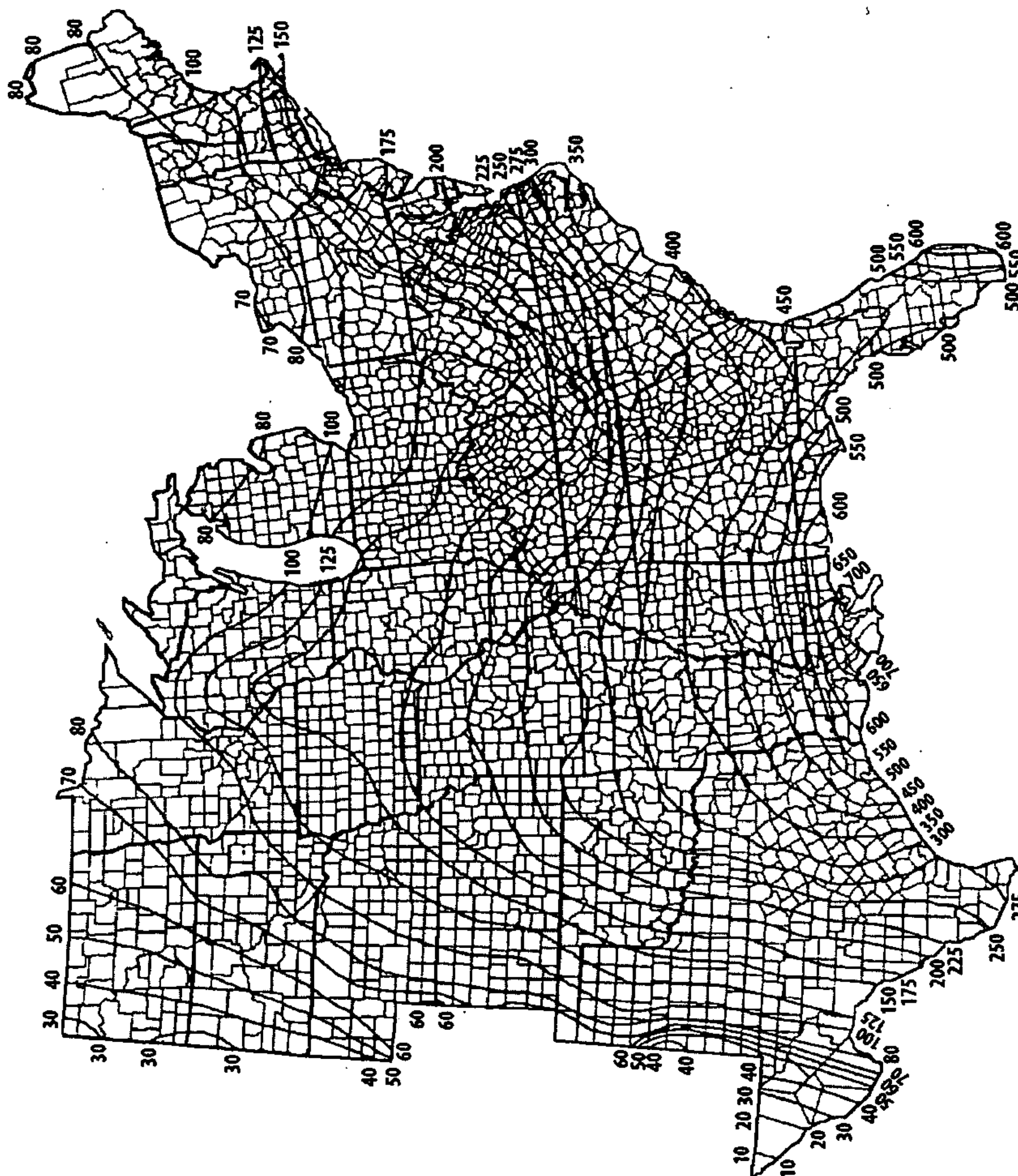
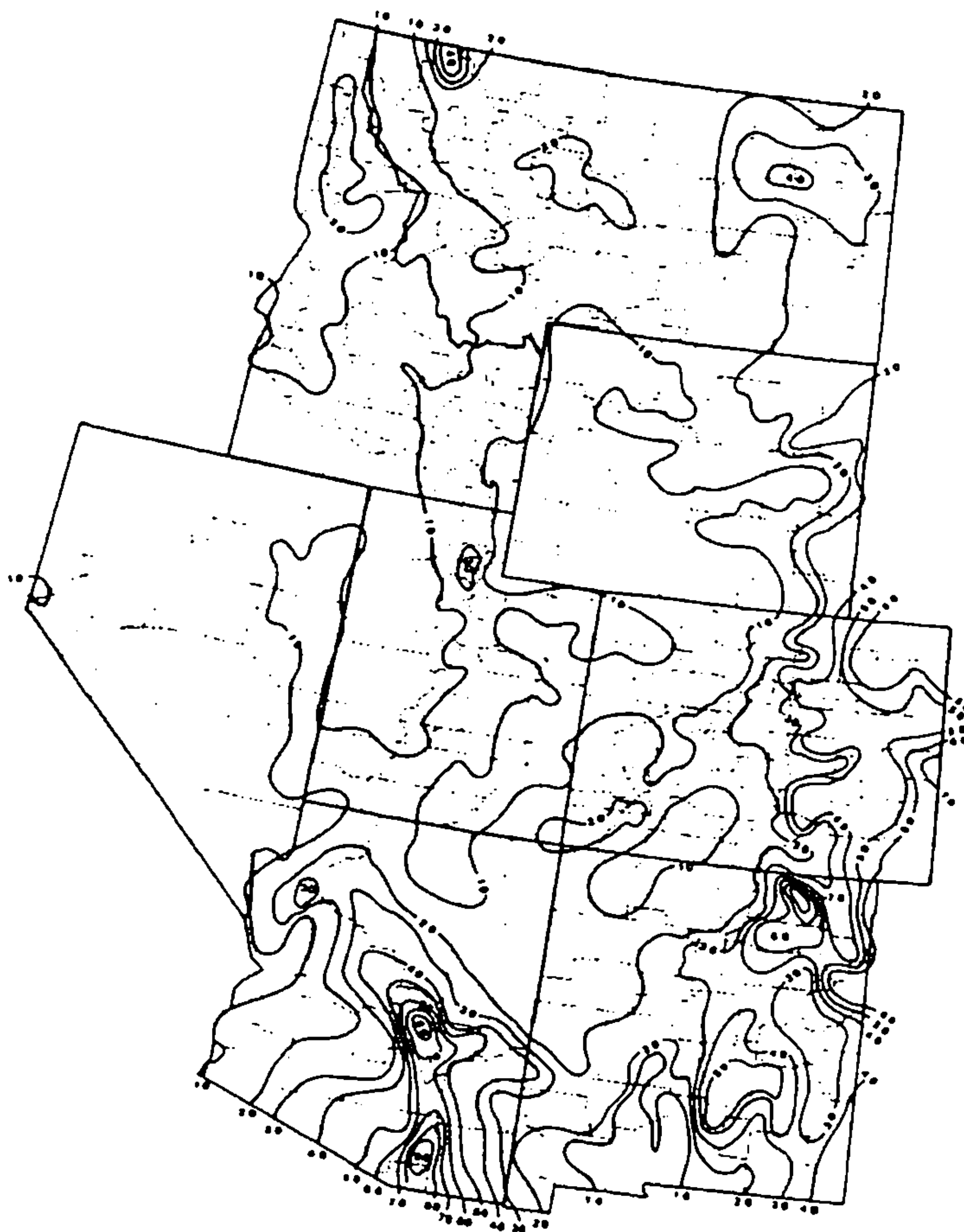


Figure 2. Isoerodent Map of the Eastern U.S.



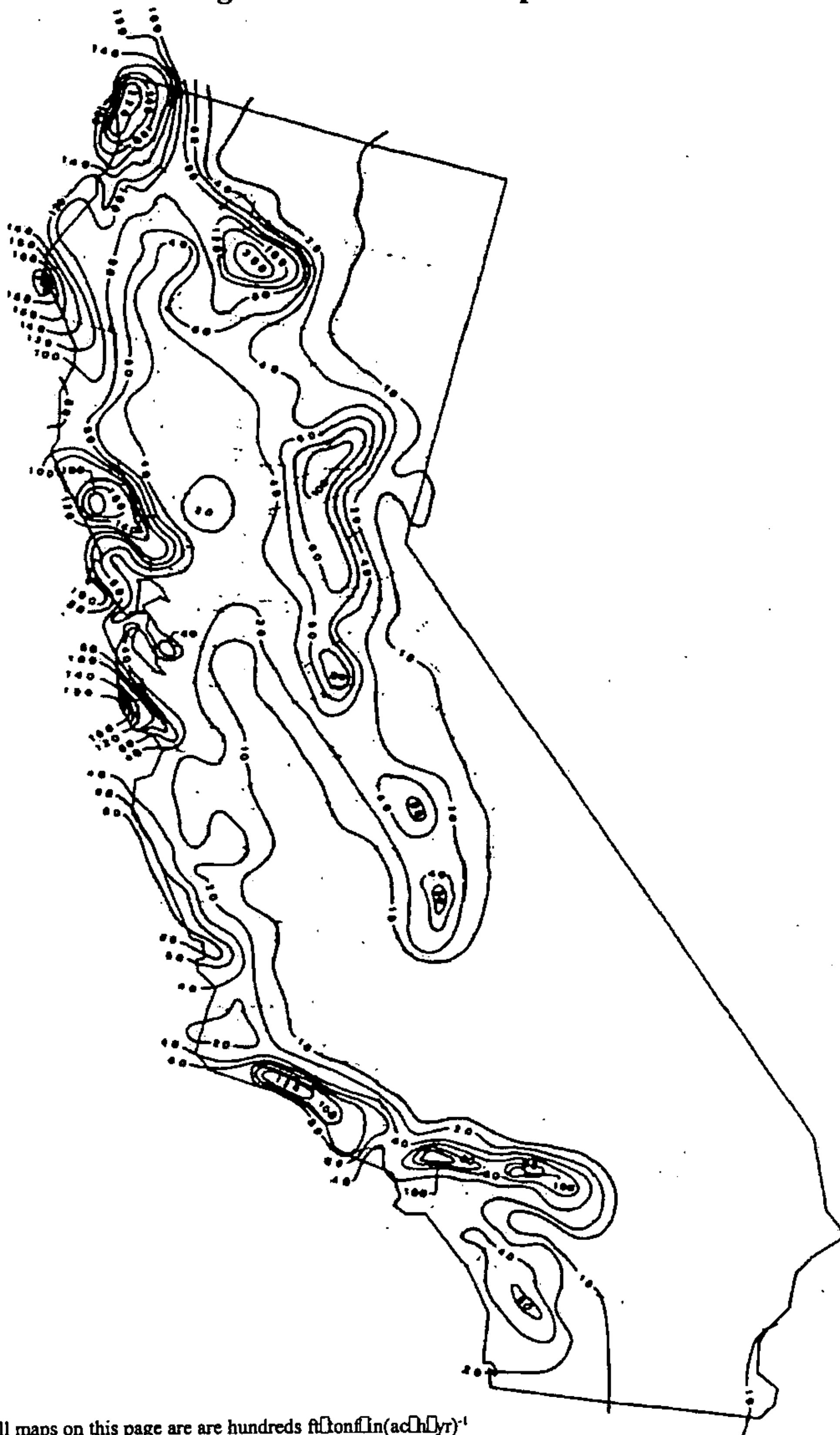
Note: Units for all maps on this page are are hundreds ft/ton/in(ac.h/yr)¹

Figure 3. Isoerodent Map of the Western U.S.



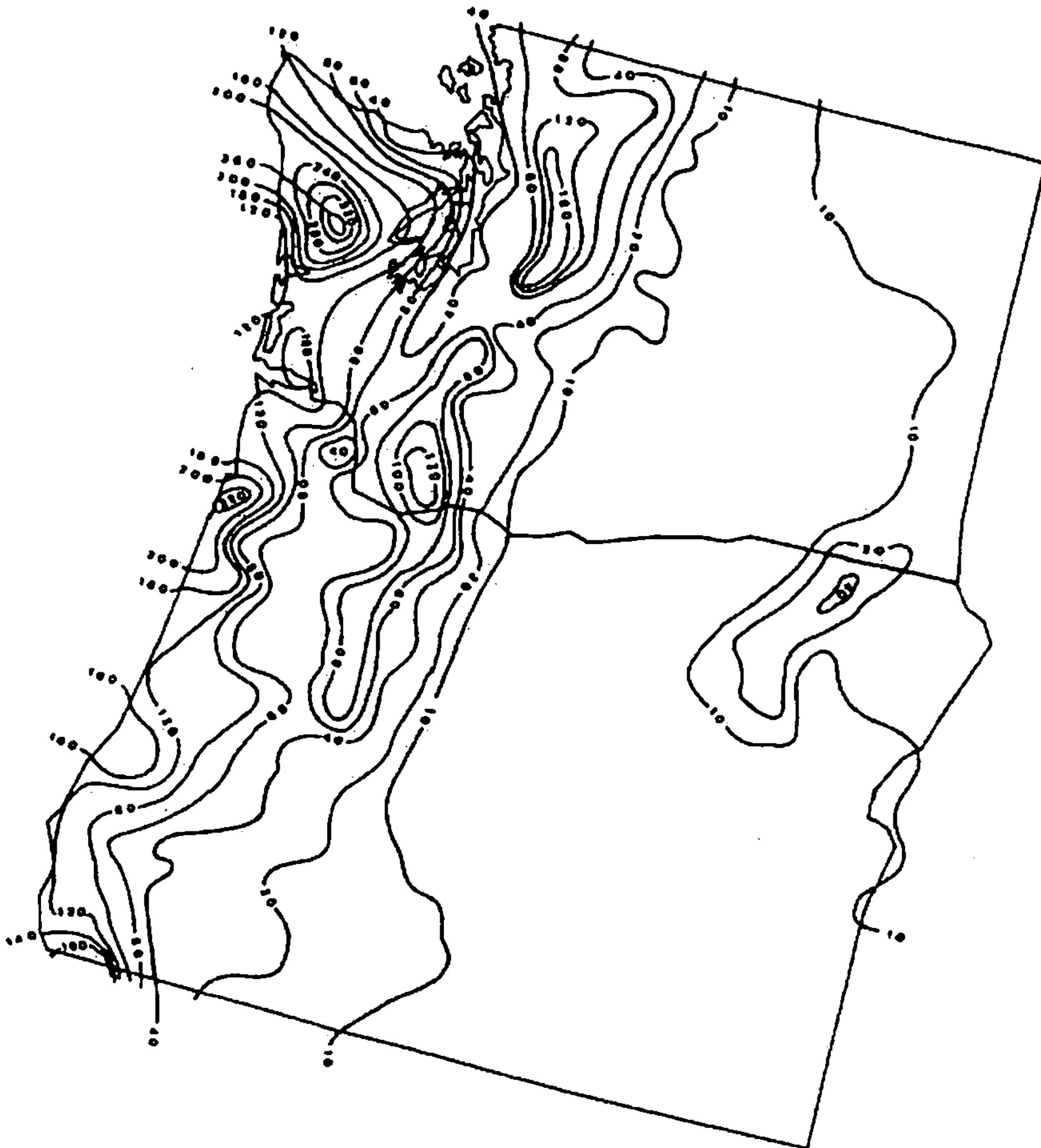
Note: Units for all maps on this page are are hundreds ft/ton/in(ac/yr)¹

Figure 4. Isoerodent Map of California



Note: Units for all maps on this page are are hundreds ft/cont/ln(ac/h/yr)⁻¹

Figure 5. Isoerodent Map of Oregon and Washington



Note: Units for all maps on this page are are hundreds ft/in(ach/yr)'

Table 1. Erosivity Index Table

EI as a percentage of Average Annual R Value Computed for Geographic Areas Shown in Figure 1

EI#	Jan		Feb		Mar		Apr		May		Jun		Jul		Aug		Sep		Oct		Nov		Dec	
	1-15	16-31	1-15	16-29	1-15	16-31	1-15	16-30	1-15	16-31	1-15	16-30	1-15	16-31	1-15	16-31	1-15	16-31	1-15	16-31	1-15	16-31	1-15	16-31
1	0.0	4.3	8.3	12.8	17.3	21.6	25.1	28.0	30.9	34.9	39.1	42.6	45.4	48.2	50.8	53.0	56.0	60.8	66.8	71.0	75.7	82.0	89.1	95.2
2	0.0	4.3	8.3	12.8	17.3	21.6	25.1	28.0	30.9	34.9	39.1	42.6	45.4	48.2	50.8	53.0	56.0	60.8	66.8	71.0	75.7	82.0	89.1	95.2
3	0.0	7.4	13.8	20.9	26.5	31.8	35.3	38.5	40.2	41.6	42.5	43.6	44.5	45.1	45.7	46.4	47.7	49.4	52.8	57.0	64.5	73.1	83.3	92.3
4	0.0	3.9	7.9	12.6	17.4	21.6	25.2	28.7	31.9	35.1	38.2	42.0	44.9	46.7	48.2	50.1	53.1	56.6	62.2	67.9	75.2	83.5	90.5	96.0
5	0.0	2.3	3.6	4.7	6.0	7.7	10.7	13.9	17.8	21.2	24.5	28.1	31.1	33.1	35.3	38.2	43.2	48.7	57.3	67.8	77.9	86.0	91.3	96.9
6	0.0	0.0	0.0	0.5	2.0	4.1	8.1	12.6	17.6	21.6	25.5	29.6	34.5	40.0	45.7	50.7	55.6	60.2	66.5	75.5	85.6	95.9	99.5	99.9
7	0.0	0.0	0.0	0.0	0.0	1.2	4.9	8.5	13.9	19.0	26.1	35.4	43.9	48.8	53.9	64.5	73.4	77.5	80.4	84.8	89.9	96.6	99.2	99.7
8	0.0	0.0	0.0	0.0	0.0	0.9	3.6	7.8	15.0	20.2	27.4	38.1	49.8	57.9	65.0	75.6	82.7	86.8	89.4	93.4	96.3	99.1	100.0	100.0
9	0.0	0.8	3.1	4.7	7.4	11.7	17.8	22.5	27.0	31.4	36.0	41.6	46.4	50.1	53.4	57.4	61.7	64.9	69.7	79.0	89.6	97.4	100.0	100.0
10	0.0	0.3	0.5	0.9	2.0	4.3	9.2	13.1	18.0	22.7	29.2	39.5	46.3	48.8	51.1	57.2	64.4	67.7	71.1	77.2	85.1	92.5	96.5	99.0
11	0.0	5.4	11.3	18.8	26.3	33.2	37.4	40.7	42.5	44.3	45.4	46.5	47.1	47.4	47.8	48.3	49.4	50.7	53.6	57.5	65.5	76.2	87.4	94.8
12	0.0	3.5	7.8	14.0	21.1	27.4	31.5	35.0	37.3	39.8	41.9	44.3	45.6	46.3	46.8	47.9	50.0	52.9	57.9	62.3	69.3	81.3	91.5	96.7
13	0.0	0.0	0.0	1.8	7.2	11.9	16.7	19.7	24.0	31.2	42.4	55.0	60.0	60.8	61.2	62.6	65.3	67.6	71.6	76.1	83.1	93.3	98.2	99.6
14	0.0	0.7	1.8	3.3	6.9	16.5	26.6	29.9	32.0	35.4	40.2	45.1	51.9	61.1	67.5	70.7	72.8	75.4	78.6	81.9	86.4	93.6	97.7	99.3
15	0.0	0.0	0.0	0.5	2.0	4.4	8.7	12.0	16.6	21.4	29.7	44.5	56.0	60.8	63.9	69.1	74.5	79.1	83.1	87.0	90.9	96.6	99.1	99.8
16	0.0	0.0	0.0	0.5	2.0	5.5	12.3	16.2	20.9	26.4	35.2	48.1	58.1	63.1	66.5	71.9	77.0	81.6	85.1	88.4	91.5	96.3	98.7	99.6
17	0.0	0.0	0.0	0.7	2.8	6.1	10.7	12.9	16.1	21.9	32.8	45.9	55.5	60.3	64.0	71.2	77.2	80.3	83.1	87.7	92.6	97.2	99.1	99.8
18	0.0	0.0	0.0	0.6	2.5	6.2	12.4	16.4	20.2	23.9	29.3	37.7	45.6	49.8	53.3	58.4	64.3	69.0	75.0	86.6	93.9	96.6	98.0	100.0
19	0.0	1.0	2.6	7.4	16.4	23.5	28.0	31.0	33.5	37.0	41.7	48.1	51.1	52.0	52.5	53.6	55.7	57.6	61.1	65.8	74.7	88.0	95.8	98.7
20	0.0	9.8	18.5	25.4	30.2	35.6	38.9	41.5	42.9	44.0	45.2	48.2	50.8	51.7	52.5	54.6	57.4	58.5	60.1	63.2	69.6	76.7	85.4	92.4
21	0.0	7.5	13.6	18.1	21.1	24.4	27.0	29.4	31.7	34.6	37.3	39.6	41.6	43.4	45.4	48.1	51.3	53.3	56.6	62.4	72.4	81.3	88.9	94.7
22	0.0	1.2	1.6	1.6	1.6	1.6	1.6	2.2	3.9	4.6	6.4	14.2	32.8	47.2	58.8	69.1	76.0	82.0	87.1	96.7	99.9	99.9	99.9	99.9
23	0.0	7.9	15.0	20.9	25.7	31.1	35.7	40.2	43.2	46.2	47.7	48.8	49.4	49.9	50.7	51.8	54.1	57.7	62.8	65.9	70.1	77.3	86.8	93.5
24	0.0	12.2	23.6	33.0	39.7	47.1	51.7	55.9	57.7	58.6	58.9	59.1	59.1	59.2	59.2	59.3	59.5	60.0	61.4	63.0	66.5	71.8	81.3	89.6
25	0.0	9.8	20.8	30.2	37.6	45.8	50.6	54.4	56.0	56.8	57.1	57.1	57.2	57.6	58.5	59.8	62.2	65.3	67.5	68.2	69.4	74.8	86.6	93.0
26	0.0	2.0	5.4	9.8	15.6	21.5	24.7	26.6	27.4	28.0	28.7	29.8	32.5	36.6	44.9	55.4	65.7	72.6	77.8	84.4	89.5	93.9	96.5	98.4
27	0.0	0.0	0.0	1.0	4.0	5.9	8.0	11.1	13.0	14.0	14.6	15.3	17.0	23.2	39.1	60.0	76.3	86.1	89.7	90.4	90.9	93.1	96.6	99.1
28	0.0	0.0	0.0	0.0	0.2	0.5	1.5	3.3	7.2	11.9	17.7	21.4	27.0	37.1	51.4	62.3	70.6	78.8	84.6	90.6	94.4	97.9	99.3	100.0
29	0.0	0.6	0.7	0.7	0.7	1.5	3.9	6.0	10.5	17.9	28.8	36.6	43.8	51.5	59.3	68.0	74.8	80.3	84.3	88.8	92.7	98.0	99.8	99.9
30	0.0	0.0	0.0	0.0	0.0	0.2	0.8	2.8	7.9	14.2	24.7	35.6	45.4	52.2	58.7	68.5	77.6	84.5	88.9	93.7	96.2	97.6	98.3	99.6

Table 1. Erosivity Index Table (cont.)[illegible]

Table 1. Erosivity Index Table (cont.)

EI#	Jan	Jan	Feb	Feb	Mar	Mar	Apr	Apr	May	May	Jun	Jun	Jul	Jul	Aug	Aug	Sep	Sep	Oct	Oct	Nov	Nov	Dec	Dec
	1-15	16-31	1-15	16-29	1-15	16-31	1-15	16-30	1-15	16-31	1-15	16-30	1-15	16-31	1-15	16-31	1-15	16-31	1-15	16-31	1-15	16-31	1-15	16-31
61	0	0	0	0	0	0	0	1.3	5	8.5	15.5	29.8	41.8	46	49.2	56	65.1	71.6	78.6	91.1	97.3	99.3	100	100
62	0	0	0	0.1	0.3	0.8	2.1	3.6	6.5	9.7	13.7	16.5	20.8	27.3	40.1	56.9	72.6	83.4	95.5	98.1	99.6	100	100	
63	0	0	0	0	0	0	0	0.8	3.7	7.8	13.3	15.8	19.9	29	46.8	64.7	78.3	88.8	93.9	98.5	100	100	100	
64	0	0	0	0.7	2.8	7.4	12.4	14.4	15.6	17.3	19.4	21	24.4	32.3	48	61.4	72.1	81.9	87	90.1	92.4	98.1	100	
65	0	3.6	7	9.6	11.4	13	14.4	16.3	17.7	18.4	19.3	20.5	23.6	32	50	66.2	77.2	85.4	88.8	90.4	91.3	92.7	94.8	97
66	0	0	0	0	0	0.1	0.5	1.1	2.2	3.6	6	7.6	11.1	19.8	38.9	59.7	74.4	83.2	88.1	94.6	97.7	99.4	100	100
67	0	0	0	0	0	0.1	0.4	0.9	1.6	1.9	2.4	5	12.1	24.8	48.3	73.6	86.5	92	94.3	96.6	97.9	99.5	100	100
68	0	2.3	4.5	7.8	10.4	12	13.3	16.3	17.7	18.1	18.2	18.3	18.4	19.9	24.5	35	54.4	69.4	78.6	85.7	89.2	91.9	93.9	97
69	0	2	3.7	5.7	7.8	10.5	12.4	13.7	14.3	14.7	15.1	15.7	17.1	22.7	36.7	50.4	63.6	75	81.8	87.8	90.8	93.2	94.9	97.5
70	0	0.5	0.7	1	1.3	1.7	2.2	2.8	3.4	3.9	4.7	5.4	7.4	15.7	36.5	55.8	70.3	80.9	86.4	90.9	93.4	96.4	98.1	99.4
71	0	0.7	1.2	1.6	2.1	2.8	3.3	3.6	4	4.5	5.6	6.5	9.1	18.5	40.6	59.7	74	86.3	91.7	94.7	96	96.7	97.3	98.8
72	0	0	0	0	0	0	0.1	0.2	0.7	0.8	1.3	3.5	9.9	24.7	51.4	71.5	83.6	93.8	97.7	99.2	99.8	99.9	99.9	100
73	0	0	0.1	0.1	0.2	0.2	0.3	0.6	1.3	4.1	11.5	18.1	28.3	40.2	54.1	67	77.2	87.7	93.3	97.5	99.1	99.6	99.8	100
74	0	0	0	0	0	0.1	0.2	0.5	1.2	2.7	6.4	10.2	18.4	31	50.7	68.7	81.2	91.6	96.1	98.4	99.2	99.8	100	100
75	0	0.1	0.1	0.1	0.2	0.5	1.3	1.9	3	4.1	6.6	10	17.6	28.3	44.7	59.4	71.6	83.9	90.3	94.7	96.7	98.8	99.6	99.9
76	0	0	0	0	0	0.1	0.2	0.6	1.3	2	3.5	4.9	8.4	17.4	37.3	57.5	72.9	83.7	89.5	95.8	98.4	99.6	100	100
77	0	0.2	0.3	0.3	0.4	0.8	1.5	2	2.8	3.9	5.9	7.2	10.3	21.5	46.5	66.3	78.3	86.5	90.8	96	98.2	99.1	99.5	99.8
78	0	0	0	0	0	0	0.2	0.5	1.6	3.8	8.9	13.2	21.8	35.8	56.6	75.4	86	92.9	95.9	98.2	99.2	99.8	100	100
79	0	0	0	0	0	0.2	0.7	1.3	2.7	5.8	12.7	18.8	28.8	41.6	58.4	75.7	86.5	94.2	97.3	98.9	99.5	100	100	
80	0	0.6	1.2	1.6	2.1	2.5	3.3	4.5	6.9	10.1	15.5	19.7	26.6	36.4	51.7	67.5	79.4	88.8	93.2	96.1	97.3	98.2	98.7	99.3
81	0	0.1	0.1	0.2	0.4	0.5	0.8	0.9	1.5	3.9	9.9	12.8	18.2	30.7	54.1	77.1	89	94.9	97.2	98.7	99.3	99.6	99.7	99.9
82	0	0	0.1	0.1	0.2	0.2	0.5	1.2	3.1	6.7	14.4	20.1	29.8	44.5	64.2	83.1	92.2	96.4	98.1	99.3	99.7	99.8	99.8	99.9
83	0	0	0.1	0.1	0.1	0.3	0.9	1.6	3.5	8.3	19.4	30	44	59.2	72.4	84.6	91.2	96.5	98.6	99.5	99.8	99.9	100	100
84	0	0	0.1	0.1	0.2	0.3	0.6	1.7	4.9	9.9	19.5	27.2	38.3	52.8	68.8	83.9	91.6	96.4	98.2	99.2	99.6	99.8	99.8	99.9
85	0	0	0	0	0	0	1	2	3	6	11	23	36	49	63	77	90	95	98	99	100	100	100	100
86	0	0	0	0	0	0	1	2	3	6	11	23	36	49	63	77	90	95	98	99	100	100	100	100
87	0	0	0	0	1	1	2	3	6	10	17	29	43	55	67	77	85	91	96	98	99	100	100	100
88	0	0	0	0	1	1	2	3	6	13	23	37	51	61	69	78	85	91	94	96	98	99	99	100
89	0	0	1	1	2	3	4	7	12	18	27	38	48	55	62	69	76	83	90	94	97	98	99	100
90	0	1	2	3	4	6	8	13	21	29	37	46	54	60	65	69	74	81	87	92	95	97	98	99

Table 1. Erosivity Index Table (cont.)

E#	Jan		Feb		Mar		Apr		May		Jun		Jul		Aug		Sep		Oct		Nov		Dec	
	1-15	16-31	1-15	16-31	1-15	16-31	1-15	16-31	1-15	16-31	1-15	16-31	1-15	16-31	1-15	16-31	1-15	16-31	1-15	16-31	1-15	16-31	1-15	16-31
91	0	0	0	0	1	1	1	2	6	16	28	39	48	53	60	67	74	81	88	95	99	99	100	100
92	0	0	0	0	1	1	1	2	6	16	28	39	48	53	60	67	74	81	88	95	99	99	100	100
93	0	1	1	2	3	4	6	6	13	25	40	48	56	62	67	72	76	80	85	91	97	98	98	98
94	0	1	2	4	6	8	10	15	21	29	38	47	53	57	61	65	70	76	83	88	91	94	96	96
95	0	1	3	5	7	9	11	14	18	27	35	41	46	51	57	62	66	73	79	84	89	93	96	96
96	0	2	4	6	9	12	17	23	30	37	43	49	54	58	62	66	70	74	76	82	86	90	94	97
97	0	1	3	5	7	10	14	20	26	37	46	56	61	64	68	72	77	81	86	89	92	95	98	99
98	0	1	2	4	6	8	10	13	19	26	34	42	50	56	63	68	74	79	84	89	93	95	97	99
99	0	0	0	1	1	2	3	5	7	12	18	33	46	57	65	72	82	88	93	96	98	99	100	100
100	0	0	0	0	1	1	2	3	5	9	15	27	36	50	62	74	84	91	95	97	98	99	100	100
101	0	0	0	1	2	3	4	6	9	14	20	28	39	52	63	72	80	87	91	94	97	98	99	100
102	0	0	1	2	3	4	6	8	11	15	22	31	40	49	59	69	78	85	91	94	96	98	99	100
103	0	1	2	3	4	6	8	10	14	18	25	34	45	58	64	72	79	84	89	92	95	97	98	99
104	0	2	3	5	7	10	13	16	19	23	27	34	44	54	63	72	80	85	89	91	93	95	98	98
105	0	1	3	6	9	12	16	21	26	31	37	43	50	57	64	71	77	81	85	88	91	93	95	97
106	0	3	6	9	13	17	21	27	33	38	44	49	56	61	67	71	75	78	81	84	88	90	94	97
107	0	3	5	7	10	14	18	23	27	31	35	39	45	53	60	67	74	80	84	86	88	90	93	95
108	0	3	6	9	12	16	20	24	28	33	38	43	50	59	69	75	80	84	87	90	92	94	96	98
109	0	3	6	10	13	16	19	23	26	29	33	39	47	58	68	75	80	83	86	88	90	92	95	97
110	0	1	3	5	7	9	12	15	18	21	25	29	36	45	56	68	77	83	88	91	93	95	97	99
111	0	1	2	3	4	5	6	8	11	15	20	28	41	54	65	74	82	87	92	94	96	97	98	99
112	0	0	0	1	2	3	4	5	7	12	17	24	33	42	55	67	78	83	89	92	94	96	98	99
113	0	1	2	3	4	5	6	8	10	12	17	22	31	42	52	60	68	75	80	85	89	92	96	98
114	0	1	2	4	6	8	11	13	11	13	21	28	32	38	46	55	64	71	77	81	85	89	93	97
115	0	1	2	3	4	5	6	8	10	14	19	26	34	45	56	66	76	82	86	90	93	95	97	99
116	0	1	3	5	7	9	12	15	18	21	25	29	36	45	56	68	77	83	88	91	93	95	97	99
117	0	1	2	3	4	5	7	9	11	14	17	22	31	42	54	65	74	83	89	92	95	97	98	99
118	0	2	4	6	8	12	16	20	25	30	35	41	47	56	67	75	81	85	87	89	91	93	95	97
119	0	1	2	4	6	7	9	12	15	18	23	31	40	48	57	63	72	78	86	92	96	97	98	99
120	0	8	16	25	33	41	46	50	53	54	55	56	56.5	57	57.75	58	58.75	60	61	63	66.5	72	80	90

Table 1. Erosivity Index Table (cont.)

EI#	Jan		Feb		Mar		Apr		May		Jun		Jul		Aug		Sep		Oct		Nov		Dec	
	1-15	16-31	1-15	16-31	1-15	16-31	1-15	16-31	1-15	16-31	1-15	16-31	1-15	16-31	1-15	16-31	1-15	16-31	1-15	16-31	1-15	16-31	1-15	16-31
121	0	7	14	20	25.5	33.5	38	43	46	50	52.5	54.5	56	58	59	60	61.5	63	65	68	72	79	86	93
122	0	4	8	12	17	23	29	34	38	44	49	53	56	59	62	65	69	72	75	79	83	88	93	96
123	0	4	9	15	23	29	34	40	44	48	50	51	52	53	55	57	60	62	64	67	72	80	88	95
124	0	7	12	17	24	30	39	45	50	53	55	56	57	58	59	61	62	63	64	66	70	77	84	92
125	0	9	16	23	30	37	43	47	50	52	54	55	56	57	58	59	60	62	64	67	71	77	86	93
126	0	8	15	22	28	33	38	42	46	50	52	53	53	53	53	54	55	57	59	63	68	75	83	92
127	0	8	15	22	29	34	40	45	48	51	54	57	59	62	63	64	65	66	67	69	72	76	83	91
128	0	9	16	22	27	32	37	41	45	48	51	53	55	56	57	57	58	59	61	64	68	73	79	89
129	0	10	20	28	35	41	46	49	51	53	55	56	56	57	58	59	60	61	62	65	69	74	81	90
130	0	8	15	22	28	33	38	41	44	47	49	51	53	55	56	58	59	60	63	65	69	75	84	92
131	0	10	18	25	29	33	36	39	41	42	44	45	46	47	48	49	51	53	56	59	64	70	80	90
132	0	8	16	24	32	40	46	51	54	56	57	58	58	59	59	60	60	61	62	64	68	74	83	91
133	0	12	22	31	39	45	49	52	54	55	56	56	56	56	57	57	57	57	58	59	62	68	77	88
134	0	7	15	22	30	37	43	49	53	55	57	58	59	60	61	62	63	65	67	70	74	79	85	92
135	0	11	21	29	37	44	50	55	57	59	60	60	60	60	61	61	61	62	63	64	67	71	78	89
136	0	10	18	25	30	39	46	51	54	57	58	59	59	60	60	60	61	62	63	64	67	72	80	90
137	0	11	22	31	39	46	52	56	58	59	60	61	61	61	61	62	62	62	63	64	66	71	78	89
138	0	8	14	20	25	32	37	42	47	50	53	55	56	58	59	61	63	64	66	68	71	76	85	93
139	0	10.6	21.2	28.6	36	41.4	46.8	49.3	51.8	52.5	53.2	53.5	53.7	53.9	54	54.3	54.7	55.7	56.8	61.6	65.3	73.9	82.5	91.2
140	0	0.2	0.3	0.3	0.3	0.3	0.3	0.8	1.3	5.3	9.3	30.1	50.8	56.8	62.9	67.5	72.2	75.8	79.4	85.6	91.7	95.9	100	100
141	0	10.7	21.4	28.7	36	41.7	47.3	50.3	53.2	54.5	55.7	56.2	56.7	56.9	57	57.4	57.8	59	60.2	64.1	67.9	76.1	84.2	92.1
142	0	2.7	5.5	5.7	5.9	7.1	8.4	10	11.7	15.3	19	22.6	26.1	29	31.9	36.6	41.2	46	50.7	62.3	73.9	83.5	93.1	96.6
143	0	8.7	17.5	25.2	33	39.9	46.7	50.8	54.8	56.2	57.6	58	58.4	58.9	59.4	60.8	62.3	64.1	65.9	68.8	71.7	78.6	85.5	92.7
144	0	4.3	8.6	9.3	10.1	11.1	12	15.3	18.6	22.7	26.7	28.7	30.7	31.3	32	34	36	44.4	52.9	60.1	67.3	78.2	89.2	94.6
145	0	11.7	23.3	33.5	43.7	50.7	57.6	60.3	63	63.5	64.1	64.2	64.2	64.5	64.8	66.1	67.3	68.6	69.8	70.7	71.6	79.2	86.7	93.4
146	0	4.8	9.6	13.1	16.5	22.6	28.7	30.8	32.8	33.3	33.8	34	34.2	36.4	38.6	43	47.5	56	64.5	66.2	67.9	77.9	88	94
147	0	0	4.7	9.4	10.8	12.2	13.2	14.3	14.9	15.5	24.2	32.8	45.5	58.2	67.9	77.6	86.3	95.1	95.6	96.1	98	100	100	100
148	0	5.5	11	19.2	27.5	36.6	45.7	47.8	50	50.9	51.7	52.1	52.5	54.2	55.9	60.1	64.4	70.5	76.7	81.2	85.7	90.4	101	97.6
149	0	2.4	4.9	7.4	9.9	11.7	13.6	14.6	15.6	16.2	16.8	17.2	17.7	24.7	31.7	46.9	62.1	67	72	80.7	89.3	92.3	95.3	97.7



Storm Water Phase II Final Rule

Conditional No Exposure Exclusion for Industrial Activity

Storm Water Phase II Final Rule Fact Sheet Series

Overview

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Small MS4 Program

2.0 - Small MS4 Storm Water Program Overview

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Minimum Control Measures

2.3 - Public Education and Outreach

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Construction Program

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3.1 - Construction Rainfall Erosivity Waiver

Industrial "No Exposure"

4.0 - Conditional No Exposure Exclusion for Industrial Activity

Why Is the Phase I No Exposure Exclusion Addressed in the Phase II Final Rule?

The 1990 storm water regulations for Phase I of the federal storm water program identify eleven categories of industrial activities that must obtain a National Pollutant Discharge Elimination System (NPDES) permit. Operators of certain facilities within category eleven (xi), commonly referred to as "light industry," were exempted from the definition of "storm water discharge associated with industrial activity," and the subsequent requirement to obtain an NPDES permit, provided their industrial materials or activities were not "exposed" to storm water. This Phase I exemption from permitting was limited to those facilities identified in category (xi), and did not require category (xi) facility operators to submit any information supporting their no exposure claim.

In 1992, the Ninth Circuit court remanded to EPA for further rulemaking the no exposure exemption for light industry after making a determination that the exemption was arbitrary and capricious for two reasons. First, the court found that EPA had not established a record to support its assumption that light industrial activity that is not exposed to storm water (as opposed to all other regulated industrial activity not exposed) is not a "storm water discharge associated with industrial activity." Second, the court concluded that the exemption impermissibly relied on the unsubstantiated judgment of the light industrial facility operator to determine the applicability of the exemption. This fact sheet describes the revised conditional no exposure exclusion as presented in the Phase II Final Rule.

Who is Eligible to Claim No Exposure?

As revised in the Phase II Final Rule, the conditional no exposure exclusion applies to ALL industrial categories listed in the 1990 storm water regulations, except for construction activities disturbing 5 or more acres (category (x)).

What Is The Regulatory Definition of "No Exposure"?

The intent of the no exposure provision is to provide facilities with industrial materials and activities that are entirely sheltered from storm water a simplified way of complying with the storm water permitting provisions of the Clean Water Act (CWA). This includes facilities that are located within a larger office building, or facilities at which the only items permanently exposed to precipitation are roofs, parking lots, vegetated areas, and other non-industrial areas or activities. The Phase II regulatory definition of "no exposure" follows.

No exposure means all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products.

A storm resistant shelter is not required for the following industrial materials and activities:

- ☐ Drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak. "Sealed" means banded or otherwise secured and without operational taps or valves;
- ☐ Adequately maintained vehicles used in materials handling; and
- ☐ Final products, other than products that would be mobilized in storm water discharges (e.g., rock salt).

The term "storm-resistant shelter," as used in the no exposure definition, includes completely roofed and walled buildings or structures, as well as structures with only a top cover but no side coverings, provided material under the structure is not otherwise subject to any run-on and subsequent runoff of storm water. While the intent of the no exposure provision is to promote a condition of permanent no exposure, EPA understands certain vehicles could become temporarily exposed to rain and snow while passing between buildings. Adequately maintained mobile equipment (e.g., trucks, automobiles, forklifts, trailers, or other such general purpose vehicles found at the industrial site that are not industrial machinery, and that are not leaking contaminants or are not otherwise a source of industrial pollutants) can be exposed to precipitation or runoff. Such activities alone would not prevent a facility from certifying to no exposure. Similarly, trucks or other vehicles awaiting maintenance at vehicle maintenance facilities that are not leaking contaminants or are not otherwise a source of industrial pollutants, are not considered "exposed."

In addition, EPA recognizes that there are circumstances where permanent no exposure of industrial activities or materials is not possible and, therefore, under such conditions, materials and activities can be sheltered with temporary covers (e.g., tarps) between periods of permanent enclosure. The no exposure provision does not specify every such situation, but NPDES permitting authorities can address this issue on a case-by-case basis.

The Phase II Final Rule also addresses particulate matter emissions from roof stacks/vents that are regulated by, and in compliance with, other environmental protection programs (i.e., air quality control programs) and that do not cause storm water contamination are considered not exposed. Particulate matter or visible deposits of residuals from roof stacks and/or vents not otherwise regulated (i.e., under an air quality control program) and evident in storm water outflow are considered exposed. Likewise, visible "track out" (i.e., pollutants carried on the tires of vehicles) or windblown raw materials is considered exposed. Leaking pipes containing contaminants exposed to storm water are deemed exposed, as are past sources of storm water contamination that remain

onsite. General refuse and trash, not of an industrial nature, is not considered exposed as long as the container is completely covered and nothing can drain out holes in the bottom, or is lost in loading onto a garbage truck. Industrial refuse and trash that is left uncovered, however, is considered exposed.

What is Required Under the No Exposure Provision?

The Phase II Final Rule represents a significant expansion in the scope of the original no exposure provision in terms of eligibility (as noted above) and responsibilities for facilities claiming the exclusion. Under the original no exposure provision, a light industry operator was expected to make an independent determination of whether there was "exposure" of industrial materials and activities to storm water and, if not, simply not submit a permit application. An operator seeking to qualify for the revised conditional no exposure exclusion, including light industry operators (i.e., category (xi) facilities), must:

- ☐ Submit written certification that the facility meets the definition of "no exposure" to the NPDES permitting authority once every 5 years.
 - The Phase II Final Rule includes a four-page *No Exposure Certification* form that uses a series of yes/no questions to aid facility operators in determining whether they have a condition of no exposure. It also serves as the necessary certification of no exposure provided the operator is able to answer all the questions in the negative. EPA's *Certification* is for use only by operators of industrial activity located in areas where EPA is the NPDES permitting authority.
 - A copy of the *Certification* can be obtained from the U.S. EPA Office of Wastewater Management (OWM) web site, the Storm Water Phase II Final Rule published in the *Federal Register* (Appendix 4), or by contacting OWM.
- ☐ Submit a copy, upon request, of the *Certification* to the municipality in which the facility is located.
- ☐ Allow the NPDES permitting authority or, if discharging into a municipal separate storm sewer system, the operator of the system, to: (1) inspect the facility; and (2) make such inspection reports publicly available upon request.

Regulated industrial operators need to either apply for a permit or submit a no exposure certification form in order to be in compliance with the NPDES storm water regulations. Any permit held becomes null and void once a certification form is submitted.



Storm Water Phase II Final Rule

Conditional No Exposure Exclusion for Industrial Activity

Storm Water Phase II Final Rule Fact Sheet Series

Overview

1.0 - Storm Water Phase II Final Rule: An Overview

Small MS4 Program

2.0 - Small MS4 Storm Water Program Overview

2.1 - Who's Covered? Designation and Waivers of Regulated Small MS4s

2.2 - Urbanized Areas: Definition and Description

Minimum Control Measures

2.3 - Public Education and Outreach

2.4 - Public Participation/Involvement

2.5 - Illicit Discharge Detection and Elimination

2.6 - Construction Site Runoff Control

2.7 - Post-Construction Runoff Control

2.8 - Pollution Prevention/Good Housekeeping

2.9 - Permitting and Reporting: The Process and Requirements

2.10 - Federal and State-Operated MS4s: Program Implementation

Construction Program

3.0 - Construction Program Overview

3.1 - Construction Rainfall Erosivity Waiver

Industrial "No Exposure"

4.0 - Conditional No Exposure Exclusion for Industrial Activity

Why Is the Phase I No Exposure Exclusion Addressed in the Phase II Final Rule?

The 1990 storm water regulations for Phase I of the federal storm water program identify eleven categories of industrial activities that must obtain a National Pollutant Discharge Elimination System (NPDES) permit. Operators of certain facilities within category eleven (xi), commonly referred to as "light industry," were exempted from the definition of "storm water discharge associated with industrial activity," and the subsequent requirement to obtain an NPDES permit, provided their industrial materials or activities were not "exposed" to storm water. This Phase I exemption from permitting was limited to those facilities identified in category (xi), and did not require category (xi) facility operators to submit any information supporting their no exposure claim.

In 1992, the Ninth Circuit court remanded to EPA for further rulemaking the no exposure exemption for light industry after making a determination that the exemption was arbitrary and capricious for two reasons. First, the court found that EPA had not established a record to support its assumption that light industrial activity that is not exposed to storm water (as opposed to all other regulated industrial activity not exposed) is not a "storm water discharge associated with industrial activity." Second, the court concluded that the exemption impermissibly relied on the unsubstantiated judgment of the light industrial facility operator to determine the applicability of the exemption. This fact sheet describes the revised conditional no exposure exclusion as presented in the Phase II Final Rule.

Who Is Eligible to Claim No Exposure?

As revised in the Phase II Final Rule, the conditional no exposure exclusion applies to ALL industrial categories listed in the 1990 storm water regulations, except for construction activities disturbing 5 or more acres (category (x)).

What Is The Regulatory Definition of "No Exposure"?

The intent of the no exposure provision is to provide facilities with industrial materials and activities that are entirely sheltered from storm water a simplified way of complying with the storm water permitting provisions of the Clean Water Act (CWA). This includes facilities that are located within a larger office building, or facilities at which the only items permanently exposed to precipitation are roofs, parking lots, vegetated areas, and other non-industrial areas or activities. The Phase II regulatory definition of "no exposure" follows.

No exposure means all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products.

A storm resistant shelter is not required for the following industrial materials and activities:

- ☐ Drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak. "Sealed" means banded or otherwise secured and without operational taps or valves;
- ☐ Adequately maintained vehicles used in materials handling; and
- ☐ Final products, other than products that would be mobilized in storm water discharges (e.g., rock salt).

The term "storm-resistant shelter," as used in the no exposure definition, includes completely roofed and walled buildings or structures, as well as structures with only a top cover but no side coverings, provided material under the structure is not otherwise subject to any run-on and subsequent runoff of storm water. While the intent of the no exposure provision is to promote a condition of permanent no exposure, EPA understands certain vehicles could become temporarily exposed to rain and snow while passing between buildings. Adequately maintained mobile equipment (e.g., trucks, automobiles, forklifts, trailers, or other such general purpose vehicles found at the industrial site that are not industrial machinery, and that are not leaking contaminants or are not otherwise a source of industrial pollutants) can be exposed to precipitation or runoff. Such activities alone would not prevent a facility from certifying to no exposure. Similarly, trucks or other vehicles awaiting maintenance at vehicle maintenance facilities that are not leaking contaminants or are not otherwise a source of industrial pollutants, are not considered "exposed."

In addition, EPA recognizes that there are circumstances where permanent no exposure of industrial activities or materials is not possible and, therefore, under such conditions, materials and activities can be sheltered with temporary covers (e.g., tarps) between periods of permanent enclosure. The no exposure provision does not specify every such situation, but NPDES permitting authorities can address this issue on a case-by-case basis.

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- ☐ Submit written certification that the facility meets the definition of "no exposure" to the NPDES permitting authority once every 5 years.
 - The Phase II Final Rule includes a four-page *No Exposure Certification* form that uses a series of yes/no questions to aid facility operators in determining whether they have a condition of no exposure. It also serves as the necessary certification of no exposure provided the operator is able to answer all the questions in the negative. EPA's *Certification* is for use only by operators of industrial activity located in areas where EPA is the NPDES permitting authority.
 - A copy of the *Certification* can be obtained from the U.S. EPA Office of Wastewater Management (OWM) web site, the Storm Water Phase II Final Rule published in the *Federal Register* (Appendix 4), or by contacting OWM.
- ☐ Submit a copy, upon request, of the *Certification* to the municipality in which the facility is located.
- ☐ Allow the NPDES permitting authority or, if discharging into a municipal separate storm sewer system, the operator of the system, to: (1) inspect the facility; and (2) make such inspection reports publicly available upon request.

Regulated industrial operators need to either apply for a permit or submit a no exposure certification form in order to be in compliance with the NPDES storm water regulations. Any permit held becomes null and void once a certification form is submitted.

Fact Sheet 4.0 – Conditional No Exposure Exclusion for Industrial Activity

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Even when an industrial operator certifies to no exposure, the NPDES permitting authority still retains the authority to require the operator to apply for an individual or general permit if the NPDES permitting authority has determined that the discharge is contributing to the violation of, or interfering with the attainment or maintenance of, water quality standards, including designated uses.

Are There Any Concerns Related to Water Quality Standards?

Yes. An operator certifying that its facility qualifies for the conditional no exposure exclusion may, nonetheless, be required by the NPDES permitting authority to obtain permit authorization. Such a requirement would follow the permitting authority's determination that the discharge causes, has a reasonable potential to cause, or contributes to a violation of an applicable water quality standard, including designated uses. Designated uses can include use as a drinking water supply or for recreational purposes.

Many efforts to achieve no exposure can employ simple good housekeeping and contaminant cleanup activities such as moving materials and activities indoors into existing buildings or structures. In limited cases, however, industrial operators may make major changes at a site to achieve no exposure. These efforts may include constructing a new building or cover to eliminate exposure or constructing structures to prevent run-on and storm water contact with industrial materials and activities. Major changes undertaken to achieve no exposure, however, can increase the impervious area of the site, such as when a building with a smooth roof is placed in a formerly vegetated area. Increased impervious area can lead to an increase in the volume and velocity of storm water runoff, which, in turn, can result in a higher concentration of pollutants in the discharge, since fewer pollutants are naturally filtered out.

The concern of increased impervious area is addressed in one of the questions on the *Certification* form, which asks, "Have you paved or roofed over a formerly exposed, pervious area in order to qualify for the no exposure exclusion? If yes, please indicate approximately how much area was paved or roofed over." This question has no effect on an operator's eligibility for the exclusion. It is intended only to aid the NPDES permitting authority in assessing the likelihood of such actions interfering with water quality standards. Where this is a concern, the facility operator and its NPDES permitting authority should take appropriate actions to ensure that water quality standards can be achieved.

What Happens if the Condition of No Exposure Is Not Maintained?

Under the Phase II Final Rule, the no exposure exclusion is conditional and not an outright exemption. Therefore, if there is a change in circumstances that causes exposure of industrial activities or materials to storm water, the operator is required to comply immediately with all the requirements of the NPDES Storm Water Program, including applying for and obtaining a permit.

Failure to maintain the condition of no exposure or obtain coverage under an NPDES storm water permit can lead to the unauthorized discharge of pollutants to waters of the United States, resulting in penalties under the CWA. Where a facility operator determines that exposure is likely to occur in the future due to some anticipated change at the facility, the operator should submit an application and acquire storm water permit coverage prior to the exposed discharge to avoid such penalties.

For Additional Information**Contact**

- ☛ U.S. EPA Office of Wastewater Management
 - Phone: (202) 564-9545
 - Internet: www.epa.gov/npdes/stormwater
- ☛ Your NPDES Permitting Authority. (A list of names and phone numbers for each U.S. EPA Region is included in Fact Sheet 2.9. Additional contact names, addresses, and numbers for each State can be obtained from the U.S. EPA Office of Wastewater Management)

Reference Documents

- ☛ Storm Water Phase II Final Rule Fact Sheet Series
 - Internet: cfpub.epa.gov/npdes/stormwater/swfinal.cfm
- ☛ Storm Water Phase II Final Rule (64 FR 68722)
 - Internet: www.epa.gov/npdes/regulations/phase2.pdf
 - Contact the U.S. EPA Water Resource Center
 - Phone: (202) 260-7786

Enclosure 4

Population for Storm Water Entities as Defined by the 2000 Census and published by the EPA.

Population for Storm Water Entities as Defined by the 2000 Census

Arkansas

This document contains calculations for populations within an Urbanized Areas (UA) as designated by the US Census Bureau for the state of Arkansas. Population is calculated for each portion of either an incorporated place or a county within an UA and is based on the population values provided by the 2000 US Census Tiger data. In addition, a table is included that provides a list of places that have a population greater than 10,000 people and a population density of 1,000 people per square mile that are not located in an UA. This data was obtained from the US Census website.

Urbanized Area Populations

The table below provides a guide for the UA table headings.

Heading	Meaning
UA Name	Name of the UA
County	County in which the UA is located
FIPSSTCO	State and County FIPS Code
Place Name	Name of the Incorporated Place
Population 2000	Population of selected area based on the 2000 US Census

UA Name	County	FIPSSTCO	Place Name	Population 2000**
Fayetteville-Springdale, AR	05007	Benton	Bentonville	18,578
Fayetteville-Springdale, AR	05007	Benton	Bethel Heights	646
Fayetteville-Springdale, AR	05143	Washington	Elkins	758
Fayetteville-Springdale, AR	05143	Washington	Elm Springs	68
Fayetteville-Springdale, AR	05143	Washington	Farmington	3,271
Fayetteville-Springdale, AR	05143	Washington	Fayetteville	56,095
Fayetteville-Springdale, AR	05143	Washington	Greenland	552
Fayetteville-Springdale, AR	05143	Washington	Johnson	2,250
Fayetteville-Springdale, AR	05007	Benton	Little Flock	1,514
Fayetteville-Springdale, AR	05007	Benton	Lowell	4,881
Fayetteville-Springdale, AR	05007	Benton	Prairie Creek	438
Fayetteville-Springdale, AR	05007	Benton	Rogers	38,234
Fayetteville-Springdale, AR	05007	Benton	Springdale	1,712
Fayetteville-Springdale, AR	05143	Washington	Springdale	42,663
Fayetteville-Springdale, AR	05007	Benton	.	1,391
Fayetteville-Springdale, AR	05143	Washington	.	1,536
Fort Smith, AR-OK	05131	Sebastian	Barling	4,148
Fort Smith, AR-OK	05131	Sebastian	Fort Smith	79,669
Fort Smith, AR-OK	05033	Crawford	Van Buren	18,705
Fort Smith, AR-OK	05033	Crawford	.	1,495
Fort Smith, AR-OK	05131	Sebastian	.	183
Hot Springs, AR	05051	Garland	Hot Springs	35,365
Hot Springs, AR	05051	Garland	Lake Hamilton	1,609
Hot Springs, AR	05051	Garland	Piney	3,304
Hot Springs, AR	05051	Garland	Rockwell	3,024
Hot Springs, AR	05051	Garland	.	8,439
Hot Springs, AR	05059	Hot Spring	.	22
Jonesboro, AR	05031	Craighead	Brookland	1,248
Jonesboro, AR	05031	Craighead	Jonesboro	50,342
Jonesboro, AR	05031	Craighead	.	214
Little Rock, AR	05125	Saline	Alexander	412
Little Rock, AR	05125	Saline	Bauxite	335
Little Rock, AR	05125	Saline	Benton	21,262
Little Rock, AR	05125	Saline	Bryant	9,143
Little Rock, AR	05085	Lonoke	Cebot	13,540
Little Rock, AR	05119	Pulaski	Cammack Village	831
Little Rock, AR	05119	Pulaski	College Station	734
Little Rock, AR	05119	Pulaski	Gibson	2,263
Little Rock, AR	05119	Pulaski	Gravel Ridge	3,232
Little Rock, AR	05119	Pulaski	Jacksonville	28,511
Little Rock, AR	05119	Pulaski	Little Rock	178,277
Little Rock, AR	05119	Pulaski	McAumont	1,905
Little Rock, AR	05119	Pulaski	North Little Rock	59,992
Little Rock, AR	05119	Pulaski	Parkers-Iron Springs	1,334
Little Rock, AR	05125	Saline	Salem	2,702
Little Rock, AR	05125	Saline	Shannon Hills	1,997

UA Name	County	FIPSSTCO	Place Name	Population 2000**
Little Rock, AR	05119	Pulaski	Sherwood	21,036
Little Rock, AR	05119	Pulaski	Sweet Home	708
Little Rock, AR	05119	Pulaski	Wrightsville	643
Little Rock, AR	05085	Lonoke	.	851
Little Rock, AR	05119	Pulaski	.	5,624
Little Rock, AR	05125	Saline	.	4,999
Memphis, TN--MS--AR	05035	Crittenden	Marion	8,271
Memphis, TN--MS--AR	05035	Crittenden	Sunset	348
Memphis, TN--MS--AR	05035	Crittenden	West Memphis	27,479
Memphis, TN--MS--AR	05035	Crittenden	.	1,863
Pine Bluff, AR	05069	Jefferson	Pine Bluff	53,255
Pine Bluff, AR	05069	Jefferson	White Hall	4,105
Pine Bluff, AR	05069	Jefferson	.	1,224
Texarkana, TX--Texarkana, AR	05091	Miller	Texarkana	23,308
Texarkana, TX--Texarkana, AR	05091	Miller	.	213

* The population calculation for this area provides the population within the UA that is not located within an incorporated place. An incorporated place is created to provide governmental functions for a concentration of people. For example, a city or municipality is an example of an incorporated place.

** Some incorporated places appear twice since they are located within multiple counties. To calculate the total population within the incorporated place add all values associated with it together. For example, the population of Springdale is 1,712 + 42,663 = 43,375.

Outside Urbanized Area Populations

As mentioned above, the places in the following table all have a population greater than 10,000 people and a population density of 1,000 people per square mile.

Place and County	Population 2000	Population Density (per sq. mile)
Arkadelphia city, Clark County	10,912	1,486.20
Conway city, Faulkner County	43,167	1,231.70
El Dorado city, Union County	21,530	1,323.30
Harrison city, Boone County	12,152	1,187.50
Hope city, Hempstead County	10,616	1,061.90
Magnolia city, Columbia County	10,858	1,165.30
Maumelle city, Pulaski County	10,557	1,199.30
Mountain Home city, Baxter County	11,012	1,035.70
Searcy city, White County	18,928	1,287.40
Siloam Springs city, Benton County	10,843	1,027.20

Population density and 2000 information was obtained from the U.S. Census website (<http://www.census.gov/main/www/cen2000.html>).

Enclosure 5

Draft model permit (EPA).

Model Small MS4 General Permit

Permit No.

**National Pollutant Discharge Elimination System
General Permit for Discharges from Small Municipal Separate Storm Sewer Systems**

Authorization to Discharge Under the National Pollutant Discharge Elimination System

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et. seq.), except as provided in Part 1.3 of this permit, operators of small municipal separate storm sewer systems, located in an area specified in Part 1.1, and who submit a Notice of Intent and a storm water management plan in accordance with Part II, are authorized to discharge pollutants to waters of the United States in accordance with the conditions and requirements set forth herein.

This permit becomes effective on _____

This permit and the authorization to discharge expire at midnight, _____

Signed and issued this ___ day of ___, 200__.

(Signature of Regional Administrator)

Model Small MS4 General Permit

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 - 1.2 Eligibility
 - 1.3 Limitations on Coverage
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2. Notice of Intent Requirements
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 - 6.17 Requiring an Individual Permit or an Alternative General Permit
7. Definitions

Model Small MS4 General Permit

1 Coverage Under this Permit

1.1 Permit Area

This permit covers the State of _____ and Indian Country lands in the State of _____:

[This language will vary, depending on whether the permit is State-wide, watershed specific, etc.]

1.2 Eligibility

1.2.1 This permit authorizes discharges of storm water from small municipal ~~sew~~ rate storm sewer systems (MS4s), as defined in 40 CFR §122.26(b)(16). You are authorized to discharge under the terms and conditions of this general permit if you:

1.2.1.1 Operate a small MS4 within the permit area described in Section 1.1,

1.2.1.2 Are not a "large" or "medium" MS4 as defined in 40 CFR §122.26(b)(4) or (7), and

1.2.1.3 Submit a Notice of Intent (NOI) in accordance with Part 2 of this permit, and

1.2.1.4 Are located fully or partially within an urbanized area as determined by the latest Decennial Census by the Bureau of Census, or

1.2.1.5 Are designated for permit authorization by EPA pursuant to 40 CFR §122.32.

1.2.2 The following are types of authorized discharges:

1.2.2.1 *Storm water discharges.* This permit authorizes storm water discharges to waters of the United States from the small MS4s identified in Section 1.2.1, except as excluded in Section 1.3.

1.2.2.2 *Non-storm water discharges.* You are authorized to discharge the following non-storm water sources provided that the permitting authority has not determined these sources to be substantial contributors of pollutants to your MS4:

- Water line flushing
- Landscape irrigation
- Diverted stream flows
- Rising ground waters
- Uncontaminated ground water infiltration (infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.)
- Uncontaminated pumped ground water
- Discharges from potable water sources
- Foundation drains
- Air conditioning condensate
- Irrigation water
- Springs
- Water from crawl space pumps
- Footing drains

Model Small MS4 General Permit

- Lawn watering
- Individual residential car washing
- Flows from riparian habitats and wetlands
- Dechlorinated swimming pool discharges
- Street wash water
- Discharges or flows from fire fighting activities

1.3 Limitations on Coverage

This permit does not authorize:

- 1.3.1 Discharges that are mixed with sources of non-storm water unless such non-storm water discharges are:
- In compliance with a separate NPDES permit, or
 - Determined not to be a substantial contributor of pollutants to waters of the U.S.
- 1.3.2 Storm water discharges associated with industrial activity as defined in 40 CFR §122.26(b)(14)(i)-(ix) and (xi).
- 1.3.3 Storm water discharges associated with construction activity as defined in 40 CFR §122.26(b)(14)(x) or 40 CFR §122.26(b)(15).
- 1.3.4 Storm water discharges currently covered under another permit.
- 1.3.5 Discharges or discharge-related activities that are likely to jeopardize the continued existence of any species that are listed as endangered or threatened under the ESA or result in the adverse modification or destruction of habitat that is designated as critical under the ESA
- 1.3.5.1 Coverage under this permit is available only if your storm water discharges, allowable non-storm water discharges, and discharge-related activities are not likely to jeopardize the continued existence of any species that are listed as endangered or threatened ("listed") under the ESA or result in the adverse modification or destruction of habitat that is designated as critical under the ESA ("critical habitat"). Submission of a signed NOI will be deemed to also constitute your certification of eligibility.
- 1.3.5.2 "Discharge-related activities" include: activities which cause, contribute to, or result in storm water point source pollutant discharges; and measures to control storm water discharges, including the siting, construction and operation of best management practices (BMPs) to control, reduce or prevent storm water pollution.
- 1.3.5.3 Determining eligibility: You must use the most recent Endangered and Threatened Species County-Species List available from EPA and the process in Addendum A (ESA Screening Process) to determine your eligibility *prior* to submittal of your NOI. As of the effective date of this permit, the most current version of the List is located on the EPA Office of Water Web site at www.epa.gov/npdes/endangeredspecies. You must meet one or more of the criteria in 1.3.5.3.1 through 1.3.5.3.5 below for the entire term of coverage under the permit. You must include a certification of eligibility and supporting documentation on the eligibility determination as part of your Storm Water Management Program.

Model Small MS4 General Permit

- 1.3.5.3.1 Criteria A: No endangered or threatened species or critical habitat are in proximity to your MS4 or the point where authorized discharges reach the receiving water; or
- 1.3.5.3.2 Criteria B: In the course of a separate federal action involving your MS4 (e.g., EPA processing request for an individual NPDES permit, issuance of a CWA §404 wetlands dredge and fill permit, etc.), formal or informal consultation with the Fish and Wildlife Service and/or the National Marine Fisheries Service (the "Services") under Section 7 of the Endangered Species Act (ESA) has been concluded and that consultation:
- Addressed the effects of your storm water discharges, allowable non-storm water discharges, and discharge-related activities on listed species and critical habitat and
 - The consultation resulted in either a no jeopardy opinion or a written concurrence by the Service on a finding that your storm water discharges, allowable non-storm water discharges, and discharge-related activities are not likely to adversely affect listed species or critical habitat; or
- 1.3.5.3.3 Criteria C: Your activities are authorized under Section 10 of the ESA and that authorization addresses the effects of your storm water discharges, allowable non-storm water discharges, and discharge-related activities on listed species and critical habitat; or
- 1.3.5.3.4 Criteria D: Using best judgement, you have evaluated the effects of your storm water discharges, allowable non-storm water discharges, and discharge-related activities on listed endangered or threatened species and critical habitat and do not have reason to believe the discharge and discharge-related activities will jeopardize the continued existence of any species or result in the adverse modification or destruction of critical habitat.
- 1.3.5.3.5 Criteria E: Your storm water discharges, allowable non-storm water discharges, and discharge-related activities were already addressed in another operator's certification of eligibility under Part 1.3.5.3.1 through 1.3.5.3.4 which included your MS4's activities. By certifying eligibility under this Part, you agree to comply with any measures or controls upon which the other operator's certification was based;
- 1.3.5.4 The permitting authority may require any permittee or applicant to provide documentation of the permittee or applicant's determination of eligibility for this permit using the procedures in Addendum A where EPA or the Fish and Wildlife and/or National Marine Fisheries Services determine that there is a potential impact on endangered or threatened species or a critical habitat.
- 1.3.5.5 You are not authorized to discharge if the discharges or discharge-related activities cause a prohibited "take" of endangered or threatened species (as defined under Section 3 of the Endangered Species Act and 50 CFR 17.3), unless such takes are authorized under sections 7 or 10 of the Endangered Species Act.
- 1.3.5.6 You are not authorized for any discharges where the discharges or discharge-related activities are likely to jeopardize the continued existence of any species that are listed as endangered or threatened under the ESA or result in the adverse modification or destruction of habitat that is designated as critical under the ESA.
- 1.3.6 Discharges and discharge-related activities with unconsidered adverse effects on historic properties.

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- 1.3.6.1 Determining eligibility: In order to be eligible for coverage under this permit, you must be in compliance with the National Historic Preservation Act. Your discharges may be authorized under this permit only if:
- 1.3.6.1.1 Criteria A: your storm water discharges, allowable non-storm water discharges, and discharge-related activities do not affect a property that is listed or is eligible for listing on the National Register of Historic Places as maintained by the Secretary of the Interior; or
- 1.3.6.1.2 Criteria B: you have obtained and are in compliance with a written agreement with the state Historic Preservation Officer (SHPO) or tribal Historic Preservation Officer (THPO) that outlines all measures you will undertake to mitigate or prevent adverse effect to the historic property.
- 1.3.6.2 Addendum B of this permit provides guidance and references to assist you with determining your permit eligibility concerning this provision.
- 1.3.7 Discharges to territorial seas, the contiguous zone, and the oceans unless such discharges are in compliance with the ocean discharge criteria of 40 CFR Part 125, Subpart M.
- 1.3.8 Discharges that would cause or contribute to instream exceedances of water quality standards. Your storm water management program must include a description of the BMPs that you will be using to ensure that this will not occur. EPA may require corrective action or an application for an individual permit or alternative general permit if an MS4 is determined to cause an instream exceedance of water quality standards.
- 1.3.9 Discharges of any pollutant into any water for which a Total Maximum Daily Load (TMDL) has been either established or approved by the EPA unless your discharge is consistent with that TMDL. This eligibility condition applies at the time you submit a Notice of Intent for coverage. If conditions change after you have permit coverage, you may remain covered by the permit provided you comply with the applicable requirements of Part 3. You must incorporate any limitations, conditions and requirements applicable to your discharges, including monitoring frequency and reporting required, into your Storm Water Management Program in order to be eligible for permit coverage. For discharges not eligible for coverage under this permit, you must apply for and receive an individual or other applicable general NPDES permit prior to discharging.
- 1.3.10 Discharges that do not comply with your state or tribe's anti-degradation policy for water quality standards. State and tribal anti-degradation policies can be obtained from the appropriate state or tribal environmental office or their Internet sites.
- 1.4 Obtaining Authorization**
- 1.4.1 To be authorized to discharge storm water from small MS4s, you must submit a notice of intent (NOI) and a description of your storm water management program in accordance with the deadlines presented in Section 2.1 of this permit.
- 1.4.2 You must submit the information required in section 2.2 on the latest version of the NOI form (or photocopy thereof) contained in Addendum #. Your NOI must be signed and dated in accordance with section 6.7 of this permit.

Note: If EPA notifies dischargers (either directly, by public notice, or by making information available on the Internet) of other NOI form options that become available at a later date (e.g., electronic

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submission of forms), you may take advantage of those options to satisfy the NOI use and submittal requirements of Section 2.

- 1.4.3 Unless notified by EPA to the contrary, dischargers who submit an NOI in accordance with the requirements of this permit are authorized to discharge storm water from small MS4s under the terms and conditions of this permit thirty (30) days after the date that the NOI is postmarked. The Agency may deny coverage under this permit and require submittal of an application for an individual NPDES permit based on a review of the NOI or other information (see Section 6.16).

- 1.4.4 Where the operator changes, or where a new operator is added after submittal of an NOI under Part 2, a new NOI must be submitted in accordance with Part 2 prior to the change or addition.

2 Notice of Intent Requirements

2.1 Deadlines for Notification

- 2.1.1 If you are automatically designated under 40 CFR §122.32(a)(1) or designated by the permitting authority in this permit, then you are required to submit an NOI and a description of your storm water management program or apply for an individual permit by March 10, 2003.

- 2.1.2 *Additional designations after the date of permit issuance.* If you are designated by the permitting authority after the date of permit issuance, then you are required to submit an NOI and a description of your storm water management program to the permitting authority within 180 days of notice.

- 2.1.3 *Submitting a Late NOI.* You are not prohibited from submitting an NOI after the dates provided in 2.1. If a late NOI is submitted, your authorization is only for discharges that occur after permit coverage is granted. The permitting authority reserves the right to take appropriate enforcement actions for any unpermitted discharges.

2.2 Contents of the Notice of Intent

The Notice(s) of Intent must be signed in accordance with Part 6.7 of this permit and must include the following information:

2.2.1 *Information on the Permittee:*

- 2.2.1.1 The name of your municipal entity/tribe/state agency/federal agency, mailing address, and telephone number;

- 2.2.1.2 An indication of whether you are a Federal, State, Tribal, or other public entity;

2.2.2 *Information on the Municipal Separate Storm Sewer System:*

- 2.2.2.1 The Urbanized Area or Core Municipality (if you are not located in an Urbanized Area) where your system is located; the name of your organization, county(ies) or parish(es) where your MS4 is located, and the latitude and longitude of an approximate center of your MS4;

- 2.2.2.2 The name of the major receiving water(s) and an indication of whether any of your receiving waters are on the latest CWA §303(d) list of impaired waters. If you have discharges to 303(d) waters, a certification that your Storm Water Management Program complies with the requirements of Part 3.1;

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- 2.2.1.3 An indication of whether all or a portion of the MS4 is located on Indian Country lands.
- 2.2.1.4 If you are relying on another governmental entity regulated under these storm water regulations (40 CFR 122.26 & 122.32) to satisfy one or more of your permit obligations (see Part 4.4), the identity of that entity(ies) and the element(s) they will be implementing.
- 2.2.1.5 Information on your chosen best management practices (BMPs) and the measurable goals for each of the storm water minimum control measures in Part 4.2 of this permit, your timeframe for implementing each of the BMPs, and the person or persons responsible for implementing or coordinating your Storm Water Management Program.
- 2.2.1.6 Certification of whether you have met eligibility criteria for protection of threatened or endangered species, critical habitat, historic properties, and marine fisheries.

2.3 Where to Submit

You are to submit your NOI, signed in accordance with the signatory requirements of Section 6.7 of this permit, to EPA at one of the following addresses:

For regular mail:

Storm Water Notice of Intent (4203M)
USEPA
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

For overnight/express mail:

Storm Water Notice of Intent
USEPA East Building, Room 7329
1201 Constitution Ave., N.W.
Washington, DC 20004

2.4 Co-Permittees Under a Single NOI

You may partner with other MS4s to develop and implement your storm water management program. You may also jointly submit an NOI with one or more MS4s. Each MS4 must fill out the NOI form in Addendum #. The description of your storm water management program must clearly describe which permittees are responsible for implementing each of the control measures.

3 Special Conditions

3.1 Discharges to Water Quality Impaired Waters

3.1.1 Applicability: You must:

- 3.1.1.1 Determine whether storm water discharge from any part of the MS4 significantly contributes directly or indirectly to a 303(d) listed (i.e., impaired) waterbody. If you have discharges meeting this criteria, you must comply with Part 3.1.2; if you do not, Part 3.1 does not apply to you.
- 3.1.1.2 If you have "303(d)" discharges described above, you must also determine whether a TMDL has been developed and approved by EPA for the listed waterbody. If there is a TMDL, you must comply with

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both Parts 3.1.2 and 3.1.3; if no TMDL has been approved, Part 3.1.3 does not apply until a TMDL has been approved.

- 3.1.2 *Water Quality Controls for Discharges to Impaired Waterbodies.* Your storm water management program (SWMP) must include a section describing how your program will control the discharge of the pollutants of concern and ensure your discharges will not cause or contribute to instream exceedances of the water quality standards. This discussion must specifically identify measures and BMPs that will collectively control the discharge of the pollutants of concern.
- 3.1.3 *Consistency with Total Maximum Daily Load (TMDL) Allocations.* If a TMDL has been approved for any waterbody into which you discharge, you must:
- 3.1.3.1 Determine whether the approved TMDL is for a pollutant likely to be found in storm water discharges from your MS4.
- 3.1.3.2 Determine whether the TMDL includes a pollutant wasteload allocation (WLA) or other performance requirements specifically for storm water discharge from your MS4.
- 3.1.3.3 Determine whether the TMDL address a flow regime likely to occur during periods of storm water discharge.
- 3.1.3.4 After the determinations above have been made and if it is found that your MS4 must implement specific WLA provisions of the TMDL, assess whether the WLAs are being met through implementation of existing storm water control measures or if additional control measures are necessary.
- 3.1.3.5 Document all control measures currently being implemented or planned to be implemented. Also include a schedule of implementation for all planned controls. Document the calculations or other evidence that shows that the WLA will be met.
- 3.1.3.6 Describe a monitoring program to determine whether the storm water controls are adequate to meet the WLA.
- 3.1.3.7 If the evaluation shows that additional or modified controls are necessary, describe the type and schedule for the control additions/revisions. Continue Parts 3.1.3.4-7 until two continuous monitoring cycles show that the WLAs are being met or that WQ standards are being met.

4 Storm Water Management Programs

4.1 Requirements

- 4.1.1 You must develop, implement, and enforce a storm water management program designed to reduce the discharge of pollutants from your small MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. The storm water management program should include management practices; control techniques and system, design, and engineering methods; and such other provisions as the permitting authority determines appropriate for the control of such pollutants. Your storm water management program must include the following information for each of the six minimum control measures described in Section 4.2 of this permit:

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- 4.1.1.1 The best management practices (BMPs) that you or another entity will implement for each of the storm water minimum control measures;
- 4.1.1.2 The measurable goals for each of the BMPs including, as appropriate, the months and years in which you will undertake required actions, including interim milestones and the frequency of the action; and
- 4.1.1.3 The person or persons responsible for implementing or coordinating the BMPs for your storm water management program.
- 4.1.2 In addition to the requirements listed above, you must provide a rationale for how and why you selected each of the BMPs and measurable goals for your storm water management program. The information required for such a rationale is given in Section 4.2 for each minimum measure. You must develop and fully implement your program by [insert date five years from permit issuance].
- 4.2 **Minimum Control Measures**

The six minimum control measures that must be included in your storm water management program are:

 - 4.2.1 **Public Education and Outreach on Storm Water Impacts**
 - 4.2.1.1 Permit requirement. You must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.
 - 4.2.1.2 *Decision process.* You must document your decision process for the development of a storm water public education and outreach program. Your rationale statement must address both your overall public education program and the individual BMPs, measurable goals and responsible persons for your program. The rationale statement must include the following information, at a minimum:
 - 4.2.1.2.1 How you plan to inform individuals and households about the steps they can take to reduce storm water pollution.
 - 4.2.1.2.2 How you plan to inform individuals and groups on how to become involved in the storm water program (with activities such as local stream and beach restoration activities).
 - 4.2.1.2.3 Who are the target audiences for your education program who are likely to have significant storm water impacts (including commercial, industrial and institutional entities) and why those target audiences were selected.
 - 4.2.1.2.4 What are the target pollutant sources your public education program is designed to address.
 - 4.2.1.2.5 What is your outreach strategy, including the mechanisms (e.g., printed brochures, newspapers, media, workshops, etc.) you will use to reach your target audiences, and how many people do you expect to reach by your outreach strategy over the permit term.
 - 4.2.1.2.6 Who is responsible for overall management and implementation of your storm water public education and outreach program and, if different, who is responsible for each of the BMPs identified for this program.

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- 4.2.1.2.7 How will you evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.
- 4.2.2 Public Involvement/Participation**
- 4.2.2.1 *Permit requirement.* You must at a minimum, comply with State, Tribal, and local public notice requirements when implementing a public involvement/participation program.
- 4.2.2.2 *Decision process.* You must document your decision process for the development of a storm water public involvement/participation program. Your rationale statement must address both your overall public involvement/participation program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale statement must include the following information, at a minimum:
- 4.2.2.2.1 How you have involved the public in the development and submittal of your NOI and storm water management program.
- 4.2.2.2.2 What is your plan to actively involve the public in the development and implementation of your program.
- 4.2.2.2.3 Who are the target audiences for your public involvement program, including a description of the types of ethnic and economic groups engaged. You are encouraged to actively involve all potentially affected stakeholder groups, including commercial and industrial businesses, trade associations, environmental groups, homeowners associations, and educational organizations, among others.
- 4.2.2.2.4 What are the types of public involvement activities included in your program. Where appropriate, consider the following types of public involvement activities:
- 4.2.2.2.4.1 Citizen representatives on a storm water management panel
- 4.2.2.2.4.2 Public hearings
- 4.2.2.2.4.3 Working with citizen volunteers willing to educate others about the program
- 4.2.2.2.4.4 Volunteer monitoring or stream/beach clean-up activities
- 4.2.2.2.5 Who is responsible for the overall management and implementation of your storm water public involvement/participation program and, if different, who is responsible for each of the BMPs identified for this program.
- 4.2.2.2.6 How you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.
- 4.2.3 Illicit Discharge Detection and Elimination**
- 4.2.3.1 *Permit requirement.* You must:
- 4.2.3.1.1 Develop, implement and enforce a program to detect and eliminate illicit discharges (as defined in 40 CFR §122.26(b)(2)) into your small MS4;

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- 4.2.3.1.2 Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls;
- 4.2.3.1.3 To the extent allowable under State, Tribal or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into your storm sewer system and implement appropriate enforcement procedures and actions;
- 4.2.3.1.4 Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to your system;
- 4.2.3.1.5 Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste; and
- 4.2.3.1.6 Address the following categories of non-storm water discharges or flows (i.e., illicit discharges) only if you identify them as significant contributors of pollutants to your small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR §35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (discharges or flows from fire fighting activities are excluded from the effective prohibition against non-storm water and need only be addressed where they are identified as significant sources of pollutants to waters of the United States).
- 4.2.3.1.7 You may also develop a list of other similar occasional incidental non-storm water discharges (e.g. non-commercial or charity car washes, etc.) that will not be addressed as illicit discharges. These non-storm water discharges must not be reasonably expected (based on information available to the permittees) to be significant sources of pollutants to the Municipal Separate Storm Sewer System, because of either the nature of the discharges or conditions you have established for allowing these discharges to your MS4 (e.g., a charity car wash with appropriate controls on frequency, proximity to sensitive waterbodies, BMPs on the wash water, etc.). You must document in your SWMP any local controls or conditions placed on the discharges. You must include a provision prohibiting any individual non-storm water discharge that is determined to be contributing significant amounts of pollutants to your MS4.
- 4.2.3.2 *Decision process.* You must document your decision process for the development of a storm water illicit discharge detection and elimination program. Your rationale statement must address both your overall illicit discharge detection and elimination program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale statement must include the following information, at a minimum:
 - 4.2.3.2.1 How you will develop a storm sewer map showing the location of all outfalls and the names and location of all receiving waters. Describe the sources of information you used for the maps, and how you plan to verify the outfall locations with field surveys. If already completed, describe how you developed this map. Also, describe how your map will be regularly updated.
 - 4.2.3.2.2 The mechanism (ordinance or other regulatory mechanism) you will use to effectively prohibit illicit discharges into the MS4 and why you chose that mechanism. If you need to develop this mechanism, describe your plan and a schedule to do so. If your ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with your program.

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- 4.2.3.2.3 Your plan to ensure through appropriate enforcement procedures and actions that your illicit discharge ordinance (or other regulatory mechanism) is implemented.
- 4.2.3.2.4 Your plan to detect and address illicit discharges to your system, including discharges from illegal dumping and spills. Your plan must include dry weather field screening for non-storm water flows and field tests of selected chemical parameters as indicators of discharge sources. Your plan must also address on-site sewage disposal systems that flow into your storm drainage system. Your description must address the following, at a minimum:
 - 4.2.3.2.4.1 Procedures for locating priority areas which includes areas with higher likelihood of illicit connections (e.g., areas with older sanitary sewer lines, for example) or ambient sampling to locate impacted reaches.
 - 4.2.3.2.4.2 Procedures for tracing the source of an illicit discharge, including the specific techniques you will use to detect the location of the source.
 - 4.2.3.2.4.3 Procedures for removing the source of the illicit discharge
 - 4.2.3.2.4.4 Procedures for program evaluation and assessment.
- 4.2.3.2.5 How you plan to inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste. Include in your description how this plan will coordinate with your public education minimum measure and your pollution prevention/good housekeeping minimum measure programs.
- 4.2.3.2.6 Who is responsible for overall management and implementation of your storm water illicit discharge detection and elimination program and, if different, who is responsible for each of the BMPs identified for this program.
- 4.2.3.2.7 How you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.
- 4.2.4 **Construction Site Storm Water Runoff Control**
 - 4.2.4.1 *Permit requirement.* You must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to your small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If the NPDES permitting authority waives requirements for storm water discharges associated with small construction activity in accordance with § 122.26(b)(15)(i), you are not required to develop, implement, and/or enforce a program to reduce pollutant discharges from such sites. Your program must include the development and implementation of, at a minimum:
 - 4.2.4.1.1 An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State, Tribal, or local law;
 - 4.2.4.1.2 Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;

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- 4.2.4.1.3 Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
- 4.2.4.1.4 Procedures for site plan review which incorporate consideration of potential water quality impacts;
- 4.2.4.1.5 Procedures for receipt and consideration of information submitted by the public; and
- 4.2.4.1.6 Procedures for site inspection and enforcement of control measures.
- 4.2.4.2 *Decision process.* You must document your decision process for the development of a construction site storm water control program. Your rationale statement must address both your overall construction site storm water control program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale statement must include the following information, at a minimum:
 - 4.2.4.2.1 The mechanism (ordinance or other regulatory mechanism) you will use to require erosion and sediment controls at construction sites and why you chose that mechanism. If you need to develop this mechanism, describe your plan and a schedule to do so. If your ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with your storm water management program description.
 - 4.2.4.2.2 Your plan to ensure compliance with your erosion and sediment control regulatory mechanism, including the sanctions and enforcement mechanisms you will use to ensure compliance. Describe your procedures for when you will use certain sanctions. Possible sanctions include non-monetary penalties (such a stop work orders), fines, bonding requirements, and/or permit denials for non-compliance.
 - 4.2.4.2.3 Your requirements for construction site operators to implement appropriate erosion and sediment control BMPs and control waste at construction sites that may cause adverse impacts to water quality. Such waste includes discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste.
 - 4.2.4.2.4 Your procedures for site plan review, including the review of pre-construction site plans, which incorporate consider of potential water quality impacts. Describe your procedures and the rationale for how you will identify certain sites for site plan review, if not all plans are reviewed. Describe the estimated number and percentage of site that will have pre-construction site plans reviewed.
 - 4.2.4.2.5 Your procedures for receipt and consideration of information submitted by the public. Consider coordinating this requirement with your public education program.
 - 4.2.4.2.6 Your procedures for site inspection and enforcement of control measures, including how you will prioritize sites for inspection.
 - 4.2.4.2.7 Who is responsible for overall management and implementation of your construction site storm water control program and, if different, who is responsible for each of the BMPs identified for this program.
 - 4.2.4.2.8 Describe how you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.

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- 4.2.5 Post-Construction Storm Water Management in New Development and Redevelopment**
- 4.2.5.1 Permit requirement.** You must:
- 4.2.5.1.1 Develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into your small MS4. Your program must ensure that controls are in place that would prevent or minimize water quality impacts;
- 4.2.5.1.2 Develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for your community; and
- 4.2.5.1.3 Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State, Tribal or local law; and
- 4.2.5.1.4 Ensure adequate long-term operation and maintenance of BMPs.
- 4.2.5.2 Decision process.** You must document your decision process for the development of a post-construction storm water management program. Your rationale statement must address both your overall post-construction storm water management program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale statement must include the following information, at a minimum:
- 4.2.5.2.1 Your program to address storm water runoff from new development and redevelopment projects. Include in this description any specific priority areas for this program.
- 4.2.5.2.2 How your program will be specifically tailored for your local community, minimize water quality impacts, and attempt to maintain pre-development runoff conditions.
- 4.2.5.2.3 Any non-structural BMPs in your program, including, as appropriate:
- 4.2.5.2.3.1 Policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation;
- 4.2.5.2.3.2 Policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure;
- 4.2.5.2.3.3 Education programs for developers and the public about project designs that minimize water quality impacts; and
- 4.2.5.2.3.4 Other measures such as minimization of the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, and source control measures often thought of as good housekeeping, preventive maintenance and spill prevention.
- 4.2.5.2.4 Any structural BMPs in your program, including, as appropriate:
- 4.2.5.2.4.1 Storage practices such as wet ponds and extended-detention outlet structures;

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- 4.2.5.2.4.2 Filtration practices such as grassed swales, bioretention cells, sand filters and filter strips; and
- 4.2.5.2.4.3 Infiltration practices such as infiltration basins and infiltration trenches.
- 4.2.5.2.5 What are the mechanisms (ordinance or other regulatory mechanisms) you will use to address post-construction runoff from new developments and redevelopments and why did you chose that mechanism. If you need to develop a mechanism, describe your plan and a schedule to do so. If your ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with your program.
- 4.2.5.2.6 How you will ensure the long-term operation and maintenance (O&M) of your selected BMPs. Options to help ensure that future O&M responsibilities are clearly identified include an agreement between you and another party such as the post-development landowners or regional authorities.
- 4.2.5.2.7 Who is responsible for overall management and implementation of your post-construction storm water management program and, if different, who is responsible for each of the BMPs identified for this program.
- 4.2.5.2.8 How you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.
- 4.2.6 **Pollution Prevention/Good Housekeeping for Municipal Operations**
 - 4.2.6.1 *Permit requirement.* You must:
 - 4.2.6.1.1 Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations; and
 - 4.2.6.1.2 Using training materials that are available from EPA, your State, Tribe, or other organizations, your program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.
 - 4.2.6.2 *Decision process.* You must document your decision process for the development of a pollution prevention/good housekeeping program for municipal operations. Your rationale statement must address both your overall pollution prevention/good housekeeping program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale statement must include the following information, at a minimum:
 - 4.2.6.2.1 Your operation and maintenance program to prevent or reduce pollutant runoff from your municipal operations. Your program must specifically list the municipal operations that are impacted by this operation and maintenance program. You must also include a list of industrial facilities you own or operate that are subject to EPA's Multi-Sector General Permit (MSGP) or individual NPDES permits for discharges of storm water associated with industrial activity that ultimately discharge to your MS4. Include the EPA permit number or a copy of the Industrial NOI form for each facility.
 - 4.2.6.2.2 Any government employee training program you will use to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance. Describe any existing, available materials you plan to use. Describe how this training program will be coordinated with the

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outreach programs developed for the public information minimum measure and the illicit discharge minimum measure.

4.2.6.2.3 Your program description must specifically address the following areas:

4.2.6.2.3.1 Maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants to your MS4.

4.2.6.2.3.2 Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, and salt/sand storage locations and snow disposal areas you operate.

4.2.6.2.3.3 Procedures for the proper disposal of waste removed from your MS4 and your municipal operations, including dredge spoil, accumulated sediments, floatables, and other debris.

4.2.6.2.3.4 Procedures to ensure that new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices.

4.2.6.2.4 Who is responsible for overall management and implementation of your pollution prevention/good housekeeping program and, if different, who is responsible for each of the BMPs identified for this program.

4.2.6.2.5 How you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.

4.3 Qualifying State, Tribal, or Local Program [Optional section to use if appropriate]

If you are meeting the requirements of (name of qualifying program), you do not need to submit the information required in Part 4.____.

4.4 Sharing Responsibility

Implementation of one or more of the minimum measures may be shared with another entity, or the entity may fully take over the measure. You may rely on another entity only if:

4.4.1 The other entity, in fact, implements the control measure;

4.4.2 The particular control measure, or component of that measure, is at least as stringent as the corresponding permit requirement.

4.4.3 The other entity agrees to implement the control measure on your behalf. Written acceptance of this obligation is expected. This obligation must be maintained as part of the description of your storm water management program. If the other entity agrees to report on the minimum measure, you must supply the other entity with the reporting requirements contained in Section 5.3 of this permit. If the other entity fails to implement the control measure on your behalf, then you remain liable for any discharges due to that failure to implement.

4.5 Reviewing and Updating Storm Water Management Programs

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- 4.5.1 *Storm Water Management Program Review:* You must do an annual review of your Storm Water Management Program in conjunction with preparation of the annual report required under Part 5.3
- 4.5.2 *Storm Water Management Program Update:* You may change your Storm Water Management Program during the life of the permit in accordance with the following procedures:
 - 4.5.2.1 Changes adding (but not subtracting or replacing) components, controls, or requirements to the Storm Water Management Program may be made at any time upon written notification to the Permitting Authority.
 - 4.5.2.2 Changes replacing an ineffective or unfeasible BMP specifically identified in the Storm Water Management Program with an alternate BMP may be requested at any time. Unless denied by the Permitting Authority, changes proposed in accordance with the criteria below shall be deemed approved and may be implemented 60 days from submittal of the request. If request is denied, the permitting Authority will send you a written response giving a reason for the decision. Your modification requests must include the following:
 - 4.5.2.2.1 An analysis of why the BMP is ineffective or infeasible (including cost prohibitive),
 - 4.5.2.2.2 Expectations on the effectiveness of the replacement BMP, and
 - 4.5.2.2.3 An analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.
 - 4.5.2.3 Change requests or notifications must be made in writing and signed in accordance with Part 6.7.
- 4.5.3 *Storm Water Management Program Updates Required by the Permitting Authority:* The Permitting Authority may require changes to the Storm Water Management Program as needed to:
 - 4.5.3.1 Address impacts on receiving water quality caused, or contributed to, by discharges from the Municipal Separate Storm Sewer System;
 - 4.5.3.2 Include more stringent requirements necessary to comply with new Federal statutory or regulatory requirements; or
 - 4.5.3.3 Include such other conditions deemed necessary by the Permitting Authority to comply with the goals and requirements of the Clean Water Act.
 - 4.5.3.4 Changes requested by the Permitting Authority must be made in writing, set forth the time schedule for you to develop the changes, and offer you the opportunity to propose alternative program changes to meet the objective of the requested modification. All changes required by the Permitting Authority will be made in accordance with 40 CFR 124.5, 40 CFR 122.62, or as appropriate 40 CFR 122.63.
- 4.5.4 *Transfer of Ownership, Operational Authority, or Responsibility for Storm Water Management Program Implementation:* You must implement the Storm Water Management Program on all new areas added to your portion of the municipal separate storm sewer system (or for which you become responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than one year from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.

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- 4.5.4.1 Within 90 days of a transfer of ownership, operational authority, or responsibility for storm water management program implementation, you must have a plan for implementing your Storm Water Management Program on all affected areas. The plan may include schedules for implementation. Information on all new annexed areas and any resulting updates required to the Storm Water Management Program must be included in the annual report.
- 4.5.4.2 Only those portions of the Storm Water Management Programs specifically required as permit conditions shall be subject to the modification requirements of 40 CFR 124.5. Addition of components, controls, or requirements by the permittee(s) and replacement of an ineffective or infeasible BMP implementing a required component of the Storm Water Management Program with an alternate BMP expected to achieve the goals of the original BMP shall be considered minor changes to the Storm Water Management Program and not modifications to the permit.
- 5 Monitoring, Recordkeeping, and Reporting**
- 5.1 Monitoring**
- 5.1.1 You must evaluate program compliance, the appropriateness of identified best management practices, and progress toward achieving identified measurable goals. If you discharge to a water for which a TMDL has been approved, you will have additional monitoring requirements under Part 3.1.3.6.
- 5.1.2 When you conduct monitoring at your permitted small MS4, you are required to comply with the following:
- 5.1.2.1 *Representative monitoring.* Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- 5.1.2.2 *Test Procedures.* Monitoring results must be conducted according to test procedures approved under 40 CFR part 136
- 5.1.3 Records of monitoring information shall include:
- 5.1.3.1 The date, exact place, and time of sampling or measurements;
- 5.1.3.2 The names(s) of the individual(s) who performed the sampling or measurements;
- 5.1.3.3 The date(s) analyses were performed;
- 5.1.3.4 The names of the individuals who performed the analyses;
- 5.1.3.5 The analytical techniques or methods used; and
- 5.1.3.6 The results of such analyses.
- 5.1.4 *Discharge Monitoring Report.* Monitoring results must be reported on a Discharge Monitoring Report (DMR)
- 5.2 Record keeping**

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5.2.1 You must retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of Discharge Monitoring Reports (DMRs), a copy of the NPDES permit, and records of all data used to complete the application (NOI) for this permit, for a period of at least three years from the date of the sample, measurement, report or application, or for the term of this permit, whichever is longer. This period may be extended by request of the permitting authority at any time.

5.2.2 You must submit your records to the permitting authority only when specifically asked to do so. You must retain a description of the Storm Water Management Program required by this permit (including a copy of the permit language) at a location accessible to the permitting authority. You must make your records, including the notice of intent (NOI) and the description of the storm water management program, available to the public if requested to do so in writing.

5.3 Reporting

You must submit annual reports to the Director by [insert date] of each year of the permit term. The report must include:

5.3.1 The status of your compliance with permit conditions, an assessment of the appropriateness of the identified best management practices, progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, and the measurable goals for each of the minimum control measures;

5.3.2 Results of information collected and analyzed, if any, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP;

5.3.3 A summary of the storm water activities you plan to undertake during the next reporting cycle (including an implementation schedule);

5.3.4 Proposed changes to your storm water management program, including changes to any BMPs or any identified measurable goals that apply to the program elements; and

5.3.5 Notice that you are relying on another government entity to satisfy some of your permit obligations (if applicable).

6 Standard Permit Conditions

6.1 Duty to Comply

6.1.1 You must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

6.1.2 *Penalties for Violations of Permit Conditions.*

The Director will adjust the civil and administrative penalties listed below in accordance with the Civil Monetary Penalty Inflation Adjustment Rule (Federal Register: December 31, 1996, Volume 61, Number 252, pages 69359-69366, as corrected, March 20, 1997, Volume 62, Number 54, pages

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13514-13517) as mandated by the Debt Collection Improvement Act of 1996 for inflation on a periodic basis. This rule allows EPA's penalties to keep pace with inflation. The Agency is required to review its penalties at least once every four years thereafter and to adjust them as necessary for inflation according to a specified formula. The civil and administrative penalties listed below were adjusted for inflation starting in 1996.

6.1.2.1 *Criminal Violations.*

6.1.2.1.1 *Negligent Violations.* The CWA provides that any person who *negligently* violates permit conditions implementing section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both. In the case of a second, or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both.

6.1.2.1.2 *Knowing Violations.* The CWA provides that any person who *knowingly* violates permit conditions implementing section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both. In the case of a second, or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or by imprisonment of not more than 6 years, or both.

6.1.2.1.3 *Knowing Endangerment.* The CWA provides that any person who *knowingly* violates permit conditions implementing section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury shall, upon conviction be subject to a fine not more than \$250,000 or by imprisonment for not more than 15 years, or both. In the case of a second, or subsequent conviction for a knowing endangerment violation, a person shall be subject to criminal penalties of not more than \$500,000 per day of violation, or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

6.1.2.1.4 *False Statement.* The CWA provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or by both. If a conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or by both. (See section 309(c)(4) of the Clean Water Act).

6.1.2.2 *Civil Penalties.*

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The CWA provides that any person who violates a permit condition implementing section 301, 302, 306, 307, 308, 318 or 405 of the Act or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act is subject to a civil penalty not to exceed \$27,500 per day for each violation.

6.1.2.3 *Administrative Penalties.*

The CWA provides that any person who violates a permit condition implementing section 301, 302, 306, 307, 308, 318 or 405 of the Act or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act is subject to an administrative penalty as follows:

6.1.2.3.1 *Class I penalty.* Not to exceed \$11,000 per violation nor shall the maximum amount exceed \$27,500.

6.1.2.3.2 *Class II penalty.* Not to exceed \$11,000 per day for each day during which violation continues nor shall the maximum amount exceed \$137,500.

6.2 **Continuation of the Expired General Permit**

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedures Act and remain in force and effect. Any permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

6.2.1 Reissuance or replacement of this permit, at which time you must comply with the Notice of Intent conditions of the new permit to maintain authorization to discharge; or

6.3.2 Issuance of an individual permit for your discharges; or

6.3.3 A formal permit decision by the permitting authority not to reissue this general permit, at which time you must seek coverage under an alternative general permit or an individual permit.

6.3 **Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for you in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

6.4 **Duty to Mitigate**

You must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

6.5 **Duty to Provide Information**

You must furnish to the permitting authority any information that is requested to determine compliance with this permit or other information.

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6.6 Other Information

If you become aware that you have failed to submit any relevant facts in your Notice of Intent or submitted incorrect information in the Notice of Intent or in any other report to the permitting authority, you must promptly submit such facts or information.

6.7 Signatory Requirements

All Notices of Intent, reports, certifications, or information submitted to the permitting authority, or that this permit requires be maintained by you shall be signed and certified as follows:

6.7.1 *Notices of Intent.* All Notices of Intent shall be signed by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

6.7.2 *Reports and other information.* All reports required by the permit and other information requested by the permitting authority or authorized representative of the permitting authority shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

6.7.2.1 *Signed authorization.* The authorization is made in writing by a person described above and submitted to the permitting authority.

6.7.2.2 *Authorization with specified responsibility.* The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility for environmental matter for the regulated entity.

6.7.3 *Changes to authorization.* If an authorization is no longer accurate because a different operator has the responsibility for the overall operation of the MS4, a new authorization satisfying the requirement of (6.7.2.2) above must be submitted to the permitting authority prior to or together with any reports, information, or notices of intent to be signed by an authorized representative.

6.7.4 *Certification.* Any person (as defined above in (6.7.2.1 and 6.7.2.2)) signing documents under section 6.7 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

6.8 Property Rights

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The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations

6.9 Proper Operation and Maintenance

You must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by you to achieve compliance with the conditions of this permit and with the conditions of your storm water management program. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by you only when the operation is necessary to achieve compliance with the conditions of the permit.

6.10 Inspection and Entry

You must allow the permitting authority or an authorized representative (including an authorized contractor acting as a representative of the Administrator) upon the presentation of credentials and other documents as may be required by law, to do any of the following:

- 6.10.1 Enter your premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
- 6.10.2 Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
- 6.10.3 Inspect at reasonable times any facilities or equipment (including monitoring and control equipment) practices, or operations regulated or required under this permit; and
- 6.10.4 Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

6.11 Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. Your filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

6.12 Permit Transfers

This permit is not transferable to any person except after notice to the permitting authority. The permitting authority may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.

6.13 Anticipated Noncompliance

You must give advance notice to the permitting authority of any planned changes in the permitted small MS4 or activity which may result in noncompliance with this permit.

6.14 State/Tribal Environmental Laws

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- 6.14.1 Nothing in this permit shall be construed to preclude the institution of any legal action or relieve you from any responsibilities, liabilities, or penalties established pursuant to any applicable State/Tribal law or regulation under authority preserved by section 510 of the Act.
- 6.14.2 No condition of this permit releases you from any responsibility or requirements under other environmental statutes or regulations.
- 6.15 Severability**
- The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.
- 6.16 Procedures for Modification or Revocation**
- Permit modification or revocation will be conducted according to 40 CFR 122.62, 122.63, 122.64 and 124.5.
- 6.17 Requiring an Individual Permit or an Alternative General Permit**
- 6.17.1 *Request by permitting authority.* The permitting authority may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the permitting authority to take action under this paragraph. Where the permitting authority requires you to apply for an individual NPDES permit, the permitting authority will notify you in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for you to file the application, and a statement that on the effective date of issuance or denial of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Applications must be submitted to the appropriate Regional Office. The permitting authority may grant additional time to submit the application upon request of the applicant. If you fail to submit in a timely manner an individual NPDES permit application as required by the permitting authority under this paragraph, then the applicability of this permit to you is automatically terminated at the end of the day specified by the permitting authority for application submittal.
- 6.17.2 *Request by permittee.* Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, you must submit an individual application in accordance with the requirements of 40 CFR 122.33(b)(2), with reasons supporting the request, to the permitting authority at the address for the appropriate Regional Office. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by you are adequate to support the request.
- 6.17.3 *General permit termination.* When an individual NPDES permit is issued to a discharger otherwise subject to this permit, or you are authorized to discharge under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an operator otherwise subject to this permit, or the operator is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is

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automatically terminated on the date of such denial, unless otherwise specified by the permitting authority.

7 **Definitions**

All definition contained in Section 502 of the Act and 40 CFR 122 shall apply to this permit and are incorporated herein by reference. For convenience, simplified explanations of some regulatory/statutory definitions have been provided, but in the even of a conflict, the definition found in the Statute or Regulation takes precedence.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Control Measure as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States.

CWA or The Act means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.

Discharge, when used without a qualifier, refers to "discharge of a pollutant" as defined at 40 CFR 122.2.

Illicit Connection means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

Illicit Discharge is defined at 40 CFR 122.26(b)(2) and refers to any discharge to a municipal separate storm sewer that is not entirely composed of storm water, except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the MS4) and discharges resulting from fire fighting activities.

Indian Country, as defined in 18 USC 1151, means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe.

MEP is an acronym for "Maximum Extent Practicable," the technology-based discharge standard for Municipal Separate Storm Sewer Systems to reduce pollutants in storm water discharges that was established by CWA §402(p). A discussion of MEP as it applies to small MS4s is found at 40 CFR 122.34.

MS4 is an acronym for "Municipal Separate Storm Sewer System" and is used to refer to either a Large, Medium, or Small Municipal Separate Storm Sewer System (e.g. "the Dallas MS4"). The term is used to refer to either the system operated by a single entity or a group of systems within an area that are operated by multiple entities (e.g., the Houston MS4 includes MS4s operated by the city of

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Houston, the Texas Department of Transportation, the Harris County Flood Control District, Harris County, and others).

Municipal Separate Storm Sewer is defined at 40 CFR 122.26(b)(8) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

NOI is an acronym for "Notice of Intent" to be covered by this permit and is the mechanism used to "register" for coverage under a general permit.

Permitting Authority means the EPA Regional Administrator or an authorized representative.

Small Municipal Separate Storm Sewer System is defined at 40 CFR 122.26(b)(16) and refers to all separate storm sewers that are owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States, but is not not defined as "large" or "medium" municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

Storm Water is defined at 40 CFR 122.26(b)(13) and means storm water runoff, snow melt runoff, and surface runoff and drainage.

Storm Water Management Program (SWMP) refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system.

SWMP is an acronym for "Storm Water Management Program."

"You" and "Your" as used in this permit is intended to refer to the permittee, the operator, or the discharger as the context indicates and that party's responsibilities (e.g., the city, the country, the flood control district, the U.S. Air Force, etc.).

Enclosure 6

Sample draft model permit by Asist.net

Under current review with the NWARPC focus group

Stormwater Management Program Elements

The ***[Enter your city name here]*** Phase II NPDES program will implement, and enforce a storm water management program designed to reduce discharge of pollutants from the municipal separate storm sewer system to the "maximum extent practicable" to protect water quality. Six "minimum control measures", listed below, are required under Phase II regulations:

1. Public Participation/Involvement
2. Public Education and Outreach
3. Illicit Discharge Detection and Elimination
4. Pollution Prevention/Good Housekeeping
5. Construction Site Runoff Control
6. Post-Construction Runoff Control

In addition to identifying specific goals that will be implemented for each of the control measures identified above, information about the city, its government, population, departments, etc. are submitted with this plan. ***[Add any other descriptive text here]***

[Enter your city name here] information:

Government:

Type: [City, Township, County, etc
Address:
City:
State, Zip
City Web address:]
Responsible elected official: [Mayor's name, etc]
Contact info: Phone:
Fax:
email:]

Demographics:

Population: [Count:
Source: i.e. Census Bureau, etc]
Land Area: [Square Miles:
Source:]
Significant Local Waters: [Names of lakes, rivers or streams
That the city discharges to]

Stormwater Contacts:

Principal: [Name of individual in charge of program
Department of person, i.e. Public Works, etc
Phone:
Fax:
Email:]

Alternate: [Name of alternate point of contact
Department of person, i.e. Public Works, etc
Phone:
Fax:
Email:]

Funding Sources:

[Describe how your jurisdiction plans to finance your program, whether it will be through a special utility, levy, etc. While many cities are establishing some type of stormwater utility, you are not required to.]

[Enter your city name here] Phase II NPDES management plan consists of the following six minimum control measures. Each control measure has associated goals, or BMPs, that will be implemented during the course of the permit term. It is through the implementation and evaluation of these BMPs that [Enter your city name here] will insure that all the objectives of the Phase II NPDES program will be met. Following is a discussion of each BMP.

Public Participation/Involvement

What is Required?:

To satisfy this minimum control measure, the operator of a regulated small MS4 must:

1. Comply with applicable State, Tribal, and local public notice requirements; and
2. Determine the appropriate best management practices (BMPs) and measurable goals for this minimum control measure.

Why is it Necessary?:

EPA believes that the public can provide valuable input and assistance to a regulated small MS4's municipal storm water management program and, therefore, suggests that the public be given opportunities to play an active role in both the development and implementation of the program. An active and involved community is crucial to the success of a storm water management program because it allows for:

1. Broader public support since citizens who participate in the development and decision making process are partially responsible for the program and, therefore, may be less likely to raise legal challenges to the program and more likely to take an active role in its implementation;
2. Shorter implementation schedules due to fewer obstacles in the form of public and legal challenges and increased sources in the form of citizen volunteers;
3. A broader base of expertise and economic benefits since the community can be a valuable, and free, intellectual resource; and
4. A conduit to other programs as citizens involved in the storm water program development process provide important cross-connections and relationships with other community and government programs. This benefit is particularly valuable when trying to implement a storm water program on a watershed basis, as encouraged by EPA.

[Hint: We have taken the liberty of chucking off which year a goal will be started. A goal can span multiple years, which means you just put the 'X' after each year you will be performing these activities. A good plan will also set a start and end date for each goal.]

Summary of Goal(s) (BMPs) Associated with this Control Measure

Name: Year - 1 Create a Volunteer organization	Start Date:
Permit Years: Year 1: X Year 2: Year 3: Year 4:	End Date:
Name: Year - 1 Establish a Citizen panel	Start Date:
Permit Years: Year 1: X Year 2: Year 3: Year 4:	End Date:
Name: Year - 1 Public Meetings - Print Media	Start Date:
Permit Years: Year 1: X Year 2: Year 3: Year 4:	End Date:
Name: Year - 2 Finalize Citizen Panel Recommendations	Start Date:
Permit Years: Year 1: Year 2: X Year 3: Year 4:	End Date:
Name: Year - 2 Public Meetings - Radio Media	Start Date:
Permit Years: Year 1: Year 2: X Year 3: Year 4:	End Date:
Name: Year - 3 Community Clean-ups	Start Date:
Permit Years: Year 1: Year 2: Year 3: X Year 4:	End Date:
Name: Year - 4 Establish Citizen Watch Groups	Start Date:

(Hint: A good plan will indicate which department will be responsible for each goal.)

The following provides detail for each of the individual goals.

Goal Name: Year - 1 Create a Volunteer organization

Goal Description: Using volunteers for water quality monitoring will give citizens first-hand knowledge of the quality of local water bodies and provide a cost-effective means of collecting water quality data.

The volunteer organization created will be used to help identify outfalls, find illicit discharges and stencil storm drains.

Goal Name: Year - 1 Establish a Citizen panel

Goal Description: Use this panel for citizen discussion of various viewpoints and provide input concerning appropriate storm water management policies and BMPs.

Create a citizen panel that will be used to discuss and come up with plans for different storm water issues.

Goal Name: Year - 1 Public Meetings - Print Media

Goal Description: Notify citizens of public meetings in several different print media and bilingual flyers.

Goal Name: Year - 2 Finalize Citizen Panel Recommendations

Goal Description: Use this panel for citizen discussion of various viewpoints and provide input concerning appropriate storm water management policies and BMPs.

Finalize recommendations from citizen panel and publish the results.

Goal Name: Year - 2 Public Meetings - Radio Media

Goal Description: Radio spots aired promoting storm water program participation.

Goal Name: Year - 3 Community Clean-ups

Goal Description: Using volunteers for water quality monitoring will give citizens first-hand knowledge of the quality of local water bodies and provide a cost-effective means of collecting water quality data.

Involve a certain percentage of the community through this organization to help in community clean-ups.

Goal Name: Year - 4 Establish Citizen Watch Groups

Goal Description: Using volunteers for water quality monitoring will give citizens first-hand knowledge of the quality of local water bodies and provide a cost-effective means of collecting water quality data.

Establish citizen watch groups in a certain percentage of neighborhoods and complete outreach to every different population sector.

ation and Outreach

What is Required?:

To satisfy this minimum control measure, the operator of a regulated small MS4 needs to:

1. Implement a public education program to distribute educational materials to the community, or conduct equivalent outreach activities about the impacts of storm water discharges on local waterbodies and the steps that can be taken to reduce storm water pollution; and
2. Determine the appropriate best management practices (BMPs) and measurable goals for this minimum control measure.

Why is it Necessary?:

An informed and knowledgeable community is crucial to the success of a storm water management program since it helps to ensure the following:

1. Greater support for the program as the public gains a greater understanding of the reasons why it is necessary and important. Public support is particularly beneficial when operators of small MS4s attempt to institute new funding initiatives for the program or seek volunteers to help implement the program; and
2. Greater compliance with the program as the public becomes aware of the personal responsibilities expected of them and others in the community, including the individual actions they can take to protect or improve the quality of area waters.

Summary of Goal(s) (BMPs) Associated with this Control Measure

Name: Year - 1 Develop educational resources	Start Date:
Permit Years: Year 1: X Year 2: Year 3: Year 4:	End Date:
Name: Year - 2 Expand educational resources	Start Date:
Permit Years: Year 1: Year 2: X Year 3: Year 4:	End Date:
Name: Year - 2 Storm Drain Stenciling	Start Date:
Permit Years: Year 1: Year 2: X Year 3: Year 4:	End Date:
Name: Year - 3 Pollution Reduction	Start Date:
Permit Years: Year 1: Year 2: Year 3: X Year 4:	End Date:
Name: Year - 4 Pollution Reduction	Start Date:
Permit Years: Year 1: Year 2: Year 3: Year 4: X	End Date:

The following pages provide detail for each of the individual goals.

Goal Name: Year - 1 Develop educational resources

Goal Description: Develop an infrastructure resource to support the public education and outreach program.

Develop brochures (bilingual if necessary) to support the Public Meetings - Print Media Goal in the Public Participation and Involvement Minimum Control Measure.

Create a storm water hotline for information and for citizen reports on polluters.

Identify and train volunteer educators to be used for a Public Education Task Force.

Goal Name: Year - 2 Expand educational resources

Goal Description: This goal is for developing infra-structure resource to support your public education and outreach program.

Create an informational web site that describes your city, storm water issues, etc.

Develop school curricula that can be used to educate students about storm water issues.

Goal Name: Year - 2 Storm Drain Stenciling

Goal Description: Stencil storm drains with messages like "Do Not Dump - Drains Directly To Lake", etc.

Goal Name: Year - 3 Pollution Reduction

Goal Description: This goal is used to help in your efforts to reduce pollution being introduced into your storm water sewer system.

A certain percentage of restaurants are no longer dumping grease and other pollutants down storm sewer drains.

Goal Name: Year - 4 Pollution Reduction

Goal Description: This goal is used to help increase your efforts to reduce pollution being introduced into your storm water sewer system.

A certain percentage reduction in litter and/or animal waste detected in storm water discharges will be achieved by this year.

Illicit Discharge Detection and Elimination

What is Required?:

Recognizing the adverse effects illicit discharges can have on receiving waters, the final rule requires an operator of a regulated small MS4 to develop, implement and enforce an illicit discharge detection and elimination program. This program must include the following:

1. A storm sewer system map, showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls;
2. Through an ordinance, or other regulatory mechanism, a prohibition (to the extent allowable under State, Tribal, or local law) on non-storm water discharges into the MS4, and appropriate enforcement procedures and actions;
3. A plan to detect and address non-storm water discharges, including illegal dumping, into the MS4;
4. The education of public employees, businesses, and the general public about the hazards associated with illegal discharges and improper disposal of waste; and
5. The determination of appropriate best management practices (BMPs) and measurable goals for this minimum control measure.

Why is it Necessary?:

Discharges from MS4s often include wastes and wastewater from non-storm water sources. A study conducted in 1987 in Sacramento, California, found that almost one-half of the water discharged from a local MS4 was not directly attributable to precipitation runoff. A significant portion of these dry weather flows were from illicit and/or inappropriate discharges and connections to the MS4. Illicit discharges enter the system through either direct connections (e.g., wastewater piping either mistakenly or deliberately connected to the storm drains) or indirect connections (e.g., infiltration into the MS4 from cracked sanitary systems, spills collected by drain outlets, or paint or used oil dumped directly into a drain). The result is untreated discharges that contribute high levels of pollutants, including heavy metals, toxics, oil and grease, solvents, nutrients, viruses, and bacteria to receiving waterbodies. Pollutant levels from these illicit discharges have been shown in EPA studies to be high enough to significantly degrade receiving water quality and threaten aquatic, wildlife, and human health.

Summary of Goal(s) (BMPs) Associated with this Control Measure

Name: Year - 1 Implement an Information Management System for Tracking Illicit Discharges	Start Date:
Permit Years: Year 1: X Year 2: Year 3: Year 4:	End Date:
Name: Year - 1 Recycling Program	Start Date:
Permit Years: Year 1: X Year 2: Year 3: Year 4:	End Date:
Name: Year - 1 Sewer System Map	Start Date:
Permit Years: Year 1: X Year 2: Year 3: Year 4:	End Date:
Name: Year - 2 Initial Identification of Illicit Discharge Sources	Start Date:
Permit Years: Year 1: Year 2: X Year 3: Year 4:	End Date:
Name: Year - 2 Stormwater Ordinance	Start Date:
Permit Years: Year 1: Year 2: X Year 3: Year 4:	End Date:
Name: Year - 2 Train Employees	Start Date:
Permit Years: Year 1: Year 2: X Year 3: Year 4:	End Date:
Name: Year - 3 Detection and Elimination	Start Date:
Permit Years: Year 1: Year 2: Year 3: X Year 4:	End Date:
Name: Year - 4 Continuation of Detection and Elimination Efforts	Start Date:
Permit Years: Year 1: Year 2: Year 3: Year 4: X	End Date:

The following pages provide details for each of the individual goals.

Goal Name: Year - 1 Implement an Information Management System for Tracking Illicit Discharges

Goal Description: An information Management System will be used to document all important information gathered concerning illicit discharge detection, elimination and actions taken. This information will be included in annual reports and will detail the following:

1. The number of Outfalls Screened
2. The number of illicit discharges discovered during outfall screening.
3. The number of illicit discharges discovered as a result of citizen complaints.
4. The number of illicit discharges that were resolved.
5. The number of Dye or Smoke tests conducted.

Goal Name: Year - 1 Recycling Program

Goal Description: Initiate a recycling program for commonly dumped household wastes such as motor oil, antifreeze, paint, pesticides, etc.

Goal Name: Year - 1 Sewer System Map

Goal Description: The storm sewer system map is meant to demonstrate a basic awareness of the intake and discharge areas of the system. It is needed to help determine the extent of discharged dry weather flows, the possible sources of the dry weather flows, and the particular waterbodies these flows may be affecting. An existing map, such as a topographical map, on which the location of major pipes and outfalls can be clearly presented demonstrates such awareness.

EPA recommends collecting all existing information on outfall locations (e.g., review city records, drainage maps, storm drain maps), and then conducting field surveys to verify locations. It probably will be necessary to walk (i.e., wade through small receiving waters or use a boat for larger waters) the streambanks and shorelines for visual observation. More than one trip may be needed to locate all outfalls.

Goal Name: Year - 2 Initial Identification of Illicit Discharge Sources

Goal Description: Begin process of identifying potential sources from where illicit discharges can emanate. Areas to look for are:

1. Industrial parks or areas with large concentrations of industrial business (manufacturing, warehousing, trucking, etc.).
2. Areas where there are large concentrations of septic systems.
3. Areas with older sanitary sewer lines.

Goal Name: Year - 2 Stormwater Ordinance

Goal Description: Develop an ordinance or other regulatory mechanism that will prohibit (to the extent allowable under State, Tribal, or local law) all non-storm water discharges into the MS4. This ordinance will include appropriate enforcement procedures and actions such as:

1. Fines
2. Civil penalties

Train Employees

Goal Design and administer a training program to employees that will help them to identify illicit
Description: discharges.

Goal Name: Year - 3 Detection and Elimination

Goal Building on work performed in the previous two years a certain percentage of illicit discharges
Description: will now be detected and eliminated. Detection and elimination efforts will be documented so that an end of year report will detail all illicit discharges that were found, which ones were eliminated and what remedial actions were taken.

Goal Name: Year - 4 Continuation of Detection and Elimination Efforts

Goal Building on the work begun in the year 3 goal 'Detection and Elimination' efforts will continue so
Description: that by years end most illicit discharges will have been detected and eliminated.

Pollution Prevention/Good Housekeeping

What is Required?:

Recognizing the benefits of pollution prevention practices, the rule requires an operator of a regulated small MS4 to:

1. Develop and implement an operation and maintenance program with the ultimate goal of preventing or reducing pollutant runoff from municipal operations into the storm sewer system;
2. Include employee training on how to incorporate pollution prevention/good housekeeping techniques into municipal operations such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance. To minimize duplication of effort and conserve resources, the MS4 operator can use training materials that are available from EPA, their State or Tribe, or relevant organizations;
3. Determine the appropriate best management practices (BMPs) and measurable goals for this minimum control measure.

Why is it Necessary?:

The Pollution Prevention/Good Housekeeping for municipal operations minimum control measure is a key element of the small MS4 storm water management program. This measure requires the small MS4 operator to examine and subsequently alter their own actions to help ensure a reduction in the amount and type of pollution that: (1) collects on streets, parking lots, open spaces, and storage and vehicle maintenance areas and is discharged into local waterways; and (2) results from actions such as environmentally damaging land development and flood management practices or poor maintenance of storm sewer systems. While this measure is meant primarily to improve or protect receiving water quality by altering municipal or facility operations, it also can result in a cost savings for the small MS4 operator, since proper and timely maintenance of storm sewer systems can help avoid repair costs from damage caused by age and neglect.

Summary of Goal(s) (BMPs) Associated with this Control Measure

Name: Year - 1 Develop Pollution Prevention Plan	Start Date:
Permit Years: Year 1: X Year 2: Year 3: Year 4:	End Date:
Name: Year - 1 Employee Training Materials	Start Date:
Permit Years: Year 1: X Year 2: Year 3: Year 4:	End Date:
Name: Year - 1 Information Management System	Start Date:
Permit Years: Year 1: X Year 2: Year 3: Year 4:	End Date:
Name: Year - 2 Train Employees	Start Date:
Permit Years: Year 1: Year 2: X Year 3: Year 4:	End Date:
Name: Year - 3 Incorporation of BMPs in Master Plan	Start Date:
Permit Years: Year 1: Year 2: Year 3: X Year 4:	End Date:
Name: Year - 3 Maintenance Schedule	Start Date:
Permit Years: Year 1: Year 2: Year 3: X Year 4:	End Date:
Name: Year - 4 Maintenance Program Effectiveness	Start Date:
Permit Years: Year 1: Year 2: Year 3: Year 4: X	End Date:
Name: Year - 4 Pollution Reduction	Start Date:
Permit Years: Year 1: Year 2: Year 3: Year 4: X	End Date:

The following pages provide details for each of the individual goals.

Goal Name: Year - 1 Develop Pollution Prevention Plan

Goal Description: Develop a comprehensive Pollution Prevention Plan that identifies items such as:

1. BMPs
2. Management Practices and Maintenance Schedules
3. Recycling Efforts

Waste Disposal Guidelines
5. Areas of Concern

Goal Name: Year - 1 Employee Training Materials

Goal Description: Develop a collection of training materials that will be used to educate staff about pollution prevention and good housekeeping. These resources will come from applicable external sources, such as the EPA, and may be supplemented with materials developed by our own organization.

Goal Name: Year - 1 Information Management System

Goal Description: An information management system will be put in place that can be used to track the inventory of stormwater facilities and outfalls. This system will be used by staff to schedule and perform inspections, maintenance activities and document any other actions taken on these inventory items.

Goal Name: Year - 2 Train Employees

Goal Description: Train staff on pollution prevention and good housekeeping using the materials collected and developed in the year one goal 'Employee Training Materials'.

Goal Name: Year - 3 Incorporation of BMPs in Master Plan

Goal Description: Identify, from the list of BMPs outlined in the year one goal 'Develop Pollution Prevention Plan', the BMPs that have been incorporated into the local Master Plan.

Goal Name: Year - 3 Maintenance Schedule

Goal Description: Finalize the maintenance plan and schedule that will be put in place for management of BMPs. Integrate this into the information management system identified in the year one goal 'Information Management System'.

Goal Name: Year - 4 Maintenance Program Effectiveness

Goal Description: Identify the number of facilities and controls that have received maintenance as a result of the year three goal 'Maintenance Schedule'. Document the overall compliance with the schedule and explain any discrepancies.

Goal Name: Year - 4 Pollution Reduction

Goal Description: Identify and estimate the percentage reduction attained in the area of floatables discharged into local waterways.

Construction Site Runoff Control

What is Required?:

The Phase II Final Rule requires an operator of a regulated small MS4 to develop, implement, and enforce a program to reduce pollutants in storm water runoff to their MS4 from construction activities that result in a land disturbance of greater than or equal to one acre.

The small MS4 operator is required to:

1. Have an ordinance or other regulatory mechanism requiring the implementation of proper erosion and sediment controls, and controls for other wastes, on applicable construction sites;
2. Have procedures for site plan review of construction plans that consider potential water quality impacts;
3. Have procedures for site inspection and enforcement of control measures;
4. Have sanctions to ensure compliance (established in the ordinance or other regulatory mechanism);
5. Establish procedures for the receipt and consideration of information submitted by the public; and
6. Determine the appropriate best management practices (BMPs) and measurable goals for this minimum control measure.

Why Is It Necessary?:

Polluted storm water runoff from construction sites often flows to MS4s and ultimately is discharged into local rivers and streams. Of the pollutants listed in Table 1, sediment is usually the main pollutant of concern. Sediment runoff rates from construction sites are typically 10 to 20 times greater than those of agricultural lands, and 1,000 to 2,000 times greater than those of forest lands. During a short period of time, construction sites can contribute more sediment to streams than can be deposited naturally during several decades. The resulting siltation, and the contribution of other pollutants from construction sites, can cause physical, chemical, and biological harm to our nation's waters. For example, excess sediment can quickly fill rivers and lakes, requiring dredging and destroying aquatic habitats.

Table 1
Pollutants Commonly Discharged From Construction Sites

Sediment
Solid and sanitary wastes
Phosphorous (fertilizer)
Nitrogen (fertilizer)
Pesticides
Oil and grease
Concrete truck washout

Summary of Goal(s) (BMPs) Associated with this Control Measure

Name: Year - 1 Establish Water Quality Benchmarks	Start Date:
Permit Years: Year 1: X Year 2: Year 3: Year 4:	End Date:
Name: Year - 1 Information Management System in Place	Start Date:
Permit Years: Year 1: X Year 2: Year 3: Year 4:	End Date:
Name: Year - 1 Ordinance / Regulatory Mechanism	Start Date:
Permit Years: Year 1: X Year 2: Year 3: Year 4:	End Date:
Name: Year - 2 Begin Inspection Program	Start Date:
Permit Years: Year 1: Year 2: X Year 3: Year 4:	End Date:
Name: Year - 2 Staff Training	Start Date:
Permit Years: Year 1: Year 2: X Year 3: Year 4:	End Date:

Year - 3 Improved Water Quality

Permit Years: Year 1: Year 2: Year 3: X Year 4:

Name: Year - 3 Maximum Compliance

Permit Years: Year 1: Year 2: Year 3: X Year 4:

Name: Year - 4 Aquatic Organisms

Permit Years: Year 1: Year 2: Year 3: Year 4: X

Start Date:

End Date:

Start Date:

End Date:

Start Date:

End Date:

The following pages provide detail for each of the individual goals.

Goal Name: Year - 1 Establish Water Quality Benchmarks

Goal Description: Develop a score sheet where information such as clarity, sedimentation, presence of aquatic organisms, etc. can be tracked. Collect this data for selected local waterbodies during year one. This will become the benchmark data that will be used in years three and four of the permit.

Goal Name: Year - 1 Information Management System in Place

Goal Description: An information management system designed to track information submitted by the public and record staff inspections of construction sites will be put in place.

Develop site inspection procedures that will be used by staff in the performance of construction site inspections.

Goal Name: Year - 1 Ordinance / Regulatory Mechanism

Goal Description: Under the extent allowable by law an ordinance or other regulatory mechanism will be put in place that will provide the ability to regulate polluted runoff that emanates from construction sites.

Goal Name: Year - 2 Begin Inspection Program

Goal Description: Random inspections of construction sites will be performed to determine the overall compliance rate that is being achieved by construction operators.

Goal Name: Year - 2 Staff Training

Goal Description: Train staff in finalized inspection procedures developed in year - 1 goal, 'Information Management System'.

Goal Name: Year - 3 Improved Water Quality

Goal Description: Using the information collected in the year one goal 'Establish Water Quality Benchmarks', collect new samples and compare the results with the year one benchmarks established. Identify areas where water quality has improved. In those areas where water quality has not improved identify the potential sources of the problem and investigate them. Use this new information to adjust the plan of action.

Goal Name: Year - 3 Maximum Compliance

Goal Description: Building on year 2 efforts the inspection program will continue until the maximum compliance possible is achieved. Compliance and non-compliance will be documented through the Information Management System.

Goal Name: Year - 4 Aquatic Organisms

Goal Description: Utilizing information collected in the year one goal 'Establish Water Quality Benchmarks', collect new samples that identify the level and intensity of sensitive aquatic organisms. Document those areas where improvement has occurred. Investigate those areas where increases are not noted and identify the potential reasons for this. Use this information to develop a plan of action.

Post-Construction Runoff Control

What is Required?:

The Phase II Final Rule requires an operator of a regulated small MS4 to develop, implement, and enforce a program to reduce pollutants in post-construction runoff to their MS4 from new development and redevelopment projects that result in the land disturbance of greater than or equal to 1 acre. The small MS4 operator is required to:

1. Develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs);
2. Have an ordinance or other regulatory mechanism requiring the implementation of post-construction runoff controls to the extent allowable under State, Tribal or local law,
3. Ensure adequate long-term operation and maintenance of controls;
4. Determine the appropriate best management practices (BMPs) and measurable goals for this minimum control measure.

Why is it Necessary?:

Post-construction storm water management in areas undergoing new development or redevelopment is necessary because runoff from these areas has been shown to significantly effect receiving waterbodies. Many studies indicate that prior planning and design for the minimization of pollutants in post-construction storm water discharges is the most cost-effective approach to storm water quality management.

There are generally two forms of substantial impacts of post-construction runoff. The first is caused by an increase in the type and quantity of pollutants in storm water runoff. As runoff flows over areas altered by development, it picks up harmful sediment and chemicals such as oil and grease, pesticides, heavy metals, and nutrients (e.g., nitrogen and phosphorus). These pollutants often become suspended in runoff and are carried to receiving waters, such as lakes, ponds, and streams. Once deposited, these pollutants can enter the food chain through small aquatic life, eventually entering the tissues of fish and humans. The second kind of post-construction runoff impact occurs by increasing the quantity of water delivered to the waterbody during storms. Increased impervious surfaces interrupt the natural cycle of gradual percolation of water through vegetation and soil. Instead, water is collected from surfaces such as asphalt and concrete and routed to drainage systems where large volumes of runoff quickly flow to the nearest receiving water. The effects of this process include streambank scouring and downstream flooding, which often lead to a loss of aquatic life and damage to property.

Summary of Goal(s) (BMPs) Associated with this Control Measure

Name: Year - 1 Identification of BMPs

Permit Years: Year 1: X Year 2: Year 3: Year 4:

Start Date:

End Date:

Name: Year - 2 Publication of BMPs

Permit Years: Year 1: Year 2: X Year 3: Year 4:

Start Date:

End Date:

Name: Year - 3 Reduced Impervious Areas

Permit Years: Year 1: Year 2: Year 3: X Year 4:

Start Date:

End Date:

Name: Year - 4 Improved Water Quality

Permit Years: Year 1: Year 2: Year 3: Year 4: X

Start Date:

End Date:

The following pages provide detail for each of the individual goals.

Goal Name: Year - 1 Identification of BMPs

Goal Description: Identify and develop a mix of Structural and Non-Structural BMPs that are appropriate for this geographic area. This BMP list will include BMPs suited for both redevelopment and new development. These BMPs will also be used in the 'Construction Site Runoff Control' minimum measure.

Using the previous years construction permit records perform conduct an analysis of development projects that compares impervious and non-impervious surface development. Use

Enclosure 7

Environmental storm water structure lid.

THE CITY OF FAYETTEVILLE, ARKANSAS

May 2, 2002

To all shown as official holders of the City of Fayetteville's Drainage Manual.

Re: Storm water castings.

The use of premarked castings including a "Dump no Waste, Drains to River" statement may increase public education relative to the ultimate disposal of storm drainage and the benefits of preserving the waterways.

Effective immediately, the City of Fayetteville will require that all lids or grates used within the City of Fayetteville for the City's Capital Improvement Projects, or Private Development projects, include an approved environmental statement.

I have been assured by the Neenah Foundry Company and East Jordan Iron Works, Inc. that both companies are offering storm water castings with an applicable statement at the same cost as plain castings. If you or a contractor become aware of higher prices being charged then please contact me.

A copy of the current approved ring and lid system with the environmental statement is attached.

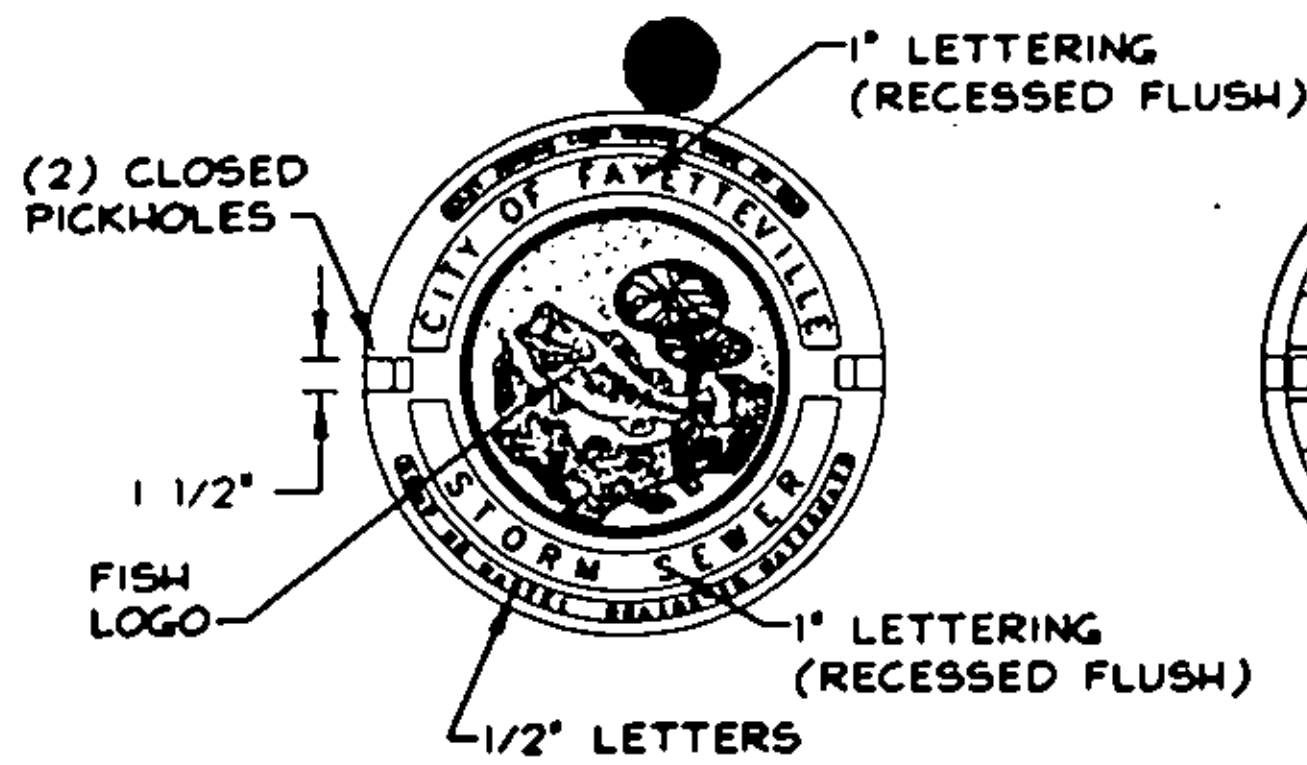
Castings by other companies will be consider based upon written application and response. Unique castings, castings of differing weights or castings for special conditions will be considered based upon written application and response.

Thank you,

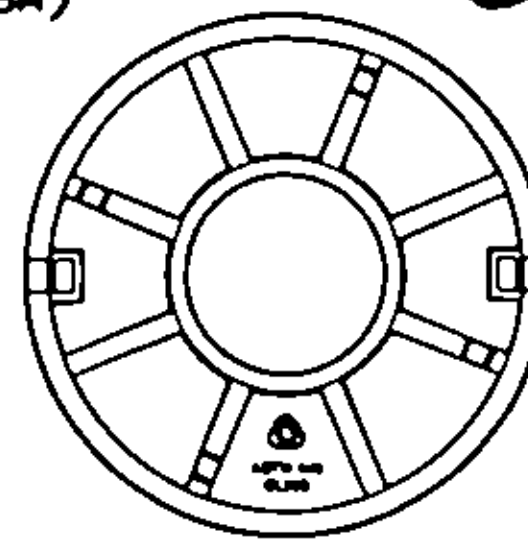


Jim Beavers, P.E.
City Engineer

cc: Neenah Foundry, Michael Conrad
East Jordan Iron Works, Kenny Watkins

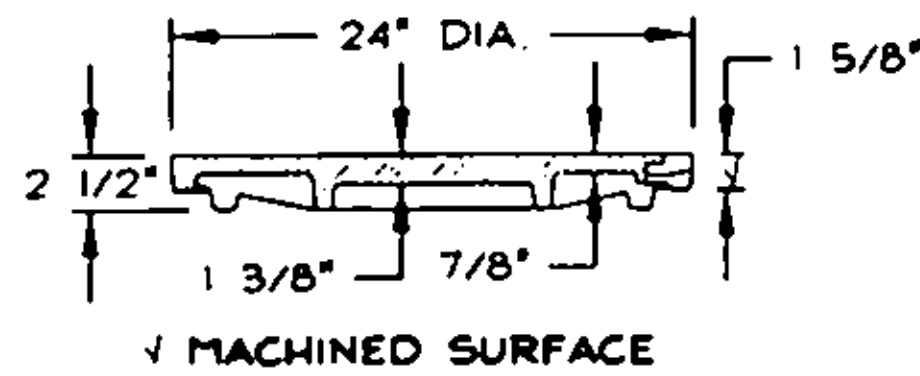


COVER FACE

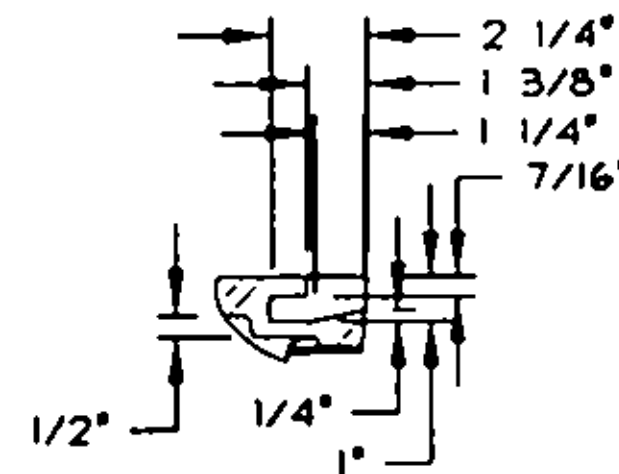


COVER BACK

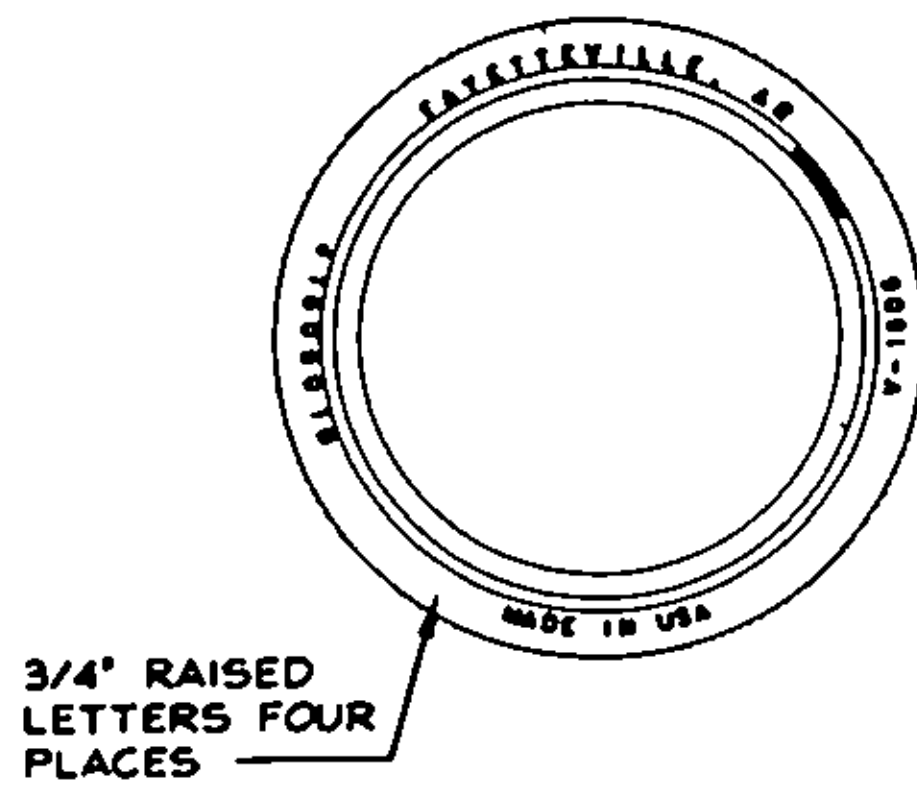
COVER: 140 Lbs



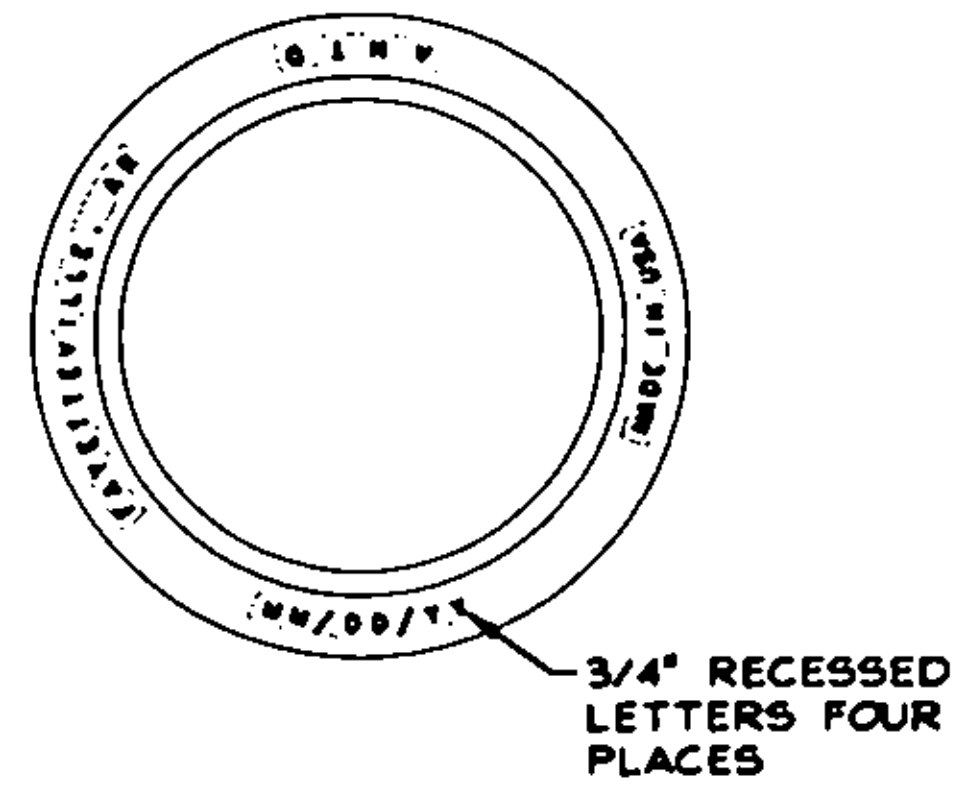
COVER SECTION



PICKHOLE DETAIL



BOTTOM FLANGE VIEW

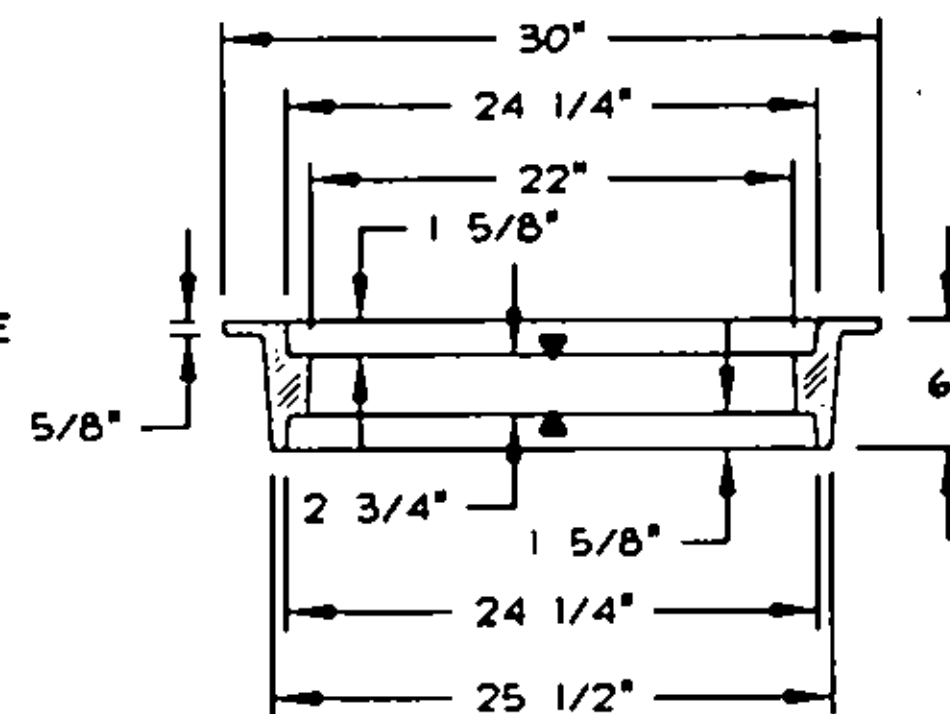


TOP FLANGE VIEW

FRAME: 190 Lbs

MACHINED BEARING SURFACE

APPROXIMATE TOTAL WEIGHT = 333 lbs



REVERSIBLE RING SECTION

HEAVY DUTY RING AND COVER

N.T.S.



CITY OF FAYETTEVILLE
ENGINEERING DIVISION

TITLE:

STORM DRAINAGE LID

DESCRIPTION:

DRAWN BY:
JPO

CHECKED BY:

DATE:
Oct. 1 2002

REVISED:

SHEET NO:

SCALE:

AS SHOWN

SIGNED:

P.E. NO.:

1
1

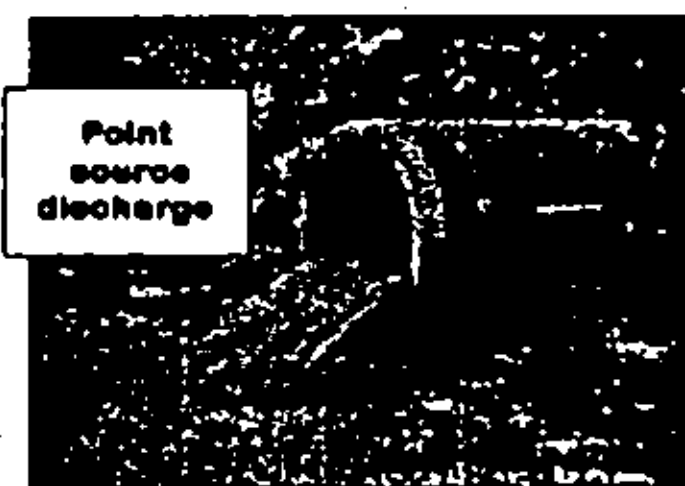
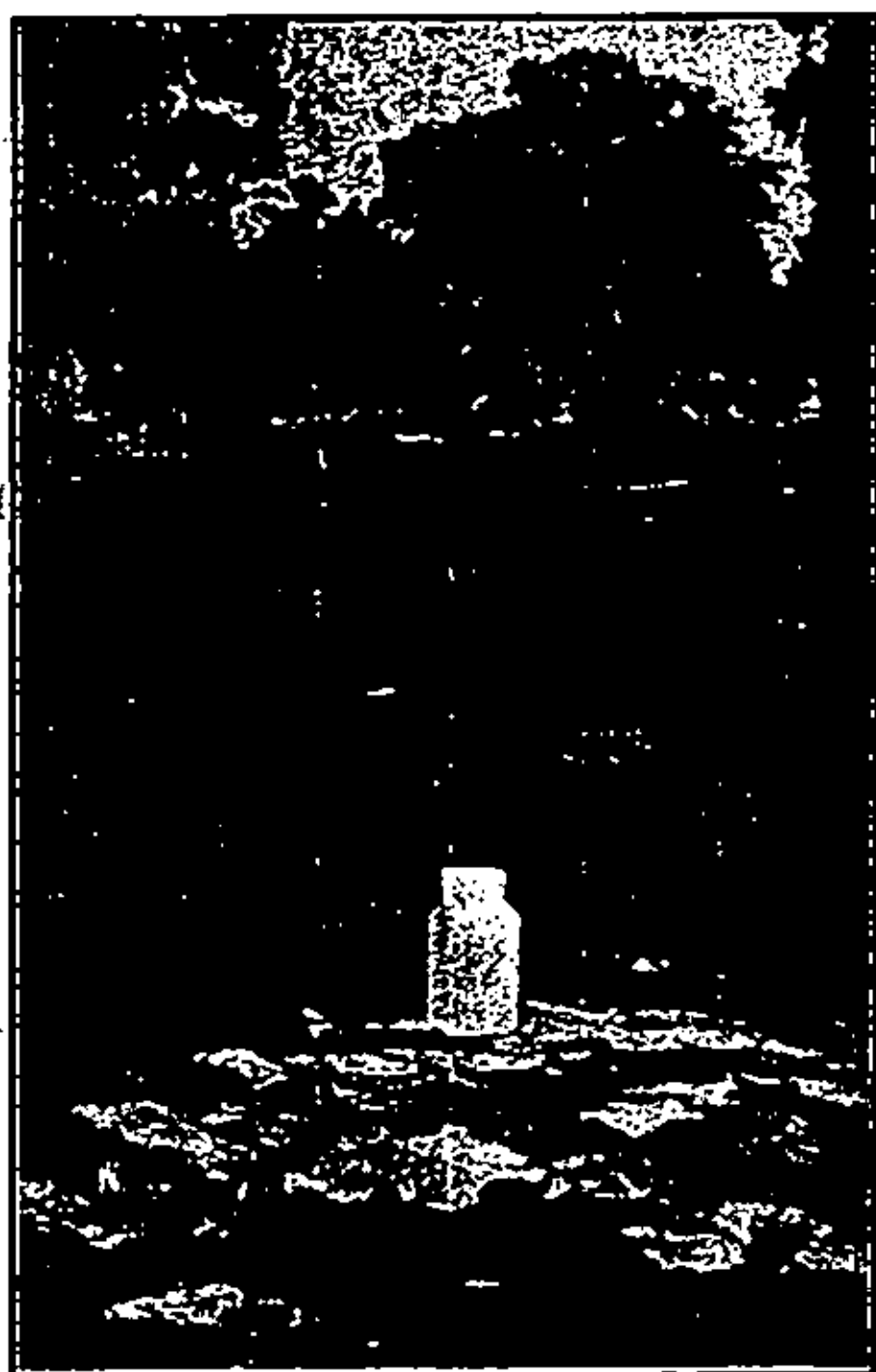
Enclosure 8

Informational brochure developed by the University of Arkansas Cooperative Extension Service

Storm Water Phase II

The quality of the nation's waters have improved dramatically since the passage of the Clean Water Act in 1977, however, degraded waterbodies still exist.

Storm water management programs are carried out through the National Pollutant Discharge Elimination System (NPDES) permit coverage. Municipal Separate Storm Sewers Systems (MS4s) are considered "point sources" of pollution because they discharge storm water through a pipe.



The most recent step in EPA's effort to preserve, protect, and improve the Nation's water resources from polluted runoff is the **Storm Water Phase II Final Rule**, which addresses storm water runoff from:

- 1) "small" MS4s, generally serving populations of 10,000 or more
- 2) "urbanized areas"
- 3) construction activities disturbing between 1 and 5 acres of land

As a Phase II regulated small MS4, you are under a federal mandate to submit a permit application and obtain coverage under an NPDES storm water permit. Under the permit, you will be required to develop and implement a storm water management program that describes how you will implement Best Management Practices into your water program.

Although the communities with "urbanized areas" along the I-540 corridor in Northwest Arkansas may choose individual permits, several of the minimum control measures could be addressed on a regional scale. In particular, a regional construction Best Management Practice design manual as well as coordinated public education and public awareness campaigns might be more successful and cost effective for all newly regulated MS4s if they coordinated their efforts.

Visit our web site at:
<http://www.uaex.edu>



What is included in a Storm

The Phase II Rule defines a storm water management program composed of six elements that, when implemented, are discharged into receiving waterbodies to the maximum extent practicable.

Public Education/Outreach

- Homeowner education programs on lawn and garden activities, proper disposal of household hazardous waste, pet waste and trash management
- Classroom education on storm water
- Educational displays, pamphlets, booklets and utility stuffers
- Using the media to promote pollution prevention

Phase II requires 6 minimum elements

Public education
Public participation
Illicit discharge detection and elimination
Construction of storm water management practices
Post-construction maintenance
Pollution prevention

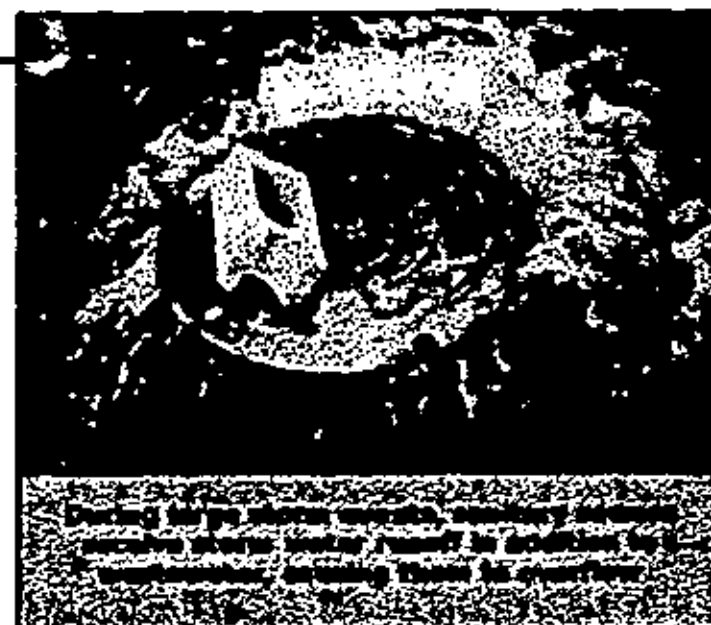
Public Involvement/Participation

- Storm drain stenciling
- Stream cleanup and monitoring
- Volunteer monitoring
- Adopt-A-Stream programs
- Watershed organizations
- Stakeholder meetings
- Attitude surveys
- Community hotlines



Illicit Discharge Detection and Elimination

- Failing septic systems
- Industrial/business connections
- Recreational sewage
- Sanitary sewer overflows
- Identifying illicit connections
- Wastewater connections to the storm drain system
- Illegal dumping



As the operator of a storm water management program, you have the flexibility to select and implement the most effective water quality issues that still meet the requirements of the rule.

The **deadline** for approval of a storm water management program is through ADEQ.

Water Management Plan ?

ment program for a small MS4 as a program
nted together, are expected to reduce pollutants
maximum extent practicable" (MEP).

num control measures:

1 and outreach
1 and involvement
tion and elimination
e runoff control
ite runoff control
d good housekeeping

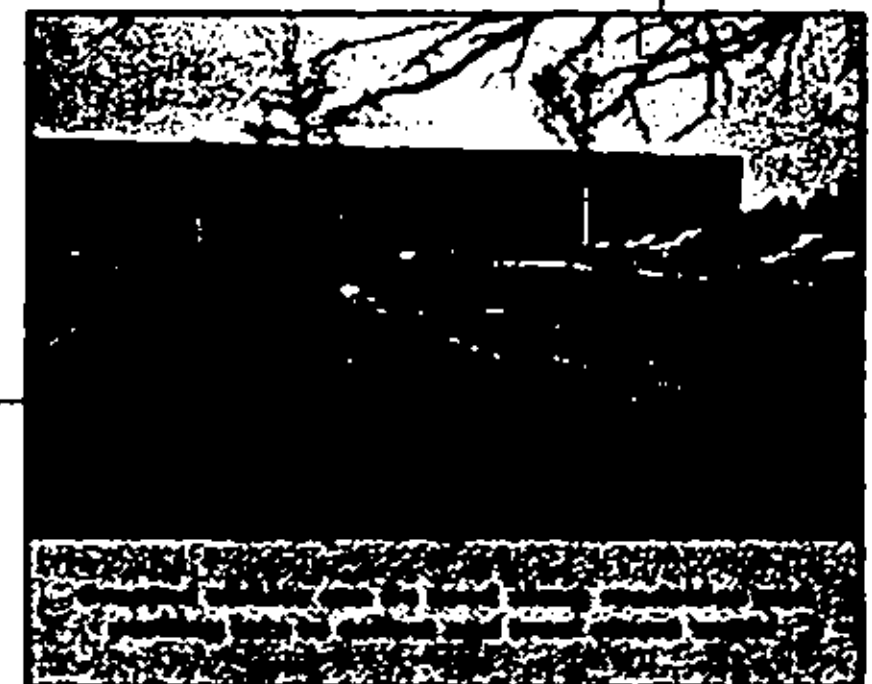
Construction Site Runoff Control

- Minimize clearing
- Stabilize drainage ways
- Stabilize exposed soils
- Protect steep slopes
- Protect waterways



Post-Construction Site Runoff Control

- Ponds
- Infiltration practices
- Filtration practices
- Vegetative practices
- Runoff pretreatment practices
- On-lot Treatment
- Better site design



A street sweeper cleans up pollutants and
debris on the street to reduce the amount of
pollutants entering receiving waters.

Pollution Prevention/Good Housekeeping

- Road salt application and storage
- Spill response and prevention
- Used oil recycling
- Illegal dumping control
- Parking lot and street cleaning
- Roadway and bridge maintenance
- Septic system controls
- Storm drain system cleaning
- Alternative discharge options for chlorinated water

ulated small MS4, you have
e BMPs, measurable goals,
eline that will best address
ific to your community and
rmit requirements.

ing for permit coverage
March 10, 2003

For more information about the Phase II Storm Water
regulations, see the EPA's on-line fact sheet series:
www.epa.gov/npdes/stormwater

So what has to be done to be in compliance?

Again, as a Phase II regulated small MS4, you are under a federal mandate to submit a permit application and obtain coverage under an NPDES storm water permit.

In Arkansas, you will apply, be permitted, and report to the Arkansas Department of Environmental Quality (ADEQ).

To be permitted, you will be required to develop, submit to ADEQ, and implement a storm water management plan that describes Best Management Practices (BMPs) planned for each of the six minimum control measures. The storm water management plan must include:

- ◆ a description of each BMP
- ◆ measurable annual goals for each BMP
- ◆ a timeline describing when each BMP will be implemented over the next 5 years
- ◆ the individual(s), or group(s) responsible for implementing or coordinating the storm water program

Help is available...

Since May 2002, a *Storm Water Focus Team* has been reviewing available resources and tools in considering strategies that might benefit all small MS4s in Northwest Arkansas as they prepare for Phase II Storm Water regulations. Representatives from each MS4 are encouraged to participate to better understand what is required through the Phase II regulations.

As the March 10, 2003 deadline for submission is rapidly approaching, the immediate goal should be for each MS4 to decide what BMPs will be implemented in their storm water management plan. The Focus Team has found a formatted template so each MS4 can simply insert their specific BMP goals and timelines and their storm water management plan will be ready for approval and submission.

For more information about the *Storm Water Focus Team* or potential assistance in preparing a plan, please contact the Northwest Arkansas Regional Planning Commission at (479)751-7125.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR OR HIS
DESIGNEE TO SUBMIT THE CITY OF FAYETTEVILLE'S "STORM
WATER PHASE II" PERMIT APPLICATION TO THE ARKANSAS
DEPARTMENT OF ENVIRONMENTAL QUALITY.

**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 Mayor or his designee to submit the City of Fayetteville's
"Storm Water Phase II" permit application to the Arkansas Department of
Environmental Quality.

PASSED and APPROVED this 18th day of February, 2003.

APPROVED:

By: _____

DAN GOODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

DRAFT

STAFF REVIEW FORMMANHOLE REHAB
A. 6 Page 1XXX AGENDA REQUEST
XXX CONTRACT REVIEW
GRANT REVIEWFor the City Council meeting of: February 18, 2003**FROM:**David Jurgens
NameWater/Sewer
DivisionWater/Sewer
Department**ACTION REQUIRED:** City Council approve the attached construction contract with T-G Excavating, Inc., for Sanitary Sewer Manhole Rehabilitation, Illinois Basin 1-5 and the Industrial Park, in the amount of \$933,333, and approve a 5% contingency of \$46,667.**COST TO CITY:**\$ 980,000
Cost of this request\$2,320,432
Project BudgetSewer Rehabilitation
Project Name5400-5700-5815.00
Account Number\$1,072,432
Funds used to dateSewer Mains Const
Program Name02017-0301
Project Number\$1,248,000
Remaining BalanceWater and Sewer
Fund**BUDGET REVIEW:** XXX Budgeted Item Budget Adjustment Attached[Signature]
Budget Coordinator
Administrative Services Director**CONTRACT/GRANT/LEASE REVIEW:****GRANTING AGENCY:**Maria Fathig
Accounting Manager1/29/02
Date
ADA Coordinator
Date* See Comments
City Attorney
DateDanny Smith
Internal Auditor1/29/03
DateP. Ulice
Purchasing Officer1/31/03
Date**STAFF RECOMMENDATION:** Approve construction contract as stated above.[Signature]
Division Head28 JAN 03
DateCross Reference:[Signature]
Department Director1-31-03
DateNew Item: Yes No[Signature]
Administrative Services Director2-3-03
DatePrevious Ord/Res #: N/A[Signature]
Mayor2/7/03
DateOrig Contract Date: N/A

D:\REHAB-SWBAS1-SMHAGR.doc

February 28, 2003

STAFF REVIEW FORM

Page 2

Description: Construction contract, sewer rehabilitation, T-G Excavating, Inc.

Comments:

Budget Coordinator:

Reference Comments:

Accounting Manager:

City Attorney:

We need to see the
~~signed~~ executed agreement

for a proper review

Purchasing Officer:

DPW 1/29/03

ADA Coordinator:

Internal Auditor:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

MANHOLE REHAB
A. 6 Page 3

DEPARTMENTAL CORRESPONDENCE

To: Fayetteville Mayor and City Council

Thru: Greg Boettcher, Water/Sewer Director

From: David Jurgens, Water/Sewer

Date: January 27, 2003

Subject: Agenda Request- February 18 Council Meeting, Construction Contract, Illinois River Basins 1-5 and the South Industrial Park Area Sewer Manhole Rehabilitation, T-G Excavating, Inc

1. Background. The sewer system which flows into the Gregg Avenue lift station (near Mud Creek just south of Johnson), and then to the Old Wire Road lift station (at the intersection of Old Wire and Highway 265) requires significant rehabilitation in order to reduce inflow and infiltration in the sewer system and thus eliminate the wet weather overflows at both lift stations. This project is designed to reduce the extraneous I/I and upgrade the system's capacity so that it can carry the required volume of water. The area to be rehabilitated is all of those areas tributary by gravity to the Gregg Avenue lift station, and the south Industrial Park area, all shown on the attached map. Under very heavy rains, we experience recurring overflows at three manholes and two pumps station in this area.

2. Project Description. This is the first of three sewer rehabilitation construction projects in this area, and involves only manholes. The later projects will bid later this year, and will involve sewer line replacement and repair. The work on this project consists of rehabilitating 720 manhole covers and frames, interior coating approximately 335 manholes, sealing 700 manhole frames and grade adjustments, and removal and replacement of 10 manholes. No work will be done on lines that are being replaced in conjunction with the west side wastewater plant. Design figures for that project are all based on this rehabilitation being performed and reducing the extraneous rain and ground water flows.

3. Bid. Bids were opened on January 14. Three bids were received from qualified contractors, as shown below. The low bid from a qualified bidder is \$107,250 below the engineer's estimate.

<u>Company</u>	<u>Bid</u>
T-G Excavating, Inc.	\$ 933,333.00
Building Utilities, Inc.	1,186,260.00
Kim Construction, Inc.	1,251,320.00
Engineer's Estimated Cost	\$1,208,725.00
Bid % of Engineer's Estimate	77.2%

RJN Group, the Engineer, has recommended we award this contract to the lowest bidder, T-G Excavating, as they meet all qualifications requirements contained in the contract documents.

4. Budgeting. This sewer rehabilitation project is in the 2002 Capital Improvements Plan (page 129) and is funded by Water/Sewer funds. \$1,248,000 remains in the project budget for 2003. Budget details are identified on the attached agenda request.

5. Staff Recommendation. The Staff recommends award of the construction contract to T-G Excavating, Inc., in the amount of \$933,333, and approve a 5% contingency of \$46,667, for a total cost of \$980,000.

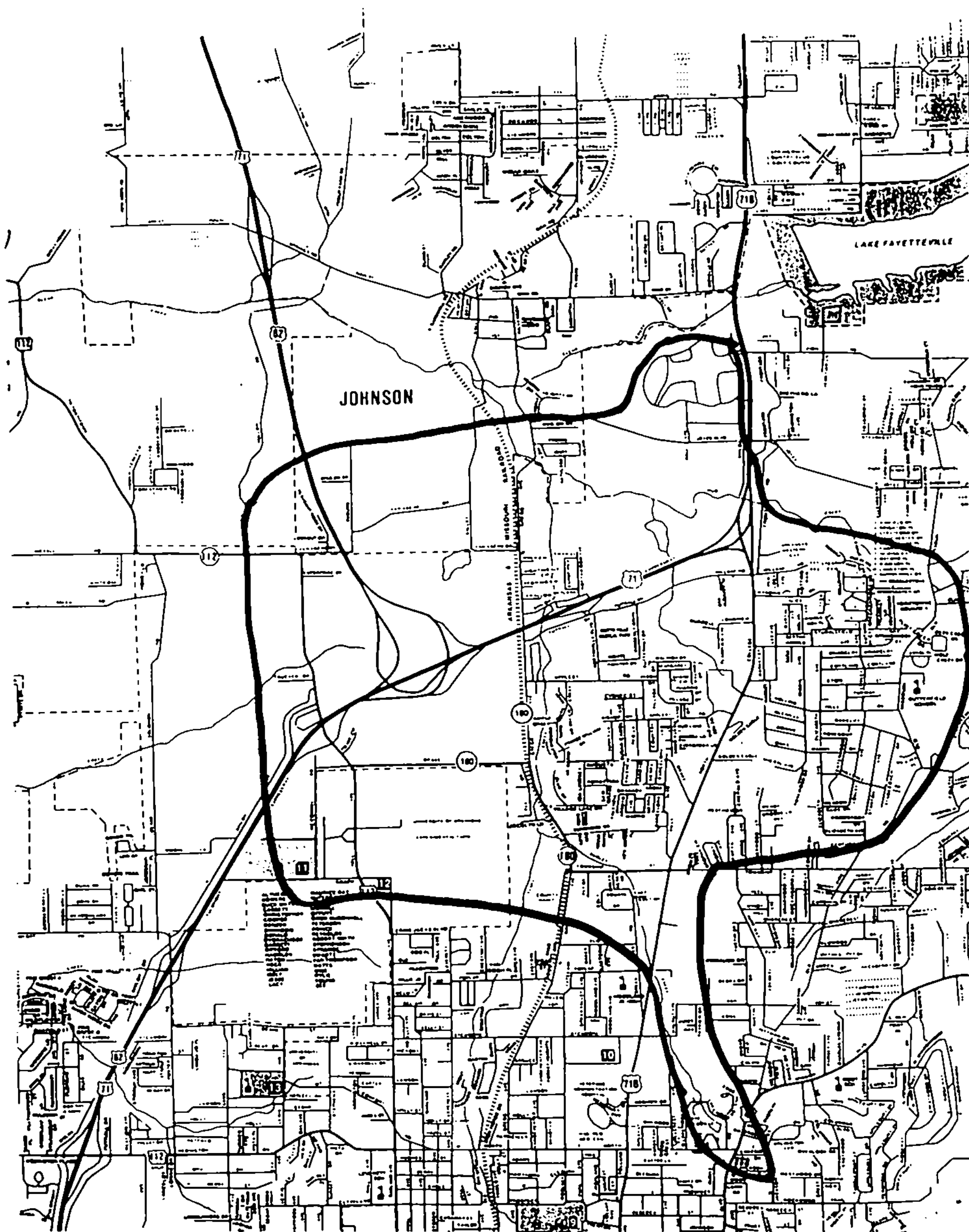
Enclosures:

- Project Area Map
- Engineer's Recommendation Letter
- Proposed Contract
- Purchase Order

SANITARY SEWER REHABILITATION
ILLINOIS RIVER CASINS 1-5, 18 & 19

MANHOLE REHAB
A. 6 Page 5

NO SCALE



Purchase Requisition

(not a purchase order)

T-G Excavating, Inc.

26016 East Admiral Place

Fayetteville, AR

Yes ☒ No ☒ XXX

74015

Ship To Code:

Division Head Approval:

David Jurgens

Requester's Employment:

Extension:

386

[illegible]

Subtotal: \$933,333.00

The notice to proceed will be issued immediately following City Council approval. Work must begin within 10 working days following issuance of the notice to proceed.

Tax:

TOTAL:	\$933,333.00
---------------	---------------------

Approvals:

reaching office use only)

ayor: _____

Department Director

Purchasing Manager:

Admin. Services Director. _____

Budget Coordinator:

Data Processing Mgmt

• AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council Meeting of: February 18, 2003

FROM:

Brian Pugh

Solid Waste & Recycling

Operations

Name

Division

Department

ACTION REQUIRED:

Approve resolution authorizing staff to begin the purchasing process for a compost row turner and to solicit a contractor to construct the compost pad.

COST TO CITY:

\$ 227,245	\$ 314,890	Fleet - Other Vehicles & Equipment
\$ 255,700	\$ 288,393	Composting Site Improvements
Cost of this request	Category/Project Budget	Program Category / Project Name
9700.1920.5802.00	\$ -	Vehicles & Improvements
5500.5070.5816.00	\$ -	Solid Waste Improvements
Account Number	Funds Used to Date	Program / Project Category Name
02080	\$ 314,890	Shop Fund
02100	\$ 288,393	Solid Waste Fund
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW:

X

Budgeted Item

Budget Adjustment Attached

Budget Manager

Date

Finance & Internal Sacs. Director

Date

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Manager

Date

Grant Coordinator

Date

STAFF RECOMMENDATION: Staff recommends approval of the resolution.

Cross Reference

New Item: Yes No

Previous Ord/Res#: _____

Orig. Contract Date _____

Orig. Contract Number _____

Division Head

Date

Department Director

Date

Finance & Internal Sacs. Director

Date

Mayor

Date

Description Row Turner & Composting Pad Improvements Meeting Date February 18, 2003

Comments:

Budget Manager

Reference Comments:

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

To: Gary Dumas

From: Brian Pugh

CC: Carrol Hill

Date: Friday, January 31st, 2003

**Subject: Composting Site Improvements and Other Planned Program
Improvements**

Background:

The purpose of this memo is to bring the Council up to date on planned improvements in the Solid Waste and Recycling Division and to specifically discuss improvements to the Composting Operation. These composting improvements will be for two purposes: to decrease the time necessary for the chemical changes to occur to yard waste to create compost and to reduce and consolidate the space necessary for the yard waste program. These two changes in this composting operation are necessary for other program improvements to occur. These other program improvements are the implementation of the Council resolution to expand the City's large commercial roll off business and to implement an effective and efficient commercial glass recycling and apartment recycling program.

Composting Improvements

The Solid Waste and Recycling Division is pursuing improvements to the Division's composting facility. These improvements consist of purchasing new row turning equipment and constructing a concrete pad for enhanced windrow processing. Upgrades in equipment and the processing pad will also allow for consolidation of composting activities, which in turn, will provide space for storage of commercial containers needed for commercial market expansion.

New row turning equipment will allow processing operations to be accomplished on approximately one acre instead of the three acres currently required and it will decrease the amount of time needed to process the compost allowing the stockpile to be eliminated.

The new equipment can improve production of compost allowing for faster turnover of material on the pad. The new row turner is designed to handle a substantially larger windrow of unprocessed yardwaste and will decrease the size needed to process by one third. Water tanks located on the equipment will enable operators to keep windrows of compost at adequate moisture levels along with optimizing aeration and mixing capabilities.

The decrease in space needed for windrows of compost will allow for consolidation of grinding and material storage activities increasing space at the current storage and grinding site for storage of commercial containers.

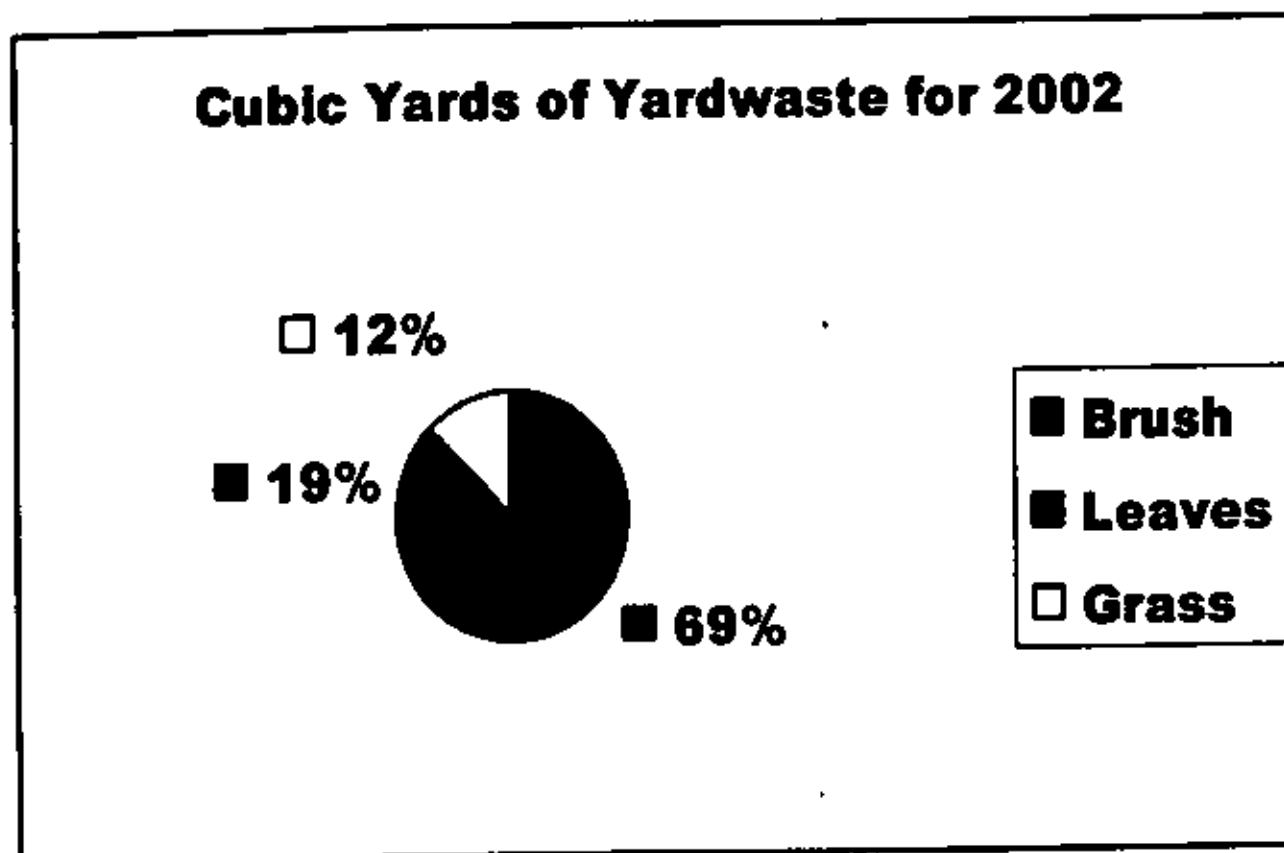
Currently compost windrows are processed on compacted ground which decreases the quality of compost and recently the composting facility has been sited by ADEQ for having standing water on site. A concrete pad with proper draining and a catch basin will improve compost quality and negate standing water problems.

Discussion:

Current Capacity

During 2002, the Division collected 25,100 cubic yards of bulk brush, leaves and grass. By state law this material must be composted or processed as mulch and is not allowed to be landfilled. Diverting this material represented a \$163,279 savings in avoided tipping fees from the landfill. Revenue collected during 2002 resulted in \$3,056 from compost sales and \$2,770 from mulch sales. New equipment and enhanced facilities raises

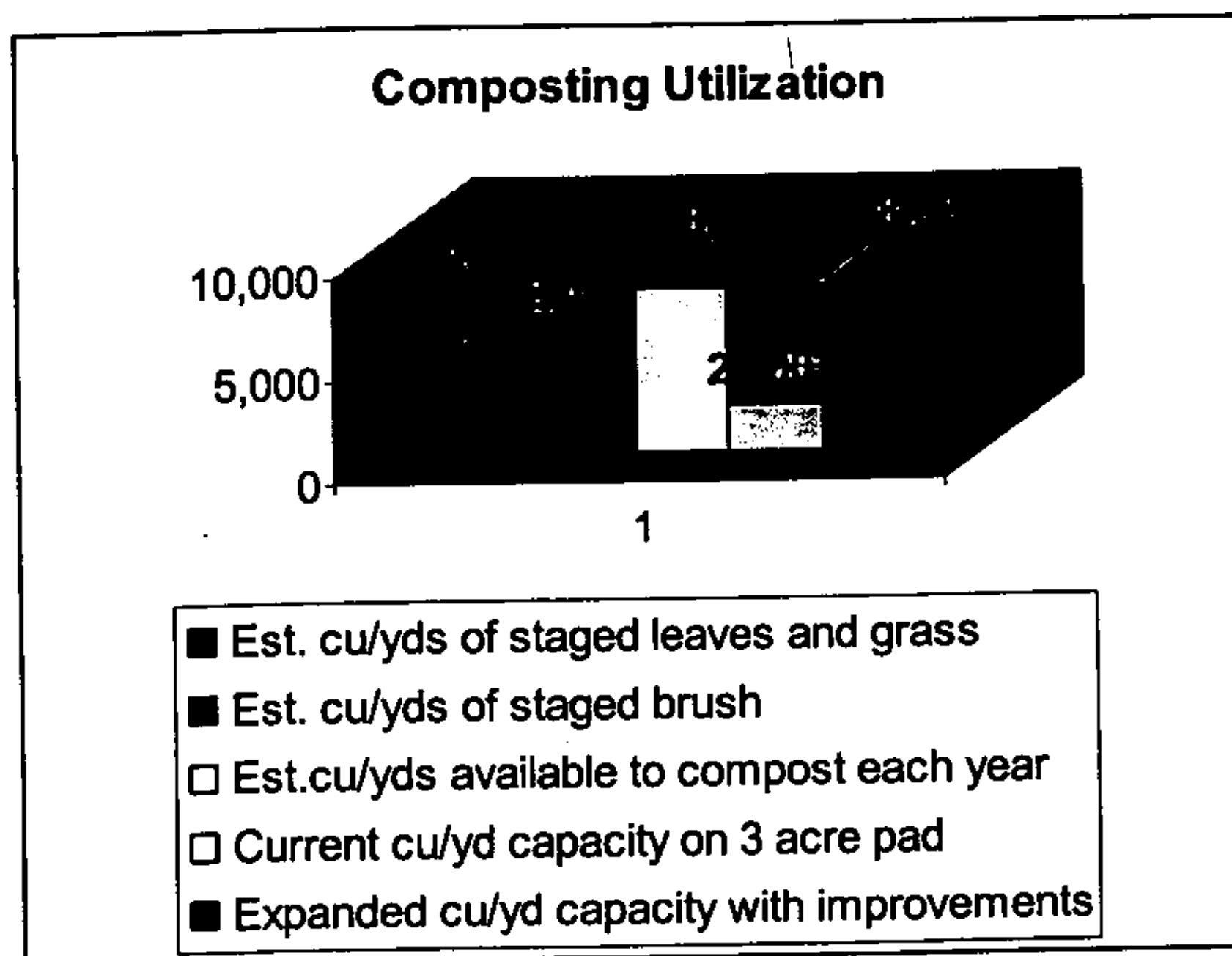
production capacity and increases the potential for revenue collected.



During the composting process, 50% of the volume of the material is lost due to physical and biological changes. The new pad would be constructed on 1.04 acres and because of better equipment, it is estimated that 8,020 cubic yards capacity could be available for processing material. Using these estimates it would be conceivable to produce 4,010 cubic yards of

compost in one year if volumes allowed. Having this amount of capacity available would limit future stockpiling of incoming materials to acceptable levels and provide a more

efficient processing capacity to exist.



The yearly average of material available to compost is approximately 8,000 cubic yards. This amount consists of leaves, grass and a small amount of the collected brush.

Using these figures, it is possible to yield 4,000 cubic yards of compost for sale each year. The Division could produce 2.6 times the

amount of compost currently produced in a given year with the improvements at the site.

Stockpiles of material are currently overwhelming the capacity available on the composting pad with current equipment. It is estimated that approximately 4,800 cubic yards of leaves and grass are stockpiled ready to be composted but cannot be processed because the equipment available for processing is not capable of making windrows large enough to hold all the material.

This stockpiled material and future collections of material will result in more staging problems in the future, taking away space that could be utilized for storing containers needed for the commercial expansion. The current rate of collection and processing is not sustainable for processing all the incoming and staged material, therefore continually increasing the storage needs of compostable materials.

Pad Turnover

With new row turning equipment and the added features available through operating the equipment, compost windrows should be better managed through proper aeration, moisture content and mixing of row contents. These factors along with a concrete pad facilitating larger piles will allow piles to "cook" faster and speed up the biological process. Current methods require six months to make compost. It is conceivable to make compost in 4 or 5 months with improvements, which would increase compost volumes, reduce staged material levels and increase revenue potential to the Division.

Grinding Operation

The grinding operation for brush averages a 10 to 1 reduction in volume. During 2002, 17,169 cubic yards of brush was collected. During grinding, this material was reduced to approximately 1,717 cubic yards. During the composting process small amounts of the mulch product is incorporated into the windrows to aid in creating oxygen paths for the microbes. Ground up brush should be staged adjacent to the composting pad for ease of incorporating mulch into the windrow piles. Space currently being utilized with compost windrows could be used to stage this material if improvements are made.

Compost Pricing Considerations

Currently the city conducts twice a year compost sales in the Spring and Fall. Technically the City does not charge for the sale of compost but there is a fee for the loading the material for residents. Prices charged for loading compost are \$8 for one cubic yard or small truck, \$9 for 1 ½ cubic yards and a medium sized truck and \$13 for two cubic yards or a large truck or trailer.

These rates are very inexpensive and should be raised to help recover some costs of operating the composting program. Prices paid for yardwaste compost in the Southeast portion of the country range from \$3 per cubic yard to \$25 per cubic yard with an average of \$11.82 per cubic yard. The 12 year average for price charged per cubic yard of compost from the City is \$4.82.

Our compost has been certified through the Woods End Laboratory in Maine and given the Rodale Organic Gardeners Seal of Approval for Quality Assurance. We received the Topsoil blend classification through the testing process which allows our compost to be used as soil replacement and is suitable for raised garden beds. According to the Woods

End lab, composting on a concrete pad could increase the organic matter by eliminating the clay and rocks, which could possibly move our certification to the Garden Compost level.

Screening of the final product is also helping in producing a quality product that customers like to purchase. With the increased value that we are adding to the product, a more sustainable price should be charged.

Bulk Marketing

Current and emerging markets for compost present opportunities for even greater use of the material. Major markets include agriculture, landscaping, horticulture, soil wholesalers, retailers, land reclamation firms, golf courses and homeowners. A bulk marketing program should be started to sell the product to these markets. Marketing compost in bulk would provide a consistent outlet while creating greater revenue potential. Current estimates of 4,010 cubic yards of compost available for sale per year would enable a bulk marketing program to exist.

Plan of Action

This upgrade in equipment and facilities follows past improvements in processing such as 1) eliminating plastic bags from collection of yardwaste and 2) screening the finished compost product. The next stage in our plans is to improve the processing through equipment upgrades and pad improvement along with moving staged material adjacent to the current site to improve the logistics of the composting operation. Future plans include 1) adding a second pad as input grows and 2) moving the grinding operation over to the composting site. Having all operations logistically convenient would improve space utilization and combine like works which would improve efficiencies in overall operations.

Engineering design services have been completed on the composting pad improvements with the following estimated costs:

*Compost pad improvements	\$255,700	
• equipment set-up		
• storm water erosion control		
• class 7 base material		
• 6" concrete slab with turndown and rebar		
• seeding, mulching and fertilizer		
• construction of a detention basin		
Row turner equipment	\$245,245	
Minus trade-in value on the current row turning	(\$18,000)	

equipment	\$227,245	
Total Cost	\$482,945	
Return on Investment Analysis		
Savings from yardwaste diversion (Est. yearly totals)		\$163,000
**Sales of compost (Est. yearly totals)		\$19,300
Sales of mulch per year (Est. yearly totals)		\$2,700
Total Annual Income or Saving		\$185,000
Return on Investment estimated at		2.6 years

*These costs are engineering estimates; some work could be performed by city employees saving some costs.

**Compost and Mulch sales could be higher if bulk marketing and rate increases are in place.

Recommendation Concerning Composting Improvements:

Approve resolution authorizing staff to begin purchasing process for a composting row turner and to solicit a contractor to construct the compost pad.

There are programmed funds available for this improvement.

Other Planned System Improvements

In order to thoroughly keep the City Council informed on future issues and expenses, there are two additional program changes that are forthcoming; a separate item on this agenda, the roll off service expansion and an item coming forward within the next two to four weeks, apartment recycling and commercial glass recycling and processing. Both of these programs will have associated costs that will be recovered from the ratepayers for these services. These projects are doable but their costs will not be insignificant; the roll off expansion will have an annual cost of over \$600,000 and the apartment and glass recycling program annual cost will not be substantially less. The rates for the roll off service are very competitive and are discussed in more detail in the accompanying agenda item. The rates for apartment recycling and commercial glass are being developed. The vehicle and equipment costs for all these programs can be financed through a short-term leasing program which is scheduled to be discussed by the Finance and Internal Services Director with the City Council within the next 4 to 6 weeks.

STAFF REVIEW FORM

DDEP
A. 8 Page 1

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of February 18, 2003

FROM:

Hugh Earnest Administration
 Name Division Department

ACTION REQUIRED: Approval of a Contract with Downtown Dickson Enhancement Program for a six month period with a progress report due to City Council during the first meeting in June 2003.

COST TO CITY:

<u>\$ 20,000</u> Cost of this Request	<u>\$ 20,000</u> Category/Project Budget	<u></u> Category/Project Name
<u>1010.6600.5734.00</u> Account Number	<u>\$ 0</u> Funds Used to Date	<u></u> Program Name
<u></u> Project Number	<u>\$ 20,000</u> Remaining Balance	<u>General</u> Fund

BUDGET REVIEW:

☒ Budgeted Item ☐ Budget Adjustment Attached

[Signature]
Budget Manager
Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

[Signature] 2/6/03
Accounting Manager Date

[Signature] 2/6/03
City Attorney Date

[Signature] 2/6/03
Purchasing Officer Date

ADA Coordinator

Date

[Signature]
Internal Auditor

2/6/03
Date

STAFF RECOMMENDATION: Approval of the Resolution and Budget Adjustment

Division Head

Date

Cross Reference

[Signature]
Department Director

Date

New Item: Yes No

[Signature]
Administrative Services Director

2-6-03
Date

Prev Ord/Res #:

[Signature]
Mayor

2/6/03
Date

Orig Contract Date:

STAFF REVIEW FORM

Description _____ Meeting Date _____

Comments:

Reference Comments:

Budget Coordinator

Is the \$20,000 paid in a
lump sum amount or in 6 monthly
installments

Accounting Manager

Six monthly installments
based on actual expenses.
AD

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

THE CITY OF FAYETTEVILLE, ARKANSAS

Date: February 5, 2003
To: Mayor and City Council
From: Hugh Earnest 
Chief Administrative Officer
Subject: DDEP Contract

Background

For the past several years, the City has supported the efforts of the Downtown Dickson Enhancement Program through a yearly purchase of services from the organization. This particular non-profit organization was organized as a dues paying group with the specific purpose of developing and enhancing a wide range of activities in and around the Dickson Street corridor. The most visible activity has been the ongoing re-construction and improvement of Dickson Street. The group has also been active in promotions associated with this important part of downtown Fayetteville.

Current Situation

Representatives from the DDEP Board and the City have met and worked out a proposed lease that addresses the concerns raised during the City budget process in December. It is clearly understood by DDEP that the group will focus on grants (with prior notification to the City), assist in the merger of existing improvement districts or the creation of a new district and, in more general terms, continue to serve as a catalyst for continued development in its target area.

Recommendation

The contract, as proposed, is for six months with a report on progress to the City Council required the first meeting in June 2003. We recommend that the Council approve the contract as submitted.

CITY OF FAYETTEVILLE
CONTRACT FOR SERVICES

This Agreement is entered into on this 1st day of January 2003, between the City of Fayetteville, hereinafter known as the "City" and Downtown/Dickson Enhancement Project, Inc., hereinafter known as "DDEP," an Arkansas not-for-profit corporation.

WHEREAS preserving and enhancing the historic core of the City benefits Fayetteville through increased tax revenue and an exceptional quality of life.

WHEREAS the City has determined that a public need exists for safe and inviting pedestrian linkages between downtown Fayetteville commercial, civic and residential areas more specifically illustrated by the DDEP areas shown in Exhibit A.

WHEREAS DDEP has developed an organization to develop and implement a master plan to enhance and promote the vitality, further development and marketing the Downtown/Dickson area.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the City and DDEP agree as follows:

1. This agreement will begin on the date first written above.
2. Downtown/Dickson Enhancement Project, Inc. (DDEP) agrees to perform the following services for the City of Fayetteville.
 - a. Develop and submit to the Fayetteville Planning Commission and the City Council a master plan of priority and design for streetscape and sidewalks throughout the DDEP district.
 - b. At the City's request, find or investigate possible grant and other funding sources to implement streetscape enhancements, stimulate economic development and support mutual goals for the described area.
 - c. Submit all grant applications to the City for City approval, which require matching City funds, or require future City funding for maintenance or operation expenses prior to submitting the grant application to the granting agency.
 - d. Serve on the task force to assist the City Planning Division with a project to amend the existing zoning code and develop standards and guidelines for downtown Fayetteville. (Downtown Zoning Study).

- e. Serve on the Walton Arts Center's Cultural Development Plan Committee to develop a Cultural District for Northwest Arkansas.
 - f. Research and facilitate plans to merge and expand existing Improvement Districts within the DDEP district or form a Master Improvement District, or other entity appropriate for providing long-term funding for improvements within the district.
 - g. Assist in maintaining the economic vitality of the DDEP district by actively assisting existing business in customer and tenant retention, promoting the area to potential new business tenants and tracking commercial business activity and turnover within the district.
- 3. DDEP agrees to provide written reports to the City twice a year that describes the activities undertaken during the preceding period on the services pursuant to paragraph 2, or as requested.
 - 4. To make available all records for review by the City and City auditors as requested. DDEP agrees to comply with the Arkansas Freedom of Information Act as applicable.
 - 5. For the purpose of the Agreement, the Project Coordinator for the City will be the City Chief Administrative Officer or his/her successor or designee. The Project Coordinator for DDEP will be Executive Director Bootsie Ackerman or her successor or designee. Communications pertaining to this agreement will be through the respective Project Coordinators for the City and DDEP.
 - 6. DDEP will hold harmless, defend, and indemnify the City, from any and all claims, actions, suits, charges and judgments whatsoever that arise out of the performance or nonperformance of the services or subject matter of this agreement.
 - 7. Budget. The City agrees to pay \$20,000 for services rendered for a six month period through June 30th, 2003. The City Council has committed to a review of additional funding for the calendar year 2003. Such review will occur at the first council meeting in June of this year. It is understood that this amount represents a fraction of the value of these services. The amounts to be paid for services in future budget years are dependent on the amounts appropriated by City Council for each budget year.
 - 8. DDEP will render to the City, a request for Payment at the end of each month and the City will pay the invoice within thirty days of receiving the invoice in the City's Accounting Division.

IN WITNESS WHEREOF, we have hereunto set our hands on the date first written above.

Downtown/Dickson Enhancement Project, Inc.

City of Fayetteville

John Gilliam, President

Dan Coody, Mayor

Attested By:

Attested By:

FAYETTEVILLE

A-5

THE CITY OF FAYETTEVILLE, ARKANSAS

Date: February 5, 2003
To: Mayor and City Council
From: Hugh Earnest 
Chief Administrative Officer
Subject: DDEP Contract

Background

For the past several years, the City has supported the efforts of the Downtown Dickson Enhancement Program through a yearly purchase of services from the organization. This particular non-profit organization was organized as a dues paying group with the specific purpose of developing and enhancing a wide range of activities in and around the Dickson Street corridor. The most visible activity has been the ongoing re-construction and improvement of Dickson Street. The group has also been active in promotions associated with this important part of downtown Fayetteville.

Current Situation

Representatives from the DDEP Board and the City have met and worked out a proposed lease that addresses the concerns raised during the City budget process in December. It is clearly understood by DDEP that the group will focus on grants (with prior notification to the City), assist in the merger of existing improvement districts or the creation of a new district and, in more general terms, continue to serve as a catalyst for continued development in its target area.

Recommendation

The contract, as proposed, is for six months with a report on progress to the City Council required the first meeting in June 2003. We recommend that the Council approve the contract as submitted.

STAFF REVIEW FORM

2-11-03 Pulled from tentative
Agenda 2-18-03
table for date
copies for
transf.

- ☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of February 18, 2003

FROM:

Hugh Earnest Administration
Name Division Department

ACTION REQUIRED: Approval of a Contract with Downtown Dickson Enhancement Program for a six month period with a progress report due to City Council during the first meeting in June 2003.

COST TO CITY:

\$ <u>20,000</u> Cost of this Request	\$ <u>20,000</u> Category/Project Budget	<u> </u> Category/Project Name
<u>1010.6600.5734.00</u> Account Number	\$ <u>0</u> Funds Used to Date	<u> </u> Program Name
<u> </u> Project Number	\$ <u>20,000</u> Remaining Balance	<u>General</u> Fund

BUDGET REVIEW: ☒ Budgeted Item ☐ Budget Adjustment Attached

Budget Manager Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY:

<u>Marsha Farthing</u> <u>2/6/03</u> Accounting Manager Date	<u> </u> <u> </u> ADA Coordinator Date
<u> </u> <u>2/6/03</u> City Attorney Date	<u>Nancy Smith</u> <u>2/6/03</u> Internal Auditor Date
<u> </u> <u>2/6/03</u> Purchasing Officer Date	

STAFF RECOMMENDATION: Approval of the Resolution and Budget Adjustment

<u> </u> <u> </u> Division Head Date	<u> </u> Cross Reference
<u>Hugh Earnest</u> <u> </u> Department Director Date	New Item: Yes No
<u> </u> <u>2-6-03</u> Administrative Services Director Date	Prev Ord/Res #:
<u>Near Cady</u> <u>2/6/03</u> Mayor Date	Orig Contract Date:

STAFF REVIEW FORM

Description _____ Meeting Date _____

Comments:

Reference Comments:

Budget Coordinator

Is the \$20,000 paid in a
lump sum amount or in 6 monthly
installments

Accounting Manager

Six monthly installments
based on actual expenses.
AD

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

CITY OF FAYETTEVILLE
CONTRACT FOR SERVICES

This Agreement is entered into on this 1st day of January 2003, between the City of Fayetteville, hereinafter known as the "City" and Downtown/Dickson Enhancement Project, Inc., hereinafter known as "DDEP," an Arkansas not-for-profit corporation.

WHEREAS preserving and enhancing the historic core of the City benefits Fayetteville through increased tax revenue and an exceptional quality of life.

WHEREAS the City has determined that a public need exists for safe and inviting pedestrian linkages between downtown Fayetteville commercial, civic and residential areas more specifically illustrated by the DDEP areas shown in Exhibit A.

WHEREAS DDEP has developed an organization to develop and implement a master plan to enhance and promote the vitality, further development and marketing the Downtown/Dickson area.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the City and DDEP agree as follows:

1. This agreement will begin on the date first written above.
2. Downtown/Dickson Enhancement Project, Inc. (DDEP) agrees to perform the following services for the City of Fayetteville.
 - a. **Develop and submit to the Fayetteville Planning Commission and the City Council a plan to aid and assist city planning staff in the development of priority and design for streetscape and sidewalks throughout the DDEP district. The first draft will be submitted to the Commission on or before April 15th of this year. Ongoing work will include coordination with city planning staff to fully develop these standards and recommendations.**
 - b. At the City's request, find or investigate possible grant and other funding sources to implement streetscape enhancements, stimulate economic development and support mutual goals for the described area.
 - c. Submit all grant applications to the City for City approval, which require matching City funds, or require future City funding for maintenance or operation expenses **prior** to submitting the grant application to the granting agency.

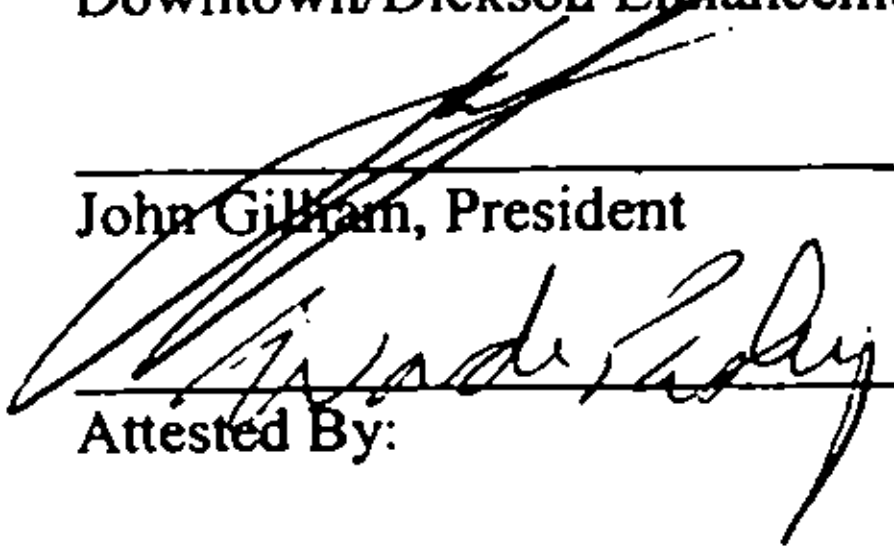
- d. Serve on the task force to assist the City Planning Division with a project to amend the existing zoning code and develop standards and guidelines for downtown Fayetteville. (Downtown Zoning Study). **A report from this task force will be a joint effort between the city planning staff and DDEP. Said report will be furnished to the council donor before June 1st of this year.**
 - e. Serve on the Walton Arts Center's Cultural Development Plan Committee to develop a Cultural District for Northwest Arkansas.
 - f. Research and facilitate plans to merge and expand existing Improvement Districts within the DDEP district or form a Master Improvement District, or other entity appropriate for providing long-term funding for improvements within the district.
 - g. Assist in maintaining the economic vitality of the DDEP district by actively assisting existing business in customer and tenant retention, promoting the area to potential new business tenants and tracking commercial business activity and turnover within the district. **A report detailing promotion activities such as website development, newsletters, promotion films, marketing contacts and a summary of business activity in the district will be presented to the council on June 1st of this year.**
3. DDEP agrees to provide written reports to the City twice a year that describes the activities undertaken during the preceding period on the services pursuant to paragraph 2, or as requested.
 4. To make available all records for review by the City and City auditors as requested. DDEP agrees to comply with the Arkansas Freedom of Information Act as applicable.
 5. For the purpose of the Agreement, the Project Coordinator for the City will be the City Urban Development Director or his/her successor or designee. The Project Coordinator for DDEP will be Executive Director Bootsie Ackerman or her successor or designee. Communications pertaining to this agreement will be through the respective Project Coordinators for the City and DDEP.
 6. DDEP will hold harmless, defend, and indemnify the City, from any and all claims, actions, suits, charges and judgments whatsoever that arise out of the performance or nonperformance of the services or subject matter of this agreement.
 7. Budget. The City agrees to pay \$20,000 for services rendered for a six month period through June 30th, 2003. The City Council has committed to a review of additional funding for the calendar year 2003. Such review will occur at

the first council meeting in June of this year. The amounts paid for services in future budget years are dependent on the amounts appropriated by City Council for each budget year.

8. DDEP will render to the City, a request for Payment at the end of each month and the City will pay the invoice within thirty days of receiving the invoice in the City's Accounting Division.

IN WITNESS WHEREOF, we have hereunto set our hands on the date first written above.

Downtown/Dickson Enhancement Project, Inc.



John Gilliam, President

Attested By:

City of Fayetteville

Dan Coody, Mayor

Attested By:

STAFF REVIEW FORM

WATER TANK SITE
B. 1 Page 1

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of February 18, 2003

FROM:

Ed Connell
Name

Engineering
Division

Planning & Engineering Services
Department

ACTION REQUIRED: Approval or disapproval of a resolution for the sale of 3.0 acres of the City's Gulley Rd. Water Tank site (12.0 ac) as requested by Ozarks Electric Cooperative for the appraised price of \$105,000, including access to and from Gulley Road, plus payment for specific City costs associated with the preparation of said property to be sold.

COST TO CITY:

\$ -105,000 +
Cost of this Request

\$ - 0 -
Category/Project Budget

Category/Project Name

5400-0940-6881.00
Account Number

\$ 30.00
Funds Used To Date

Program Name

NA
Project Number

\$ 30.00
Remaining Balance

Water/ Sewer
Fund

BUDGET REVIEW:

Budgeted Item

Budget Adjustment Attached

[Signature]
Budget Coordinator

[Signature]
Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Maisha Fathning 1/27/03
Accounting Manager Date

Doreen Smith 1/27/03
Internal Auditor Date

D. F. Whitaker 1/27/03
City Attorney Date

[Signature] 1/27/03
ADA Coordinator Date

[Signature] 1/27/03
Purchasing Officer Date

STAFF RECOMMENDATION: Staff does not anticipate utilization of this land as it is located at the rear (West end) of this 12 acre tract. Ozarks has indicated a need to provide additional service to this area with the installation of a substation at this location, as it adjoins their power line system. It is an opportunity for the City to sell property that would have little chance of being used in the foreseeable future and less chance of being sold. Changed from 2.0 ac to 3.0 ac for community buffer.

[Signature]
Division Head

01-22-03
Date

Cross Reference

[Signature]
Department Director

1-27-03
Date

New Item: Yes ☐ No ☐

[Signature]
Administrative Services Director

1-29-03
Date

Prev Ord/Res #: _____

[Signature]
Mayor

1/30/03
Date

Orig Contract Date: _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

WATER TANK SITE

B. 1 Page 2

DEPARTMENTAL CORRESPONDENCE

DATE: January 15, 2003

TO: Fayetteville City Council

THRU: Dan Coody, Mayor
Hugh Earnest, Chief Administrative Officer
Greg Boettcher, Water and Waste Water Director
Tim Conklin, Planning and Engineering Interim Director *TC*

FROM: Ed. Connell, City Land Agent *EC*

RE: Ozarks Electric Cooperative, Inc.
3.0 Acre Land Purchase
Gulley Road Water Tank Site

On December 21st, 2002, the Fayetteville City Council took under consideration the possible sale of 2.0 acres from the City's 12.0 acres elevated water tank site on Gulley Road. The attached brief memorandum is included for your reference and background on requirements of Ozarks Electric.

As a result of discussions with the neighbors in this area, the City and Ozarks Electric agreed to expand the acreage from two to three acres so as to provide additional buffer for those living close. Additionally, the City Council requested a tour of some Ozarks electric power substations to determine the noise levels surrounding the substation sites.

The City has had an independent appraisal of the 12.0 acre property, which determination indicated a value of \$35,000/acre. The same per acre value would apply to 3.0 acres as well as 2.0 acres, thus a value of \$105,000 would apply to the proposed 3.0 acre site. We are advised that the sale of the back three acres of this property will not affect future plans of the City.

The City has again advertized this possible sale in the local newspapers and certified mail has been sent to adjoining neighbors. A poster has been placed, for 30 days, at the entry to the water tank site. The monies from this sale will be directed to the Trustee of the Water & Sewer System bond issue.

We do believe that the sale of this land to Ozarks Electric is a prudent move on the part of the City, as the opportunity may not otherwise present itself for a long time.

Included is a proposed Warranty Deed for this transaction which places a restriction on the use of the land. Such limits the use to a electrical substation and buffer zone and any continued non-use of the land for this purpose shall give to the City the right of first refusal at a market value price as determined by an independent appraiser.

Description Sale of 3.0 acres of Gulley Rd. Water Tank Property to Qzarks Electric

Meeting Date: February 18, 2003

Reference Comments:

The monies from this sale will be directed to the trustee for the water/sewer system bonds. AD

Legal has researched this sale and the sentence above reads to be used. The SD

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

DATE: December 2, 2002

TO: Fayetteville City Council

THRU: Dan Coody, Mayor
Greg Boettcher, Director of Public Works
David Jurgens, Water/Sewer Maintenance superintendent
Jim Beavers, City Engineer

FROM: Ed Connell, City Land Agent 

RE: Ozarks Electric Cooperative, Inc.
2.0 Acre Land Purchase Request
Gulley Road Water Tank Site

By virtue of the attached letter from Mr. James Crownover, Manager of Contract Documents, of Ozarks Electric Coop, the City of Fayetteville has been requested to consider the sale of 2.0+ acre tract of land from the City's 12.0 acre elevated water tower site on Gulley Road in Washington County. After proper assessment, the City staff have determined that an area of 2.0 acres (220 ft x 396 ft.), at the West end of this 12.0 acre site, would not be used by the City since the elevation is below that required for any elevated or ground storage tanks of the future. Ozarks Electric has indicated that they wish to locate a power sub-station at that location.

In 1998-99, the City purchased a 12.0 acre site such that an elevated water tower could be installed. Current and future water storage (3 eventual tanks) will require approximately 6.0 acres, including driveways, thus the front 4.0 acres and the back 2.0 acres are available for other purposes. The City paid \$240,000 for this property in 1998. Sale of the back 2.0 acres to Ozarks will require a perpetual right of ingress and egress across city property since that two acre site is land locked. We have not tried to specify such access in legal terms since the city may, in the future, want to change location of the current road.

Considering the entities, the sale of this property will be under provision H of Ordinance 4358. The City has had the 2.0± acre property independently appraised (a copy of the cover sheet is attached) with the value being placed at \$ 35,000 per acre. Ozarks Electric has submitted an *Offer and Acceptance* document for the 2.0 acre tract for \$70,000. The City Administration has executed the document conditioned upon Council approval.

In compliance with the ordinance requirements, please find attached copies of

1. 30 day notice of sale by:
 - a) Certified Mail, return receipt letter to all immediately adjacent property owners. Same letter to all owners listed hereafter, all of which certified receipt.
 - b) Copy of the information posted (on November 7, 2002) on an entrance sign to the 12.0 acre site
 - c) Affidavits of display advertisement in ^{one} ~~two~~ local newspapers, ~~each~~ with one insert.

The detailed appraisal is available if you so desire. The Council is hereby requested to consider the overall public service needs for the area in approving or disapproving the contract that has been signed by the City and Ozark Electric Cooperative.

WATER TANK SITE

B. 1 Page 6

NORTH
SCALE 1"=600'

72.44
GADY INVESTMENT CO.
001-15579-000
Heir & dune FRANKLIN

001-15580-000
ERNEST & LENEITA JACKS, CO-TRUSTEES

WATER TOWER
001-15581-000
CITY PROPERTY

GADY INVESTMENT CO.
001-15579-000

001-15495-000
GARY & ANGELA LAWRENCE

001-15495-000
BRIAN & MELISSA RENOLD

001-15496-000
RICHIE & NANCY PORTER

001-15495-001
MALCOLM & ELLAN HAYWARD

JOHN & REBECCA GUNDEL, CO-TRUSTEES
001-15496-000

JOHN GUNDEL ET AL TR.
001-15583-000
001-15584-000

1.0
ADDITIONAL
ACRE

PROPOSED
2.0 ACRE SALE
TO OZARKS ELECTRIC COOP

Guilley Road

HWY 45



Ozarks Electric Cooperative Corp.

Box 848
Fayetteville, Arkansas 72702-0848
(479) 521-2900

WATER TANK SITE
B. 1 Page 7

PLEASE MAKE COPIES FOR:
DAVID J.
KIT W.
COMMENTS?
LH

RECEIVED
JUN 20 2002

June 19, 2002

The Honorable Dan Coody
Mayor of Fayetteville, Arkansas
113 West Mountain
Fayetteville, Arkansas, 72702

Dear Mayor Coody:

I have been discussing with several of your staff the possibility of Ozarks Electric purchasing a portion of the property owned by the City at the water tower site on Gulley Road north of Highway 45. As a consequence, I have received a copy of City Ordinance No. 4358, establishing a formal process for the sale of municipally owned real property. Ozarks Electric Cooperative Corporation is interested in purchasing that portion of the Gulley Road Water Tank property identified as Tract 5, together with an access easement along the existing driveway. I am enclosing a sketch of the property involved, indicating Tract 5. As a public entity, we would qualify for the exemption in Section 1(H)(2) of Ordinance 4358.

As you are well aware, this area of the City has grown significantly in recent years and it is important that Ozarks Electric maintains its quality of service to our existing members while providing capacity for new consumers. Therefore, it has become necessary for us to seek property in the area in order to be able to meet those demands. Tract 5 is adjacent to our 69kV line and would be an ideal location for us. Conversations with several of your staff have indicated that there is a good possibility that the property can be sold without adversely affecting City plans.

This is a formal request that the City consider the sale of this property to Ozarks Electric. I understand that there is some contesting of the property lines on the north and south sides of this tract, and I am confident that Ozarks Electric can resolve these issues with the respective property owners to their satisfaction without adverse reflections on the City.

Your earliest consideration of this matter would be greatly appreciated. We would also request that this matter be kept confidential as much as possible so that Ozarks Electric would not be placed at a disadvantage in seeking other property if the City decides not to sell this property.

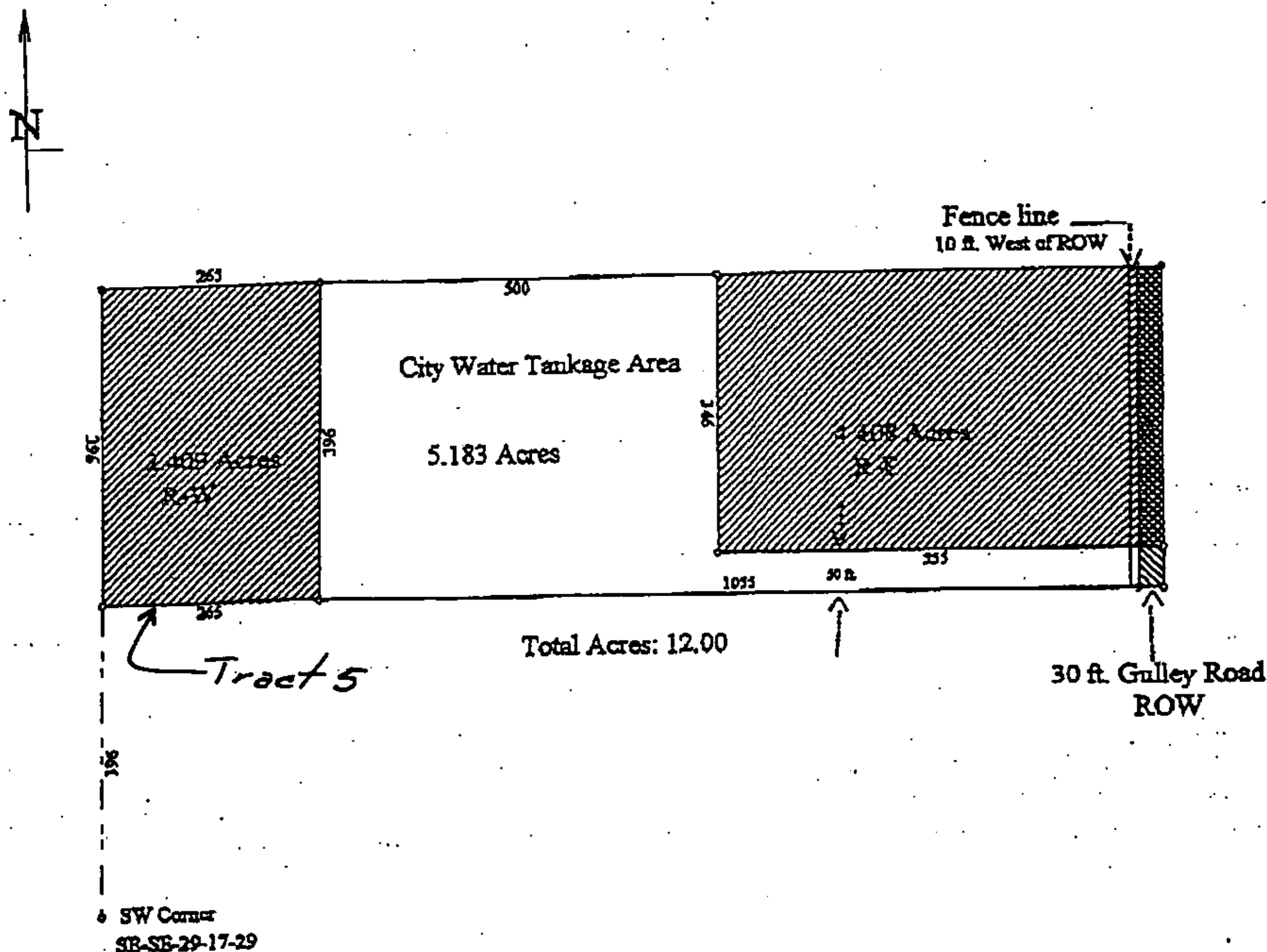
If you have any questions, please feel free to contact me.

Sincerely,

James D. Crownover,
Manager of Contract Documents

WATER TANK SITE

B. 1 Page 8



Title: Carolyn Hickson Prop: Proposed Gulley Rd City Water Tank

Date: 03-20-1998

Scale: 1 inch = 200 feet

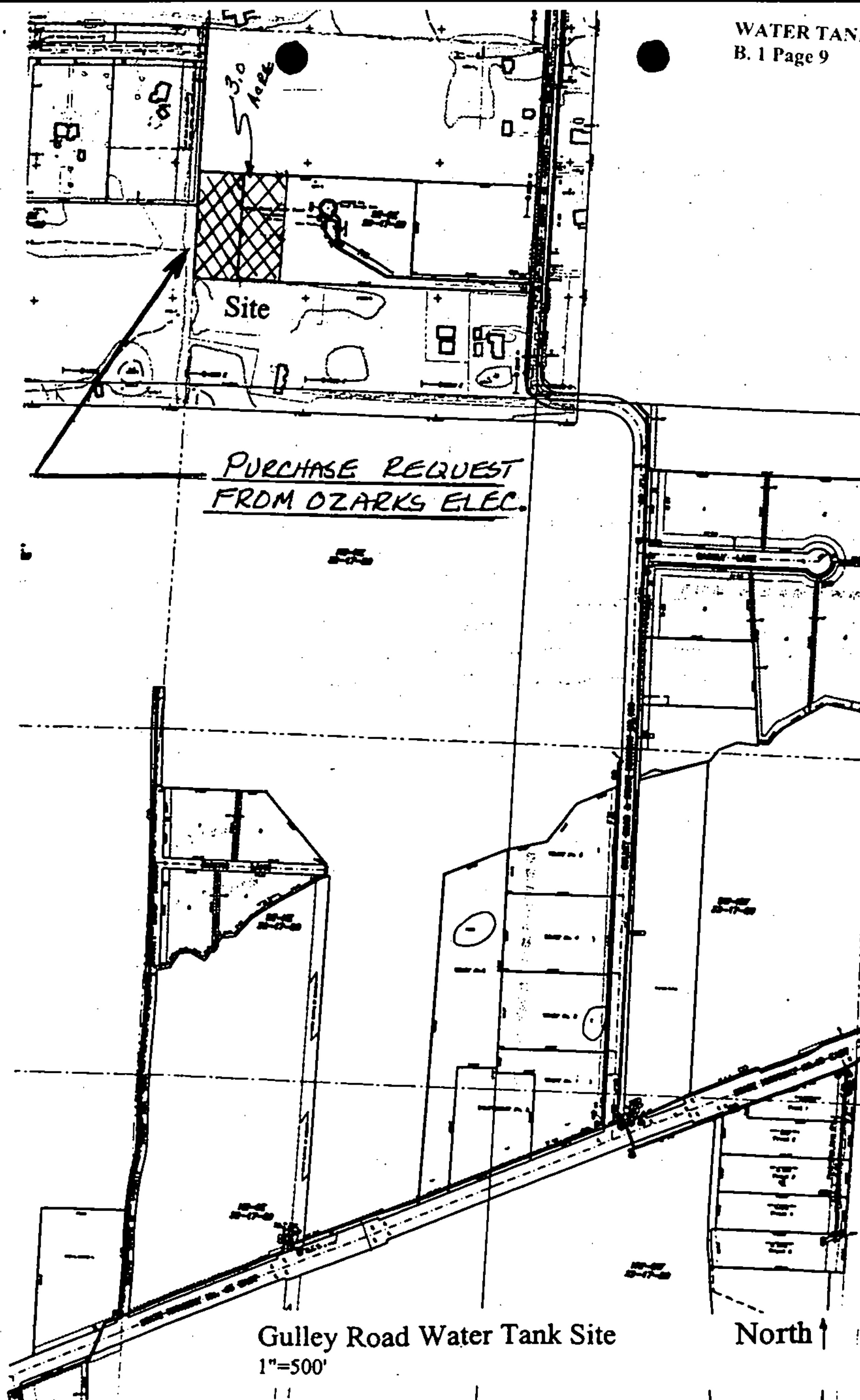
File: GULY-TNK WMF

Tract 1: 12.000 Acres: 48562.2 Sq Meters: No significant closure error.: Perimeter = 3432 feet
 Tract 2: 0.273 Acres: 11880 Sq Feet: 1103.7 Sq Meters: No significant closure error.: Perimeter = 852 feet
 Tract 3: 0.091 Acres: 3960 Sq Feet: 367.9 Sq Meters: No significant closure error.: Perimeter = 812 feet
 Tract 4: 5.183 Acres: 225750 Sq Feet: 20972.8 Sq Meters: No significant closure error.: Perimeter = 2902 feet
 Tract 5: 2.409 Acres: 104940 Sq Feet: 9749.2 Sq Meters: No significant closure error.: Perimeter = 1322 feet
 Tract 6: 4.408 Acres: 192030 Sq Feet: 17840.2 Sq Meters: No significant closure error.: Perimeter = 1802 feet
 Tract 7: 0.000 Acres: 0 Sq Feet: 0.0 Sq Meters: Closure = n00.0000w 396.00 feet: Precision = 1/ 1: Perimeter = 396 feet

001=N00.0W 396
 002=N90.0W 1320
 003=S0.00E 396
 004=S90.0E 1320
 005=@1
 006=N0.00W 396
 007=N90.0W 30
 008=S0.00E 396
 009=S90.0E 30
 010=@8
 011=N90.0W 10
 012=S0.00E 396

013=S90.0E 10
 014=N0.00W 396
 015=@1
 016=N0.00W 50
 017=N90.0W 555
 018=N0.00W 346
 019=N90.0W 500
 020=S0.00E 396
 021=S90.0E 1055
 022=@20
 023=S0.00E 396
 024=N90.0W 265

025=N0.00W 396
 026=S90.0E 265
 027=@1
 028=N0.00W 50
 029=N90.0W 555
 030=N0.00W 346
 031=S90.0E 555
 032=S0.00E 346
 033=@4
 034=S0.00E 396



Gulley Road Water Tank Site
1"=500'

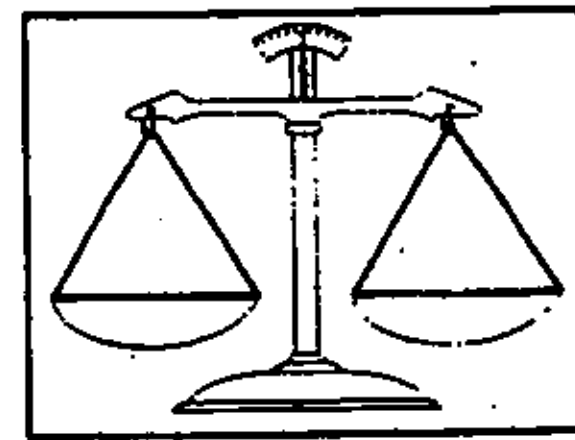
North ↑

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



RECEIVED

LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE AUG 15 2002

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

TO: Dan Coody, Mayor
City Council
Greg Boettcher, Public Works Director

FROM: Kit Williams, City Attorney

A handwritten signature in black ink, appearing to read 'Kit Williams', followed by a long horizontal line.

DATE: August 15, 2002

RE: Sale of municipally owned real property

Ozarks Electric Cooperative Corporation, a non-profit consumer owned corporation, needs to purchase about two acres of city owned land near our Gulley Road Water Tank north of Highway 45 East in order to build an electrical substation near its existing transmission line.

Early in 2002, you passed Ordinance 4358 entitled **An Ordinance Amending Chapter 34; Finance and Revenue, of The Code Of Fayetteville To Establish A Formal Process For The Sale Of Municipally-Owned Real Property**. The exemptions subsection is quoted below:

" (H) Exemptions From The Requirements Of This Ordinance.

"(2) The sale of real property to other public entities or to a non-profit corporation for charitable purposes shall only require a single appraisal, a single display

ORDINANCE NO. 4358

MICROFILMED

AN ORDINANCE AMENDING CHAPTER 34: FINANCE AND REVENUE, OF THE CODE OF FAYETTEVILLE, TO ESTABLISH A FORMAL PROCESS FOR THE SALE OF MUNICIPALLY-OWNED REAL PROPERTY.

WHEREAS, from time to time, the City of Fayetteville finds it necessary and desirable to offer for sale certain parcels of real property in its possession; and,

WHEREAS, the sale of any such municipally-owned real property is a matter of great importance and concern to the citizens of the City of Fayetteville;

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

Section 1. That Chapter 34: Finance and Revenue, Code of Fayetteville is hereby amended by inserting the following:

§34.27 Sale of municipally-owned real property.

(A) No municipally-owned real property shall be offered for sale without the express authorization, by resolution, of the City Council. The City Council shall determine whether the property should be rezoned prior to offering it for sale.

(B) Such resolutions shall contain a specific finding by the City Council that the subject real property no longer serves a municipal purpose.

(C) Two (2) simultaneous and independent appraisals of the real property shall be obtained by the City for the Council's consideration, dated within six (6) months of the proposed sale.

(D) Public notice shall be given not less than thirty (30) calendar days before the first City Council meeting at which such a resolution is introduced, by all of the following means:

(1) A conspicuous display advertisement placed in a newspaper of general circulation in the City, on at least four (4) separate occasions;

(2) Certified mail, return receipt requested, to all adjacent property owners;

(3) Signs, prominently displayed, and at all approaches to the subject real property, announcing that the City Council will be considering the sale of the real

Date	6/7/02	Page	2
Post-It Fax Note	7671	To	Jim Crowder
		Co./Dept.	
		From	C.C. ofc
		Co.	
		Phone #	575-8323
		Fax #	684-4617



property, the date on which the sale is to be debated, as well as the telephone number of the Mayor's Office.

(E) Upon an affirmative vote of the City Council, the City shall solicit sealed bids, at a minimum price set by the City Council, from all interested parties. Bids must equal or exceed the minimum price set by the City Council and the appraised value of the property.

(F) The City shall sell the subject real property to the highest qualified bidder. In the event none of the bids from a qualified bidder equals the minimum price set by the City Council, the City shall reject all bids, and may reopen the bidding, upon City Council approval.

(G) Upon receipt of an acceptable bid, and authorization by a separate resolution of the City Council, the conveyance of the real property shall be performed by the Mayor and City Clerk.

(H) Exemptions from the Requirements of this Ordinance.

(1) The sale of industrial park, business park, and technology park lands are expressly exempt from the provisions of this ordinance.

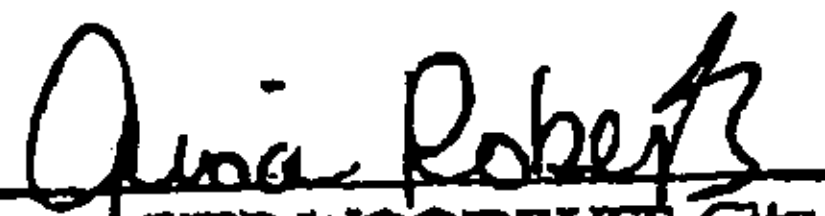
(2) The sale of real property to other public entities or to a non-profit corporation for charitable purposes shall only require a single appraisal, a single display advertisement placed in a newspaper of general circulation in the City, the certified mail, and sign requirements set forth in subsections (D) (2) & (3). Following the setting of a minimum price by the City Council no lower than the appraised value, the public entity or non-profit corporation may purchase the property at that price, and the sale shall be exempt from the provisions of subsections (E), (F), & (G) of this ordinance.

PASSED AND APPROVED this 2nd day of January, 2002.

APPROVED:

By: 
DAN COODY, Mayor

ATTEST:

By: 
HEATHER WOODRUFF, City Clerk
Deputy

APPRAISAL REPORT
FOR
CITY OF FAYETTEVILLE

Complete Summary Appraisal Report

PROJECT City Land Sale to Ozarks Electric Cooperative
COUNTY Washington
PARCEL # 001-15581-000
LOCATION Fat Gully Rd., Fayetteville, AR
FEE OWNER City of Fayetteville
ADDRESS 113 W. Mountain St., Fayetteville, AR 72701
ESTATE APPRAISED Fee Simple
AREA OF SUBJECT PROPERTY 2.017 acres or 88,860 sq. ft.

ESTIMATED FAIR MARKET VALUE OF THE PROPERTY:

Land	\$71,000
Improvements (None)	\$ 0
Total	\$71,000

FAIR MARKET VALUE OF SUBJECT PROPERTY **\$71,000**

As of the 17th of October 2002

ALLOCATION OF FAIR MARKET VALUE OF SUBJECT PROPERTY

Fee Simple	2.017 acres @ \$35,000/acre	= \$70,595	Say	\$71,000
Trees	Included in Fee Simple Land Value			\$ 0
Improvements:	None			\$ 0
Total	Land, Trees, & Improvements			\$ 0
Total Value				\$71,000

* Reduced to 2.0 acres
@ \$35,000 = \$70,000

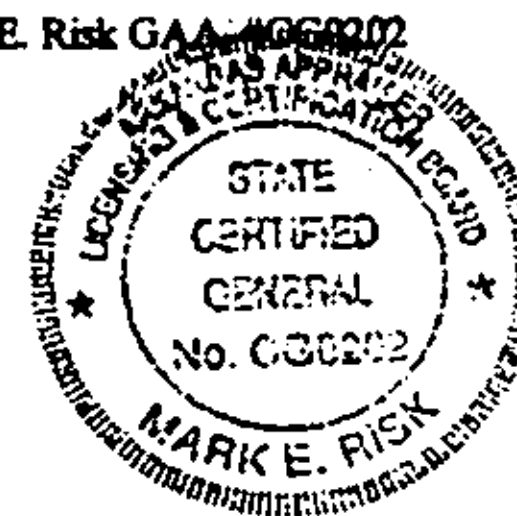
Say \$71,000*

* Appraised value assumes the subject site can legally be split from the parent tract.

ATTACHMENTS:

- ☒ Certificate of Appraiser
- ☒ Photographs
- ☒ Site, H&B Use Narrative
- ☒ Legal Description
- ☒ Market Data Approach
- ☒ Plat Map/Survey
- ☐ Tax Assessment Card

Appraiser, Mark E. Risk GAA #0660002



Northwest Arkansas Times/ Democrat Gazette—

Fayetteville Morning News

For Thursday, Nov. 7, 2002

(City of Fayetteville Logo)

PUBLIC NOTICE

The City of Fayetteville is owner of 12.0 acres, located on Fat Gulley Road in Washington County, and includes a elevated water tank which is positioned about 800 feet West of the road. Ozarks Electric Cooperative has requested the City to sell the west 2.0 acres of this tract, located approximately 1,100 feet west of Gulley Rd. The City does not anticipate the utilization of this portion of the 12.0 acres tract. According to their stated plan, Ozarks wish to install an electric substation at this location. Value of the 2.0 acre tract has been appraised at \$35,000 per acre.

The Fayetteville City Council will have this proposal on the agenda during their regular meeting of December 17, 2002 at 113 W. Mountain Street, beginning at 6:30 pm. The public will have an opportunity to comment regarding this possible sale at that meeting and are invited to attend.. If unable to attend, please phone your comments to the Mayor's Office at 575-8330.

AFFIDAVIT OF PUBLICATION

I, Diane Williams, do solemnly swear that I am
Legal Clerk of the Arkansas Democrat-Gazette newspaper, printed and
published in Lowell, Arkansas, and that from my own personal knowledge
and reference to the files of said publication, the advertisement of:

Gulley Road was inserted in the regular editions on
Nov. 10, 2002.

** Publication Charge: \$ 41.67

Subscribed and sworn to before me this

11 day of Nov, 2002.

Jammy Allen
Notary Public Official Seal
JAMMY ALLEN
Notary Public-Arkansas
WASHINGTON COUNTY
My Commission Expires 05-2011

** Please do not pay from Affidavit.
An invoice will be sent.

RECEIVED

NOV 13 2002

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

PUBLIC NOTICE

The City of Fayetteville is owner of 12.0 acres, located on Fat Gulley Road in Washington County, and includes a elevated water tank which is positioned about 800 feet West of the road. Ozarka Electric Cooperative has requested the City to sell the west 2.0 acres of this tract, located approximately 1,100 feet west of Gulley Rd. The City does not anticipate the utilization of this portion of the 12.0 acres tract. According to their stated plan, Ozarka wish to install an electric substation at this location. Value of the 2.0 acre tract has been appraised at \$35,000 per acre.

The Fayetteville City Council will have this proposal on the agenda during their regular meeting of December 17, 2002 at 143 Mt. Mountain Street, beginning at 6:30 pm. The public will have an opportunity to comment regarding this possible sale at that meeting and are invited to attend. If unable to attend, please phone your comments to the Mayor's Office at 575-6230.

City of Fayetteville

MONDAY, NOV. 11, 2002

F. THE MORNING NEWS 3A

LOCAL



City of Fayetteville

PUBLIC NOTICE

The City of Fayetteville is owner of 12.0 acres, located on Fat Gulley Road in Washington County, and includes a elevated water tank which is positioned about 800 feet west of the road. Ozarks Electric Cooperative has requested the City to sell the west 2.0 acres of this tract, located approximately 1,100 feet west of Gulley Rd. The City does not anticipate the utilization of this portion of the 12.0 acres tract. According the their stated plan, Ozark's wish to install an electric substation at this location. Value of the 2.0 acre tract has been appraised at \$35,000 per acre.

The Fayetteville City Council will have this proposal on the agenda during their regular meeting of December 17, 2002, at 113 W. Mountain Street, beginning at 6:30 p.m. The public will have an opportunity to comment regarding this possible sale at that meeting and are invited to attend. If unable to attend, please phone your comments to the Mayor's Office at 575-8330.

2.0 ACRE LAND SALE

This notice is to inform interested citizens that the Fayetteville City Council will consider, during their regular meeting of December 17th 2002 at 113 W. Mountain Street, the requested sale of the west 2.0 acres of this 12.0 acre City owned water tank site to Ozarks Electric Cooperative Inc. for the installation of an electrical substation at that location. Access to said 2.0 acre tract will be this entry from Fat Gulley Road. The public will have the opportunity to comment regarding the possible sale during the above noted meeting and is invited to attend. If unable to attend, please phone your comments to the Mayor's Office at 575-8330

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

November 6, 2002

Mr. and Mrs. Earnest Jacks
14 Greenbriar Street
Fayetteville, AR 72703

CERTIFIED MAIL

RE: City Water Tank Property on Gulley Road
Sale of 2.0 acres to Ozarks Electric Cooperative

Dear Mr. and Mrs Jacks;

Ozarks Electric Cooperative, Inc. has made a request to the City of Fayetteville for the purchase of the west 2.0 acres of the 12.0 acre Gulley Road Water Tower property in Washington County. Ozark Electric has indicated that this site would be used to construct an electrical substation since their power line system adjoins this property to the West.. The sale would involve the west 220 feet of the City tract, with ingress and egress via the existing water tower drive from Gulley Road. This transaction will be on the agenda of the Fayetteville City Council meeting, which starts at 6:30 p.m. at the City Administration Building on December 17, 2002.

City Ordinance 4358 requires the direct certified mail (return receipt) notification of all adjoining property owners to ensure that any concerned citizens are aware of the possible transaction. Included herewith is the text of the Public Notice sign placed at the gate of the City property on Gulley Road. A representative of Ozarks Electric is expected to attend this above noted City Council meeting to answer questions regarding their plans for this property.

If you have comments on this possible sale, you are invited to attend the Council meeting of December 17th or you may contact the Mayor's office at 575-8330.

Sincerely,


Edward D. Connell
City Land Agent

Gulley Road Tank Site Adjacent Property Owners-as-of October 30, 2002

	<u>Parcel No.</u>	<u>Name & Address</u>
1.	001-15580-000	Earnest and Leneta Jacks, Co-Trustees 14 Greenbriar Street Fayetteville, AR 72703 442-8453
2.	001-15583-000 001-15584-000 001-15496-000	John Darrel Ginger, et al, Trustees 3241 N. Gulley Road Fayetteville, AR 72703 521-8990
3.	001-15579-000 340-01527-001	Gaddy Investment Company P. O. Box 309 Fayetteville, AR 72701
4.	340-01527-000	Keith and June Ekenseair 4771 Bridgewater Lane Fayetteville, AR 72703 582-4743
5.	001-15495-000	Brian and Melissa Reindl 3292 N. Gulley Road Fayetteville, AR 72703
6.	001-15495-001	Malcom and Ellen Hayward 3200 N. Gulley Road Fayetteville, AR 72703 443-1562
7.	001-15495-002	Rickie and Nancy Porter 3278 N. Gulley Road Fayetteville, AR 72703
8.	001-15495-003	Tr # 1 Gary and Angela Lehren 5140 Wingfoot Fayetteville, AR 72703 521-3658
9.	001-15495-003	Tr #3 Edgar and Janet Clausen 5137 Wingfoot Fayetteville, AR 72703 443-1688

OFFER AND ACCEPTANCE CONTRACT

1. That Ozarks Electric Cooperative Corp., an Arkansas corporation, hereinafter referred to as the Buyer, offers to buy, subject to the terms and conditions set forth herein, the following described property:

A part of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty-nine (29) in township Seventeen (17) North of Range Twenty-nine West, being more particularly described as follows: Beginning at a Point on the West line of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 29 which is North 02° 34' 16" East 396 feet from the Southwest corner of said forty acres tract; thence South 87° 30' 11" East 330.0 feet; thence North 02° 34' 16" East 396.0 feet; thence North 87° 30' 11" West 330.0; thence South 02° 34' 16" West 396.0 feet to the Point of Beginning, containing 3.00 acres, more or less, and being subject to rights of way and easements of record,

2. **Purchase Price:** Subject to the following conditions, the Buyer shall pay for the property at closing, the total and cash only payment of \$ 105,000.
3. **Contingent Earnest Money Deposit:** The Buyer herewith tenders a check or money order for \$ 100.00, to the City of Fayetteville, Arkansas, a municipal corporation, hereinafter referred to as the Seller, as earnest money, which shall apply on the purchase price. Buyer is aware that this offer to sell is contingent upon approval of the City Council of the City of Fayetteville, Arkansas, and, if they do not so approve, the earnest money deposit, if any, will be returned to the Buyer by the Seller. . If title requirements are not fulfilled or the Seller fails to fulfill any obligations under this contract, the earnest money shall be promptly refunded to the Buyer. If the Buyer fails to fulfill his obligations under this contract or after all conditions have been met, the Buyer fails to close this transaction, the earnest money may, at the option of the Seller, become liquidated damages to the Seller. Alternatively, the Seller may assert legal or equitable rights which it may have because of breach of this contract.
4. Conveyance will be made to the Buyer by Warranty Deed and such deed shall be subject to recorded instruments and easements, if any. Such conveyance shall include any and all rights owned by the Seller.
5. The Seller shall furnish a policy of title insurance in the amount of the purchase price from a title insurance company as selected by the Seller. Buyer and Seller shall share equally in the cost of said title insurance.
6. Seller agrees to allow Buyer, if Buyer so desires, at Buyer's expense, to survey the property. The subject property described in this document is within Washington County and is subject to lot split requirements and large scale development requirements of both the County and the City. Seller agrees to survey and stake the corners of this proposed property. Said staking shall be at Buyer's cost when completed and payable when invoiced. If this property acquisition is completed, Buyer will be credited for such survey cost at the time of closing. Seller further agrees to cure any title problems which may result from any differences between the platted or recorded legal descriptions of the property and the survey description. Said title problems, if any, must be solved prior to closing to the satisfaction of the Buyer.

OFFER AND ACCEPTANCE CONTRACT

Page 2 of 4

7. Taxes and special assessments due on or before closing shall be paid by the Seller. Insurance, general taxes, ad valorem taxes, special assessments and rental payments shall be prorated as of closing. Buyer shall pay all costs associated with the requirements of City Ordinance No. 4358 for the sale of public lands, including the cost of appraisal, advertizing, certified mail to adjoining property owners, and any other costs associated with the conveyance and transfer of this land not otherwise addressed in this document.
8. Buyer and their successors or assigns shall have a perpetual right of ingress and egress on and over the "hard surface roadway" of the Seller, currently running from Gulley Road to the existing water tank site. Buyer shall have the further right to construct a "hard surface drive" from the existing roadway to the Buyer's proposed property.
9. Buyer agrees to repair or compensate Seller for any damages to the existing hard surface roadway that occurs as a result of Buyer's construction activities at the Buyers proposed property. The existing hard surface roadway, when restored as may be required, and constructed hard surface drive by the Buyer, shall be called the "Common Roadway". Buyer and Seller shall share equally in the maintenance of the common roadway.
10. If future improvements by the Seller require the relocation of the common roadway, such relocation shall all be at Seller's cost.
11. The closing date shall be within **Sixty (60)** days after approval of this contract by the Fayetteville City Council or within **Thirty (30)** days after approval of a lot split on the property described herein by the Fayetteville Planning Commission, whichever occurs latest.
12. Closing costs, except for those heretofore mentioned, shall be shared equally between Buyer and Seller.
13. Possession of the property shall be delivered to the Buyer on the date of closing.
14. Seller hereby grants permission for the Buyer or its employees or designates to enter the above described property and improvements for the purpose of inspection and/or surveying.
15. All fixtures, improvements and attached equipment are included in the purchase price.
16. Risk of loss or damage to the property by fire or other casualty occurring up to the time of closing is assumed by the Seller.
17. Seller shall disclose to Buyer any and all environmental hazards of which Seller has actual knowledge.
18. Seller shall secure a lot split from Fayetteville and Washington County Planning Commissions. Such lot splits will be secured prior to the date of closing on the described property. This lot split is totally independent of the requirement of large scale development and does not imply that an application has been made by the Seller.
19. This agreement shall be governed by the laws of the State of Arkansas.

OFFER AND ACCEPTANCE CONTRACT
Page 3 of 4

20. This agreement, when executed by both the Buyer and the Seller shall contain the entire understanding and agreement of the parties with respect to the matters referred to herein and shall supersede all price or contemporaneous agreements, representations and understanding with respect to such matters, and no oral representations or statements shall be considered a part hereof.
21. This contract expires, if not accepted by the Administration of the Seller, on or before the 18th day of February, 2003.
22. The property, as described herein, shall be sold on a as-is basis, with no actual or implied guarantees other than those set forth in this document.
23. **NOTICE:** SELLER ASSERTS AND BUYER HEREBY ACKNOWLEDGES THAT THIS CONTRACT IS EXPRESSLY CONTINGENT UPON THE APPROVAL OF THE CITY COUNCIL OF FAYETTEVILLE, ARKANSAS, AND THAT THE FAILURE OF THE COUNCIL TO SO APPROVE WILL MAKE ALL PORTIONS OF THIS OFFER NULL AND VOID, INCLUDING, BUT NOT LIMITED TO, THE RETURN TO BUYER OF THE \$ 100.00 EARNEST MONEY DEPOSIT.

BUYER:
OZARKS ELECTRIC COOPERATIVE CORP.
BY:

Title

Date: _____

ATTEST:

Title

Date: _____

SELLER:
City of Fayetteville, Arkansas
A municipal Corporation
BY:

Dan Coody, Mayor

Date: _____

ATTEST::

Sondra Smith, City Clerk

Date: _____

ACCEPTANCE CONTRACT

Page 4 of 4

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)
 COUNTY OF WASHINGTON) ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared _____ and _____, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are the _____ and _____, duly authorized to execute the foregoing instrument for and in the name and behalf of **Ozarks Electric Cooperative Corp.**, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 2003.

 Notary Public

MY COMMISSION EXPIRES:

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)
 COUNTY OF WASHINGTON) ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Dan Coody** and **Sondra Smith**, to me well known as the person who executed the foregoing document, and who stated and acknowledged that they are the **Mayor and City Clerk of the City of Fayetteville, Arkansas, a municipal corporation**, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said municipal corporation, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 2003.

 Notary Public

MY COMMISSION EXPIRES:

WARRANTY DEED
MUNICIPAL CORPORATIONWATER TANK SITE
B. 1 Page 2511
Propose

BE IT KNOWN BY THESE PRESENTS:

THAT the CITY OF FAYETTEVILLE, ARKANSAS, a municipal corporation, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto Ozarks Electric Cooperative Corporation, hereinafter called GRANTEE, and unto Grantee's successors and assigns, the following described land situated in the County of Washington, State of Arkansas, for the purpose of an electrical substation and buffer zone, to-wit:

A part of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of Section Twenty-nine (29) in township Seventeen (17) North of Range Twenty-nine West, being more particularly described as follows: Beginning at a Point on the West line of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of said Section 29 which is North 02° 34' 16" East 396 feet from the Southwest corner of said forty acres tract; thence South 87° 30' 11" East 330.0 feet; thence North 02° 34' 16" East 396.0 feet; thence North 87° 30' 11" West 330.0; thence South 02° 34' 16" West 396.0 feet to the Point of Beginning, containing 3.00 acres, more or less, and being subject to rights of way and easements of record,

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said Grantee and Grantee's successors and assigns, forever, so long as said lands are used for the purposes herein stated. If said land is not continually used for the purposes stated, said Grantor shall have the right of first refusal at a cost to be determined by an independent appraisal of said land. The said Grantor, hereby covenants that it is lawfully seized of said lands and premises; that the same is unencumbered, and that the Grantor will forever warrant and defend the title to the said lands against all legal claims whatever.

WITNESS the execution hereof on this _____ day of _____, 2003.

CITY OF FAYETTEVILLE, ARKANSAS,
a municipal corporation

BY:

Dan Coody, Mayor

ATTEST:

Gina Roberts, Deputy City Clerk

(Seal)

ACKNOWLEDGMENT

STATE OF ARKANSAS)
COUNTY OF WASHINGTON)

ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared Dan Coody and Gina Roberts, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are the Mayor and Deputy City Clerk of the City of Fayetteville, Arkansas, a municipal corporation, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said municipal corporation, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 2003.

Notary Public

MY COMMISSION EXPIRES:

B-1

COLENE M. GASTON
GASTON LAW OFFICE, PLLC

2949 NORTH POINT CIRCLE, SUITE 3
FAYETTEVILLE, ARKANSAS 72704

PHONE 479.521.3148
FAX 479.521.1356
CGASTON@GASTON-LAW.COM

February 18, 2003

Mayor Dan Coody
Fayetteville City Council Members
City of Fayetteville
101 W. Mountain
Fayetteville, AR 72701

RE: Proposed Sale of Land to Ozark Electric Cooperative Corporation

Dear Mayor Coody and Members of the City Council:

I will be attending a meeting for parents at Woodland Junior High School tonight, and it is unlikely that I will be present for the discussion of the proposed sale of land to Ozark Electric Cooperative Corporation. Therefore, I write to express my opposition to the proposed sale.

First, I appreciate the potential need for additional electric substation capacity as our region continues to grow. I believe, however, that there is an alternative to the proposed site that would be better for the community as a whole. The city owns a sizeable tract of land directly west and across the road from the Noland Wastewater Treatment Plant. Ozark Electric's transmission lines traverse this property. The land under and adjacent to the power lines already has been cleared of trees and brush. The land is not in a floodplain or susceptible to flooding. It, too, is a hillside, although the area under and near the transmission lines is closer to the base of the hill. Unlike the proposed site high on the hillside where the water tower is located, the land west of the treatment plant under the power lines is low enough on the hillside that it will be visible to few people. Due to the presence of the treatment plant and the large amount of surrounding land owned by the City, there are few, if any, residences in the valley in the vicinity of this alternative site.

This site also is within Ozark Electric's predicted load growth area. In fact, one of Ozark Electric's reasons for why additional substation capacity is necessary is the electricity needs of the wastewater treatment plant. The City property across from the treatment plant may not be the optimal location for Ozark Electric's substation, but it is a feasible location. Representatives from the company have in the past acknowledged this to be the case. More recently, Ozark Electric has claimed that this City-owned site is not suitable because it is in a flood plain and that the road to it is winding and may be a problem during bad weather. While some of the City land around the treatment plant is in a floodplain, the uphill land west of the treatment plant definitely is not. There also is regular traffic to the wastewater treatment plant, which I understand must be manned continuously and to which the road must be kept open.

Second, if there is alternative land that the City could sell to Ozark Electric for its substation, why sell a tract on a very visible hillside that can be seen from points as distant as the Northwest Arkansas Mall, Highway 412, and even Interstate 540? I know that Ozark Electric is willing to take steps to minimize the negative aesthetic impact of the proposed substation. But why risk the possibility of ending up with an unattractive site, particularly during the months of the year when the leaves are gone from the trees? And what about the three to six distribution lines, in addition to the main transmission line, that Ozark Electric has said will leave the substation when the area is fully developed? Where will these lines run and what easements across City property will ultimately be required? Why not keep the land as greenspace or preserve it for a future park?

I can not help but wonder whether the motivation behind the proposed sale of the water tower property is to apply the proceeds (which probably would be greater than those from the sale of land near the treatment plant) to the purchase of the Methodist Church's Mount Sequoyah property. If this is the intent, then the citizens of Fayetteville should be so informed before a choice is made. I fully support efforts to preserve the Mount Sequoyah property, but not without full disclosure and consideration regarding any greenspace that is to be sacrificed in exchange.

Thank you for your consideration.

Sincerely,


Colene Gaston

STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of February 4, 2003.

FROM: _____
Tim Conklin _____ Planning _____ Urban Development _____
Name _____ Division _____ Department _____

ACTION REQUESTED: To approve an ordinance for VA 03-1.00 as submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of S. School Avenue on 9th Street, Fayetteville, Arkansas. The request is to vacate a section of the street right of way as shown and described on the attached map and legal description.

COST TO CITY:

\$0
Cost of this request _____ Category/Project Budget _____ Category/Project Name _____
Account Number _____ Funds used to date _____ Program Name _____
Project Number _____ Remaining balance _____ Fund _____

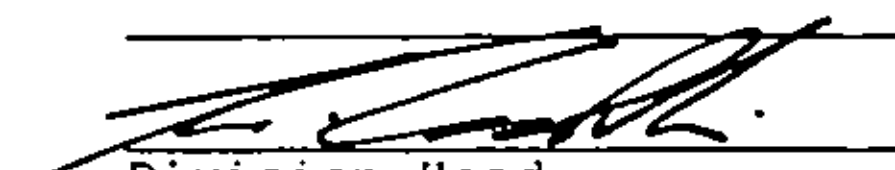
BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached _____
Budget Coordinator _____ Administrative Services Director _____

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager _____ Date _____ ADA Coordinator _____ Date _____
City Attorney _____ Date _____ Internal Auditor _____ Date _____
Purchasing Officer _____ Date _____

STAFF RECOMMENDATION: Staff recommended approval and on January 13, 2003 the Planning Commission voted 9-0-0 to recommend the vacation be approved by the City Council.


Division Head

1-17-03
Date

Cross Reference

Department Director

Date

New Item: Yes No


Administrative Services Director

1-20-03
Date

Prev Ord/Res#: _____

Mayor

Date

Orig Contract Date: _____

CC Meeting of February 4, 2003.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
113 W. Mountain St.
Fayetteville, AR 72701

AMC Land Right of Way Vacation

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Tim Conklin, City Planner, A.I.C.P.
DATE: January 17, 2003

VAC 03-1.00: Vacation (AMC Land, pp 562) was submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of South School Avenue on 9th Street. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial and contains approximately 0.32 acres. The request is to vacate 9th Street west of South School and north of Block 17 and south of Block 16 in the Ferguson's Addition.

Background:

No objections from the adjacent property owners have been submitted to the City.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

Ozarks Electric – No Objections

Southwestern Electric Power Company - NA

Arkansas Western Gas – No Objections, Retain 20' utility easement for existing gas line which was filed for record November 20, 2002 in Washington County.

SW Bell – No Objections, Requests a 20' utility easement along School Street through this existing right-of-way.

Cox Communications - No Objections

City of Fayetteville:

Water/Sewer – No Objections, Must maintain 30' wide easement centered on the existing sewer line but extending from the east to the west end of the property.

Street Department - No Objections

Solid Waste - No Objections

Engineering – No objections.

Current Status:

On January 13, 2003, the Planning Commission voted 9-0-0 to forward the Vacation to the City Council with a recommendation for approval.

Recommendation: Approval of the proposed right-of-way vacation 03-1.00 subject to the applicant providing the easements requested above.

ORDINANCE NO. _____

AN ORDINANCE APPROVING VAC 03-1.00 TO VACATE AND ABANDON A SECTION OF 9TH STREET WEST OF SOUTH SCHOOL, NORTH OF BLOCK 17 AND SOUTH OF BLOCK 16, IN THE FERGUSON'S ADDITION AS DEPICTED ON THE ATTACHED MAP AND LEGAL DESCRIPTION.

WHEREAS, the City Council has the authority under A.C.A. §14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes, and

WHEREAS, the City Council has determined that the following described right of way is not required for corporate purposes.

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

Section 1. That the City of Fayetteville, Arkansas hereby vacates and abandons all of its rights together with the rights of the public generally, in and to the following described street right of way:

See Exhibit "A" attached hereto and made a part hereof.

Section 2. That a copy of this Ordinance duly certified by the City Clerk shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

PASSED AND APPROVED this _____ day of _____, 2003.

APPROVED:

DRAFT

By _____
Dan Coody, Mayor

ATTEST:

DRAFT

By _____
Heather Woodruff, City Clerk

EXHIBIT "A"
VAC 03-1.00

THE SOUTH HALF OF THE UNOPENED PORTION OF NINTH STREET WHICH IS WEST OF SOUTH SCHOOL AVENUE AND NORTH OF BLOCK 17 IN FERGUSON ADDITION TO THE CITY OF AYETTEVILLE, ARKANSAS, AS DESIGNATED UPON THE RECORDED PLAT OF SAID ADDITION.

Aviles: Welcome to the January 13, 2003 meeting of the Fayetteville Planning Commission. Renee, would you call the roll please?

Roll Call: Upon the completion of roll call all nine commissioners were present.

Aviles: Thank you Renee. The first item of business would be the approval of the minutes from the previous Planning Commission meeting which was held on December 9th. Do I have a motion for approval of the minutes?

Ward: So moved.

Aviles: There is a motion by Commissioner Ward, is there a second?

Shackelford: Second.

Aviles: There is a second by Commissioner Shackelford. Renee, would you call the roll please?

Roll Call: Upon the completion of roll call the motion to approve the minutes was approved by a vote of 9-0-0.

VAC 03-1.00: Vacation (AMC Land, pp 562) was submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of South School Avenue on 9th Street. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial and contains approximately 0.32 acres. The request is to vacate 9th Street west of S. School and north of Block 17 and south of Block 16 in the Ferguson's Addition.

Aviles: Thanks Renee. We have ten items on our agenda this evening. The first item is the only item which is on the consent agenda. It is VAC 03-1.00 which was submitted of Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of S. School Avenue on 9th Street. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial and contains approximately .32 acres. The request is to vacate 9th Street west of S. School and north of Block 17 and south of Block 16 in the Ferguson's Addition. Is there any member of the Commission that would like to remove this from the consent agenda? Is there any member of the audience that would like to speak to us on this item this evening? Seeing none, I will go ahead and entertain a motion for approval of the consent agenda.

Shackelford: I will make a motion that we approve the consent agenda.

Planning Commission
January 13, 2003
Page 4

Ward: Second.

Aviles: Renee, call the roll please.

Roll Call: Upon the completion of roll call the motion to approve the consent agenda was approved by a vote of 9-0-0.

PC Meeting of January 13, 2003

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
113 W. Mountain St.
Fayetteville, AR 72701

AMC Land Right-of-Way Vacation

TO: Fayetteville Planning Commission Members
THRU: Tim Conklin, City Planner, A.I.C.P.
FROM: Sara Edwards, Associate Planner
Matt Casey P.E. Staff Engineer
DATE: November 9, 2002

Project: VAC 03-1.00: Vacation (AMC Land, pp 562) was submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of South School Avenue on 9th Street. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial and contains approximately 0.32 acres. The request is to vacate 9th Street west of South School and north of Block 17 and south of Block 16 in the Ferguson's Addition.

Findings: See the attached maps and legal descriptions for the exact locations of the requested right-of-way vacation.

No objections from the adjacent property owners have been submitted to the City.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

Ozarks Electric – No Objections

Southwestern Electric Power Company - NA

Arkansas Western Gas – No Objections, Retain 20' utility easement for existing gas line which was filed for record November 20, 2002 in Washington County.

SW Bell – No Objections, Requests a 20' utility easement along School Street through this existing right-of-way.

Cox Communications - No Objections

City of Fayetteville:

Water/Sewer – No Objections, Must maintain 30' wide easement centered on the existing sewer line but extending from the east to the west end of the property.

Street Department - No Objections

Solid Waste - No Objections

Engineering – No objections.

Planning Commission
January 13, 2003
VAC 03-1 AMC Land
Page 1.1

Recommendation: Approval of the proposed right-of-way vacation 03-1.00 subject to the applicant providing the easements requested above,

PLANNING COMMISSION ACTION: yes Required
_____ Approved _____ Denied

Date: _____

Comments: _____

CITY COUNCIL ACTION: yes Required
_____ Approved _____ Denied

Date: ____/____/____

**PETITION TO VACATE THE UNOPENED PORTION OF NINTH STREET
WHICH IS LOCATED EAST OF SOUTH SCHOOL STREET AND SOUTH OF
LOTS 2 AND 8 OF BLOCK 16 AND NORTH OF LOTS 1 AND 24 BLOCK 17 OF
THE FERGUSON ADDITION.**

TO: The Fayetteville City Planning Commission and
The Fayetteville City Council

We the undersigned, being all the owners of the real estate abutting the right-of-way hereinafter sought to be abandoned and vacated, lying east of South School Avenue and south of Lots 2 and 8 of Block 16 and north of Lots 1 and 24 of Block 17 of Ferguson Addition, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a right-of-way which is described as follows:

Beginning at a point which is 16 feet East of the Northwest corner of Lot 24, Block 17, Ferguson Addition to the City of Fayetteville, Arkansas, and running thence North 55 feet, more or less, to the South line of Lot 2, Block 16, Ferguson Addition to the City of Fayetteville, Arkansas, and running thence East to a point which is due North of the Northeast corner of Lot 1, Block 17, Ferguson Addition to the City of Fayetteville, Arkansas, and running thence South 55 feet, more or less, to the Northeast corner of said Lot 1, Block 17, Ferguson Addition, thence West along the North line of said Block 17, Ferguson Addition to the point of beginning.

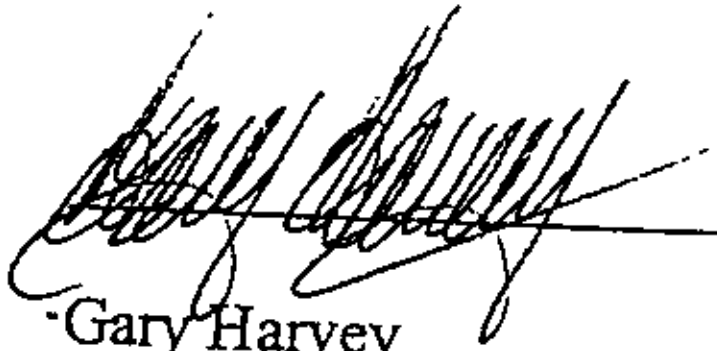
That the abutting real estate affected by said abandonment of the street right-of-way are Lots 2 and 8 of Block 16 of the Ferguson Addition and Lots 1 and 24 of Block 17 of the Ferguson Addition, City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the unopened portion of the above described street.

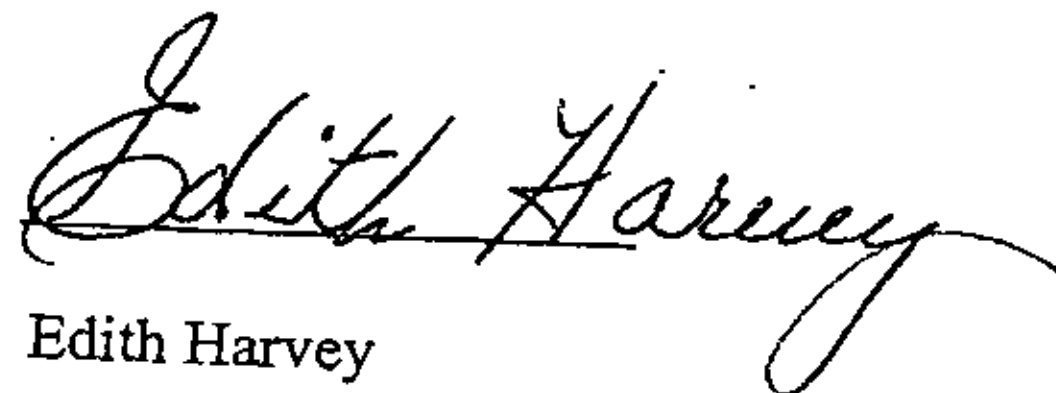
The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

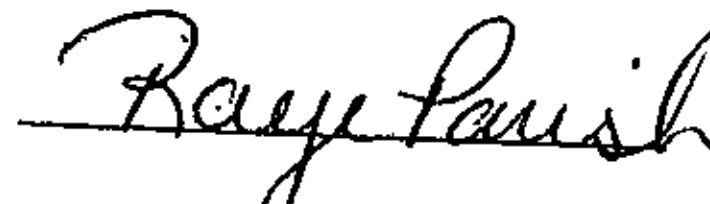
WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easement of the public for the use of said street right-of-way.

Dated this 12th day of December, 2002.


Gary Harvey


Edith Harvey


Randy Parrish


Raye Parish

LEGAL DESCRIPTION FOR STREET CLOSING PURPOSES

All that part of Ninth Street (unopened) that is described as follows.

Beginning at a point which is 16 feet East of the Northwest corner of Lot 24, Block 17, Ferguson's Addition to the City of Fayetteville, Arkansas, and running thence North 55 feet, more or less, to the south line of Lot 2, Block 16, Ferguson's Addition to the City of Fayetteville, Arkansas, and running thence East to a point which is due north of the Northeast corner of Lot 1, Block 17, Ferguson's Addition to the City of Fayetteville, Arkansas, and running thence South 55 feet, more or less, to the Northeast corner of said Lot 1, Block 17, Ferguson's Addition, thence West along the North line of said Block 17, Ferguson's Addition to the point of beginning.

CONDITIONAL CONCURRENCE

to
CLOSE A STREET

FILED FOR RECORD

2002 OCT 22 AM 9:50

BE IT KNOWN BY THESE PRESENTS that Southwestern Bell Telephone, L.P., a Texas limited partnership, hereby concurs in the closing of an unopened portion of a public street subject to stated conditions:

All that part of Ninth Street, beginning at a point which is sixteen feet east of the northwest corner of Lot 24, Block 17, Ferguson's Addition to the City of Fayetteville, Arkansas, and running thence North 55 feet, more or less to the south line of Lot 2, Block 16, Ferguson's Addition to the City of Fayetteville, Arkansas, and running thence east to a point which is due north of the northeast corner of Lot 1, Block 17, Ferguson's Addition to the City of Fayetteville, Arkansas, and running thence south 55 feet, more or less, to the northeast corner of said Lot 1, Block 17, Ferguson's Addition, thence west along the north line of said Block 17, Ferguson's Addition to the point of beginning, SUBJECT TO AND CONDITION UPON the granting or provision of a twenty twenty foot (20') utility easement along the west side of School St. for the length of the Ninth Street right of way.

By:

F. Jean Davis
Director-Eng / Const

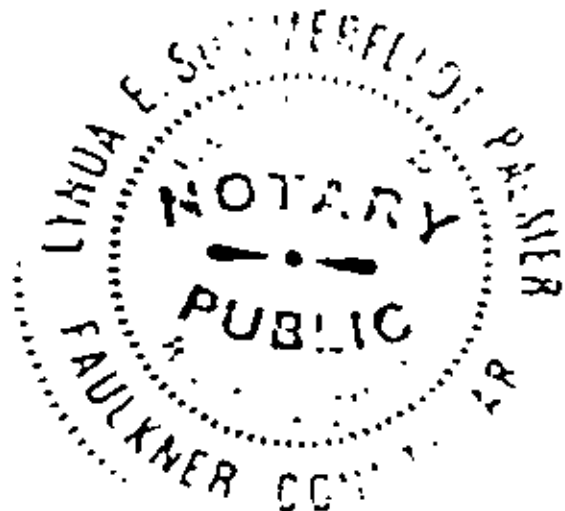
10-1-02
Date

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF WASHINGTON

On this the 1st day of October, 2002, before me, the undersigned authority, duly commissioned and qualified in and for the state and county set forth above, personally came and appeared F. Jean Davis, who, after being duly sworn, declared that he is the Director-Engineering/Construction for Southwestern Bell Telephone, L.P., a Texas limited partnership, and that he executed the foregoing instrument as the act and deed of said company of his own free will and for the purposes and considerations therein expressed and with due authority.

In witness whereof I hereunto set my hand and official stamp.



Lynda E. Sommerfeldt Palmer
Lynda E. Sommerfeldt Palmer

Notary Public

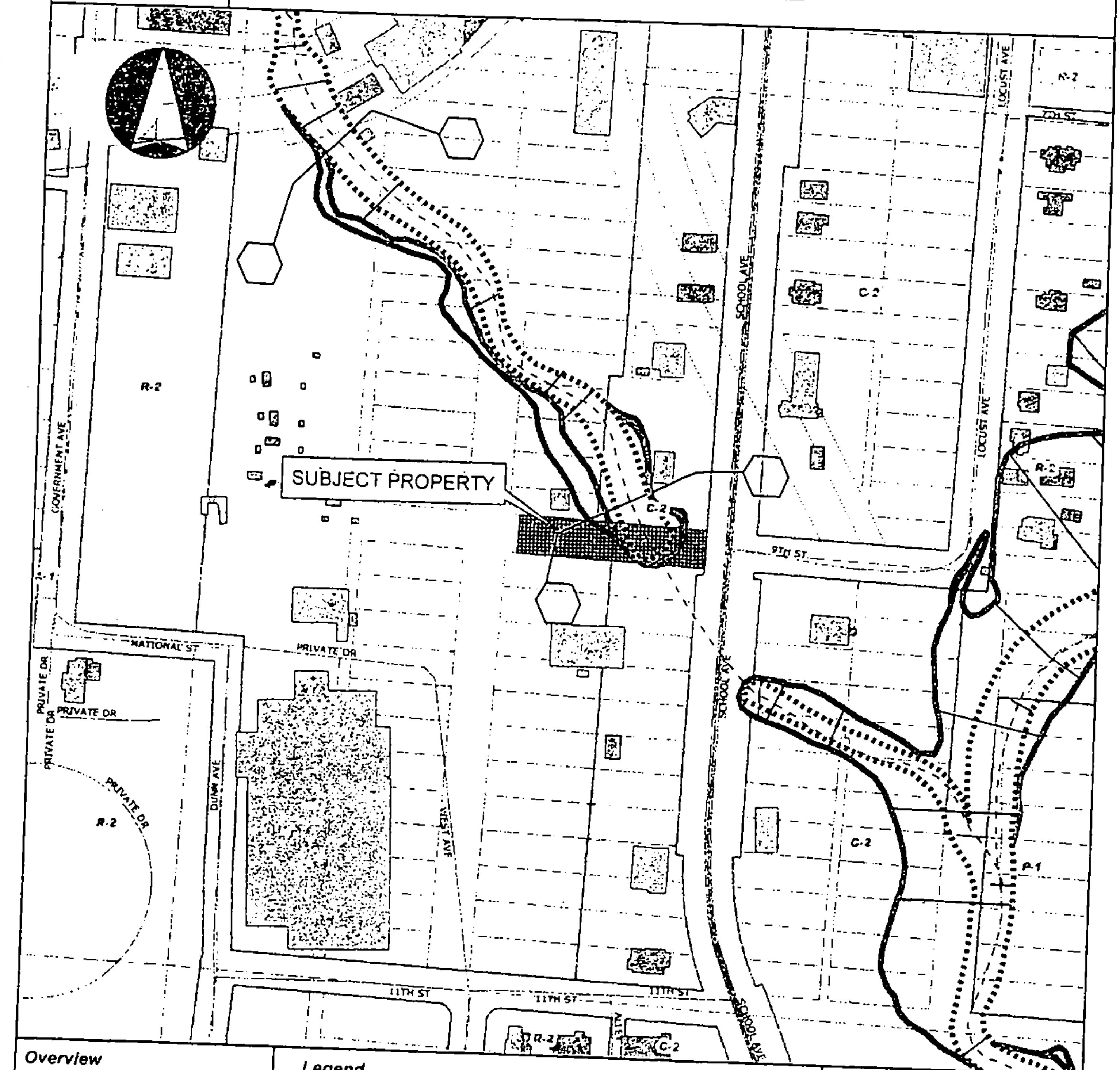
My commission expires August 10, 2011

2002158104

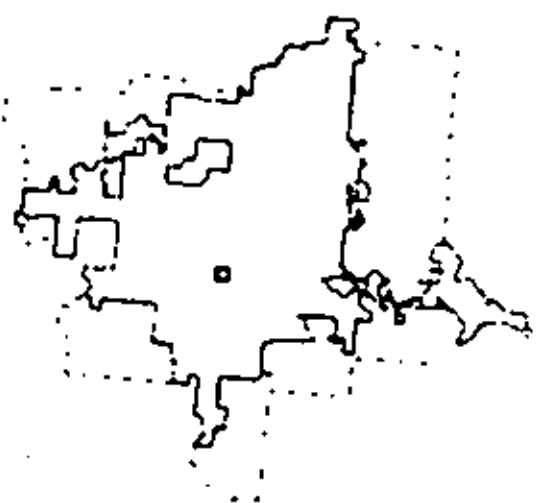
VAC03-1.00

Close Up View

AMC LAND



Overview



Legend
Subject Property

VAC03-1.00

Streets

Existing
Planned

Boundary

Planning Area
Overlay District
City Limits
Outside City

Master Street Plan

Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historic Collector

0 75 150 300 450 600
Feet

STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of February 4, 2003.

FROM: _____
Tim Conklin _____ Planning _____ Urban Development
Name _____ Division _____ Department _____

ACTION REQUESTED: To approve an ordinance annexing property described in annexation petition ANX 03-01.00 for a parcel containing 57.00 acres located at 3632 East Zion Road.

COST TO CITY:

\$0
Cost of this request _____ Category/Project Budget _____ Category/Project Name _____
Account Number _____ Funds used to date _____ Program Name _____
Project Number _____ Remaining balance _____ Fund _____

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached _____
Budget Coordinator _____ Administrative Services Director _____

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager _____ Date _____ ADA Coordinator _____ Date _____
City Attorney _____ Date _____ Internal Auditor _____ Date _____
Purchasing Officer _____ Date _____

STAFF RECOMMENDATION: Staff recommended approval and on January 13, 2003 the Planning Commission voted 8-0-1 to recommend that the City Council approve the requested annexation.

Division Head _____ 1-12-03
Date

Cross Reference

Department Director _____ Date _____

Administrative Services Director _____ 1-20-03
Date

New Item: Yes No
Prev Ord/Res#: _____
Orig Contract Date: _____

Mayor _____ Date _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

City Council meeting of Feb. 4, 2003

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Shelli Rushing, AICP, Associate Planner
THRU: Tim Conklin, City Planner
DATE: January 17, 2003

ANX 03-1.00: Annexation (Brandon/Anderson, pp 61/100) was submitted by Michele Harrington of Harrington, Miller, Neihouse & Krug on behalf of Gary Brandon of Gary Brandon Enterprises, Inc. for property owned by George & Saralee Anderson and located at 3632 East Zion Road. The property is in the Planning Area and contains approximately 57.00 acres. The request is to annex into the City.

BACKGROUND:

The subject property is located west of George Anderson Rd. and north of Zion Rd. and is currently used for agricultural purposes. If the annexation is approved, the applicant would like to rezone the property to R-1, Low Density Residential. The rezoning, RZN 03-4 (Anderson) is an accompanying item to this annexation request.

The proposed rezoning could result in 228 units (57.01 acres x 4 du/acre). Using 2.21 persons per occupied unit (2000 Census for Fayetteville), the total population of this rezoning could be 504 persons. Using Trip Generation rates, the average weekday two-way volume is 2,182. The Saturday two-way volume is 2,301. George Anderson and Zion are both designated as Collectors on the Master Street Plan. A collector is designed for 4,000 vehicles per day, or 6,000 vehicles per day with a left turn bay.

The Engineering Division, Police Department and Fire Department have responded to the annexation request. They have not indicated that the property should not be annexed. However, the Police Department did comment on the increase in patrol responsibility due to the increase in area to cover.

Staff is recommending approval of the requested annexation. The property has access to utilities and can adequately be served by the city.

CURRENT STATUS:

On January 13, 2003, the Planning Commission voted 8-0-1 to recommend to the City Council approval of the requested annexation.

RECOMMENDATION:

Approval of the requested annexation.

ORDINANCE NO.

AN ORDINANCE CONFIRMING THE ANNEXATION TO
THE CITY OF FAYETTEVILLE, ARKANSAS, OF CERTAIN
PROPERTY OWNED BY GEORGE AND SARALEE
ANDERSON.

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

Section 1. That the City Council hereby confirms the annexation to the City of Fayetteville, Arkansas, of that property described in Exhibit "A" attached hereto and made a part hereof.

Section 2. The official map of the City of Fayetteville, Arkansas, is hereby amended to reflect the change provided in Section 1 above.

Section 3. That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to assign the zoning designation of A-1, Agricultural to the subject property.

Section 4. That the above-described property is hereby assigned to Ward No. Three.

PASSED AND APPROVED this ____ day of _____, 2003.

APPROVED:

By: _____
Dan Co. Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

EXHIBIT "A"

A part of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Nineteen (19) and a part of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Eighteen (18) Township Seventeen North (17) Range Twenty-nine (29) West in Washington County, Arkansas, being more particularly described as follows, to-wit:

From a found iron pin being the Southwest Corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Nineteen (19) run North $00^{\circ}04'09''$ West - 1,309.72 feet along the East line of Copper Creek Subdivision to an iron pin at the Northeast Corner of said Subdivision and on the South Boundary Line of the Nooncaster tract as decreed in the Circuit Court Order of May 21, 2002; thence along said South Boundary Line of the Nooncaster tract South $89^{\circ}42'42''$ East - 1.71 feet to the Southeast corner thereof; thence North $00^{\circ}00'42''$ East 658.11 feet along the East Boundary Line of said Nooncaster tract to an iron pin; thence leaving the East Boundary line of said Nooncaster tract and running South $89^{\circ}55'10''$ East - 659.56 feet; thence South $89^{\circ}54'03''$ East - 659.48 feet; thence South $00^{\circ}00'50''$ East - 662.20 feet; thence South $00^{\circ}18'57''$ East 819.63 feet; thence North $89^{\circ}30'01''$ West - 420.84 feet; thence South $01^{\circ}34'41''$ West - 272.45 feet; thence South $89^{\circ}01'36''$ East - 429.91 feet; thence South $00^{\circ}18'57''$ East - 205.68 feet; thence South $89^{\circ}54'04''$ West - 1,326.64 feet to the POINT OF BEGINNING, containing 57.00 acres, more or less.

- Aviles: Our final items nine and ten are also companion items, they are an annexation and a rezoning of the same property. ANX 03-1.00 was submitted by Michele Herington of Herington, Miller, Neihouse and Krug on behalf of Gary Brandon of Gary Brandon Enterprises for property owned by George and Saralee Anderson and located at 3632 E. Zion Road. The property is in the Planning Area and contains approximately 57.01 acres. The request is to annex the property into the city and staff is recommending approval. Shelli?
- Rushing: Yes Ma'am. This property is located west of George Anderson Road. It is east of the Copper Creek Subdivision. The applicant is requesting to annex into the city. I do want to let you know of some public comments that we have received on this request. The first is that we received a copy of an email from an adjacent property owner expressing concern over the legal descriptions that were submitted. Since we received that email we have spoken with the applicant's representative, they have provided us with a new legal description and you have maps in front of you showing the revised maps. The current legal description reduces the size of the property slightly. You will notice that there is not very much of a change of the boundaries of the property.
- Aviles: What is the new size?
- Conklin: There was approximately about a 3" discrepancy so you are not going to be able to really see it on the maps. It was a surveying error.
- Rushing: We also received an email in regard to the signs posted out at the property. We did post a sign, the sign had fallen down. We did go out there and put the sign back up. We located the sign in a place that we hoped would be as visible by as many people as possible. It was located at the corner of Copper Creek and Zion Road to improve visibility for that sign. I just want to let you know that when property is annexed into the city it is annexed in as A-1 and so we do have an accompanying item to rezone the property to R-1 Residential. That is the next item on the agenda. The proposed rezoning could result in approximately 228 units on the property based on the maximum dwelling units per acre for this site. Using a persons per occupied unit of 2.21 from census information for the City of Fayetteville, we estimate a total population of 504 people. We used our trip generation software to determine the average weekday two way volume which was estimated at 2,182 trips. George Anderson and Zion Road both are designated as collectors on the Master Street Plan. Collector streets are designed for between 4,000 vehicles per day or 6,000 vehicles per day with a left turn bay. We did adopt an annexation policy in March of 2002. We used this policy to make findings on this request. Part of that involved a study of the request by the Engineering Division as

well as Fire and Police. We did find that it appears that utilities, as well as public services, can be adequately provided at this location. I do want to point out that George Anderson and Zion Road both are gravel roads at this location. The site does have access to an existing 8" water line and an 8" sewer line that is located in the adjacent Copper Creek subdivision. There is also a 12" water main along Zion Road. The Fire Department estimates the response time to be between six and eight minutes and fire hydrants probably will be needed at the time of development. We are estimating approximately 228 units. After speaking with the Police Department, they did not have any objections with the annexation or the rezoning but did want to point out that the city needs to keep in mind that as the city annexes more and more land the Police Department's patrol responsibilities increase and as the city grows in area officers' crime deterrent patrols decrease simply due to the fact that there is more area to cover. I wanted to let you know of that comment. We do not feel that there is going to be a need in upgrading utilities at this location. The property will be required to go through the subdivision development review process and we find that the request is an acceptable size for an annexation. Therefore, we are recommending approval of the annexation.

Aviles: Thank you Shelli, is the applicant present?

Harrington: Good evening everyone, I am Mickey Harrington. I am representing the sellers, the Andersons and Mr. Brandon the buyer, Gary Brandon Enterprises. The engineer and Mr. Brandon are available to answer questions. I do believe that this is pretty straight forward. The discrepancy in the legal description, which has been corrected, amounted to a one, one hundredth of an acre change so instead of 57.01 it is 57.00 acres. That is the difference. It is a smaller piece due to a survey trying to avoid an obstacle and a few inches difference that has been corrected. I don't think that the number of houses out on this parcel is going to be anywhere near the number of units that were described in the report. I know that is the maximum allowed but just for your information, I know it is premature but it will be nowhere near that number. It will be essentially an extension of the Copper Creek development that is already out there and will look very similar if not the same type of development just heading to the east from the existing Copper Creek subdivision. I would be happy to answer questions.

Aviles: Thank you. Is there any member of the audience that would like to address us on this annexation request? Yes Sir, please come forward and tell us your name.

Clark: I am Arthur Clark, I live directly across Zion Road to the south. I have quite a bit of drainage as it stands as a farm. I am a little concerned about

what are they going to do with the drainage increase when we get streets and houses, etc. Also, what are they going to do with Zion Road. Is it going to be paved, is it going to be widened, which it needs to be? If so, all of the road comes south of the quarter section line. Am I going to be required to move a fence or something if the road is widened or will they go to the north into this subdivision?

Aviles: Tim or Shelli would you like to address that? Some of these may have to go to the applicant in terms of the drainage.

Conklin: With regard to the roads, we will be looking for street improvements to Zion Road and George Anderson Road at the time of development. We will have to take a look at exactly where the property lines are and where the road is with regard to where the road is built. There will be a process of development review, notification will be sent out and that will have to be worked through if this is annexed and rezoned by the City Council through that development review process. With regard to drainage, once again, at this time it is an annexation and rezoning. We do have a storm water ordinance and drainage will be considered as part of that development review process with regard to how to handle it. As a city policy storm water detention on site is almost always required in order to make sure that the pre-development flows and the post-development flows remain the same going off the site.

Aviles: Ok, thank you. Is there anybody else in the audience that would like to address us on this annexation? I will go ahead and bring discussion back to the Commission and to the applicant.

Estes: It will be necessary that I recuse on this annexation request and the companion rezoning request. The reason for my recusal is that I was involved as an attorney of record in litigation regarding the subject property within the last 12 months.

Aviles: Thank you Commissioner Estes, so noted. Commissioners?

Bunch: I will move that we recommend ANX 03-1.00 to the City Council.

Hoover: I will second.

Aviles: I have a motion by Commissioner Bunch and a second by Commissioner Hoover. I do have just one question for the applicant. You mentioned that this was going to be pretty much a mirror image of the Copper Creek adjacent to this, is that going to include the same types of densities?

Harrington: Yes.

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Aviles: Thank you very much. Is there additional discussion?

Bunch: Madam Chair, I would like to make a couple of comments. One is that I know that this will be coming up during the development process but there is a one lane bridge on Zion not too far from this and I think that came up with the Copper Creek subdivision. Tim, could you enlighten us on what the city's position is on changing that one lane bridge?

Conklin: That is something that we will have to take a look at when this comes through. I can get more information for you on that when that development comes through with regard to the improvements.

Bunch: I just want to make sure that we keep it in the forefront because that is a question that has come up with the other developments in this area. In case we have any offsite improvements that are necessary to keep it in the fore front.

Conklin: When Stonewood and Copper Creek were developed street stub outs were provided and of course they have utilized those street stub outs to connect both subdivisions together. Those street stub outs have been extended back to the east which would allow access for this subdivision also so it's main access wouldn't be directly on Zion Road. However, it would have access to Zion Road. That is something that we will look at. I have mentioned that to the engineer that is looking at this and that is something that staff is aware of with regard to that one lane bridge on Zion Road.

Bunch: Also, for clarity on the issue since George Anderson Road and Zion Road will be in the city with the annexation should it pass are we going to have a situation where half the road is in the city and half is in the county and what do you foresee as the resolution to building these roads out?

Conklin: We are going to require a road that can handle the traffic for the subdivision. In the past we have required street improvements to meet city standards on one side and street improvements on the other side, maybe not curb and gutter. It is something that we always look at and deal with. If you recall just a month ago with the Nelson Berna Funeral home at the intersection, we were trying to get street improvements on both sides and the property owner to the south didn't want to provide the right of way and lose the trees to provide that intersection. On that project we got 1/2 of the street for the entire length of that property. I guess what I am telling you is that it is kind of on a case by case basis. We do want to make sure that when the streets are built that they are built to handle the traffic.

- Bunch:** Just one other comment. This is a question for the City Attorney I guess. If this annexation goes through, it is an encroachment into existing agricultural pursuits with animal husbandry and farming and that sort of thing and I realize that there are poultry houses immediately across the street. In the winter time they may not be so odiferous but in the spring and summer when you take the curtains off and run the fans you need to be aware that as we build subdivisions into areas where there are agricultural pursuits that there are certain things that aren't quite like city life. Kit, could you tell us a little bit about what type of regulations we have to do not have concerning the encroachment into existing agricultural areas?
- Williams:** We don't really have any regulations that would stop adjoining areas from continuing with the agricultural pursuits that they have done for a long time. The city would have some potential power if there was something that was really bad going on through it's nuisance power even beyond the city limits. I don't think though that the City Council would ever want to affect established, ongoing long term businesses because we approach closer to them. I would think that anybody that would be buying a house in the subdivision should be, they should know what the are around there looks like and I am sure they can see chicken houses and things across the street there and would I think probably have some idea of what they might smell like and of course they could talk to their friends in the other subdivisions that are already being built next to these other chicken houses and probably find out that in the warmer months you can occasionally smell chickens.
- Aviles:** Thank you. Do you have any other questions Commissioner Bunch? Are there any other questions? Renee, call the roll please.
- Roll Call:** Upon the completion of roll call the motion to recommend approval of ANX 03-1.00 by the City Council was approved by a vote of 8-0-1 with Commissioner Estes abstaining.
- Aviles:** Thanks Renee. The motion carries on a vote of eight with one abstention.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of Jan. 13, 2003

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn T. Warrick, Senior Planner
THRU: Tim Conklin, A.I.C.P., City Planner
DATE: Jan. 9, 2003

ANX 03-1.00: Annexation (Anderson, pp 61/100) was submitted by Michele Harrington of Harrington, Miller, Neihouse & Krug on behalf of Gary Brandon of Gary Brandon Enterprises, Inc. for property owned by George & Saralee Anderson and located at 3632 East Zion Road. The property is in the Planning Area and contains approximately 57.00 acres. The request is to annex into the City.

RECOMMENDATION:

Staff recommends approval of the requested annexation based on the findings included as part of this report.

PLANNING COMMISSION ACTION: Required

Date: Jan. 13, 2003

CITY COUNCIL ACTION: Required

Date: Feb. 4, 2003

Comments: _____

BACKGROUND:

Property Description: The subject property is located west of George Anderson Rd. and north of Zion Rd. It is 57.01 acres with agricultural uses.

Request: The applicant is requesting to annex into the city.

Public Comment: Staff has received a copy of an e-mail from an adjacent property owner to the applicant's representative. The e-mail indicates there may be a discrepancy in the legal description provided for this application. The discrepancy results in the subject property being slightly smaller than originally thought.

Related Issues: When property is annexed into the City, it is annexed as A-1 Agricultural. If the annexation is recommended for approval to City Council, the applicant would like to rezone the property to R-1, Low Density Residential. The rezoning, RZN 03-4 (Anderson) is an accompanying item to this annexation request.

The proposed rezoning could result in 228 units (57.01 acres x 4 du/acre). Using 2.21 persons per occupied unit (2000 Census for Fayetteville), the total population of this rezoning could be 504 persons. Using Trip Generation rates, the average weekday two-way volume is 2,182. The Saturday two-way volume is 2,301. George Anderson and Zion are both designated as Collectors on the Master Street Plan. A collector is designed for 4,000 vehicles per day, or 6,000 vehicles per day with a left turn bay.

On March 19, 2002, with Resolution No. 50-02, the Fayetteville City Council adopted an annexation policy as part of General Plan 2020 – 2001 Revision. The annexation policy is to be used as a guide when evaluating annexation requests. The policy is used to make findings on this request.

Recommendation: Staff is recommending approval of the requested annexation. The property has access to utilities and can adequately be served by the city.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Vacant, Agricultural	No zoning – county
South	Vacant, Agricultural	No zoning – county
East	Vacant, Agricultural, Residential	No zoning – county
West	Vacant, Agricultural	R-1, Low Density Residential

INFRASTRUCTURE:

Streets: North: Albright Rd.
South: Zion Rd. (Collector)
East: George Anderson Rd. (Collector)
West: Copper Creek Drive

Water: Water line runs along the south side of the property.

Sewer: Sewer located to the west of the subject property.

LAND USE PLAN: General Plan 2020 designates this site as residential.

FINDINGS:

11.6 ANNEXATION GUIDING POLICIES

BOUNDARIES

11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.

Finding: The proposed annexation does not create an island or peninsula.

11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.

Finding: The proposed annexation is adjacent to the city limits.

11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.

Finding: The property is not yet developed but is owned by one property owner. One piece of property is missing in order to create a solid square-like piece for annexation.

11.6.d Boundaries for annexed areas should follow natural corridors.

Finding: The boundaries for the annexation following existing property lines.

11.6.e Timing of services within annexation areas should be considered.

Finding: Utilities and public services can adequately be provided to this location at this time.

ENVIRONMENTALLY SENSITIVE AREAS

11.6. f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Finding: The property, at this time, is not considered to be environmentally sensitive.

EMERGENCY AND PUBLIC SERVICES

11.6.g Public services must be able to be provided efficiently in newly annexed areas.

Finding: *Engineering Division:* The proposed rezoning is located on the west side of George Anderson Road and on the north side of Zion Road. At this location George Anderson Rd. and Zion Rd. are both two lane gravel roads. Zion Rd. is

paved from Hwy. 265 to the southwest corner of this property.

The proposed rezoning from A-1 to R-1 may or may not result in additional traffic danger and congestion for this area. The access to the developed site and the circulation network within the development shall be reviewed in detail as part of the subdivision or large scale development process. The layout, connectivity, circulation plan, ingress and egress provisions will be reviewed in detail as information becomes available.

The site has access to an existing 8" water line and 8" sewer line that is located in the adjacent Copper Creek Subdivision. There is also a 12" water main along Zion Road.

The proposed rezoning and ultimate development may or may not increase the loading on the existing infrastructure systems. During the development's review and approval process, the adequacy of the existing infrastructure to accommodate the service requirements will be assessed by the developer's consultant and reviewed by city staff. Any inadequacies, lack of availability, need for improvements and determination of responsibility for the infrastructure improvements shall be resolved during the development's review/approval process.

- 11.6.h Annexed areas should receive the same level of service of areas already in the city limits.

Finding: *Fire Department:* The response time is six to eight minutes and fire hydrants will be needed.

- 11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Finding: The annexation and the rezoning of the subject property to R-1, Low Density Residential could result in approximately 228 residential units.

Police Department: The Police Department does not have an objection to this rezoning and annexation; however we must keep in mind as the city annexes more and more land, the Police Department's patrol responsibilities increase. As the city grows in area, officers' crime deterrent patrols decreases simply due to the fact there is more area to cover.

INFRASTRUCTURE AND UTILITIES

- 11.6.j Areas currently served by utilities and other public services should be annexed.

Finding: The site has access to an existing 8" water line and 8" sewer line that is located

in the adjacent Copper Creek Subdivision. There is also a 12" water main along Zion Road.

- 11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.

Finding: The annexation does not appear to require an upgrading of utilities.

- 11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Finding: The proposed annexation is not part of a phased annexation initiated by the City.

INTERGOVERNMENTAL RELATIONS

- 11.6.m Promote long-range planning with adjacent jurisdictions.

Finding: N/A

- 11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Finding: N/A

ADMINISTRATION OF ANNEXATIONS

- 11.6.o Designate zoning districts for the property during the annexation process.

Finding: Annexations are automatically zoned A-1, Agricultural. The applicant is requesting to rezone to R-1, Low Density Residential in accompanying item RZN03-04 (Anderson).

- 11.6.p An annexation study should be completed on all annexation proposals.

Finding: Planning staff has asked the Public Works Department, Fire Department and Police Department to study this annexation request to determine if facilities and services are available to serve this request. Responses to this request have been received and are included as part of this report.

- 11.6.q Development proposals require a separate review from the annexation proposals.

Finding: The development of the subject property will be required to go through the development review process.

11.6.r Residents should be fully informed of annexation activities.

Finding: Adjoining neighbors have been notified of the annexation request. A legal ad and display ad have both been submitted with a local newspaper prior to the Planning Commission meeting for which this item is scheduled.

11.6.w Encourage larger annexations to create acceptable boundaries.

Finding: Staff finds that this request is of acceptable size.

11.6.t Conduct a fiscal impact assessments on large annexations.

Finding: N/A

Trip Generation

Anderson
Summary of Trip Generation Calculation
For 228 Dwelling Units of Single Family Detached Housing
January 06, 2003

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	9.57	3.69	1.00	2182
7-9 AM Peak Hour Enter	0.19	0.00	1.00	43
7-9 AM Peak Hour Exit	0.56	0.00	1.00	128
7-9 AM Peak Hour Total	0.75	0.90	1.00	171
4-6 PM Peak Hour Enter	0.65	0.00	1.00	148
4-6 PM Peak Hour Exit	0.36	0.00	1.00	82
4-6 PM Peak Hour Total	1.01	1.05	1.00	230
Saturday 2-Way Volume	10.09	3.67	1.00	2301
Saturday Peak Hour Enter	0.51	0.00	1.00	116
Saturday Peak Hour Exit	0.43	0.00	1.00	98
Saturday Peak Hour Total	0.94	0.99	1.00	214

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS
FILED

IN THE MATTER OF:
ANNEXATION OF CERTAIN LANDS TO THE
CITY OF FAYETTEVILLE, ARKANSAS

*02 NOV 12 PM 1 34

MARILYN EDWARDS
CO. & PROBATE CLERK
WASHINGTON CO. ARK.

Case No. CC 2002-12

DECREE OF ANNEXATION

Now on this 12th day of November, 2002, this cause comes on to be heard, the Petitioners, George E. Anderson and Saralee F. Anderson, husband and wife, represented by their attorneys, Harrington, Miller, Neihouse & Krug, P.A., of Springdale, Arkansas, announcing ready for a hearing of the cause and there being no protests or objections filed, whereupon, the matter is submitted to the Court upon the verified petition filed herein, and any oral and documentary evidence adduced, the Court being well and sufficiently advised of the facts and the law, doth hereby find, judge and decree as follows:

1. The Petition in this cause was filed on October 3, 2002, at which time this Court fixed Tuesday, November 12, 2002, at 1:30 p.m., as the date and time of hearing for said cause, and that a full thirty (30) days has passed since the filing of the Petition, and this Court has jurisdiction of the persons and subject matter of this cause of action, and venue is proper herein.

2. The Petition filed herein named Harrington, Miller, Neihouse & Krug, P.A. to act on behalf of Petitioners in filing and presenting the Petition to the Court and handling all matters connected with the Petition, as well the required notices, and this and any other hearings or annexation proceedings connected therewith.

3. Harrington, Miller, Neihouse & Krug, P.A. has given Notice of hearing on the Petition as required by law, and the proof of publication of said notice is now on file with the Clerk of this Court.

4. The Court is satisfied that the allegations of the Petition filed herein are sustained by the proof, and that a majority of the total number of real estate owners in the area affected by this Petition have signed said Petition, and that such majority owns more than one-half (1/2) of the acreage affected.

5. The land and territory sought to be annexed to the City of Fayetteville, Washington County, Arkansas, in this cause is described as follows:

A part of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section Nineteen (19) and a part of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section Eighteen (18) Township Seventeen North (17N) Range Twenty-nine West (29W) in Washington County, Arkansas, being more particularly described as follows, to-wit:

From a found iron pin being the Southwest Corner of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of said Section Nineteen (19) run North 00°04'09" West – 1,309.73 feet; thence north 00°09'38" East – 658.10 feet; thence South 89°55'10" East – 659.56 feet; thence South 89°54'03" East – 659.48 feet; thence South 00°00'50" East – 662.20 feet; thence South 00°18'57" East – 819.63 feet; thence North 89°30'01" West – 420.84 feet; thence South 01°34'41" West – 272.45 feet; thence South 89°01'36" East – 429.91 feet; thence South 00°18'57" East – 205.68 feet; thence South 89°54'04" West – 1,326.64 feet to the POINT OF BEGINNING, containing 57.01 acres, more or less.

and, the same is accurately described in the Petition filed herein.

6. Attached to and made a part of said Petition is an accurate map of the above-described territory that is sought to be annexed to the city of Fayetteville, Arkansas.

7. The above-described is property not unusually large and it is contiguous and adjacent to and adjoins the present boundaries of the City of Fayetteville, and this territory should be annexed to and made a part of the City of Fayetteville, Arkansas.

8. The prayer of the Petition filed herein is right and proper and should be granted.

IT IS THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that the aforesaid real estate situated in Washington County, Arkansas, is hereby annexed to and made a part of the City of Fayetteville, Arkansas, in accordance with Act No. 1 of the acts of the Legislature of 1875 of the State of Arkansas and all acts amendatory thereto, particularly including Act 142 of the Acts of Arkansas for the year 1963, as codified in Ark. Code Ann. §14-40-601, et seq.

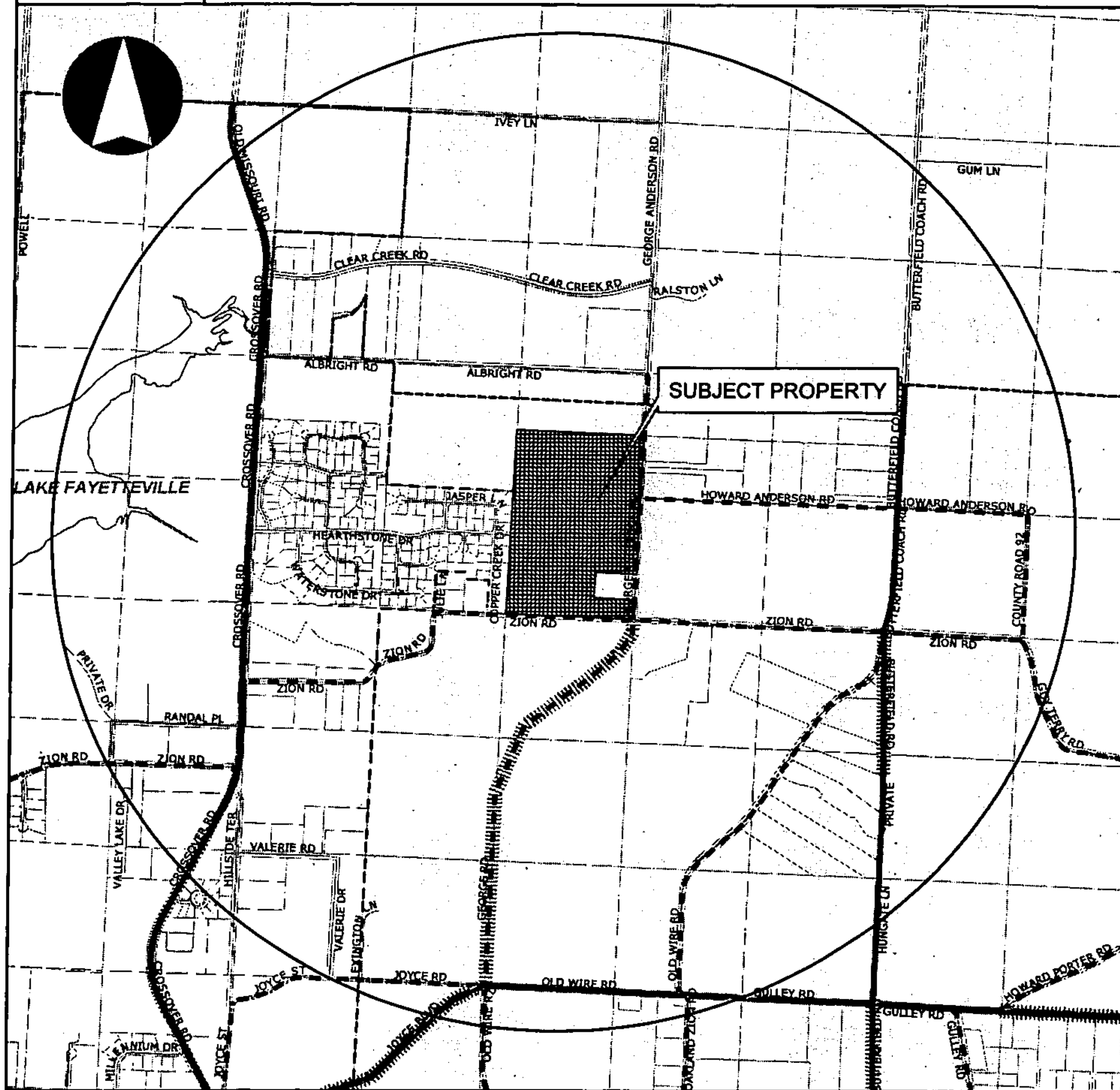
IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED that the original papers in this cause be delivered to the Clerk of Washington County, Arkansas, with the same to be properly recorded upon the records of Washington County, Arkansas, and the Clerk, after properly recording and filing the original papers, is directed to prepare certified transcripts of the same; that one of the certified transcripts shall be delivered to the City of Fayetteville, Arkansas, one copy to the Secretary of State, and one copy to the Director of the Tax Division of the Arkansas Public Service Commission.


JERRY HUNT, County Judge

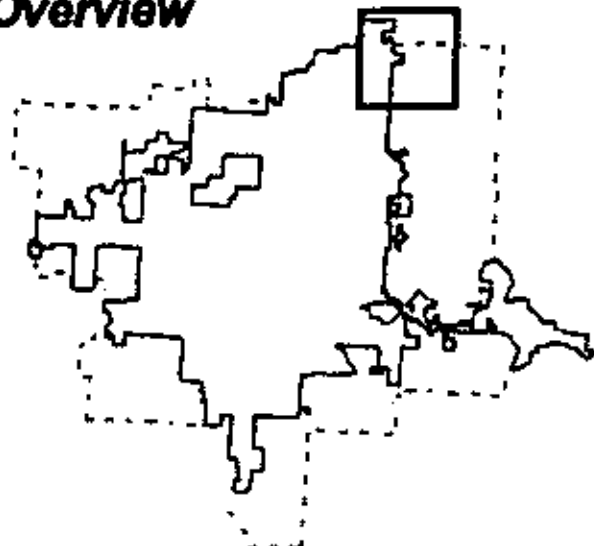
ANX03-1.00

One Mile View

ANDERSON



Overview



Legend

Subject Property

ANX03-1.00

Streets

Existing
Planned

Boundary

Planning Area
Overlay District
City Limits
Outside City

Master Street Plan

Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

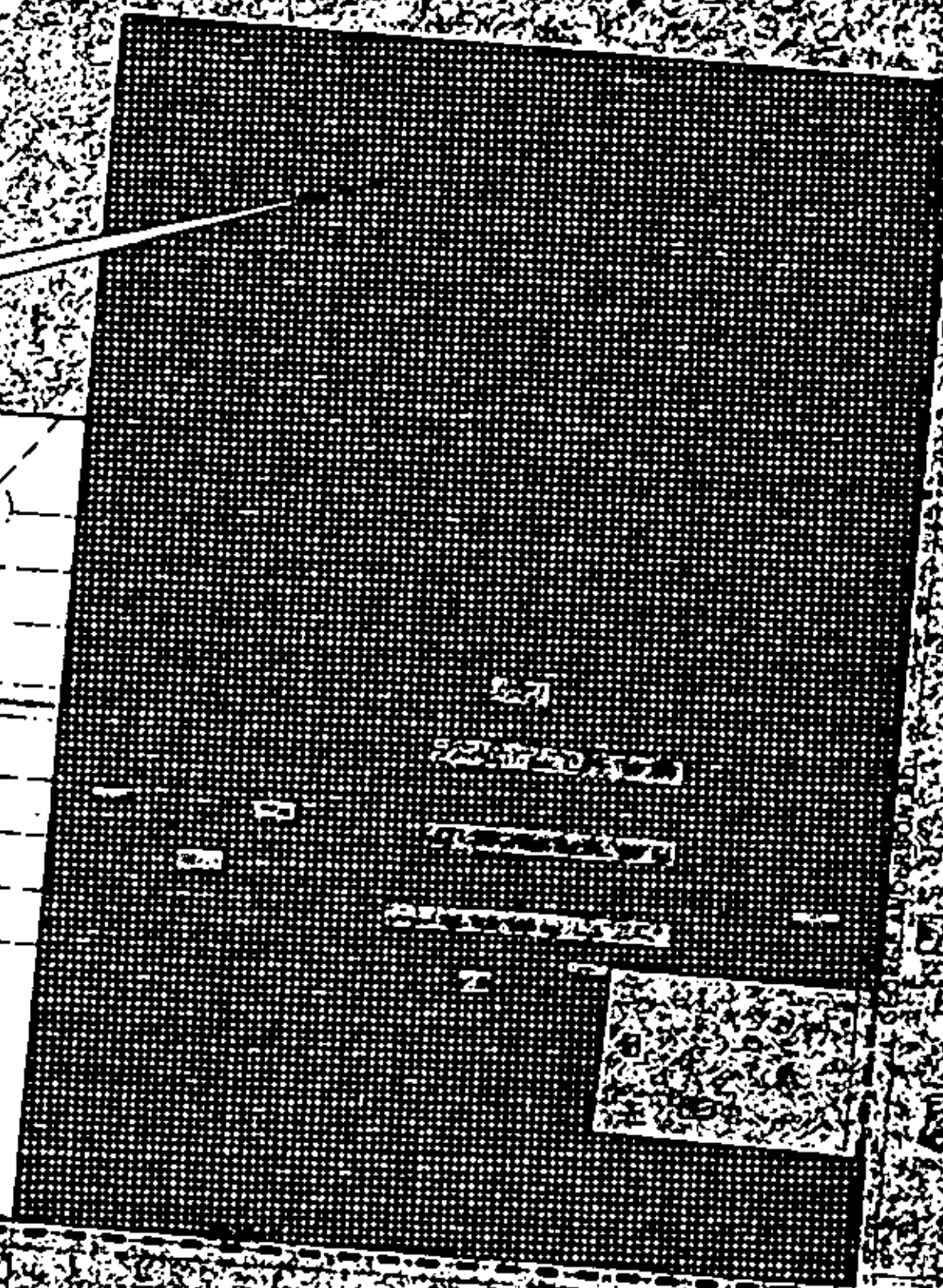
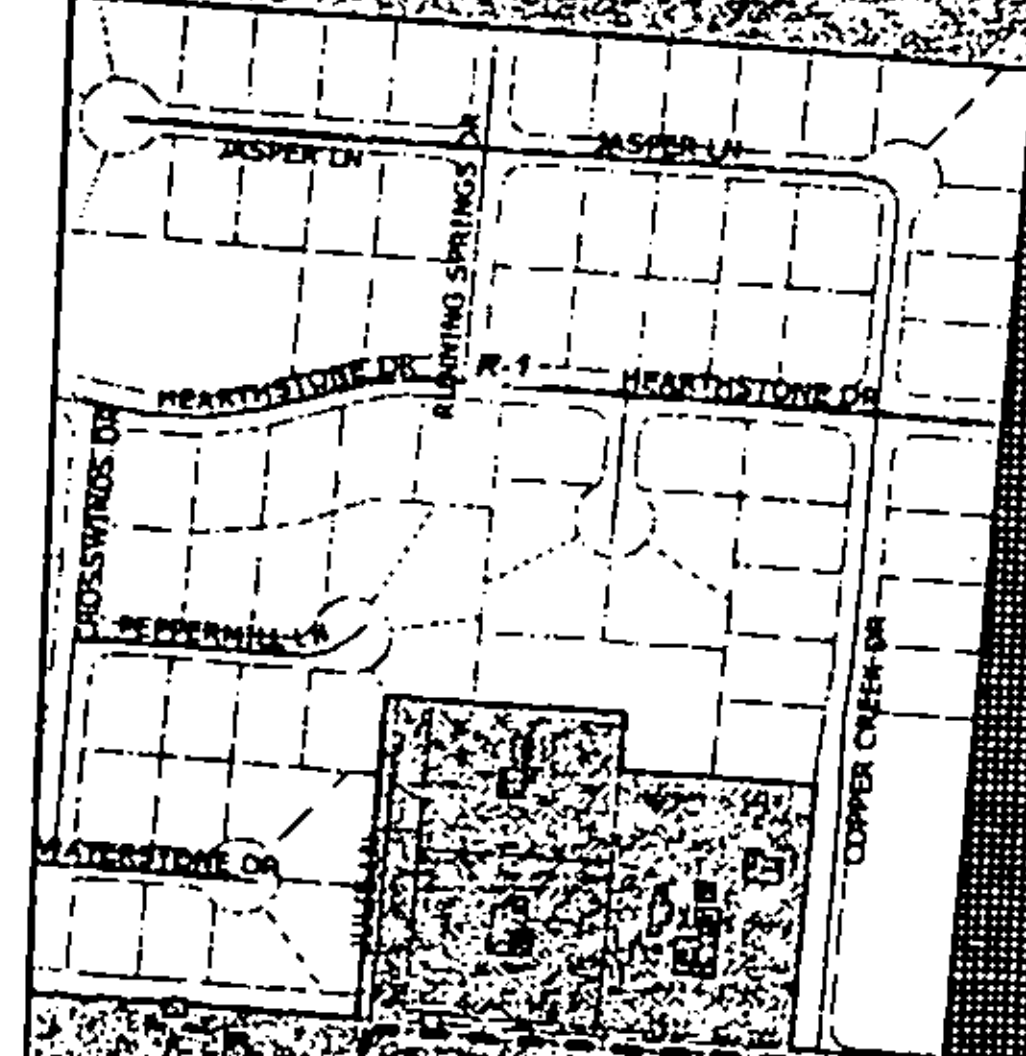
ANX 03-1.00

Close Up View

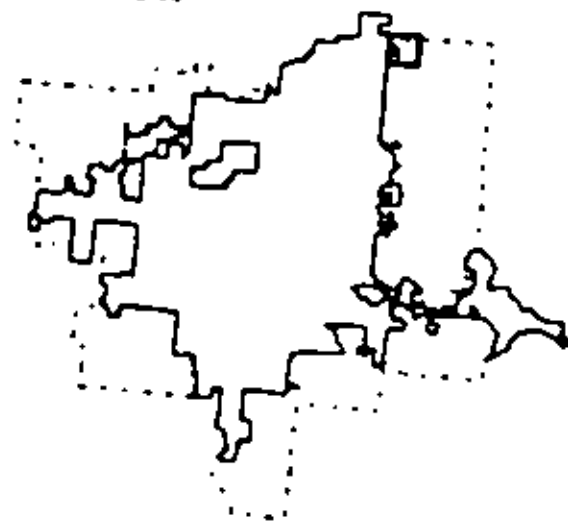
ANDERSON



SUBJECT PROPERTY



Overview



Legend

Subject Property

ANX 03-1.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

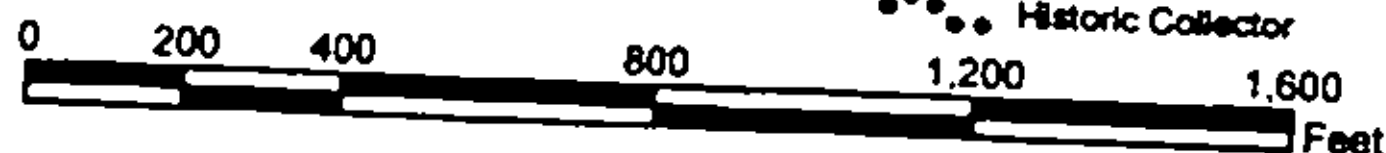
Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector



STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of February 4, 2003.

FROM: Tim Conklin Planning Urban Development
Name Division Department

ACTION REQUESTED: To approve an ordinance for RZN 03-4.00 as submitted by Michele Harrington of Harrington, Miller, Neihouse & Krug on behalf of Gary Brandon of Gary Brandon Enterprises, Inc. for property owned by George and Sara Lee Anderson and located at 3632 East Zion Road. The property is currently in the Planning Area with a request to be annexed into the City of Fayetteville pending and contains approximately 57.00 acres. The request is to rezone to R-1, Low Density Residential.

COST TO CITY:

\$0
Cost of this request Category/Project Budget Category/Project Name
Account Number Funds used to date Program Name
Project Number Remaining balance Fund

BUDGET REVIEW: Budgeted Item Budget Adjustment Attached
Budget Coordinator Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager Date ADA Coordinator Date
City Attorney Date Internal Auditor Date
Purchasing Officer Date

STAFF RECOMMENDATION: Staff recommended approval and on January 13, 2003 the Planning Commission voted 8-0-1 to recommend that the City Council approve the requested rezoning.

Division Head Date 1-17-03 Cross Reference
Department Director Date 1-20-03 New Item: Yes No
Administrative Services Director Date Prev Ord/Res#:
Mayor Date Orig Contract Date:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

City Council meeting of Feb. 4, 2003113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Shelli Rushing, AICP, Associate Planner
THRU: Tim Conklin, City Planner
DATE: January 17, 2003

RZN 03-4.00: Rezoning (Brandon/Anderson, pp 61/100) was submitted by Michele Harrington of Harrington, Miller, Neihouse & Krug on behalf of Gary Brandon of Gary Brandon Enterprises, Inc. for property owned by George & Saralee Anderson and located at 3632 East Zion Road. The property is in the Planning Area (requesting annexation to A-1, Agricultural) and contains approximately 57.00 acres. The request is to rezone to R-1, Low Density Residential.

BACKGROUND:

The subject property is located west of George Anderson Rd. and north of Zion Rd. and currently used for agricultural purposes. The applicant proposes to construct single-family houses. The applicant is requesting that the subject property be annexed into the city. The annexation, ANX 03-1 (Anderson) is an accompanying item to this rezoning request.

The proposed rezoning could result in 228 units. Using 2.21 persons per occupied unit (2000 Census for Fayetteville), the total population of this rezoning could be 504 persons. Using Trip Generation rates, the average weekday two-way volume is 2,182. The Saturday two-way volume is 2,301. George Anderson and Zion are designated as collectors on the Master Street Plan. A collector is designed for 4,000 vehicles per day, or 6,000 vehicles per day with a left turn bay.

The Engineering Division, Police Department and Fire Department have responded to the rezoning request. There does not appear to be concern for providing adequate public facilities at this location for the requested zoning designation.

Staff is recommending approval of the requested zoning to R-1, Low Density Residential. The zoning is consistent with the Future Land Use Plan and compatible with surrounding land uses.

CURRENT STATUS:

At the January 13, 2003 Planning Commission, the Planning Commission voted 8-0-1 to recommend to the City Council approval of the requested rezoning.

RECOMMENDATION:

Approval of the requested rezoning from A-1 to R-1.

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZN 03-4.00 FOR A PARCEL
CONTAINING APPROXIMATELY 57.00 ACRES LOCATED AT 3632 E.
ZION ROAD, AS SUBMITTED BY MICHELE HARRINGTON OF
HARRINGTON, MILLER, NEIHOUSE & KRUG ON BEHALF OF GARY
BRANDON OF GARY BRANDON ENTERPRISES, INC. FOR PROPERTY
OWNED BY GEORGE AND SARA LEE ANDERSON.

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

Section 1: That the zone classification of the following described
property is hereby changed as follows:

From A-1, Agricultural to R-1, Low Density Residential as shown in Exhibit
"A" attached hereto and made a part hereof.

Section 2. That the official zoning map of the City of Fayetteville,
Arkansas, is hereby amended to reflect the zoning change provided in
Section 1 above.

PASSED AND APPROVED this _____ day of _____, 2003.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

DRAFT

By: _____
Heather Woodruff, City Clerk

EXHIBIT "A"
RZN 03-4.00

A part of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section Nineteen (19) and a part of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section Eighteen (18) Township Seventeen North (17) Range Twenty-nine (29) West in Washington County, Arkansas, being more particularly described as follows, to-wit:

From a found iron pin being the Southwest Corner of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of said Section Nineteen (19) run North 00°04'09" West – 1,309.72 feet along the East line of Copper Creek Subdivision to an iron pin at the Northeast Corner of said Subdivision and on the South Boundary Line of the Nooncaster tract as decreed in the Circuit Court Order of May 21, 2002; thence along said South Boundary Line of the Nooncaster tract South 89°42'42" East – 1.71 feet to the Southeast corner thereof; thence North 00°00'42" East 658.11 feet along the East Boundary Line of said Nooncaster tract to an iron pin; thence leaving the East Boundary line of said Nooncaster tract and running South 89°55'10" East- 659.56 feet; thence South 89°54'03" East – 659.48 feet; thence South 00°00'50" East – 662.20 feet; thence South 00°18'57" East 819.63 feet; thence North 89°30'01" West – 420.84 feet; thence South 01°34'41" West – 272.45 feet; thence South 89°01'36" East – 429.91 feet; thence South 00°18'57" East – 205.68 feet; thence South 89°54'04" West – 1,326.64 feet to the POINT OF BEGINNING, containing 57.00 acres, more or less.

Aviles: Our last item tonight is the companion rezoning to this annexation, it is RZN 03-4.00 submitted by Michele Harrington of Harrington, Miller, Neihouse & Krug on behalf of Gary Brandon of Gary Brandon Enterprises for property owned by George and Saralee Anderson and located at 3632 E. Zion Road. The property is in the Planning Area (requesting annexation to A-1, Agricultural) and contains approximately 57.00 acres. This request is to rezone to R-1, Low Density Residential. Staff is recommending approval. Shelli, could you enlighten us please?

Rushing: Yes. The applicant is proposing to construct single-family homes on the subject property. As we mentioned in the accompanying annexation request, the rezoning could result in 228 units as a maximum based on what is permitted in the R-1 district at four units per acre. The population could be a total of 504 persons. Using Trip Generation rates, the average weekday two-way volume would be approximately 2,182 with the Saturday volume being 2,301. Once again, both George Anderson and Zion are designated as collectors in this location. A collector is designed for 4,000 vehicles per day, or 6,000 vehicles per day with a left turn bay. General Plan 2020 designates this site residential. Police, Fire and Engineering had the same comments as they did for the Annexation that we just heard.

Aviles: Thanks Shelli. Is the applicant present?

Harrington: Mickey Harrington representing the owners, the Andersons and Gary Brandon, the developer. I am here to answer any questions that you may have.

Aviles: Is there any member of the audience that would like to comment on the requested rezoning? Seeing no one, I will bring it back to the applicant and Commission for further discussion, comments, or motions.

MOTION:

Hoover: I will make a motion to recommend approval of RZN 03-4.00 by the City Council.

Aviles: There is a motion by Commissioner Hoover, is there a second?

Bunch: I will second.

Aviles: There is a second by Commissioner Bunch, is there any further discussion? Renee, call the roll please.

January 13, 2003

Page 52

Roll Call: Upon the completion of roll call the motion to recommend approval of RZN 03-4.00 by the City Council was approved by a vote of 8-0-1 with Commissioner Estes abstaining.

Aviles: Thank you. The motion carries by a vote of eight to zero with one abstention.

Meeting adjourned: 7:38 p.m.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of Jan. 13, 2003

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Shelli Rushing, Associate Planner
THRU: Tim Conklin, A.I.C.P., City Planner
DATE: January 9, 2003

RZN 03-4.00: Rezoning (Anderson, pp 61/100) was submitted by Michele Harrington of Harrington, Miller, Neihouse & Krug on behalf of Gary Brandon of Gary Brandon Enterprises, Inc. for property owned by George & Saralee Anderson and located at 3632 East Zion Road. The property is in the Planning Area (requesting annexation to A-1, Agricultural) and contains approximately 57.00 acres. The request is to rezone to R-1, Low Density Residential.

RECOMMENDATION:

Staff recommends approval of the requested rezoning based on the findings included as part of this report.

PLANNING COMMISSION ACTION:	Required <u>YES</u>	☐ Approved	☐ Denied
Date: Jan. 13, 2003			
CITY COUNCIL ACTION:	Required <u>YES</u>	☐ Approved	☐ Denied
Date: Feb. 4, 2003			

Comments: _____

BACKGROUND:

Property Description: The subject property is located west of George Anderson Rd. and north of Zion Rd. It is 57.00 acres with agricultural uses.

Proposal and Request: The applicant proposed to construct single-family homes. The applicant is requesting to rezone from A-1, Agricultural to R-1, Low Density Residential.

Related Issues: The applicant is requesting that the subject property be annexed into the city. When property is annexed into the City, it is annexed as A-1 Agricultural. If the annexation is recommended for approval to City Council, the applicant would like to rezone the property to R-1, Low Density Residential. The annexation, ANX 03-1 (Anderson) is an accompanying item to this rezoning request.

The proposed rezoning could result in 228 units. Using 2.21 persons per occupied unit (2000 Census for Fayetteville), the total population of this rezoning could be 504 persons. Using Trip Generation rates, the average weekday two-way volume is 2,182. The Saturday two-way volume is 2,301. A collector is designed for 4,000 vehicles per day, or 6,000 vehicles per day with a left turn bay.

On March 19, 2002, with Resolution No. 50-02, the Fayetteville City Council adopted an annexation policy as part of General Plan 2020 – 2001 Revision. The annexation policy is to be used as a guide when evaluating annexation requests. The policy is used to make findings on this request.

Recommendation: Staff is recommending approval of the requested zoning to R-1, Low Density Residential. The zoning is consistent with the Future Land Use Plan and compatible with surrounding land uses.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Vacant, Agricultural	No zoning – county
South	Vacant, Agricultural	No zoning – county
East	Vacant, Agricultural, Residential	No zoning - county
West	Vacant, Agricultural	R-1, Low Density Residential

INFRASTRUCTURE:

Streets: North: Albright Rd.
 South: Zion Rd. (Collector)
 East: George Anderson Rd. (Collector)
 West: Copper Creek Drive

- Water:** The site has access to an existing 8" water line that is located in the adjacent Copper Creek Subdivision. There is also a 12" water main along Zion Road.
- Sewer:** The site has access to an existing 8" sewer line that is located in the adjacent Copper Creek Subdivision.

LAND USE PLAN: General Plan 2020 designates this site residential. Rezoning this property to R-1, Low Density Residential is consistent with the land use plan and compatible with surrounding land uses in the area.

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: The proposed zoning is for residential use and the Future Land Use Map shows the area as residential. The rezoning is consistent with the Future Land Use Plan.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: If the property is annexed, it is an appropriate time to seek rezoning.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: *Planning Division:* The proposed rezoning could result in 228 units. Using Trip Generation rates, the average weekday two-way volume is 2,182. The Saturday two-way volume is 2,301. A collector is designed for 4,000 vehicles per day, or 6,000 vehicles per day with a left turn bay.

Engineering Division: The proposed rezoning is located on the west side of George Anderson Road and on the north side of Zion Road. At this location George Anderson Rd. and Zion Rd. are both two lane gravel roads. Zion Rd. is paved from Hwy. 265 to the southwest corner of this property.

The proposed rezoning from A-1 to R-1 may or may not result in additional traffic danger and congestion for this area. The access to the developed site and the circulation network within the development shall be reviewed in detail as part of the subdivision or large scale development process. The layout, connectivity, circulation plan, ingress and egress provisions will be reviewed in detail as information becomes available.

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: *Planning Division:* The proposed rezoning could result in 228 units. Using 2.21 persons per occupied unit (2000 Census for Fayetteville), the total population of this rezoning could be 504 persons.

Engineering Division: The site has access to an existing 8" water line and 8" sewer line that is located in the adjacent Copper Creek Subdivision. There is also a 12" water main along Zion Road.

The proposed rezoning and ultimate development may or may not increase the loading on the existing infrastructure systems. During the development's review and approval process, the adequacy of the existing infrastructure to accommodate the service requirements will be assessed by the developer's consultant and reviewed by city staff. Any inadequacies, lack of availability, need for improvements and determination of responsibility for the infrastructure improvements shall be resolved during the development's review/approval process.

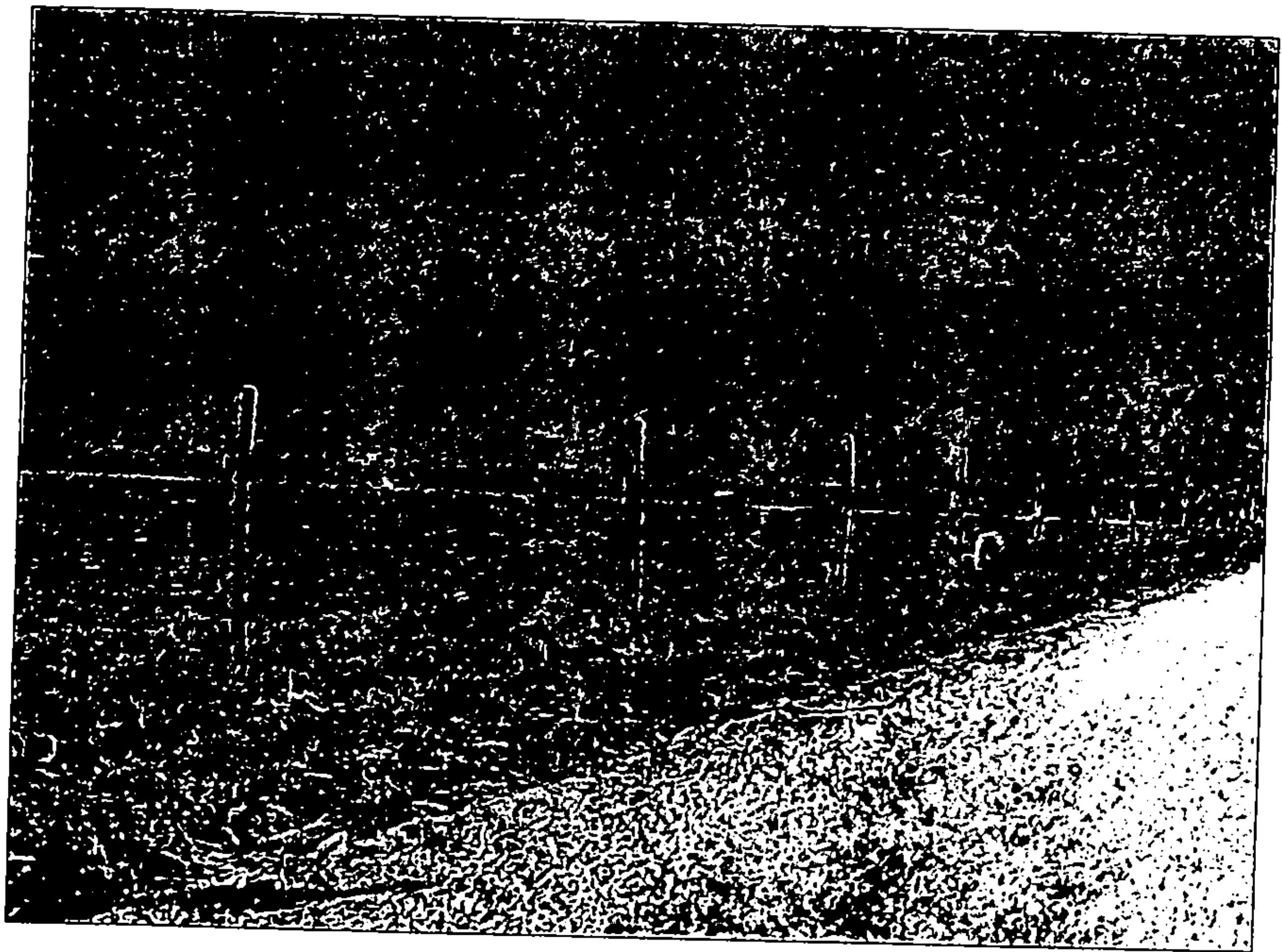
Fire Department: Response time is 7 to 8 minutes and fire hydrants would be needed.

Police Department: The Police Department does not have an objection to this rezoning and annexation; however we must keep in mind as the city annexes more and more land, the Police Department's patrol responsibilities increase. As the city grows in area, officers' crime deterrent patrols decrease simply due to the fact there is more area to cover.

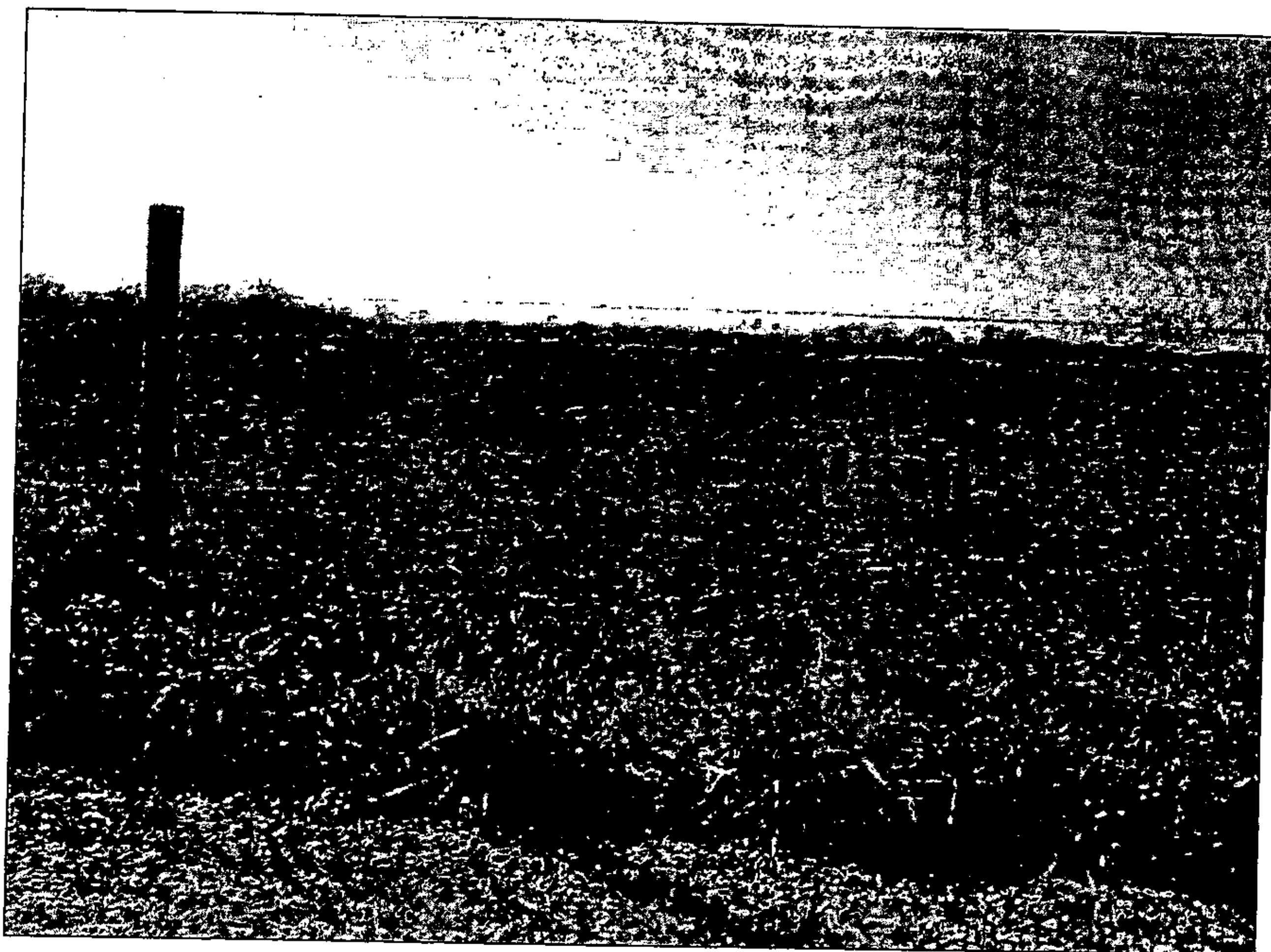
5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- 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



Looking northwest at subject property.



Looking west at subject property.

*From Chapter 161 Zoning Regulations
City of Fayetteville Unified Development Ordinance*

Current Zoning:

§161.03 DISTRICT A-1 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; prevent unsightly development, 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 and Two-Family Dwellings

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
--------	--

Unit 4	Cultural and Recreational Facilities
Unit 20	Commercial Recreation; Large Sites

C. Bulk and Area Regulations.

Lot Width Minimum	200 ft.
Lot Area Minimum:	
Residential	2 acre
Nonresidential	2 acre
Lot Area Per Dwelling Unit	2 acre

D. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
35	20	35

E. Height Requirements. There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required yard lines.

(Code 1991, §160.030; Code 1965, App. A, Art. 5(I); Ord. No. 1747, 6-29-89)

*From Chapter 161 Zoning Regulations
City of Fayetteville Unified Development Ordinance*

Proposed Zoning:

§ 161.04 DISTRICT R-1: LOW DENSITY RESIDENTIAL.

A. Purpose. The Low Density Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 26	Single-Family Dwelling

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 4	Cultural and Recreational Facilities
Unit 8	Single-Family and Two-Family Dwellings

C. Density.

SINGLE-FAMILY DWELLINGS	TWO FAMILY DWELLINGS
4 or Less Families Per Acre	7 or Less Families Per Acre

D. Bulk and Area Regulations.

	Single-Family	Two-Family
Lot Minimum Width	70 ft.	80 ft.
Lot Area Minimum	8,000 sq. ft.	12,000 sq.ft.
Land Area Per Dwelling Unit	8,000 sq. ft.	6,000 sq. ft.

E. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
25	8	20

F. Building Area. On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031)

Trip Generation

Anderson
Summary of Trip Generation Calculation
For 228 Dwelling Units of Single Family Detached Housing
January 06, 2003

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Avg. Weekday 2-Way Volume	9.57	3.69	1.00	2182
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7-9 AM Peak Hour Exit	0.56	0.00	1.00	128
7-9 AM Peak Hour Total	0.75	0.90	1.00	171
4-6 PM Peak Hour Enter	0.65	0.00	1.00	148
4-6 PM Peak Hour Exit	0.36	0.00	1.00	82
4-6 PM Peak Hour Total	1.01	1.05	1.00	230
Saturday 2-Way Volume	10.09	3.67	1.00	2301
Saturday Peak Hour Enter	0.51	0.00	1.00	116
Saturday Peak Hour Exit	0.43	0.00	1.00	98
Saturday Peak Hour Total	0.94	0.99	1.00	214

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

Rezoning Application for George E. and Saralee Anderson / Gary Brandon Enterprises, Inc.

Item #6.

a. The proposed zoning change is from A-1 (the automatic zoning upon annexation) to R-1 for the purpose of building single family homes within the restrictions of the R-1 zone.

b. The reason for the requested zoning change is that a single family residence subdivision is not permitted in the A-1 zone.

c. (1) The development of this property into a single family residential subdivision will be the same type of use as the surrounding properties (similar residential development in the area);

(2) This development will not significantly increase traffic on East Zion Road; streets in the development will tie into Copper Creek I development to the west, and to George Anderson Road to the east, and East Zion Road to the south, so there will be at least three points of access;

(3) This development will be harmonious in appearance with the development in the area;

(4) The signage will involve only the subdivision sign.

d. Water and sewer is available.

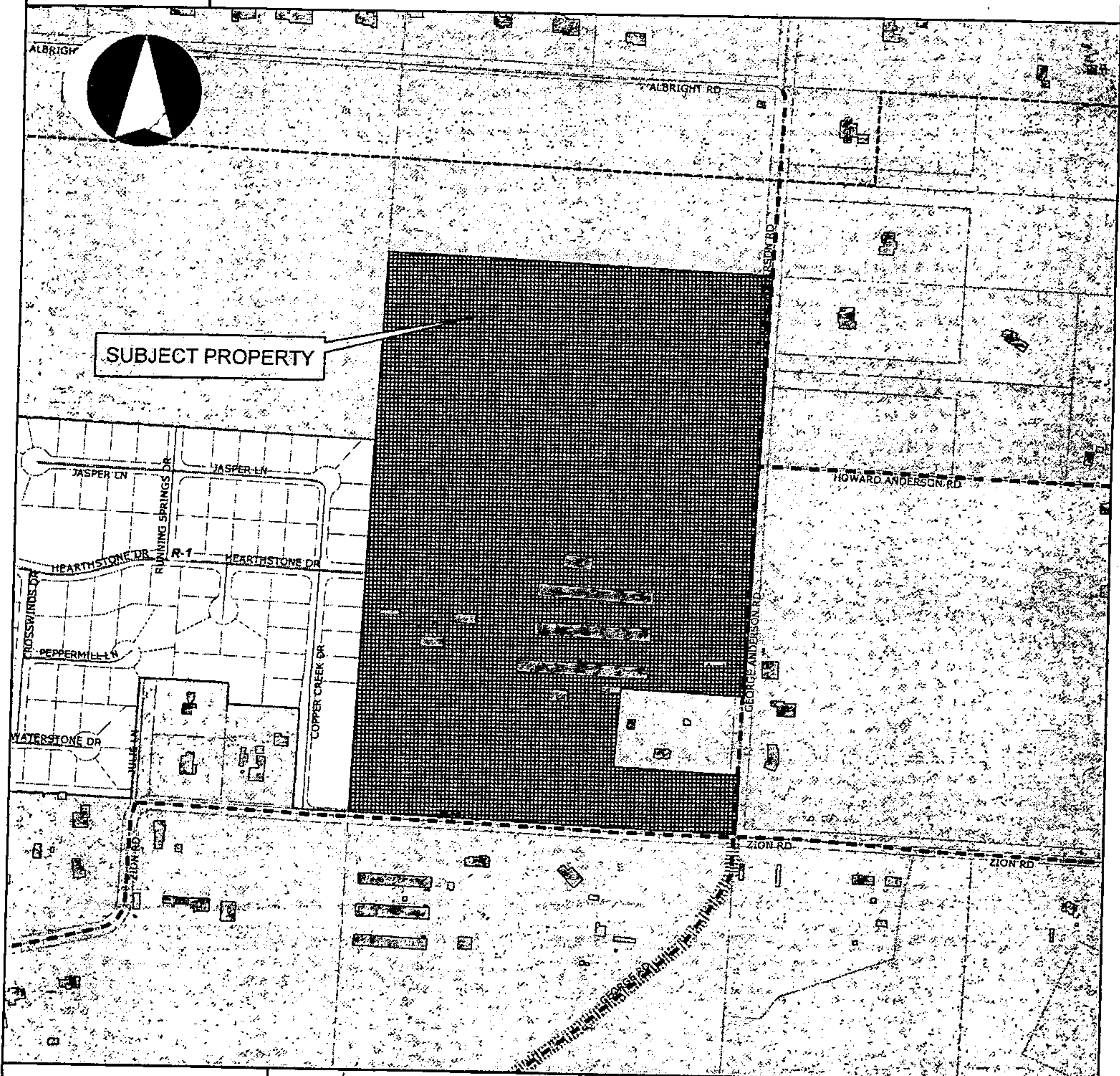
ANSWERS TO ITEM #7
APPLICATION FOR REZONING

7. The Planning Commission is required to make specific findings with regard to this application. The following are the written statements of the applicant:
- a. The proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans, being a single family residential development in an area that has recently developed as R-1 single family, and the zoning plans for the city are not inconsistent with this zoning in this location.
 - b. The proposed zoning is justified and/or needed in order to develop this property into single family residential use.
 - c. The proposed zoning will not create or appreciably increase traffic danger and congestion; it will be dissipated through the various entries to the subdivision, which allow through access to Highway 265 through Copper Creek I and Mark Foster's subdivision, and access to Butterfield Coach Road, and access to Joyce St.
 - d. The proposed zoning will not appreciably alter the population density and thus is not anticipated to unduly increase the load on public services including schools, water, and sewer facilities.
 - e. It is impractical to use the land for any of the uses permitted under its existing zoning classification; agricultural uses in this area are no longer the highest and best use of this real estate which is now developing as suburban residential.

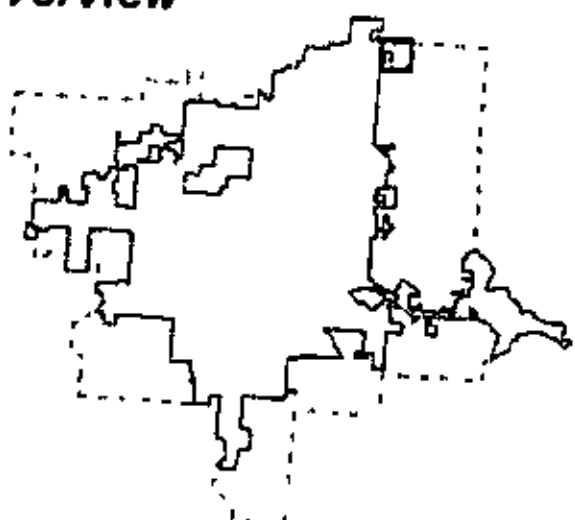
RZN 03-4.00

Close Up View

ANDERSON



Overview



Legend

Subject Property

RZN 03-4.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector



RZN 03-4.00

Future Landuse

ANDERSON

ALBRIGHT RD



ALBRIGHT RD

SUBJECT PROPERTY

JASPER LN

JASPER LN

COPPER CREEK DR

Residential

HOWARD ANDERSON RD

ANDERSON RD

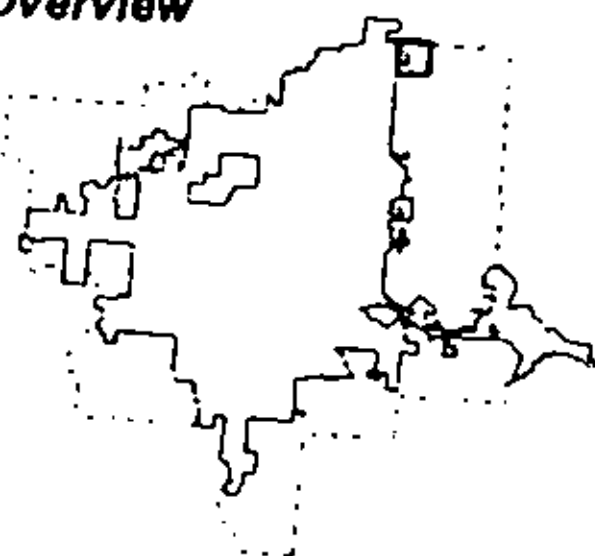
GEORGE ANDERSON RD

ZION RD

Future Landuse

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University

Overview



Legend

Subject Property

RZN 03-4.00

Streets

- Existing
- Planned

Boundary

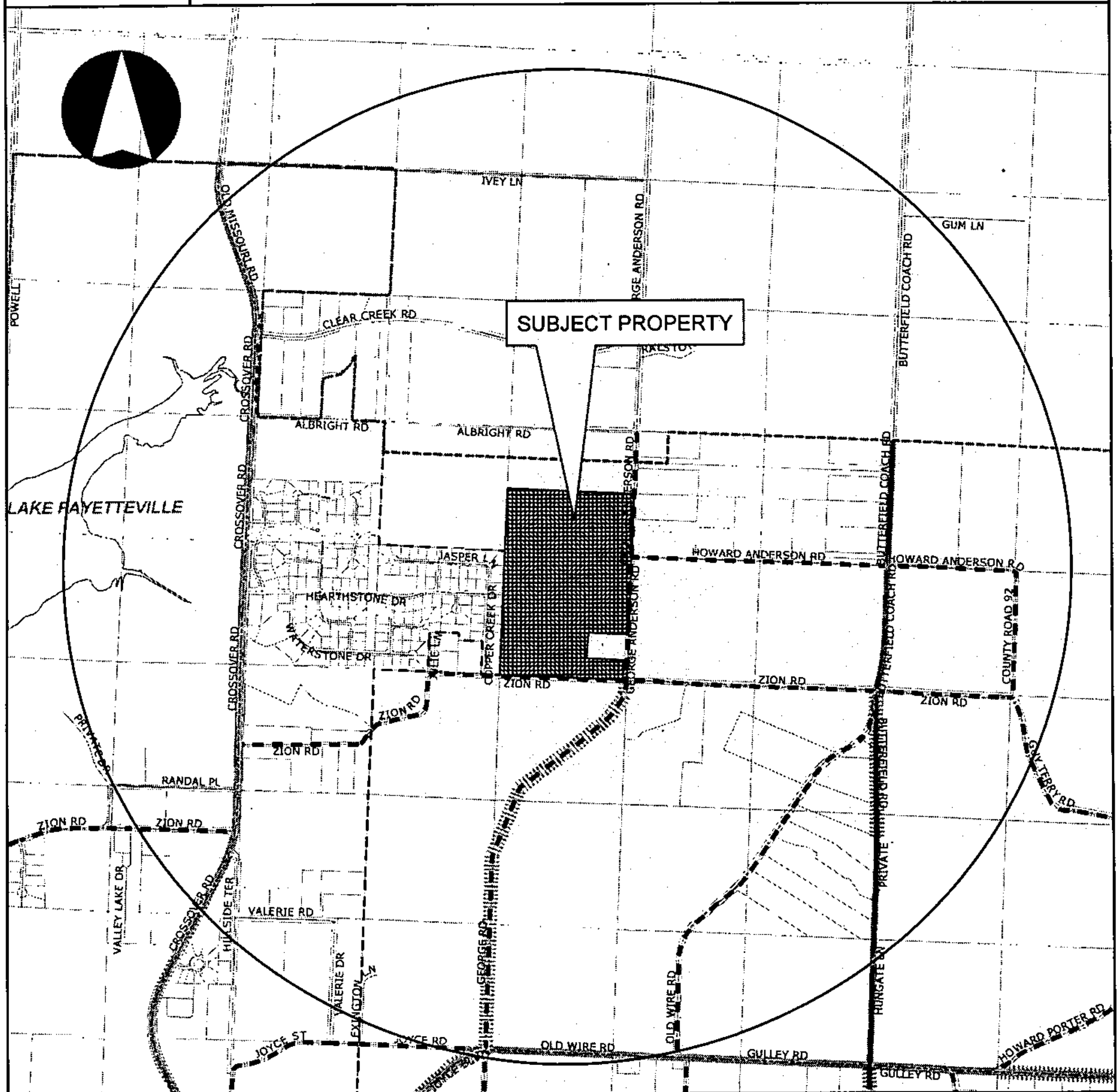
- Planning Area
- Overlay District
- City Limits



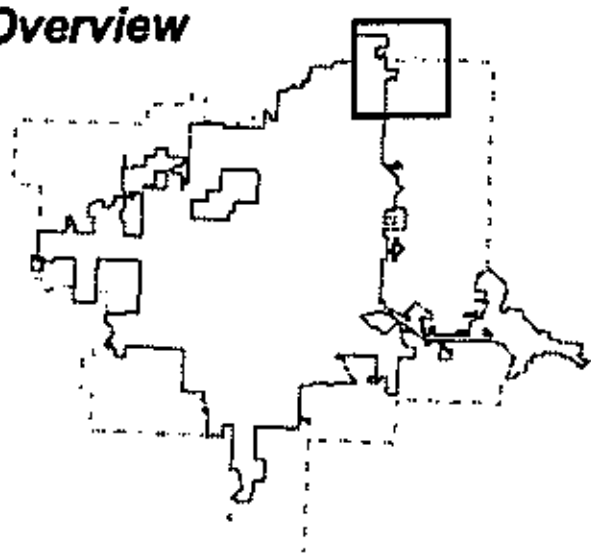
RZN03-4.00

One Mile View

ANDERSON



Overview



Legend

Subject Property

RZN03-4.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

STAFF REVIEW FORM

OFFER & ACCEPT
C. 1 Page 1

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of February 18, 2003

FROM:

Ed Connell
NameEngineering
DivisionPlanning/Engineering Services
Department

ACTION REQUIRED: The passage of a resolution approving the Offer and Acceptance Contract between the City of Fayetteville and the University of Arkansas, dated January 6, 2003, for the sale of 32 ± acres of land in a part of the SW-SE-21-16-30 for a price of \$370,000, less associated closing costs where applicable.

COST TO CITY:

\$ - 370,000

Cost of this Request

\$ - 0 -

Category/Project Budget

Sale of Fixed Assets

Category/Project Name

1010-0001-4881.02

Account Number

\$ - 0 -

Funds Used To Date

Program Name

NA

Project Number

\$ - 0 -

Remaining Balance

General fund
Fund

BUDGET REVIEW:

☒

Budgeted Item

☐ Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Marsha Fathig

1/27/03

Date

City Attorney

Purchasing Officer

1/27/03

Date

1/27/03

Date

Doreen Smith

Internal Auditor

1/27/03

Date

ADA Coordinator

Date

STAFF RECOMMENDATION: This property was purchased in 2002 in conjunction with the University for the development of light industries in this area. Staff recommends approval of the contract and the sale of the property to the University at this time.

Jim Beavers

01-22-03

Date

Cross Reference

Department Director

1-27-03

Date

New Item: Yes ☐ No ☐

Administrative Services Director

1-28-03

Date

Prev Ord/Res #: _____

Mayor

1/29/03

Date

Orig Contract Date: _____

STAFF REVIEW FORM

Description Sale of 32.± Acres to the University of Arkansas along 19th Street Meeting Date February 18, 2003

Comments:

Reference Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

DEPARTMENTAL CORRESPONDENCE

DATE: January 15, 2003

TO: Fayetteville City Council

THRU: Dan Coody, Mayor
Hugh Earnest, Chief Administrative Officer
Greg Boettcher, Water and Waste Water Director
Tim Conklin, Planning and Engineering Interim Director *TC*

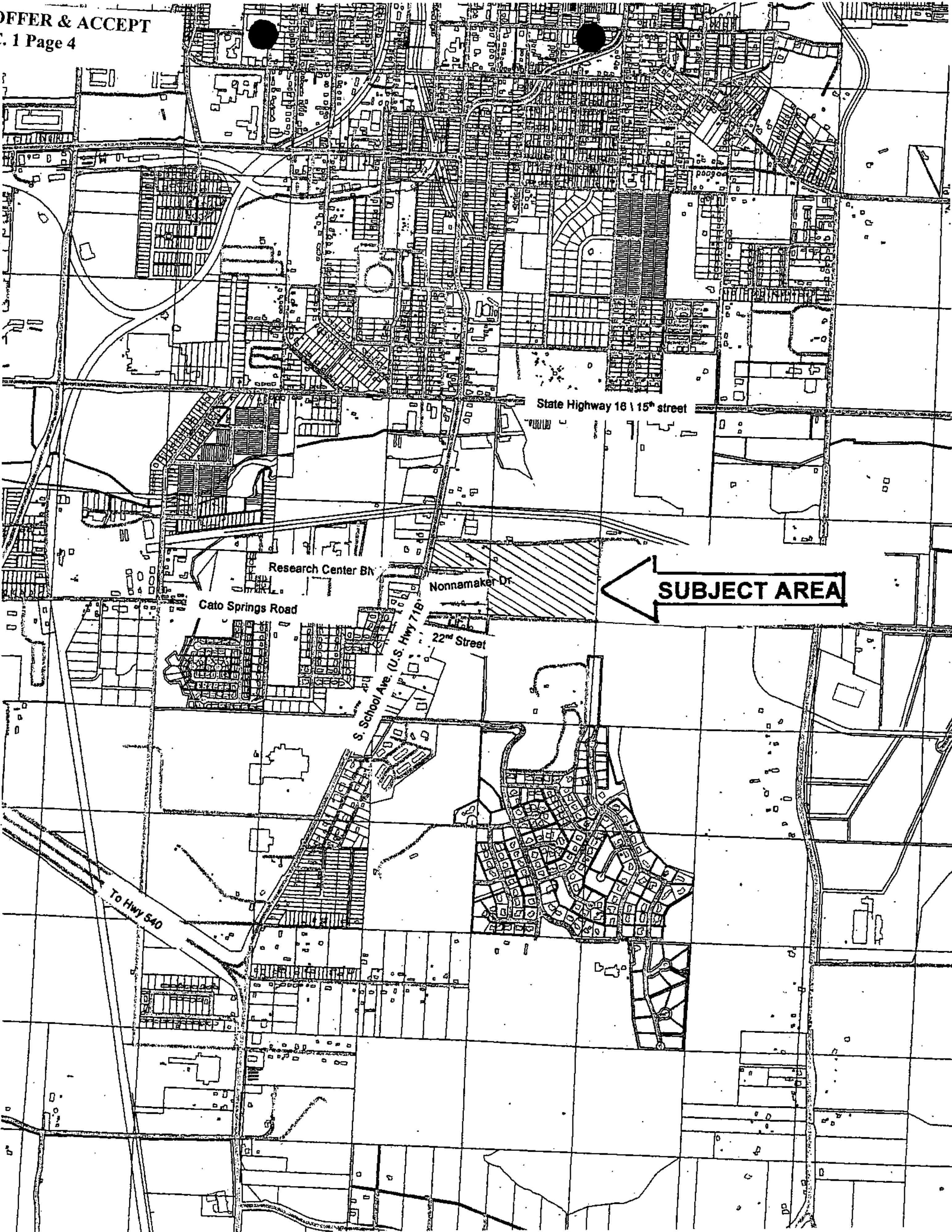
FROM: Ed Connell, City Land Agent *EC*

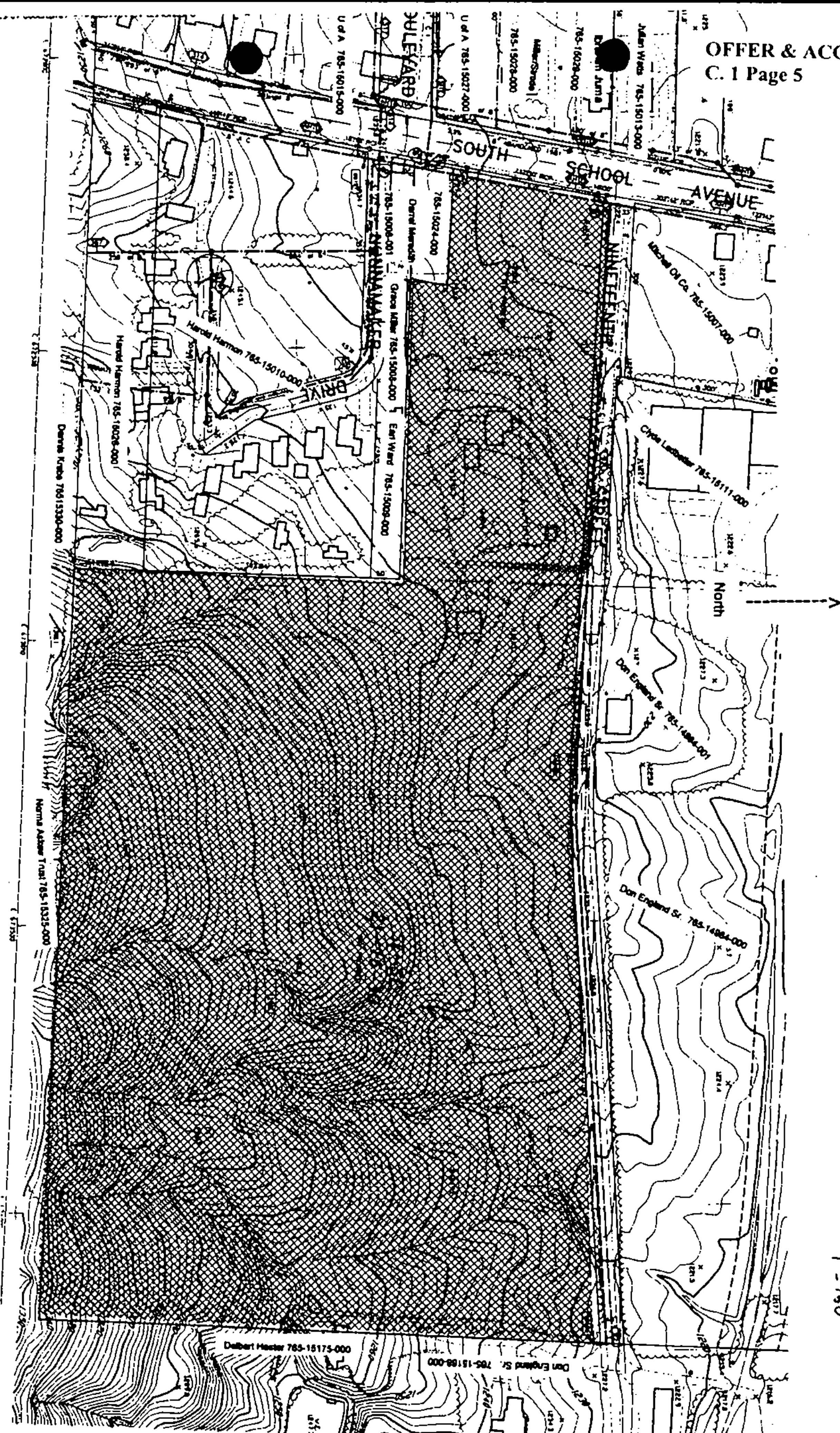
RE: 32.0± Acre Land Sale to
the University of Arkansas
19th Street and School Avenue

Early in 2002, the City of Fayetteville purchased 32.0± acres of land from Bryan Walker III, located across School Ave. from entry into the "Genesis" Center. This property was purchased with monies derived from the sale of 4.0 acres of land on the West side of School Ave. on both sides of what is now called Research Center Boulevard. It was understood that, as part of that sale, the City of Fayetteville would secure the property to the East for future development into an area that could eventually be used to locate small to intermediate size manufacturing facilities that needed to be close to the Research facility of the University. The city paid \$360,000 for the 32 acres, the appraisal was \$365,000.

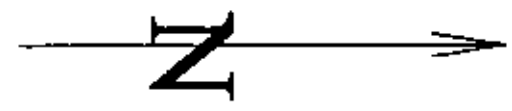
The City and the University have come to an agreement, subject to Council approval, to convey this 32 acre site to the university. Part of that agreement is that the University will pay what the city has in the actual purchase plus any expense for improvements to the tract. The City spent about \$10,000 for demolition and removal of old hazardous buildings on the parcel, thus the value of this sale will amount to \$370,000. Attached, you will find a copy of the *Offer and Acceptance Agreement* signed by both parties.

We have advertized this possible sale in the local newspapers, posted signs and advised the adjoining property owners by certified mail. A copy of the advertisement and certified letters are included with this package. The monies from this sale will eventually be directed toward the acquisition of the Mt. Sequoyah Woods site, if such is approved by the Council.





1" = 150'



NE corner NW corner
SW1/4-SE1/4-21-16-30SE1/4-SE1/4-21-16-30

Previous ROW Dedication

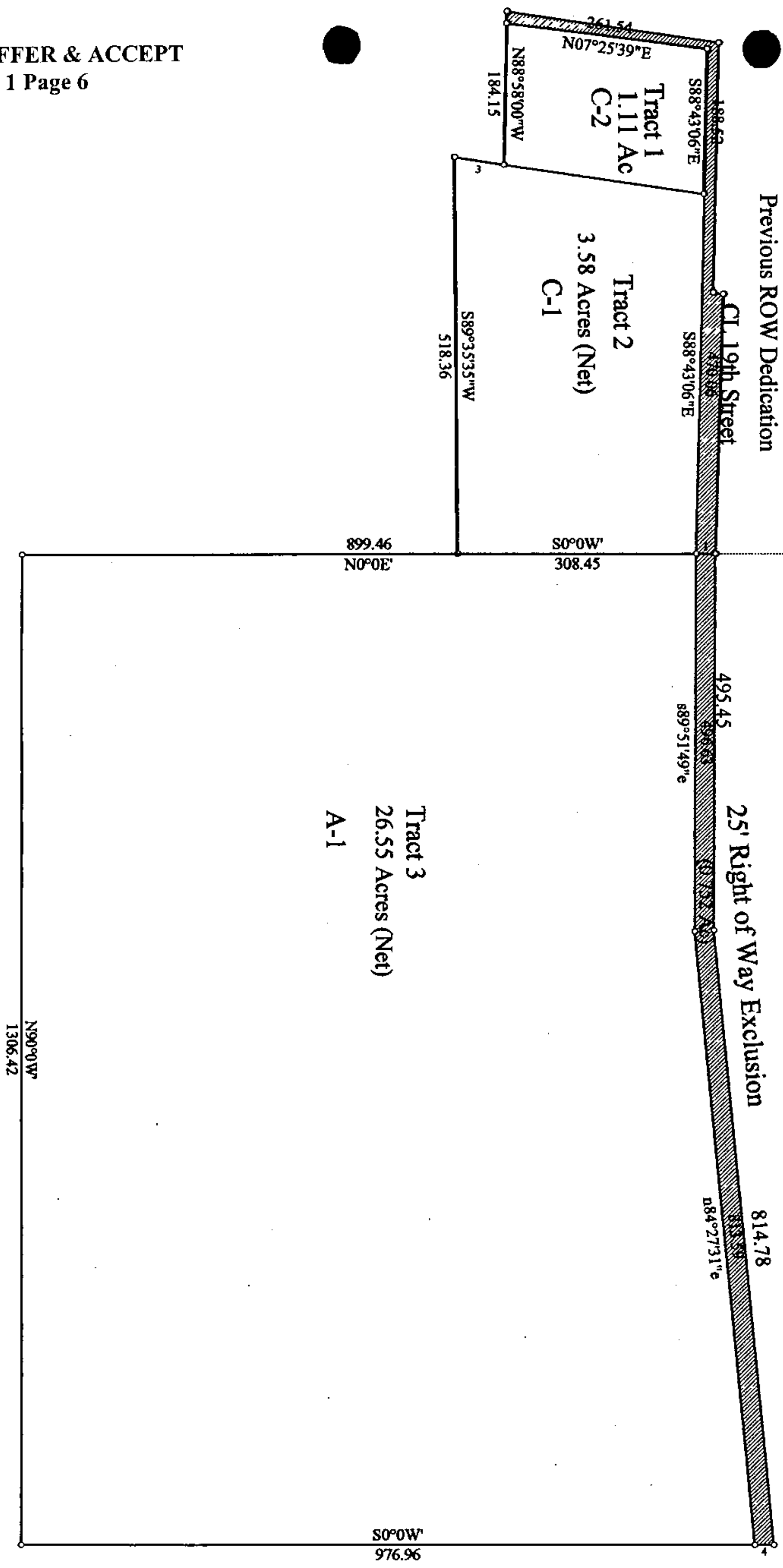
CL 19th Street

25' Right of Way Exclusion

Tract 1
1.11 Ac
C-2

Tract 2
3.58 Acres (Net)
C-1

Tract 3
26.55 Acres (Net)
A-1



PROPERTY DESCRIPTION:

Parcel Number: 765-14990-000:

Part of the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) of Section Twenty-one (21), Township Sixteen(16) North, Range Thirty (30) West of the 5th P. M., Washington County, Arkansas described as Beginning at a Point 457.52 feet South of the Northeast corner of said forty acre tract, said point being on the South right of way line of 19th Street, which is 25 feet South of the centerline of said street; thence South 308.45 feet; thence South 89° 35' 35" West 518.36 feet; thence North 9° 04' 00" East 65.00 feet; thence North 88° 58' 00" West 184.15 feet to the East right of way line of U.S. Highway 71B; thence along said East right of way line North 7° 25' 39" East 261.54 feet to the South right of way line of 19th Street; thence along the South right of way line of 19th Street South 88° 43' 09" East 658.58 feet to the Point of Beginning, containing 4.69 acres, more or less, subject to easements and rights of way of record,

and, Parcel Number : 765-15023-000

Part of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of Section 21, Township 16 North, Range 30 West of the 5th P.M., Washington County, Arkansas, lying South of the South right of way line of an East-West Road (now 19th Street) and being more particularly described as follows, to-wit: Beginning at a Point 25 feet South of the centerline of said road (now 19th Street), said point being 457.52 feet South of the Northwest corner of the SE¼ of the SE¼ of said Section 21; thence along the South right of way line of said roadway South 89° 51' 49" East 496.63 feet; thence North 84° 27' 31" East 813.59 feet to the East line of the forty acre tract; thence with said East line South 951.84 feet to the SE corner of said forty acre tract; thence along the South line of said forty acre tract West 1306.42 feet to the SW corner of said forty acre tract; thence along the West line of said forty acre tract North 874.46 feet to the Point of Beginning and containing 26.55 acres, more or less, subject to rights of way and easements of record.

OFFER AND ACCEPTANCE CONTRACT

1. That the **Board of Trustees of the University of Arkansas**, acting on behalf of the University of Arkansas, Fayetteville, hereinafter referred to as the Buyer, offers to buy, subject to the terms and conditions set forth herein, the following described property:

SEE ATTACHED EXHIBIT "A"
FOR PROPERTY DESCRIPTION (32± Acres)

from the City of Fayetteville, Arkansas, a municipal corporation, hereinafter referred to as the Seller.

2. **Purchase Price:** Subject to the following conditions, the Buyer shall pay for the property at closing, the total and cash only payment of **\$ 370,000**.
3. **Conditions of Sale and Purchase:** As Buyer, the Board of Trustees of the University of Arkansas is aware that this offer to sell is contingent upon approval of the City Council of the City of Fayetteville, Arkansas, and, if they do not so approve, this contract is considered to be null and void. As Seller, the City of Fayetteville is aware that this offer to purchase is contingent upon the approval of the Board of Trustees of the University of Arkansas and, if they do not approve, this contract is considered to be null and void. If title requirements are not fulfilled or the Seller fails to fulfill any obligations under this contract, the Buyer may, at its option, declare this contract null and void. If the Buyer fails to close this transaction or fails to fulfill his obligations under this contract or after all conditions have been met, the Seller at his option, may declare such contract to be null and void. Alternatively, either party may assert legal or equitable rights which each may have because of breach of contract.
4. Conveyance will be made to the Buyer by General Warranty Deed and such deed shall be subject to recorded instruments and easements, if any. Such conveyance shall include any and all rights owned by the Seller.
5. The Seller shall, at sellers expense, furnish a policy of title insurance in the amount of the purchase price from a title insurance company as selected by the Seller.
6. Seller agrees to provide Buyer, at Buyer's expense, a survey the property described herein.. Seller agrees to cure any title problems which may result from any differences between the recorded legal descriptions of the property and the survey description. Said title problems, if any, must be solved prior to closing to the satisfaction of the Buyer.
7. Taxes and special assessments due on or before closing shall be paid by the Seller. Insurance, general taxes, ad valorem taxes, special assessments and rental payments shall be prorated as of closing.
8. The closing date shall be within **sixty (60)** days after approval of this contract by the Fayetteville City Council and the Board of Trustees of the University of Arkansas, whichever occurs later. All conditions precedent to closing shall have been met to the buyer's satisfaction or waived by the Buyer prior to closing and closing shall be extended until such conditions are satisfied or waived. If such date of closing falls on a weekend or holiday, it will be held the following working day.
9. Closing costs, except for those heretofore mentioned, shall be shared equally between Buyer and Seller
10. Possession of the property shall be delivered to the Buyer on the date of closing.

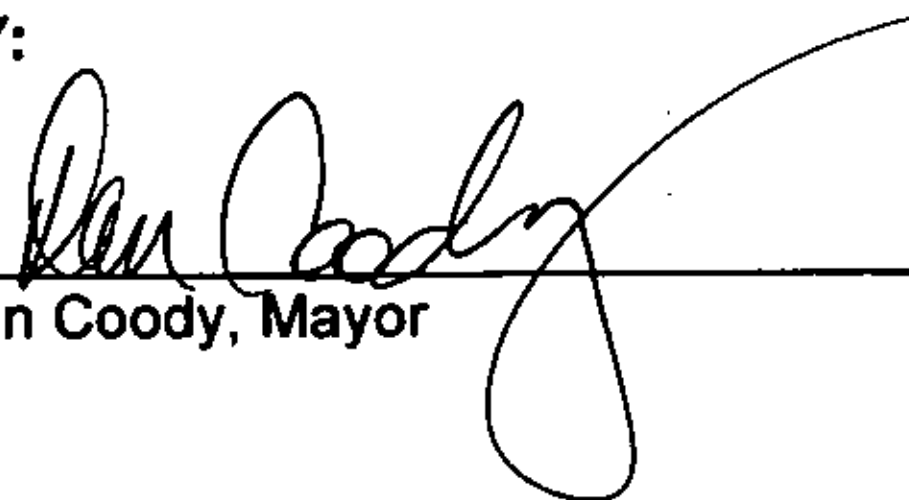
11. Seller hereby grants permission for the Buyer or its employees or designates to enter the above described property and improvements for the purpose of inspection and/or surveying.
12. All fixtures, improvements and attached equipment are included in the purchase price. time of closing is assumed by the Seller.
13. Risk of loss or damage to the property by fire or other casualty occurring up to the time of closing is assumed by the Seller.
14. Seller shall disclose to Buyer any and all environmental hazards of which Seller has actual knowledge. Buyer may obtain a preliminary Phase I, or modified Phase I, environmental assessment within the specified time frame for closing. If the assessment indicates the existence of asbestos or heavy metals in quantities which are considered as hazardous materials or environmental hazards and require mediation, then Buyer may extend said closing until such hazards have been corrected by Seller, or Buyer may terminate this contract. Alternatively, Seller may elect to deduct the cost of such mediation from the purchase price.
15. This agreement shall be governed by the laws of the State of Arkansas.
16. This agreement, when executed by both the Buyer and the Seller shall contain the entire understanding and agreement of the parties with respect to the matters referred to herein and shall supersede all price or contemporaneous agreements, representations and understanding with respect to such matters, and no oral representations or statements shall be considered a part hereof.
17. This contract expires, if not accepted by the Administration of the Seller, on or before the 21 day of February, 2003.
18. The property, as described herein, shall be sold on a as-is basis, with no actual or implied guarantees or conditions, other than those set forth in this document.
19. It is understood and agreed by Buyer and Seller that each entity will submit for approval by their respective governing bodies within a period of 60 days after this document is fully executed.
20. **NOTICE: SELLER ASSERTS AND BUYER HEREBY ACKNOWLEDGES THAT THIS CONTRACT IS EXPRESSLY CONTINGENT UPON THE APPROVAL OF THE CITY COUNCIL OF FAYETTEVILLE AND THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS, AND THAT THE FAILURE OF THE COUNCIL OR BOARD OF TRUSTEES TO SO APPROVE WILL MAKE ALL PORTIONS OF THIS CONTRACT NULL AND VOID.**

SELLER:

City of Fayetteville, Arkansas

A municipal Corporation

BY:



Dan Coody, Mayor

Date: 1-6-03

ATTEST:



Heather Woodruff, City Clerk

Date: 1-6-03

BUYER:

Board of Trustees of the University of Arkansas

BY:


James Ezell, Project/Program Director
(Name and Title)

Date: 1/02/03

ATTEST:

Ellen Ferguson, Buyer
(Name and Title)

Date: 1/2/03

EXHIBIT "A"
PROPERTY DESCRIPTION

PROPERTY DESCRIPTION:

Parcel Number: 765-14990-000:

Part of the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) of Section Twenty-one (21), Township Sixteen(16) North, Range Thirty (30) West of the 5th P. M., Washington County, Arkansas described as Beginning at a Point 457.52 feet South of the Northeast corner of said forty acre tract, said point being on the South right of way line of 19th Street, which is 25 feet South of the centerline of said street; thence South 308.45 feet; thence South 89° 35' 35" West 518.36 feet; thence North 9° 04' 00" East 65.00 feet; thence North 88° 58' 00" West 184.15 feet to the East right of way line of U.S. Highway 71B; thence along said East right of way line North 7° 25' 39" East 261.54 feet to the South right of way line of 19th Street; thence along the South right of way line of 19th Street South 88° 43' 09" East 658.58 feet to the Point of Beginning, containing 4.69 acres, more or less, subject to easements and rights of way of record,

and, Parcel Number : 765-15023-000

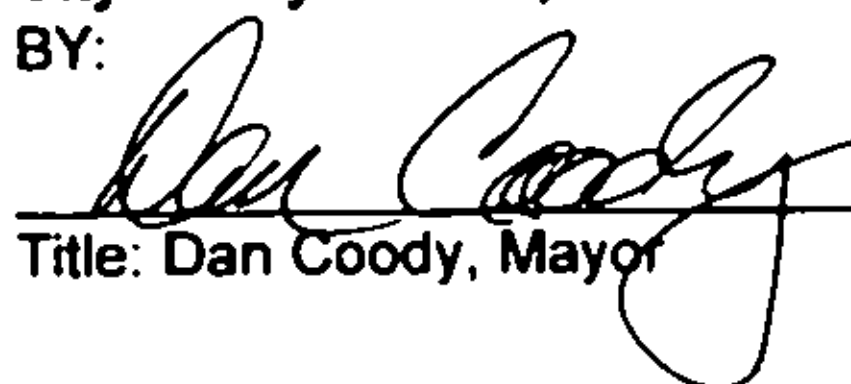
Part of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of Section 21, Township 16 North, Range 30 West of the 5th P.M., Washington County, Arkansas, lying South of the South right of way line of an East-West Road (now 19th Street) and being more particularly described as follows, to-wit: Beginning at a Point 25 feet South of the centerline of said road (now 19th Street), said point being 457.52 feet South of the Northwest corner of the SE¼ of the SE¼ of said Section 21; thence along the South right of way line of said roadway South 89° 51' 49" East 496.63 feet; thence North 84° 27' 31" East 813.59 feet to the East line of the forty acre tract; thence with said East line South 951.84 feet to the SE corner of said forty acre tract; thence along the South line of said forty acre tract West 1306.42 feet to the SW corner of said forty acre tract; thence along the West line of said forty acre tract North 874.46 feet to the Point of Beginning and containing 26.55 acres, more or less, subject to rights of way and easements of record.

SIGNED FOR IDENTIFICATION

SELLER:

City of Fayetteville, Arkansas

BY:


Title: Dan Coody, Mayor

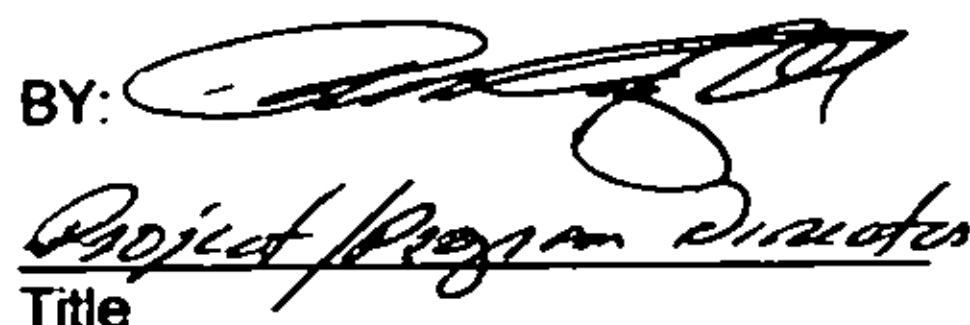
Date:

1/16/03

BUYER:

UNIVERSITY OF ARKANSAS

BY:


Title

Date:

1/02/03

OFFER AND ACCEPTANCE CONTRACT
Page 5 of 5

ACKNOWLEDGMENT

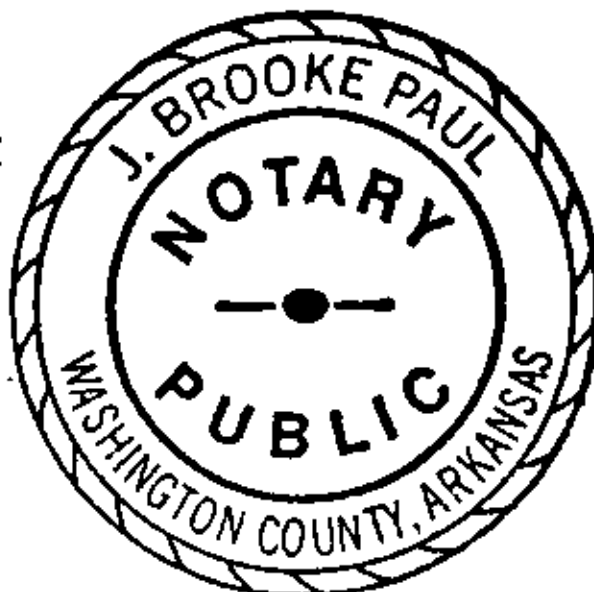
STATE OF ARKANSAS)
)
COUNTY OF WASHINGTON) ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared James Ewell and Ellen Ferguson, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are duly authorized to execute the foregoing instrument for and in the name and behalf of the trustees of the University of Arkansas, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 2nd day of January, 2003.

MY COMMISSION EXPIRES:

9-10-2008



J. Brooke Paul

Notary Public

ACKNOWLEDGMENT

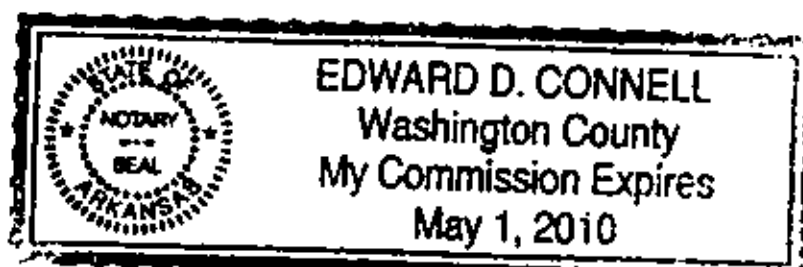
STATE OF ARKANSAS)
)
COUNTY OF WASHINGTON) ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Dan Coody and Heather woodruff**, to me well known as the person who executed the foregoing document, and who stated and acknowledged that they are the **Mayor and City Clerk of the City of Fayetteville, Arkansas, a municipal corporation**, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said municipal corporation, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 6th day of January, 2003

MY COMMISSION EXPIRES:

05-01-2010



Edward D. Connell

Notary Public

PROPERTY DESCRIPTION:

Parcel Number: 765-14990-000:

Part of the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) of Section Twenty-one (21), Township Sixteen(16) North, Range Thirty (30) West of the 5th P. M., Washington County, Arkansas described as Beginning at a Point 457.52 feet South of the Northeast corner of said forty acre tract, said point being on the South right of way line of 19th Street, which is 25 feet South of the centerline of said street; thence South 308.45 feet; thence South 89° 35' 35" West 518.36 feet; thence North 9° 04' 00" East 65.00 feet; thence North 88° 58' 00" West 184.15 feet to the East right of way line of U.S. Highway 71B; thence along said East right of way line North 7° 25' 39" East 261.54 feet to the South right of way line of 19th Street; thence along the South right of way line of 19th Street South 88° 43' 09" East 658.58 feet to the Point of Beginning, containing 4.69 acres, more or less, subject to easements and rights of way of record,

and, Parcel Number : 765-15023-000

Part of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of Section 21, Township 16 North, Range 30 West of the 5th P.M., Washington County, Arkansas, lying South of the South right of way line of an East-West Road (now 19th Street) and being more particularly described as follows, to-wit: Beginning at a Point 25 feet South of the centerline of said road (now 19th Street), said point being 457.52 feet South of the Northwest corner of the SE¼ of the SE¼ of said Section 21; thence along the South right of way line of said roadway South 89° 51' 49" East 496.63 feet; thence North 84° 27' 31" East 813.59 feet to the East line of the forty acre tract; thence with said East line South 951.84 feet to the SE corner of said forty acre tract; thence along the South line of said forty acre tract West 1306.42 feet to the SW corner of said forty acre tract; thence along the West line of said forty acre tract North 874.46 feet to the Point of Beginning and containing 26.55 acres, more or less, subject to rights of way and easements of record.

FAYETTEVILLE

OFFER & ACCEPT

C. 1 Page 14

THE CITY OF FAYETTEVILLE, ARKANSAS

January 15, 2003

CERTIFIED MAIL

RE: City Property along 19th Street
Sale of 32.0 acres to the University of Arkansas

Dear _____:

The City of Fayetteville and the University of Arkansas have entered into an *Offer and Acceptance Agreement*, subject to Fayetteville City Council approval, wherein the City will sell a 32 acre tract of land along and South of 19th Street and fronting on South School Avenue (formerly Bryan Walker III property) to the University. This land was purchased by the City in early 2002 for the purpose of providing an area for light industry and manufacturing for firms requiring a close proximity to the University Research Center and the "Genesis" program in particular. At this point, the University is willing to purchase the land and the city is willing to sell, however, the purpose of the land is not anticipated to change. This proposed transaction will be on the agenda of the Fayetteville City Council meeting of February 18th, 2003, which begins at 6:00 p.m. at the City Administration Building.

City Ordinance 4358 requires the direct certified mail (return receipt) notification of all adjoining property owners to ensure that any concerned citizens are aware of the possible transaction. Included herewith is the text of the Public Notice signs placed at the property on School Ave. and on 19th Street. A representative of the University is expected to attend this above noted City Council meeting to answer questions regarding their plans for this property.

If you have comments on this possible sale, you are invited to attend the Council meeting of February 18, 2003, or you may voice your opinion by contacting the Mayor's office at 575-8330.

Sincerely,

Edward D. Connell
City Land Agent

Attachment

Former Walker Property (19th & School) Adjacent Property Owners

- | | | | |
|-----|--|---|---|
| 1. | Mitchell Oil Company, Inc.
P. O. Box 1466
Fayetteville, AR 72702 | 765-15007-000 | |
| 2. | Mr. and Mrs. Clyde Ledbetter
818 Wood Avenue
Fayetteville, AR 72701 | 765-15111-000 | |
| 3. | Mr. and Mrs. Don England Sr.
120 W 19 th Street
Fayetteville, AR 72701 | 765-14984-000
765-14984-001
765-15168-000 | |
| 4 | Mr. and Mrs. Darrel Meredith
P. O. Box 1143
Fayetteville, AR 72702 | 765-15024-000
765-15008-001 | |
| 3. | Mr. Earl Ward
22048 Dogwood Cir.
Springdale, AR 72764 | 765-15009-000 | |
| 6. | Mr. and Mrs Harold Harmon
c/o 4020 Sierra College Blvd.
Suite 200
Rocklin, CA 95677 | or
765-15010-000
765-15026-000 | Mr. and Mrs. Harold Harmon
2050 S. School Avenue
Fayetteville, AR 72701 |
| 7. | Mr. and Mrs. Julian Watts
2015 Vale Street
Fayetteville, AR 72701 | 765-15013-000 | |
| 8. | Amelia Grace Miller
Sharon Jean Strode
P. O. Box 442
Fayetteville, AR 72702 | 765-15028-000 | |
| 9. | University of Arkansas
Mr. James Ezell, Program Dir.
Business Affairs Office
Admin. Bldg., Rm 321
Fayetteville, Ar 72701 | 765-15027-000 | |
| 10. | Mr. and Mrs. Delbert Hester
19 East 19 th Street
Fayetteville, AR 72701 | 765-15175-000 | |

Adjacent Property Owners – continued

- | | | |
|-----|---|---------------|
| 11. | Nona B. Askew, Trustee
Nona B. Askew Trust
2322 Askew Private Dr.
Fayetteville, AR 72701 | 765-15325-000 |
| 12. | Mr. Dennis Krebs
319 West 22 nd Street
Fayetteville, AR 72701 | 765-15330-000 |
| 13. | Mr. and Mrs. Ibrahim Juma
801 w. 15 th Street
Fayetteville, AR 72701 | 765-15029-000 |

32.0± ACRE LAND SALE

This notice is to inform interested citizens that the Fayetteville City Council will consider, during their regular meeting of February 18th 2003 at 113 W. Mountain Street, the sale of 32.0± acres of City owned land, located at 19th Street and South School Avenue, to the University of Arkansas as part of their long term plan in this area. The public will have the opportunity to comment regarding the possible sale during the above noted meeting and is invited to attend. If unable to attend, you can phone your comments to the Mayor's Office at 575-8330.

Northwest Arkansas Times/ Democrat Gazette

~~Fayetteville Morning News *~~

Single Display Ad (NEW)

For any time prior to, Jan. 17, 2003

(City of Fayetteville Logo)

PUBLIC NOTICE

The City of Fayetteville is owner of 32.0± acres, located East of School Avenue and South of 19th Street on the South side of Fayetteville. The City and the University of Arkansas have entered into an agreement, subject to Fayetteville City Council approval, for the sale of said lands. This property was purchased by the City in early 2002 as a means of providing a light industry park in conjunction with the University's "Genesis" program. This land will be sold at a value of \$370,000, which will include the City's purchase and expenses.

The Fayetteville City Council will have this proposal on the agenda during their regular meeting of February 18, 2003 at 113 W. Mountain Street, beginning at 6:00 pm. The public will have an opportunity to comment regarding this possible sale at that meeting and are invited to attend.. If unable to attend, you can phone your comments to the Mayor's Office at 575-8330 prior to said meeting.

* Ad did not get placed.

RESOLUTION NO. _____

A RESOLUTION APPROVING AN OFFER AND ACCEPTANCE CONTRACT BETWEEN THE CITY OF FAYETTEVILLE AND THE UNIVERSITY OF ARKANSAS FOR THE SALE OF THIRTY-TWO (32) ACRES, MORE OR LESS OF LAND LOCATED AT SOUTH SCHOOL AVENUE AND 19TH STREET FOR THE AMOUNT OF THREE HUNDRED SEVENTY THOUSAND DOLLARS (\$370,000.00), LESS ASSOCIATED CLOSING COSTS.

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 an Offer and Acceptance contract between the City of Fayetteville and the University of Arkansas for the sale of Thirty-Two (32) acres, more or less of land located at South School Avenue and 19TH Street for the amount of Three Hundred Seventy Thousand Dollars (\$370,000.00), less associated closing costs. A copy of the contract marked Exhibit "A" is attached hereto and made a part hereof.

PASSED AND APPROVED this 18th day of February, 2003:

APPROVED:

By: _____

DAN GOODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

DATE: February 12, 2003

TO: Fayetteville City Council

THRU: Dan Coody, Mayor 
Hugh Earnest, Chief Administrative Officer 
Tim Conklin, Planning and Engineering Services Director 

FROM: Ed Connell, City Land Agent 

RE: Sale of 32 ± Acres to the U of A
Revised Sales/Purchase Price

The University originally agreed to purchase this land from the City for the same price the City paid for the land plus any improvements the City invested in the property. Based upon the initial understanding with people at the University, this amounted to:

1)	Land Purchase	\$ 360,000
2)	Demolition/Removal	<u>\$ 10,000</u>
	Total (contract)	\$ 370,000

It has since been determined that other city costs, normally considered as transaction costs associated with selling or buying property, should have been included in the overall contract with the University. These additional costs are listed below:

1)	Original Appraisal	\$ 450
2)	Survey/Closing	\$ 637
3)	Soil Testing	<u>\$ 1,870</u>
	Total (additional)	\$ 2,957

The University has agreed to pay the additional amount at closing on the property. The closing statement will incorporate the wording and amounts for the three items listed above. University Board of Trustees authorized expenditure of \$375,000, thus another approval is not necessary. City Council is herein asked to approve this contract for \$370,000, and the additional income from this sale will come in with the closing statement. If need be, the \$370,000 should be considered as the base amount. We do not plan to modify the contract between the University and the City.

This memorandum is to be filed with the City Clerk, along with the contract and closing statements, so as to indicate the transaction total amounts.

STAFF REVIEW FORM

PUBLIC LIBRARY
C. 2 Page 1

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of February 18, 2003

FROM:

Louise Schaper Library Urban Development
Name Division Department

ACTION REQUIRED: Approve a resolution naming the new Fayetteville Public Library the Blair Library.

COST TO CITY:

<u>0</u> Cost of this Request	<u>\$</u> Category/Project Budget	<u></u> Category/Project Name
<u></u> Account Number	<u>\$</u> Funds Used To Date	<u>New Library</u> Program Name
<u>N/A</u> Project Number	<u>\$</u> Remaining Balance	<u></u> Fund

BUDGET REVIEW: N/A Budgeted Item N/A Budget Adjustment Attached

Budget Coordinator
Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

<u></u> Accounting Manager	<u></u> Date	<u></u> Internal Auditor	<u></u> Date
<u></u> City Attorney	<u></u> Date	<u></u> ADA Coordinator	<u></u> Date
<u></u> Purchasing Manager	<u></u> Date		

STAFF RECOMMENDATION: Staff recommends approval.

Louise Schaper
Division Head2/5/03
DateCross ReferenceRhugh Saneath
Department Director2-5-03
DateNew Item: **Yes No**
Administrative Services Director
Date

Prev Ord/Res #:

Mayor
Date

Orig Contract Date:



DEPARTMENTAL CORRESPONDENCE

TO: Hugh Earnest
FROM: Louise Schaper, Library Director
DATE: February 5, 2003

SUBJECT: City Council resolution to name the new Fayetteville Public Library the Blair Library.

Background

The Fayetteville Public Library Foundation is conducting a capital campaign to raise private funds to help build and equip the new library, as well as create an endowment.

Current Status

Mr. James Blair announced a \$3 million donation to the capital campaign on February 28, 2002 in honor of his late wife, Diane Divers Blair, his grandmother, Bessie Motley Blair, and his aunt, Dr. Mary Grace Blair. At this announcement, Mr. Blair shared with the large crowd how he learned the value of reading at the lap of his grandmother and the worth of a library from trudging up the three flights of stairs that it took to get to the public library when it was on the third floor of the Fayetteville city hall.

Recommendation

On February 17, the Library Board of Trustees will be voting to name the building the Blair Library. Because kick-off for the public phase of the capital campaign is February 27, we ask that this be considered at the February 18 City Council meeting.

If approved, the library facility would referred to as the:
Fayetteville Public Library
Blair Library

This will establish a nomenclature for naming any future branch libraries that the City may have.

STAFF REVIEW FORM

Description Commercial Expansion

Meeting Date 2-18-03

Comments:

Budget Coordinator

Reference Comments:

Accounting Manager

Reference Comments:

City Attorney

Reference Comments:

Purchasing Officer

Reference Comments:

ADA Coordinator

Reference Comments:

Internal Auditor

Reference Comments:

To: Gary Dumas

From: Travis Dotson

CC: Carrol Hill

Date: Friday, January 31st, 2003

Subject: Commercial Solid Waste and Recycling Exclusive Municipal Franchise

Background:

In August 2002, the Staff and City Council discussed the implementation of an exclusive franchise for all waste hauling and recycling services within the City of Fayetteville. Pursuant to that discussion on August 20 2002, resolution #131-02 was adopted. This resolution and accompanying background report (attached) authorized the staff to begin a process to implement an exclusive waste and recycling franchise within the City of Fayetteville. In that background report was a calendar of events which must occur for implementation. The staff has been proceeding along that timeline, but Council action is necessary to approve the budget for this program before equipment can be ordered and additional staff hired and trained for an implementation date of September 1, 2003.

Staff has finalized inventory of accounts and service levels needed for commercial expansion of waste services. Staff has prepared routing options and determined equipment, vehicles, and personnel requirements. It is now necessary to begin the purchasing process for this September start date. Additional staff necessary for this start-up will be hired shortly before September 1, but given enough time for necessary training.

Discussion:

Beginning September 1st, staff estimates that within the first year the Division will acquire 39 accounts. Staff has concluded through inventory and service levels, that purchases of 20 compactors of various styles and sizes, 23 receiver boxes, and approximately 93 additional open top containers of various sizes will be needed, however we will only order open top containers as the need arises. The service levels will total approximately 4262 calls annually. The current market price for these containers is estimated at \$537,500. The Division will also require four additional roll-off trucks at \$130,000 each for a total capital investment for the first year of \$1,057,500.

Through the current equipment leasing structure, the capital investment plus 8% interest will be recovered in eight years.

Operating costs are estimated at \$635,708 annually which includes cost of the trucks, fleet maintenance, electrical installation, minor equipment, office personnel, drivers, administrative costs, depreciation on fixed assets, and a fund for building expansion. We estimate that first year gross revenue will be \$639,300. Gross revenue will exceed operating expenses by \$3,592 in the first year. This program will be self supporting.

We will support the gross revenue from above with our current pricing structure. In comparison, our competition charges, for one service call in a given month, a low of approximately \$355. This price includes lease, delivery and disposal. Our current load rate for one service call in a month is \$182 plus disposal. The disposal rate is a pass through charge of \$29.20 per ton. The average load weight is approximately 3.50 tons, resulting in an average savings of \$70.80 to customers in Fayetteville.

In comparison, the load rates in our surrounding communities range upward to \$530 for the same service available from the Fayetteville Solid Waste and Recycling Division for \$284.20.

Last year Division staff had the capacity to service 1,100 commercial calls. We estimate with citywide takeover our market volume will become four times that of last year's volume. Therefore, with each step increase of 1,100 accounts an additional driver and truck will be required.

Budget:

This program will be totally funded by user revenue. Capital acquisition will be made through the use of Amendment 78 and the leasing and short-term debt options which it provides. The Finance and Internal Services Director will be providing a briefing on this issue within the next four weeks. That briefing and any necessary Council action should not delay this bid process. Given vehicle delivery timeframes the request for bids should be authorized at this time and if problems occur with the leasing and short-term debt options, the bids can be rejected or other financing options can be proposed.

Recommendations:

Estimation of arrival of new commercial trucks is six months. Staff recommends approval of capital expenditures so solicitation of bids for new trucks can begin and approval of the staffing plan.

Background information concerning proposed budget

The Solid Waste and Recycling Division currently services 10 permanent accounts. The staff anticipates that this will increase to 49 permanent accounts after consolidation of large commercial waste hauling.

The current 10 permanent accounts generate a workload of 366 service requests per year. All but one of these accounts are serviced twice per month. The remaining one is serviced three times per week. A conservative assumption has been made that the mode of service requests per account will remain fairly constant at two service requests per month. With that assumption, the total number of service requests for permanent accounts will be 1,302.

Following the same logic, the Solid Waste and Recycling Division has served approximately 1/4 of the temporary container market; extrapolating then, the number of service request anticipated for temporary placements is 2,960 for the first year of operation.

1. # of new permanent accounts	39
2. # of existing permanent accounts	10
Total # of Permanent accounts after acquisition	49
3. # of service requests/year on existing permanent	366
4. # of service requests/year estimated for new permanent	936
Total # of service requests after acquisition permanent placements	1,302

1. # of service requests for old temporary accounts	740
2. # of service requests estimated for temporary placements assuming we had 1/4 of the current market	2,960

The total number of service, for temporary and permanent accounts, is estimated to be 4,262 per year.

Operational Needs for Roll Off Service Business Line

The current work load of 1,106 service requests are handled by one driver. This is the maximum for one driver without substantial overtime. In order to handle the additional service requests three additional drivers will be required plus a relief driver to cover

vacation and sick leave. In addition, support staff will be necessary to serve these accounts.

The labor and equipment needs are as follow to be able to provide 4,262 requests for service.

Labor Needs	Costs
1 Current Driver	\$312,554
3 New Drivers	
1 New Relief Driver	
1 New Secretary	
1 New Financial Coordinator	
1 New Dispatcher	
½ of Current Commercial Rep	
½ of Current Crew Leader	
Other Needs	
Minor Equipment	\$17,490
Electrical Install for Compactors	\$40,000
Annual Vehicle and Fleet Costs for 5 trucks	\$173,986
Administrative Costs	\$27,678
Depreciation on Fixed Assets	\$50,000
Building Expansion Costs	\$15,000
Total Annual Operating Costs	\$635,708

Equipment needs

20 New Compactors (avg. of \$11,000/container):	\$220,000.
23 New Receiver Boxes (avg. of \$4100/container):	\$94,300.
93 New Open Tops/Temp. Service (avg. of \$2400/container)	\$223,200.
Total	\$537,500

The total equipment, capital and personnel needs for the first year of operation are \$1,173,208. The equipment costs will be recovered through leases to customers. The return from the lease will include the cost of capital, plus a repair and replacement fee. This will return cost plus 8% in 96 months. This expense is not included in the annual operating costs which are \$635,708.

Average Charge/Service Call (plus disposal)	\$150.00
# Estimated Service Calls	4,262
GROSS REVENUE – 1st YEAR	\$639,300
Total Cost per year to operate	\$635,708
Total Gross Revenue per year	\$639,300
NET REVENUE	\$3,592

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor and City Council

From: Carol Hill *[Signature]*

Thru: Gary Dumas

Date: August 8, 2002

Subject: Commercial Solid Waste and Recycling Exclusive Municipal Franchise

Background

At the Council meeting of August 6, 2002 the City Council concurred with the Administration recommendation to proceed with the development of a plan of action to incorporate all municipal solid waste activities into a consolidated waste management program. This program would include the provision of all municipal solid waste and recycling services by the City of Fayetteville.

The purpose of this consolidation is twofold: first to allow a full range of recycling options to all businesses and residents in a coordinated effort to reduce landfill utilization and second to assure the financial stability of the solid waste and recycling program of activities and to maintain an affordable residential rate structure.

Discussion

The City Council is well aware that the City of Fayetteville is the exclusive provider of municipal trash service to residents and small commercial container users. This change will expand exclusivity to all municipal trash and recycling collection and hauling within the City of Fayetteville.

In order to accomplish this transition there are two options. The first option is an immediate transition in which all service will be provided by the City. This immediate transition will require that the Solid Waste and Recycling Division contract for additional equipment, vehicles, and manpower for 120 to 180 days as the Division ramps up to be able to provide uninterrupted convenient and efficient service. A bid package soliciting this service has been developed and will be ready for distribution August 21. The second option is to provide a 12 month period in which the private haulers can continue to provide their services while the City acquires the necessary assets to implement service at the end of the 12 month notice period.

RES. 131-02

Plan of Action

Option 1, Immediate Transition.

1. Prepare and release bid package for short-term equipment, vehicles, and personnel services. Completed August 30, 2002.
2. Finalize inventory of accounts and service level needs. Completed September 16, 2002.
3. Hire contract services and equipment. Completed October 1, 2002.
4. Prepare routing options and determine equipment, vehicles, and personnel requirements. Completed October 4, 2002.
5. Bid equipment and vehicles. Completed October 11, 2002.
6. Hire and train necessary staff. Completed January 3, 2003.
7. Equipment and vehicles delivered. Completed January 10, 2003.
8. Install equipment. Completed January 20, 2003.
9. Begin service. Completed January 21, 2003.

Option 2, Twelve Month Transition.

1. Finalize inventory of accounts and service level needs. Completed January 20, 2003.
2. Prepare routing options and determine equipment, vehicles, and personnel requirements. Completed February 3, 2003.
3. Bid equipment and vehicle. Completed April 4, 2003.
4. Hire and train necessary staff. Completed August 1, 2003.
5. Equipment and vehicles delivered. Completed August 1, 2003.
6. Install equipment. Completed August 19, 2003.
7. Begin service. Completed August 20, 2003.

Recommendation

Staff Option 2 and recommends approval of the resolution setting forth this Plan of Action.

RESOLUTION NO. 131-02

A RESOLUTION ADOPTING AN ACTION PLAN FOR THE IMPLEMENTATION OF A CONSOLIDATED WASTE MANAGEMENT PROGRAM; AND AUTHORIZING COMPETITIVE BIDDING FOR HAULING SERVICES AND CONTAINER RENTAL TO ACHIEVE SHORT-TERM IMPLEMENTATION OF THE PLAN.

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

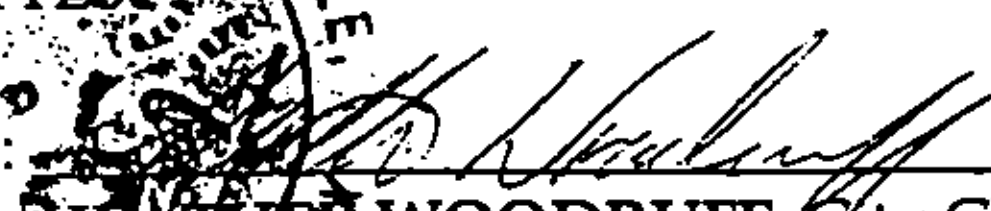
Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby adopts an Action Plan for the implementation of a Consolidated Waste Management Program, as set forth in Option 2 of Attachment "A," attached hereto and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas, hereby authorizes competitive bidding for hauling services and container rental to achieve short-term implementation of the plan.

PASSED and APPROVED this 20th day of August, 2002.

APPROVED:

By: 
DAN COODY, Mayor


ATTEST
By: 
HEATHER WOODRUFF, City Clerk

STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of February 18, 2003.

FROM:

Tim Conklin, Director Community Planning and Engineering Services

Name	Division	Department
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ACTION REQUESTED: To approve an ordinance for VA 03-2.00 as submitted by Gary Coover of McClelland Consulting Engineers on behalf of James Ezell of the University of Arkansas for property located north of Fairview Street on Harmon Avenue and alleys west of Harmon Avenue, Fayetteville, Arkansas. The request is to vacate Harmon Avenue between Fairview Street and William Street and the alleys west of Harmon Avenue.

COST TO CITY:

Cost of this request	Category/Project Budget	Category/Project Name
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Account Number	Funds used to date	Program Name
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Project Number	Remaining balance	Fund
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BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Coordinator	Chief Administrative Officer
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CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager	Date	ADA Coordinator	Date
<i>[Signature]</i>	1/31/03		
City Attorney	Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and on January 27, 2003 the Planning Commission voted 7-0-0 to recommend the Vacation be approved by the City Council.

Division Head	Date	Cross Reference
<i>[Signature]</i>	1-31-03	
Department Director	Date	New Item: Yes No
<i>[Signature]</i>	2-3-03	
Chief Administrative Officer	Date	Prev Ord/Res#: _____
<i>[Signature]</i>	2/4/03	
Mayor	Date	Orig Contract Date: _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING VAC 03-2.00 TO VACATE AND ABANDON HARMON AVENUE BETWEEN FAIRVIEW STREET AND WILLIAM STREET AND THE ALLEYS WEST OF HARMON AVENUE AS DEPICTED ON THE ATTACHED MAP AND LEGAL DESCRIPTION.

WHEREAS, the City Council has the authority under A.C.A. §14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes, and

WHEREAS, the City Council has determined that the following described right of way is not required for corporate purposes.

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

Section 1. That the City of Fayetteville, Arkansas hereby vacates and abandons all of its rights together with the rights of the public generally, in and to the following described street right of way:

See Exhibit "A" attached hereto and made a part hereof.

Section 2. That this Vacation approval is subject to the conditions of approval listed in the staff report and Planning Commission recommendation as described in Exhibit "B" attached hereto and made a part hereof.

Section 3. That a copy of this Ordinance duly certified by the City Clerk shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

PASSED AND APPROVED this _____ day of _____, 2003.

APPROVED:

By _____
Dan Coody, Mayor

ATTEST:

By _____
Sondra Smith, City Clerk

EXHIBIT "A"
VAC 03-2.00

THREE HUNDRED FIFTY-SIX FEET (356') OF HARMON AVENUE LYING SOUTH OF WILLIAM STREET BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL OF HARMON AVENUE LYING EAST OF LOTS 13 AND 19 OF SHREVE'S ADDITION; AND ALL OF HARMON AVENUE LYING WEST OF LOTS 11 AND 12 IN BLOCK 3 OF I.W. DUNCAN'S ADDITION.

ALSO, ALL OF A 16 FOOT ALLEY ALONG THE SOUTH SIDE OF LOT 19 OF SHREVE'S ADDITION, LYING BETWEEN BUCHANAN AVENUE AND HARMON AVENUE; AND ALL OF A 12 FOOT ALLEY ALONG THE NORTH SIDE OF LOT 19 OF SHREVE'S ADDITION, LYING BETWEEN BUCHANAN AVENUE AND HARMON AVENUE.

DRAFT

PC Meeting of January 27, 2003

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
113 W. Mountain St.
Fayetteville, AR 72701

Harmon Street Vacation

TO: Fayetteville Planning Commission Members
THRU: Tim Conklin, City Planner, A.I.C.P.
FROM: Sara Edwards, Associate Planner
Matt Casey P.E. Staff Engineer
DATE: January 23, 2003

Project: VAC 03-2.00: Vacation (U of A (Harmon), pp 483) was submitted by Gary Coover of McClelland Consulting Engineers on behalf of James Ezell of University of Arkansas for property north of Fairview Street on Harmon Avenue and alleys west of Harmon Avenue. The property is zoned R-3, High Density Residential and contains approximately 0.48 acres. The request is to vacate Harmon Avenue between Fairview Street & William Street and the alleys west of Harmon Avenue.

Findings: See the attached maps and legal descriptions for the exact locations of the requested right-of-way vacation.

No objections from the adjacent property owners have been submitted to the City.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

UTILITIES

Ozarks Electric

Southwestern Electric Power Company

Arkansas Western Gas

SW Bell

Cox Communications

City of Fayetteville:
Water/Sewer

RESPONSE

NA

No Objections

No Objections

No Objections. Any damage to or relocation of existing facilities will be at the owners expense.

No Objections. Any damage to or relocation of existing facilities will be at the owners expense.

See Conditions of Approval

Street Department

No Objections

Solid Waste

No Objections

Engineering

No objections. See Conditions of Approval

Recommendation: Approval of the proposed right-of-way and alley vacation 03-2.00 subject to the following conditions.

Conditions of Approval:

1. The water line on Harmon must be replaced with a 12" main (per the University's identified requirements) along the future Buchanan Avenue between William and Fairview.
2. The water line on Duncan along the entire front of the property must be replaced with a new 8" or larger main. This main must have a steel encasement under the footing for any large construction crane.
3. A new 8" water main shall be installed from Duncan west to the dead end 6" PVC main on William.
4. New sewer mains in the size of 8" or 12" (as needed for current and possible future buildings) must be installed to provide service to any current or future structures which are or would be served by the currently existing sewer mains. These mains must run to each lot or parcel requiring service.
5. All water and sewer mains shall meet City of Fayetteville specifications, go through the City Engineer's review, approval and inspection process, and must be approved by the Arkansas Department of Health Division of Engineering.
6. All mains which are or may in the future be City owned mains shall have easements which meet the City's easement requirements.
7. Water valves shall be installed at any current or future transition of ownership points.
8. The construction of the new roadway and the parking deck in this area shall be in accordance with the current City of Fayetteville drainage, grading and street requirements. The plans shall be submitted for review and approval by the City's Engineering Division prior to construction.
9. Fire hydrants installed per the fire code.

PLANNING COMMISSION ACTION: yes Required
x Approved Denied

Date: January 27, 2003

Comments: Planning Commission added condition number 9.

CITY COUNCIL ACTION: yes Required
 Approved Denied

Date: / /

Aviles: Good evening. I would like to welcome everybody to the Fayetteville Planning Commission meeting. This is Monday, January 27th. We have four items of new business on our agenda this evening. First we will call the roll.

Roll Call: Upon the completion of roll call there were seven Commissioners present with Commissioner Estes and Commissioner Church being absent.

Aviles: Thanks Renee. Tim, before we get started, let me just be reminded, are there any things that require five positive votes? We are short a couple of Commissioners so let me make that announcement at the outset. Would a lot split require five positive votes?

Conklin: All of these can be approved with a simple majority.

Aviles: I just want to make the applicants clear on that when we are low on Commissioners. The next thing would be the approval of the minutes from the January 13th meeting, do I have a motion?

Shackelford: So moved.

Bunch: Second.

Aviles: Renee, would you call the roll?

Roll Call: Upon the completion of roll call the minutes were approved by a vote of 7-0-0.

VAC 03-2.00: Vacation (U of A (Harmon), pp 483) was submitted by Gary Coover of McClelland Consulting Engineers on behalf of James Ezell of University of Arkansas for property north of Fairview Street on Harmon Avenue and alleys west of Harmon Avenue. The property is zoned R-3, High Density Residential and contains approximately 0.48 acres. The request is to vacate Harmon Avenue between Fairview Street & William Street and the alleys west of Harmon Avenue.

Aviles: First under new business this evening is VAC 03-2.00 for the University of Arkansas. It was submitted by Gary Coover of McClelland Consulting Engineers on behalf of James Ezell of the University of Arkansas for property north of Fairview Street on Harmon Avenue and allies west of Harmon Avenue. The property is zoned R-3, High Density Residential and contains approximately 0.48 acres. The request is to vacate Harmon Avenue between Fairview Street and Williams Street and the alleys west of Harmon Avenue. There are eight conditions of approval, Sara, do we have signed conditions?

Edwards: We do not.

Aviles: Thanks. Can you give us the staff report please?

- Edwards: The vacations are, as you mentioned, two alleys and Harmon Avenue. We have had no objections from any adjacent property owners, from the utilities, or from the city. The eight conditions of approval address water and sewer line and associated easements. I did get some additional information that I requested from the applicant and it should be available to you. There should be a site plan and an elevation there.
- Aviles: Is the applicant present? Yes, please come forward, give your name, and your presentation please.
- Coover: Good evening. My name is Gary Coover, I am the Project Manager with McClelland Consulting Engineers and we have members from the Architectural firm of Polk, Stanley, Yearly here tonight as well as some people from the campus Planning Division for the University. If you have any additional questions, the idea is to build a multi-level parking facility in this location. The idea is to take these large type of facilities and put them down in the lower areas so it is not the tallest building in Fayetteville by any means. This is one of the spots at the south part where they can later open up, I think your plan shows a proposed Buchanan Drive and those plans seem to put new buildings where Buchanan currently sits today and that will become a major transit center. The parking facility will be down in that area, basically, straddling where Harmon is today.
- Aviles: Thank you. Commissioners, are there any questions?
- Ward: Gary, I would like you to go ahead and give a presentation of what the project is going to look like and what it is going to be, just for public record.
- Cover: I think I will call on Craig Curson from Polk, Stanley, Yearly.
- Curson: Good evening. I am Craig Curson with Polk, Stanley, Yearly architects. We just have a larger version of the site plan that I believe you have in your packets.
- Aviles: Please face that toward the camera so that the audience can see it.
- Curson: Ok. I don't have any elevations showing the exterior of the parking deck. You can see the location is on the southwest corner of Duncan and Williams Street. It is a nine level parking deck that is really buried into the hillside so on the west side there are really three levels of the parking deck exposed above grade. That also shows the portion of Harmon that we would propose closing and the ultimate master plan of the University then shows Buchanan Avenue, which would be rerouted along the western edge along the diagonal of the parking deck in the future.
- Aviles: Ok, thanks. We appreciate the information. When we were at our agenda session we were given only a street plan map and I had questions concerning the traffic flow the

youth center and things like that. Can you address some of those questions about traffic flow?

Curson: There has not been a specific traffic study done but the parking deck is replacing parking lots on campus and also proposed expansion of the business school, which is just to the west of the parking deck over the next three to five years we will take additional parking off campus and the ultimate plan would be for this deck to take the place of that parking and the net gain would be between 500 and 600 parking spaces.

Aviles: Ok, thank you very much. Commissioners, are there any further questions? I will go ahead and take public comment. Is there anybody here from the public that would wish to address us on this proposed Vacation? This is only a street Vacation. I will go ahead and bring the discussion back to the Commissioners and to the applicants. We do not have signed conditions of approval, have you been able to see those and have you agreed or disagreed with those?

Coover: I have not seen those.

Aviles: I need to go ahead and read those for the record. I think they mostly have to do with public works issues.

Coover: If that is the letter from Dave Jurgens at Water and Sewer, yes, we have seen that and that is all being taken care of in our plans.

Aviles: Let me just go ahead and read those into the record. 1) The water line on Harmon must be replaced with a 12" main (per the University's identified requirements) along the future Buchanan Avenue between William and Fairview. 2) The water line on Duncan along the entire front of the property must be replaced with a new 8" or larger main. This main must have a steel encasement under the footing for any large construction crane. 3) A new 8" water main shall be installed from Duncan west to the dead end 6" PVC main on William. 4) New sewer mains in the size of 8" or 12" (as needed for current and possible future buildings) must be installed to provide service to any current or future structures which are or would be served by the currently existing sewer mains. These mains must run to each lot or parcel requiring service. 5) All water and sewer mains shall meet City of Fayetteville specifications, go through the City Engineer's review, approval and inspection process, and must be approved by the Arkansas Department of Health Division of Engineering. 6) All mains which are or may in the future be City owned mains shall have easements which meet the City's easement requirements. 7) Water valves shall be installed at any current or future transition of ownership points. 8) The construction of the new roadway and the parking deck in this area shall be in accordance with the current City of Fayetteville drainage, grading and street requirements. The plans shall be submitted for review and approval by the City's Engineering Division prior to construction. You are in agreement with these items?

- Coover: We have coordinated all of those items with the City and we can certainly provide a site plan showing that information if you require that. We will be issuing to the Department of Health later this week.
- Aviles: I would imagine that there is a sewer and water permit process that they would go through with the City's Engineering Division that would happen later on. I have one question about this. I don't see any mention about fire hydrants, would that be part of this for fire lines?
- Coover: There will be additional hydrants placed on the project. We are relocating one and adding four additional hydrants in that area.
- Aviles: Matt, should that be a part of these conditions if they are on the City easement? Should we make a note of those?
- Casey: They should meet all requirements of the Fire Marshall. You can make it a condition of approval but it sounds like they have already met those requirements.
- Aviles: I think for the record we should just go ahead and say fire hydrants installed per the fire code. Commissioners, are there any further questions or motions?
- Ward: I will make a motion that we approve this VAC 03-2.00 for the University with all nine conditions that we talked about including the added fire hydrants.
- Aviles: I have a motion by Commissioner Ward, is there a second?
- Shackelford: I will second.
- Aviles: Is there additional discussion? Renee, would you call the roll please?
- Roll Call:** Upon the completion of roll call the motion to forward VAC 03-2.00 to the City Council was approved by a vote of 7-0-0.
- Aviles: Thank you Gentlemen. We appreciate your presentation and it looks like a very ambitious project.

PETITION

VA 03-2.00
C. 4 Page 11

PETITION TO VACATE A STREET LOCATED EAST OF LOTS 13 AND 19, SHREVE ADDITION AND LYING WEST OF LOTS 11 AND 12, BLOCK 3, I. W. DUNCAN'S ADDITION, OF FAYETTEVILLE, ARKANSAS

TO: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the street and alleys hereinafter sought to be abandoned and vacated, lying east of Lots 13 and 19, Shreve Addition and lying west of Lots 11 and 12, Block 3, I.W. Duncan's Addition, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a street and two alleys which are described as follows:

Three hundred fifty-six feet (356') of Harmon Avenue lying south of William Street being more particularly described as follows:

All of Harmon Avenue lying east of Lots 13 and 19 of Shreve Addition; and all of Harmon Avenue lying west of Lots 11 and 12 in Block 3 of I.W. Duncan's Addition.

Also, all of a 16 foot alley along the south side of Lot 19 of Shreve Addition, lying between Buchanan Avenue and Harmon Avenue; and all of a 12 foot alley along the north side of Lot 19 of Shreve Addition, lying between Buchanan Avenue and Harmon Avenue (See attached drawing).

That the abutting real estate affected by said abandonment of the street and alleys are Lots 13 and 19, Shreve Addition and Lots 11 and 12, Block 3, I.W. Duncan's Addition, City of Fayetteville, used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described street and alleys.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above-described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said easement.

Date this 2 day of December, 2003.

University of Arkansas
James E. Cecil
Printed name

[Signature]
Signature

Printed name

Signature

STREET & ALLEY VACATION REQUEST

1-12' alley, 1-16' alley
356' of Harmon Avenue south of William Street
FAYETTEVILLE, ARKANSAS

The University of Arkansas is proposing to construct a multi-level parking facility in the southern portion of the campus immediately south of William Street, and between Duncan Avenue on the east and Buchanan Avenue on the west.

In order to build the largest facility possible and to make maximum use of the existing contours in the area, the University would like to construct this facility across the existing Harmon Avenue immediately south of William Street, and also across two currently unused alleys within the old platted Shreve's Addition and Block 3 of McIlroy's Subdivision.

The University currently owns all of the property on both sides of both alleys, and on either side of the portion of Harmon Avenue that is proposed to be vacated.

The property owner adjoining the proposed street vacation immediately to the south has been notified and has stated in writing that he has no objection to the vacation of this portion of Harmon Avenue.

The existing 6-inch high pressure gas line in the Harmon Avenue right-of-way owned by Arkansas Western Gas will be relocated as part of this project, as will the 6-inch water line owned by the City of Fayetteville. There are no other utilities within the alley or street right-of-way that will need to be relocated.

In order to provide for more on-campus parking, and based on the above, the University is requesting an alley and street vacation as shown on the attached drawing.

#

VACATION PLAT

FOR

STREET & ALLEYS

IN THE
CITY OF FAYETTEVILLE
WASHINGTON COUNTY, ARKANSAS

REGISTERED BY:
UNIVERSITY
OF
ARKANSAS

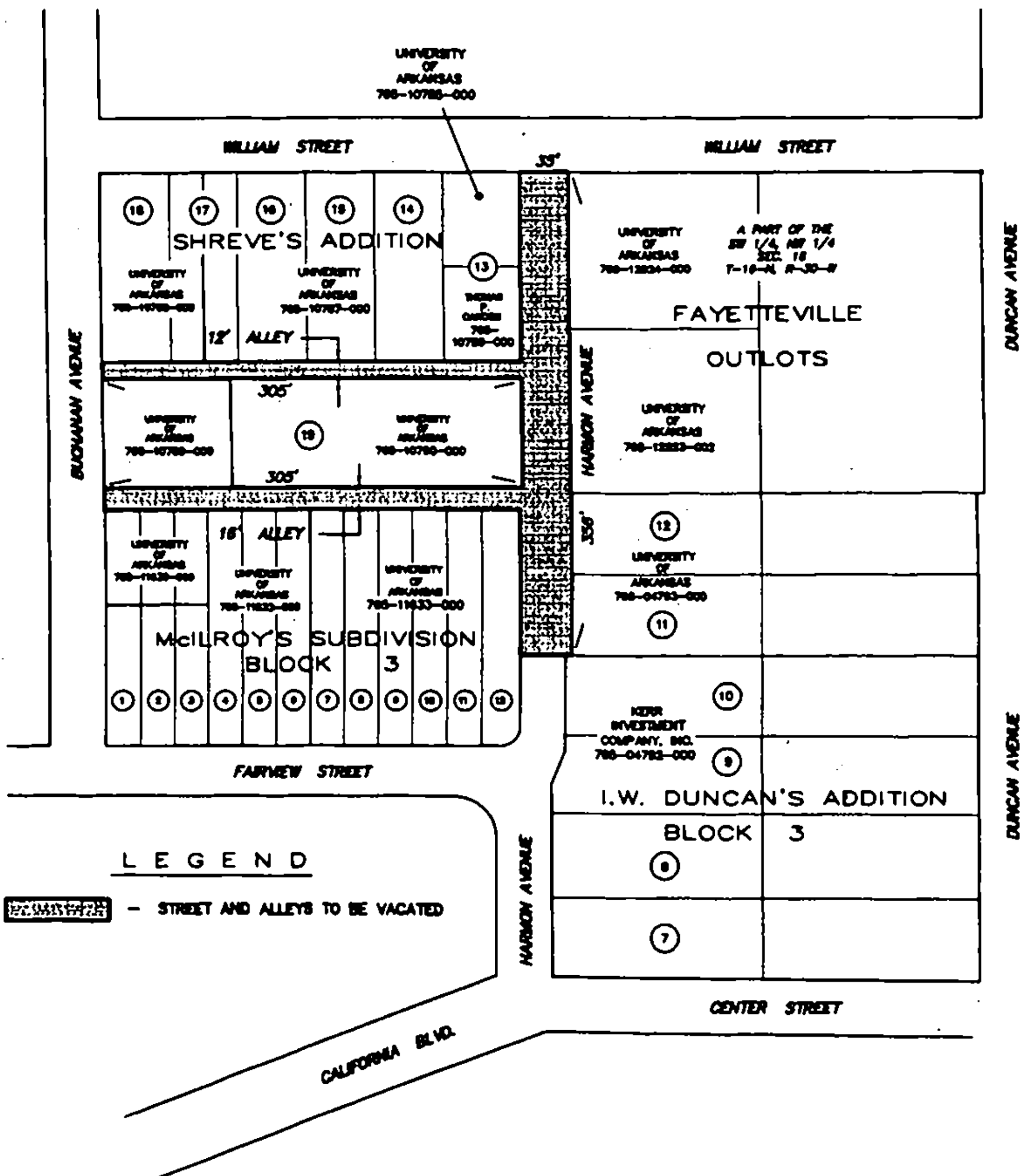
VA 03-2.00
C. 4 Page 13

Scale: 1" = 100'

DESCRIPTION FOR STREET AND ALLEYS TO BE VACATED

THREE HUNDRED FIFTY-SIX FEET (356') OF HARMON AVENUE LYING SOUTH OF WILLIAM STREET BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL OF HARMON AVENUE LYING EAST OF LOTS 13 AND 19 OF SHREVE'S ADDITION; AND ALL OF HARMON AVENUE LYING WEST OF LOTS 11 AND 12 IN BLOCK 3 OF I.W. DUNCAN'S ADDITION.

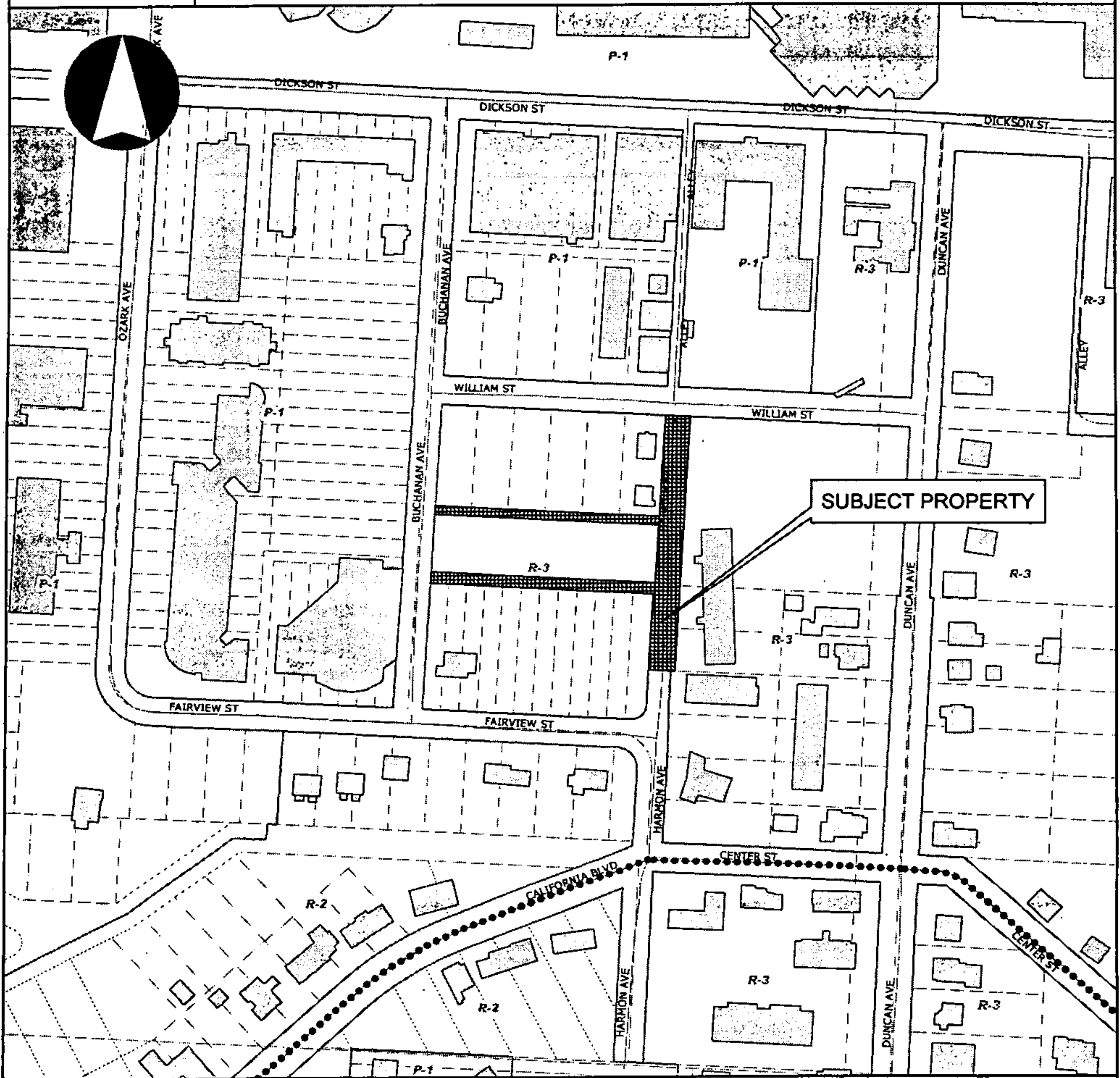
ALSO, ALL OF A 16 FOOT ALLEY ALONG THE SOUTH SIDE OF LOT 19 OF SHREVE'S ADDITION, LYING BETWEEN BUCHANAN AVENUE AND HARMON AVENUE; AND ALL OF A 12 FOOT ALLEY ALONG THE NORTH SIDE OF LOT 19 OF SHREVE'S ADDITION, LYING BETWEEN BUCHANAN AVENUE AND HARMON AVENUE.



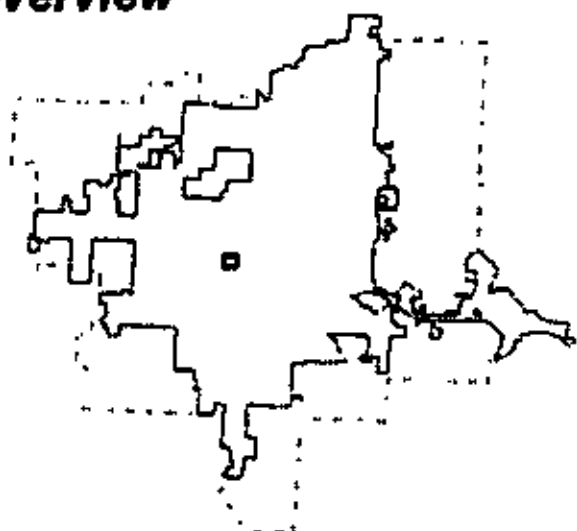
VAC03-2.00

Close Up View

U OF A HARMON



Overview



Legend

Subject Property

VAC03-2.00

Streets

Existing
Planned

Boundary

Planning Area
Overlay District
City Limits
Outside City

Master Street Plan

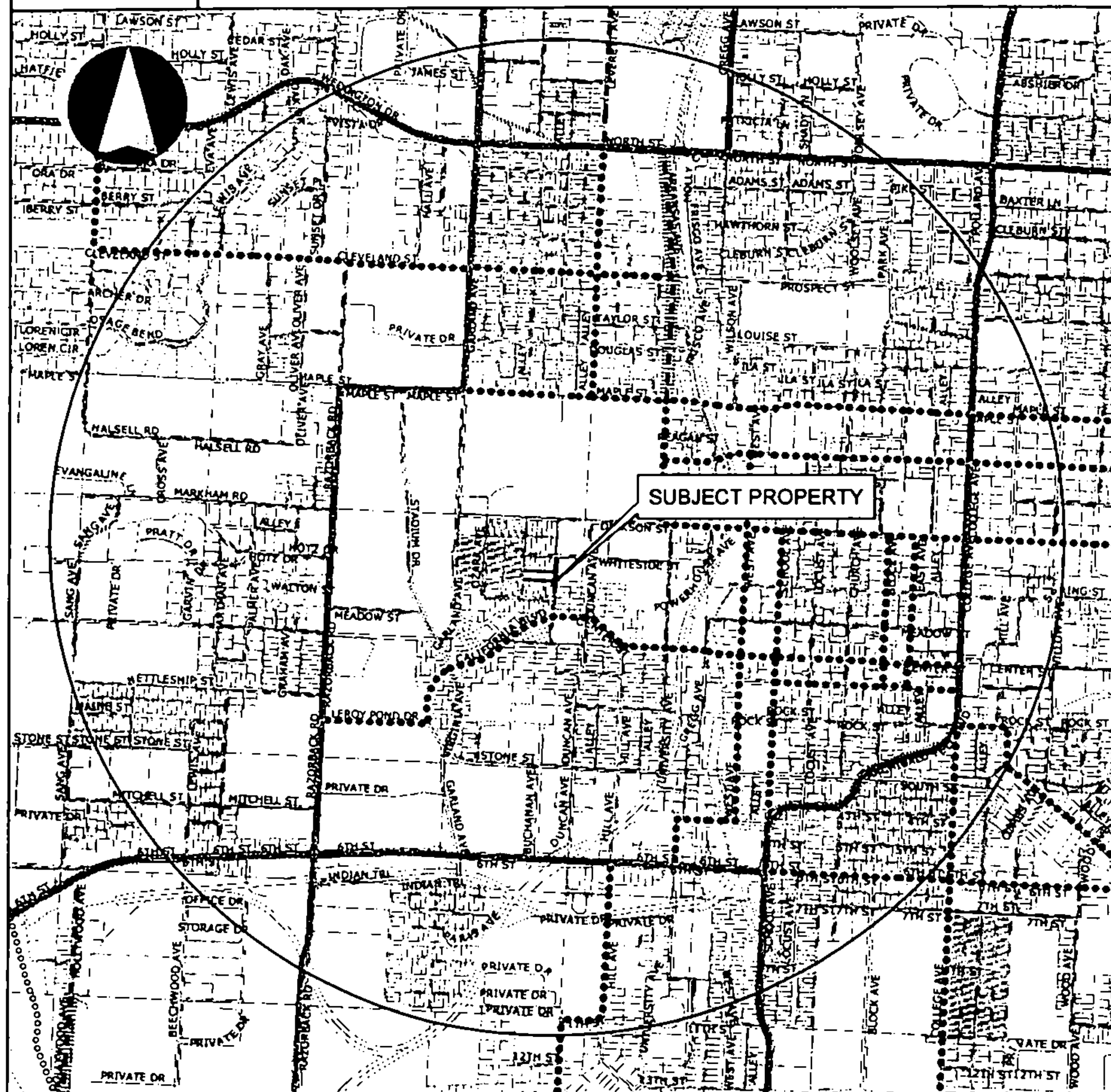
Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historic Collector

0 75 150 300 450 600 Feet

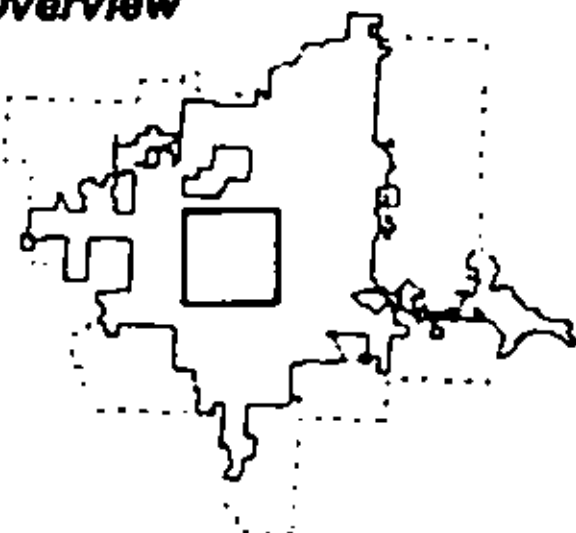
VAC03-2.00

One Mile View

U OF A HARMON



Overview



Legend

Subject Property

 VAC03-2.00

Streets

Existing


Planned

Boundary

Planning Area

 Overlay District

City Limits

City Limits

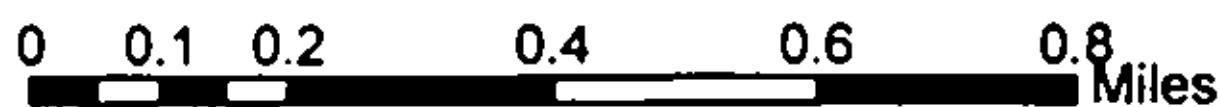
Master Street Plan

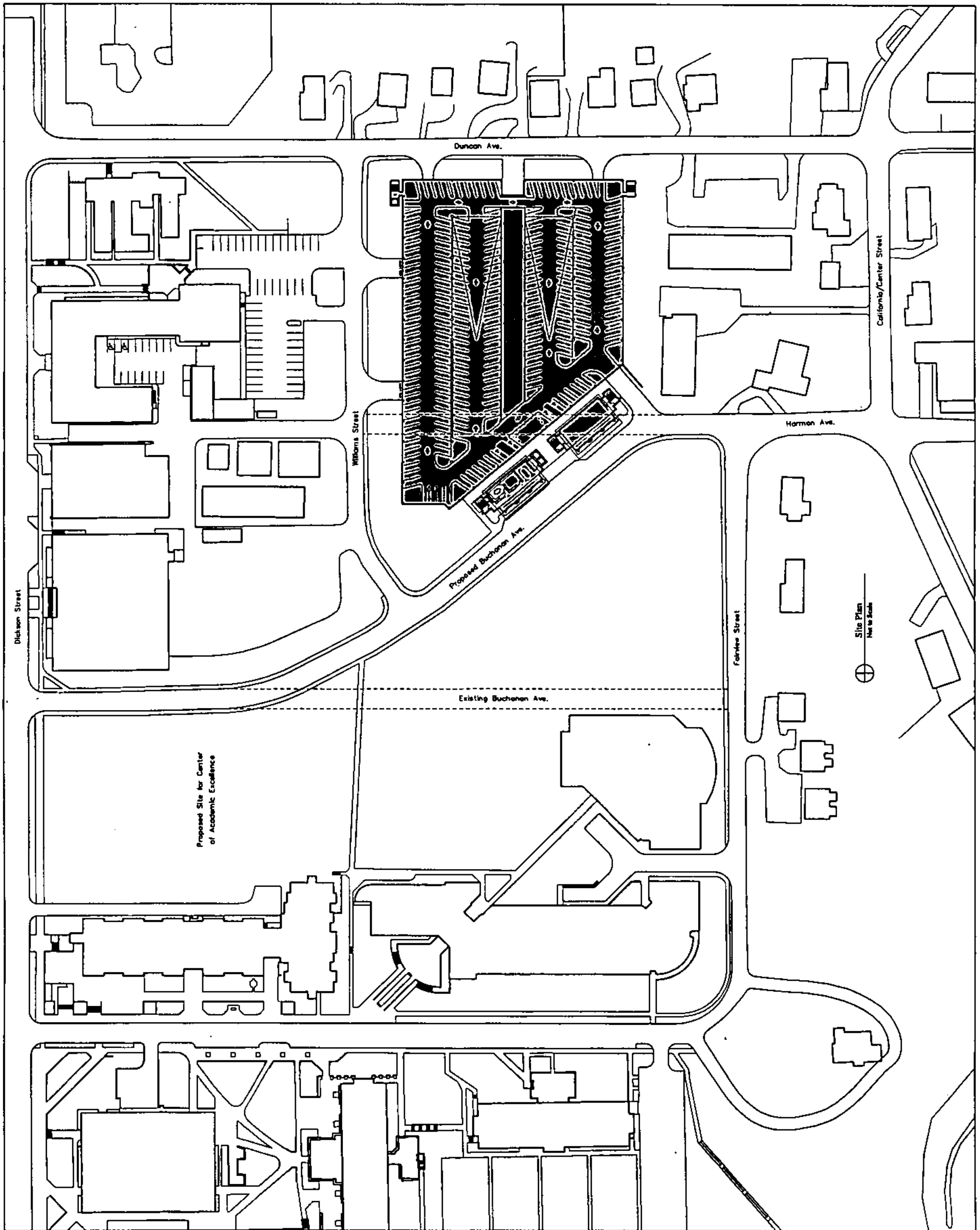
Principal Arterial

 Minor Arterial

Collector

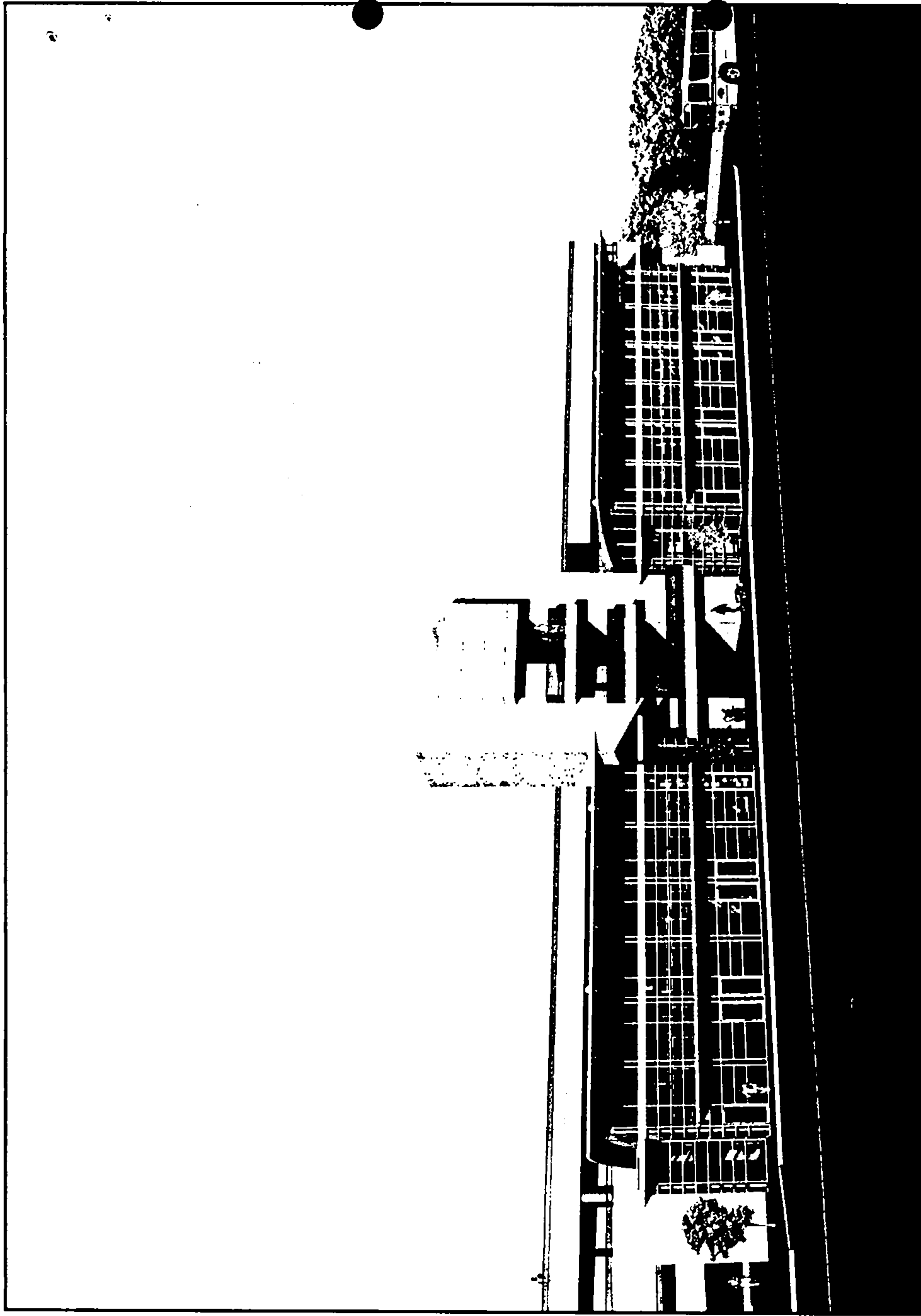
Historic Collector





South Quad Parking Deck

UNIVERSITY OF ARKANSAS
FAYETTEVILLE, ARKANSAS
POLK STANLEY YEARLY ARCHITECTS
FAYETTEVILLE, ARKANSAS

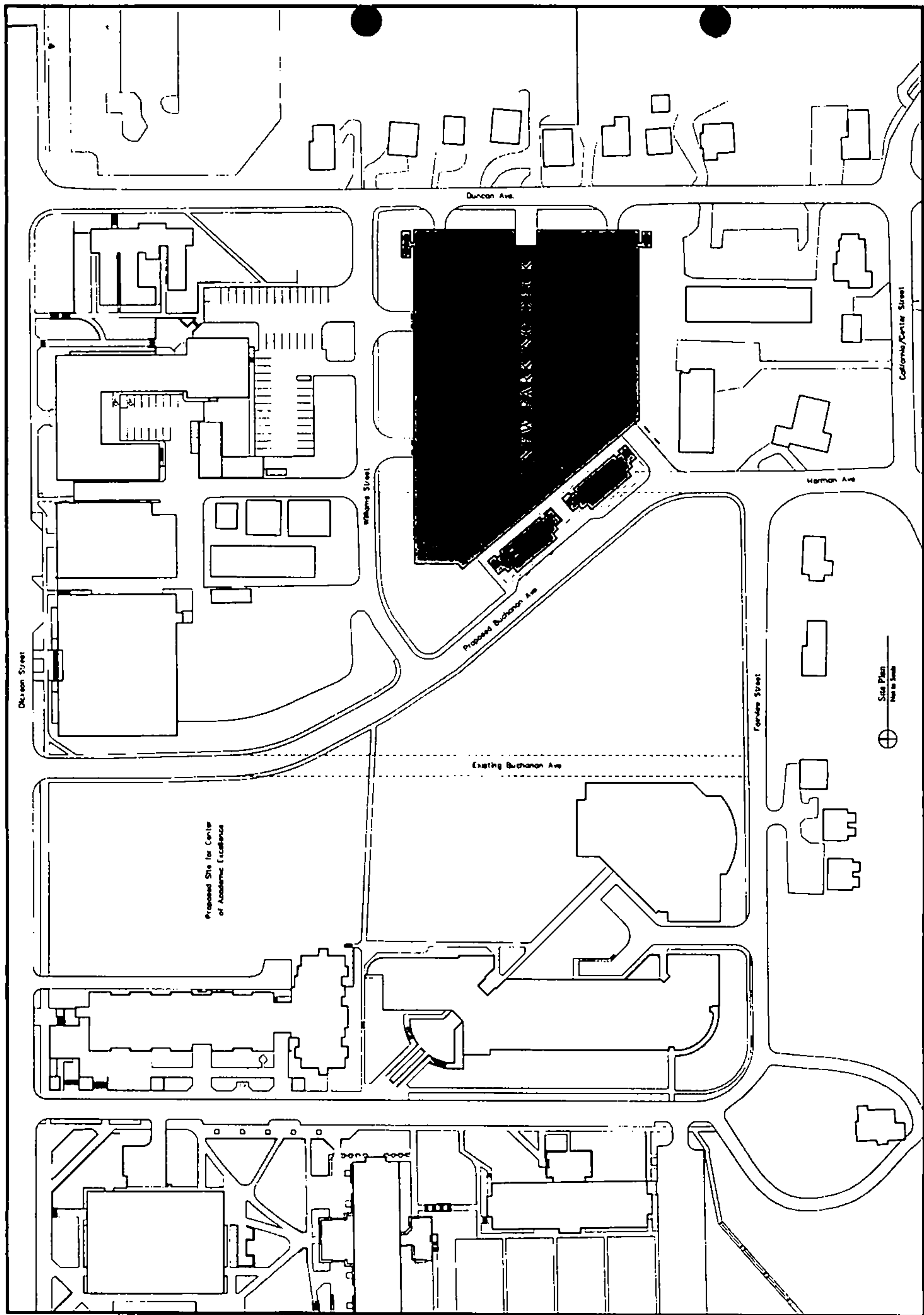


South Quad Parking Deck

UNIVERSITY OF ARKANSAS

FAYETTEVILLE, ARKANSAS

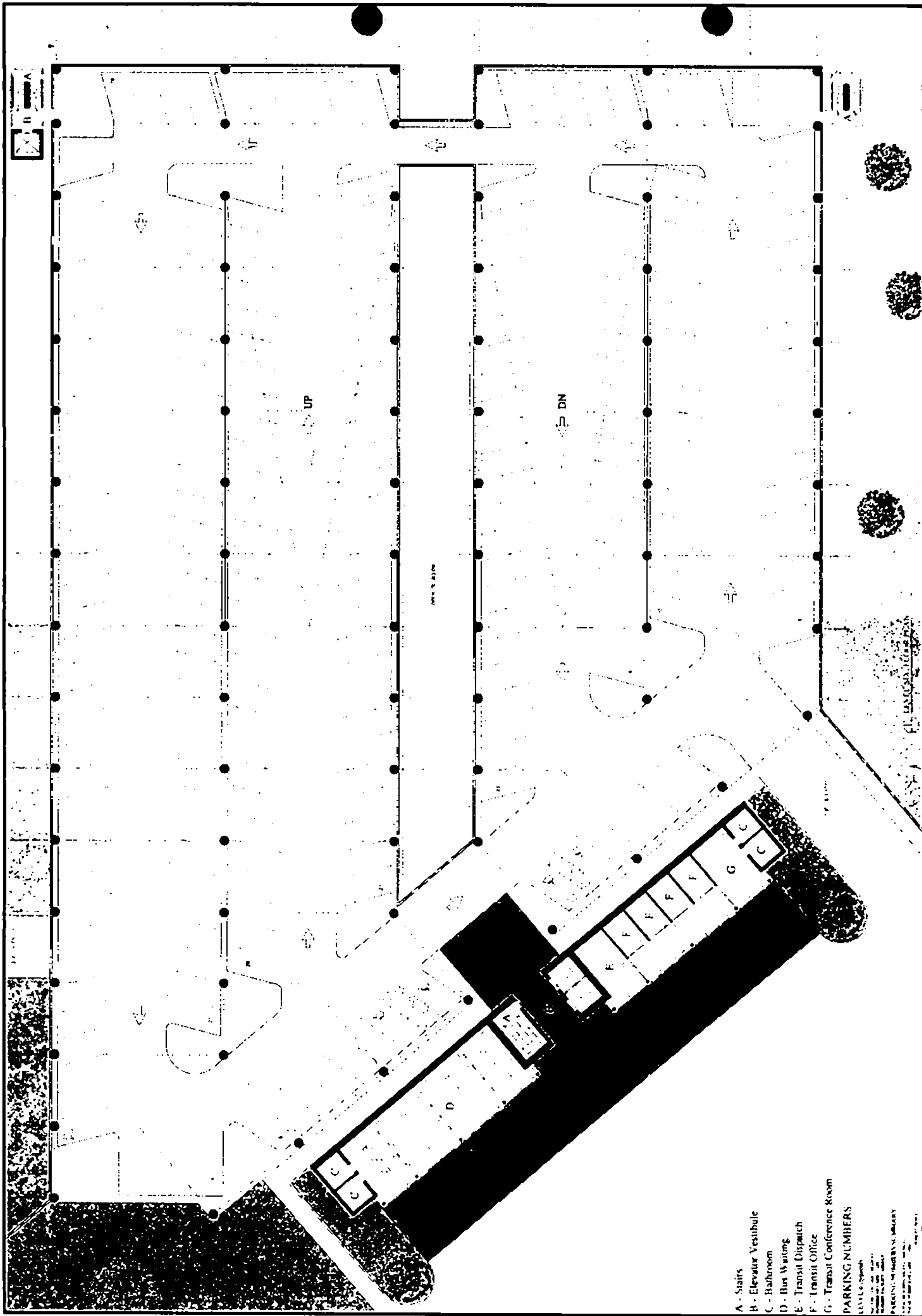
POLK STANLEY YEARY ARCHITECTS



South Quad Parking Deck

UNIVERSITY OF ARKANSAS
FAYETTEVILLE, ARKANSAS

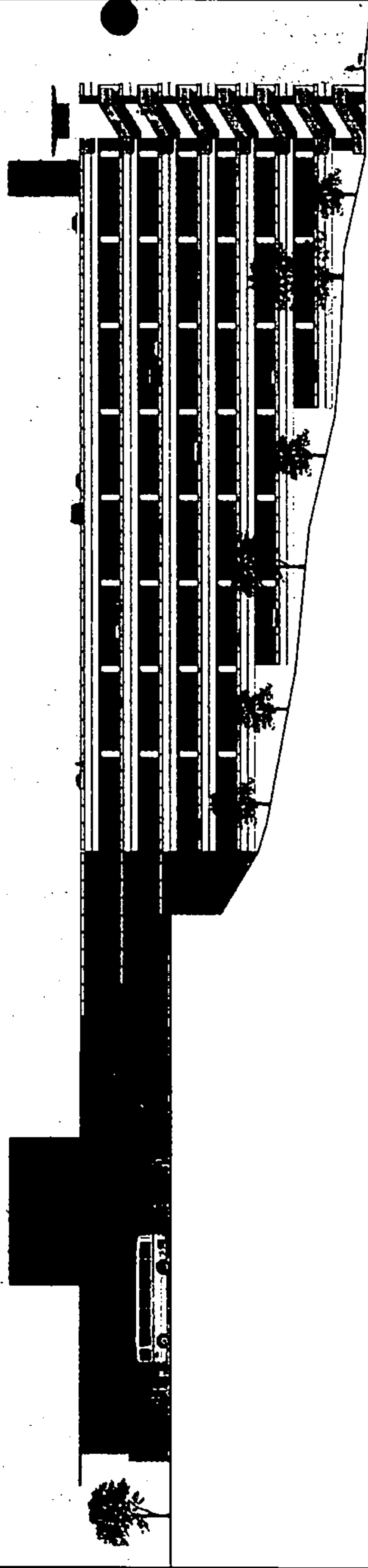
POLK STANLEY YEARY ARCHITECTS



South Quad Parking Deck

UNIVERSITY OF ARKANSAS
FAYETTEVILLE, ARKANSAS

POLK STANLEY YEARLY ARCHITECTS



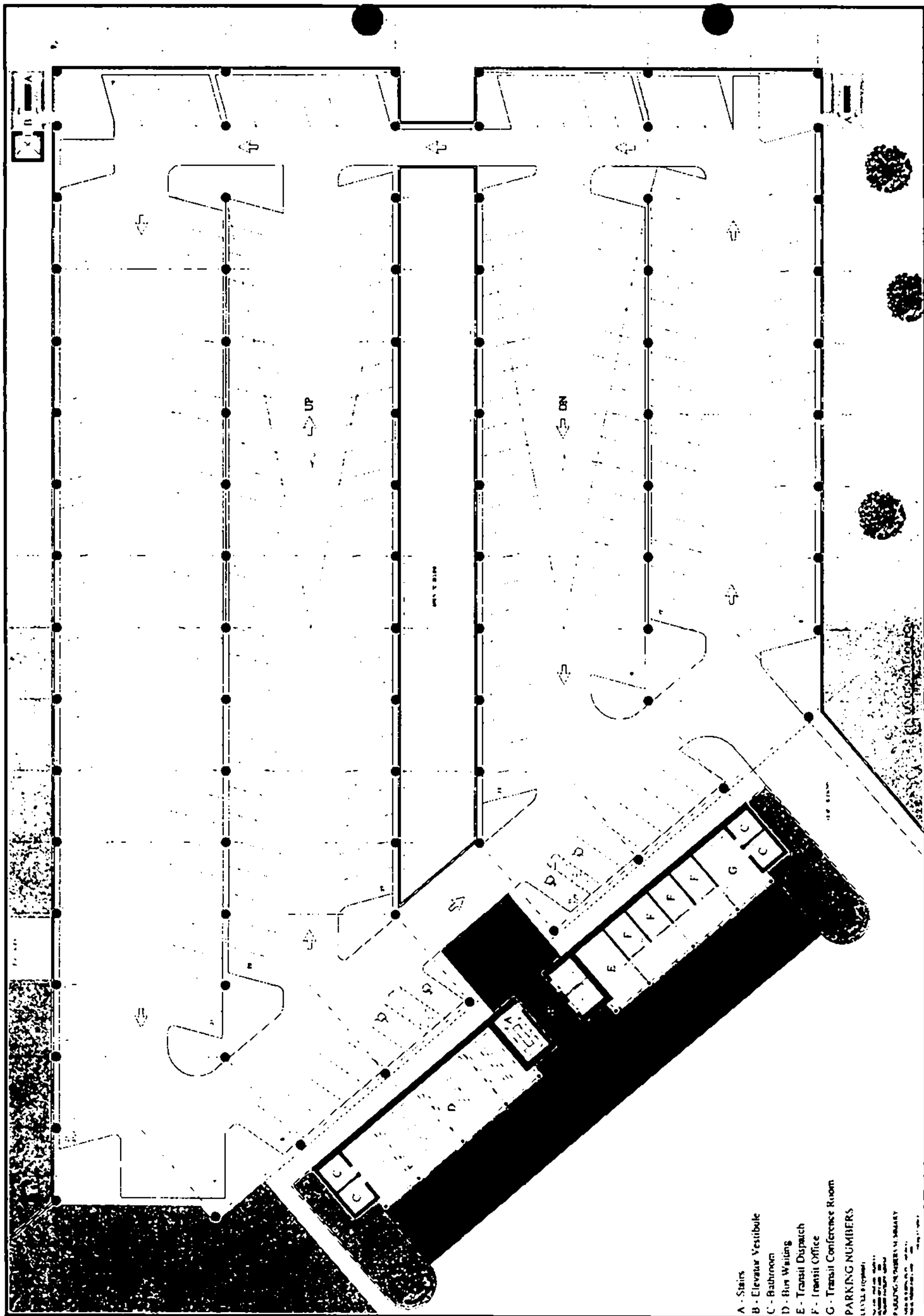
SKIDMORE OWINGS

South Quad Parking Deck

UNIVERSITY OF ARKANSAS

FAYETTEVILLE, ARKANSAS

POLK STANLEY YEARY ARCHITECTS

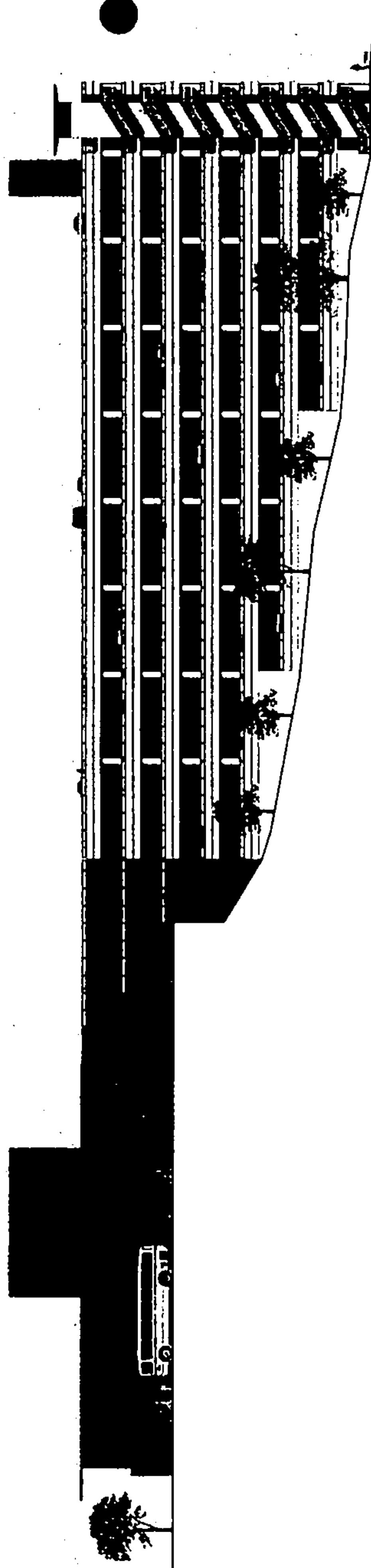


South Quad Parking Deck

UNIVERSITY OF ARKANSAS

FAYETTEVILLE, ARKANSAS

POLK STANLEY YEARY ARCHITECTS



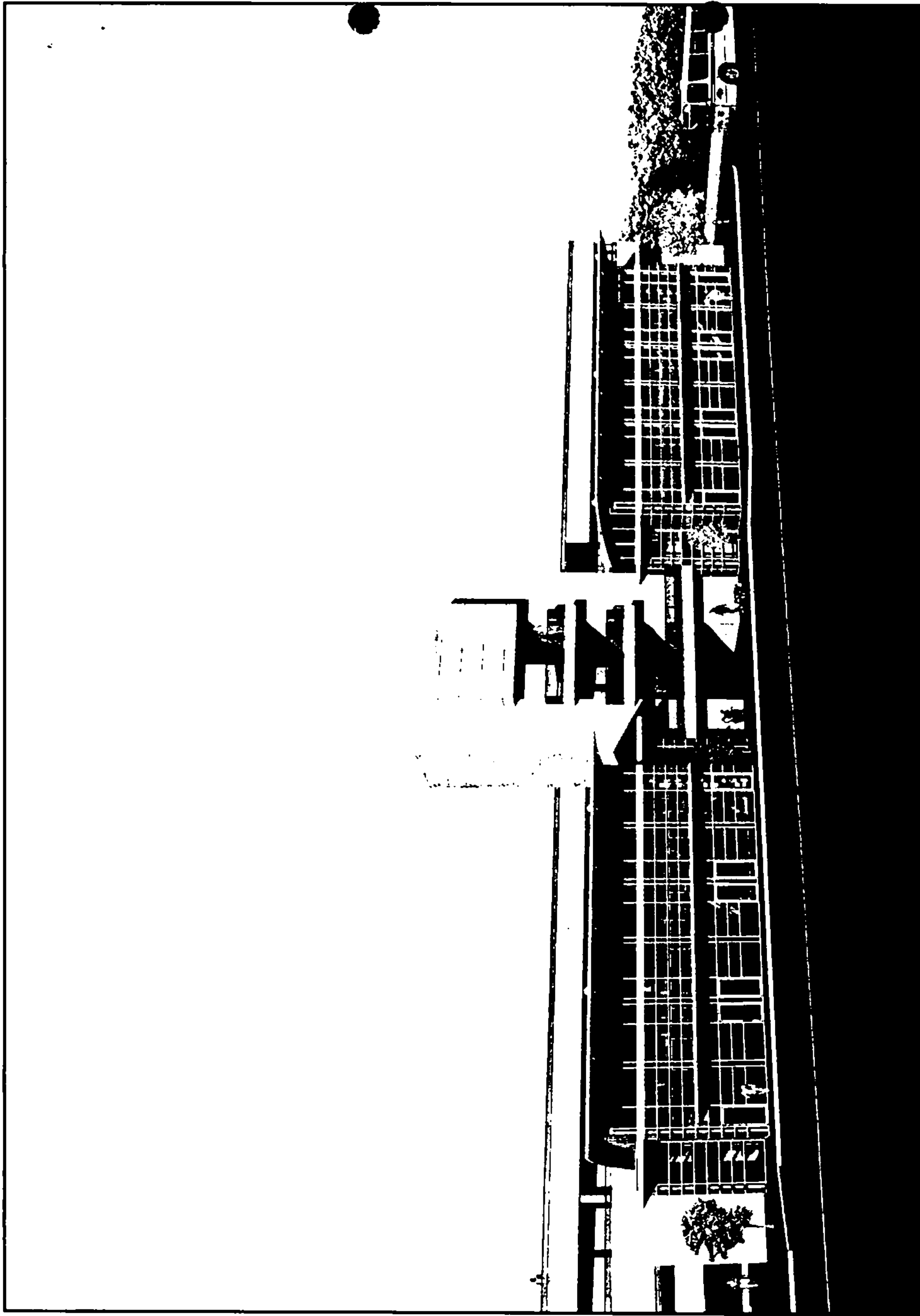
..ORIMINATION..

South Quad Parking Deck

UNIVERSITY OF ARKANSAS

FAYETTEVILLE, ARKANSAS

P O L K S T A N L E Y Y E A R Y A R C H I T E C T S



South Quad Parking Deck

UNIVERSITY OF ARKANSAS

FAYETTEVILLE, ARKANSAS

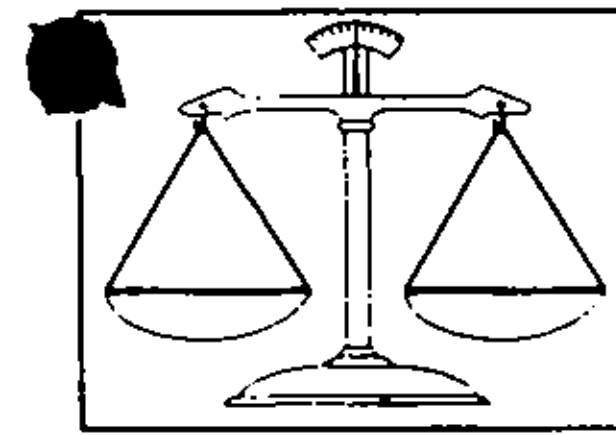
POLK STANLEY YEARY ARCHITECTS

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: Dan Coody, Mayor

THRU: Sondra Smith, City Clerk

FROM: Kit Williams, City Attorney

DATE: February 19, 2003

RE: Passed Ordinances and Resolutions from City Council
meeting February 18, 2003

The following Ordinances and Resolutions were passed at the last City Council meeting and are ready for the mayor's signature.

Enclosed are:

- 23-03 1. **Public Access:** Resolution approving renewal contract in amount of \$57,500.00 w/Community Access Television to provide public access television services from March 1 through December 31, 2003;
- 24-03 2. **Storm Water Phase II:** Resolution authorizing Mayor or his designee to submit City of Fayetteville's "Storm Water Phase II" permit application to Arkansas Department of Environmental Quality;
- 25-03 3. **Public Library:** Resolution naming the new Fayetteville Public Library the Blair Library;
- 26-03 4. **DDEP Contract:** Resolution approving contract between City of Fayetteville and DDEP in amount not to exceed \$20,000.00 to provide planning, design and economic development services;

4. **Water Tank Site:** Resolution approving offer and acceptance contract between City of Fayetteville and Ozarks Electric Cooperative Corp. for sale of three acres of land located at Gulley Road Water Tank Site for amount of \$105,000.00, plus payment for specific costs associated w/preparation of said property;
- 27-03
5. **ANX 03-1.00:** Ordinance confirming annexation to City of Fayetteville of certain property owned by George & Saralee Anderson;
- 4463
6. **RZN 03-4.00:** Ordinance rezoning that property described in rezoning petition RZN 03-4.00 for parcel containing approximately 57.00 acres located at 3632 E. Zion Road as submitted by Michele Harrington of Harrington, Miller, Neihouse & Krug on behalf of Gary Brandon of Gary Brandon Enterprises, Inc. for property owned by George and Saralee Anderson;
- 4464
7. **ADM 03.3.00:** Resolution approving amendments to Bill of Assurance submitted w/Ordinance No. 4411, passed and approved by City Council on September 3, 2002;
- 28-03
8. **Offer & Acceptance:** Resolution approving offer and acceptance contract between City of Fayetteville and University of Arkansas for sale of 32 acres, more or less of land located at South School Avenue and 19th Street for amount of \$370,000.00, less associated closing costs;
- 29-03
9. **VAC 03-2.00:** Ordinance approving VAC 03-2.00 to vacate and abandon Harmon Avenue between Fairview Street and William Street and the alleys west of Harmon Avenue as depicted on attached map and legal description.
- 4465

Agenda Session

Add to Calendar.

*Feb 27th, 2003
Budget Working
Session - Roll forward
5:30 - Put on the
Calendar.*

**TENTATIVE AGENDA FOR
CITY COUNCIL MEETING
FEBRUARY 18, 2003**

A meeting of the Fayetteville City Council agenda session will be held on February 11, 2003 at 4:30 p.m. in Room 326 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

**NOMINATING COMMITTEE REPORT
AIRPORT 2002 ANNUAL REPORT
DRAINAGE STUDIES: PRESENTATION BY USINFRASTRUCTURE, INC.**

Add → Library Presentation
A. CONSENT

1. *ok* **APPROVAL OF THE MINUTES:** Approval of the minutes from the Special City Council meeting on January 27, 2003, City Council meeting February 4, 2003 and revision of the December 3, 2002 City Council meeting minutes.

2. **2002 BUDGET:** A resolution approving a budget adjustment which will allow for the roll-forward to the current budget of all projects or items in progress which were appropriated in the 2002 budget.

3. *ok* **PUBLIC ACCESS:** A resolution accepting a contract for public access television services from March 1, 2003 thru December 31, 2003.

ADM 03-3.00: A resolution to approve amendments to the Bill of Assurance submitted with Ordinance No. 4411, passed and approved by the City Council on September 3, 2002. *Persimmon Street.*

5. *ok* **STORM WATER PHASE II:** A resolution to authorizing the Mayor or his designee to submit the City of Fayetteville "Storm Water Phase II" permit application to the Arkansas Department of Environmental Quality (ADEQ). Such permit application shall be submitted no later than March 10, 2003. Compliance shall be phased over a time period of up to five years according to a schedule to be developed with ADEQ complying with all federal and state requirements.

6. **MANHOLE REHAB:** A resolution to approve a construction contract with T-G Excavating, Inc. for sanitary sewer manhole rehabilitation, Illinois Basin 1-5 and the Industrial Park, in the amount of \$933,333.00 and to approve a 5% contingency in the amount of \$46,667.00.

*pull off Consent
remove off agenda next ^{meeting} March 4th
Kit needs to review the Contract*

pull off agenda

*move to first
meeting in March.*

*pull from 4.
Con Sent to
New Business
5.*

*Environmental Concerns
will have a presentation
at this meeting.*

*Copy of Contract
was given
to Kit
Need to get
back from
him.*

pull off
Consent
~~3~~ 3
New business

7.

COMPOSTING SITE: A resolution authorizing staff to begin the purchasing process for a compost row turner and to solicit bids for a contractor to construct the compost pad

Price Schedule ~~on~~ to public

8.

DDEP A resolution to approve a contract with Downtown Dickson Enhancement Program for a six month period with a progress report due to City Council during the first meeting in June 2003.

(pull off agenda)

B. OLD BUSINESS

Friday
Council
Town
Cancelled

2our
Monday 17th
4:30

1.

WATER TANK SITE: A resolution approving the sale of 3.0 acres of the City's Gully Rd. Water Tank site (12.0 ac) as requested by Ozark Electric Cooperative for the appraised price of \$105,000.00 including access to and from Gulley Road, plus payment for specific City costs associated with the preparation of said property to be sold. The resolution was tabled at the December 17, 2002 City Council meeting.

New Map
Showing 3
acres
instead of 2
acres

2.

VA 03-1.00: An ordinance approving vacation request VA 03-1.00 as submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of S. School Avenue on 9th Street. The request is to vacate a section of the street right of way as shown and described on the attached map and legal description. The ordinance was left on first reading at the February 4, 2003 City Council meeting.

3.

ANX 03-01.00: An ordinance approving annexation request ANX 03-01.00 for property owned by George and Sara Lee Anderson and located at 3632 East Zion Road. The parcel is in the Planning Area and contains 57.00 acres. The request is to annex into the City. The ordinance was left on the first reading at the February 4, 2003 City Council meeting.

4.

RZN 03-4.00: An ordinance approving rezoning request RZN 03-4.00 as submitted by Michele Harrington of Harrington, Miller, Neihouse & Krug on property owned by George and Sara Lee Anderson and located at 3632 East Zion Road. The property is currently in the Planning Area with a request to be annexed into the City of Fayetteville pending and contains approximately 57.00 acres. The request is to rezone to R-1, Low Density Residential. The ordinance was left on the first reading at the February 4, 2003 City Council meeting.

Add 5- Township Builders Co #5

C. NEW BUSINESS

1. 2 OFFER & ACCEPTANCE: A resolution to approve the Offer and Acceptance Contract between the City of Fayetteville and the University of Arkansas for a price of \$370,000.00 *Add to the Sale price approx.*

*Move to
Consent*

2. PUBLIC LIBRARY: A resolution to approve naming the Fayetteville Public Library / *Blair Library.*

3. ~~ROLL-OFF BUSINESS EXPANSION~~ A resolution to approve the budget and authorize new commercial roll-off expansion. *New Heading*

*Composting
Site*

4 -
#5 -

VA 03-2.00: An ordinance approving vacation request VA 03-2.00 as submitted by Gary Coover of McClelland Consulting Engineers on behalf of James Ezell of the University of Arkansas for property located north of Fairview Street on Harmon Avenue and alleys west of Harmon Avenue, Fayetteville, Arkansas. The request is to vacate Harmon Avenue between Fairview Street and William Street and the alleys west of Harmon Avenue.

*Compactor & Dropbox
Business Expansion*

D. INFORMATIONAL

1. COUNCIL TOUR: ~~February 14, 2003 at 4:00 p.m. Senior Center and~~
~~February 14, 2003 at 4:00 p.m.~~

Feb. 17, 2003 4:30

~~#1~~ ADM-03-3:00 Bill of assurance

#1

*#3 New Business - Ask Gary Dumas
how he wants the heading.*

Staff 2/10/03

TENTATIVE AGENDA FOR CITY COUNCIL MEETING FEBRUARY 18, 2003

A meeting of the Fayetteville City Council agenda session will be held on February 11, 2003 at 4:30 p.m. in Room 326 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

NOMINATING COMMITTEE REPORT AIRPORT 2002 ANNUAL REPORT DRAINAGE STUDIES: PRESENTATION BY USINFRASTRUCTURE, INC.

A. CONSENT

1. **APPROVAL OF THE MINUTES:** Approval of the minutes from the Special City Council meeting on January 27, 2003, City Council meeting February 4, 2003 and revision of the December 3, 2002 City Council meeting minutes.
2. **2002 BUDGET:** A resolution approving a budget adjustment which will allow for the roll-forward to the current budget of all projects or items in progress which were appropriated in the 2002 budget.
3. **PUBLIC ACCESS:** A resolution accepting a contract for public access television services from March 1, 2003 thru December 31, 2003.
4. **ADM 03-3.00:** A resolution to approve amendments to the Bill of Assurance submitted with Ordinance No. 4411, passed and approved by the City Council on September 3, 2002. *Smaller lot size.*
5. **STORM WATER PHASE II:** A resolution to authorizing the Mayor or his designee to submit the City of Fayetteville "Storm Water Phase II" permit application to the Arkansas Department of Environmental Quality (ADEQ). Such permit application shall be submitted no later than March 10, 2003. Compliance shall be phased over a time period of up to five years according to a schedule to be developed with ADEQ complying with all federal and state requirements.
6. **MANHOLE REHAB:** A resolution to approve a construction contract with T-G Excavating, Inc. for sanitary sewer manhole rehabilitation, Illinois Basin 1-5 and the Industrial Park, in the amount of \$933,333.00 and to approve a 5% contingency in the amount of \$46,667.00.

Will be pulled off

7. **COMPOSTING SITE:** A resolution authorizing staff to begin the purchasing process for a compost row turner and to solicit bids for a contractor to construct the compost pad
8. **DDEP** A resolution to approve a contract with Downtown Dickson Enhancement Program for a six month period with a progress report due to City Council during the first meeting in June 2003.

B. OLD BUSINESS

*Town maybe
Friday
4:00*

1. **WATER TANK SITE:** A resolution approving the sale of 3.0 acres of the City's Gully Rd. Water Tank site (12.0 ac) as requested by Ozark Electric Cooperative for the appraised price of \$105,000.00 including access to and from Gulley Road, plus payment for specific City costs associated with the preparation of said property to be sold. The resolution was tabled at the December 17, 2002 City Council meeting.

*Friday
Town*

2. **VA 03-1.00:** An ordinance approving vacation request VA 03-1.00 as submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of S. School Avenue on 9th Street. The request is to vacate a section of the street right of way as shown and described on the attached map and legal description. The ordinance was left on first reading at the February 4, 2003 City Council meeting.

3. **ANX 03-01.00:** An ordinance approving annexation request ANX 03-01.00 for property owned by George and Sara Lee Anderson and located at 3632 East Zion Road. The parcel is in the Planning Area and contains 57.00 acres. The request is to annex into the City. The ordinance was left on the first reading at the February 4, 2003 City Council meeting.

4. **RZN 03-4.00:** An ordinance approving rezoning request RZN 03-4.00 as submitted by Michele Harrington of Harrington, Miller, Neihouse & Krug on property owned by George and Sara Lee Anderson and located at 3632 East Zion Road. The property is currently in the Planning Area with a request to be annexed into the City of Fayetteville pending and contains approximately 57.00 acres. The request is to rezone to R-1, Low Density Residential. The ordinance was left on the first reading at the February 4, 2003 City Council meeting.

*Add
to
old
business*

5- CO # 5 Township Builder

C. NEW BUSINESS

1. **OFFER & ACCEPTANCE:** A resolution to approve the Offer and Acceptance Contract between the City of Fayetteville and the University of Arkansas for a price of \$370,000.00
2. **PUBLIC LIBRARY:** A resolution to approve naming the Fayetteville Public Library
3. **ROLL-OFF BUSINESS EXPANSION:** A resolution to approve the budget and authorize new commercial roll-off expansion.
4. **VA 03-2.00:** An ordinance approving vacation request VA 03-2.00 as submitted by Gary Coover of McClelland Consulting Engineers on behalf of James Ezell of the University of Arkansas for property located north of Fairview Street on Harmon Avenue and alleys west of Harmon Avenue, Fayetteville, Arkansas. The request is to vacate Harmon Avenue between Fairview Street and William Street and the alleys west of Harmon Avenue.

D. INFORMATIONAL

1. **COUNCIL TOUR:** February 11, 2003 at 4:00 p.m. Senior Center and February 14, 2003 at 4:00 p.m.

*Cory Hurd
Cancelled
2/10/03*

*Check to
see if any
tour on
2-11-03
Mayer's office
will let us
know.*

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

<u>Jim Brooks</u>	<u>Ark Western Gas</u>
<u>Gene Liddell</u>	<u>Ark Western Gas</u>
<u>Johnny Bales</u>	<u>Ark Western Gas</u>
<u>John Taylor</u>	<u>Ark Western Gas</u>
<u>John McMiller</u>	<u>Ark. Western Gas</u>
<u>Pam Henderson</u>	<u>Arkansas Western Gas</u>
<u>Russell O'Quinn</u>	<u>ARKANSAS WESTERN GAS</u>
<u>J. Marion Ramey</u>	<u>ARKANSAS WESTERN GAS</u>
<u>Michael Bohannon</u>	<u>ARKANSAS WESTERN GAS</u>
<u>Danny Ellison</u>	<u>ARK. WESTERN GAS</u>
<u>Almy Surles</u>	<u>ARK. WESTERN GAS</u>
<u>David Elms</u>	<u>ARK. WEST. Gas</u>
<u>Richard J. Sanders</u>	<u>ARK. WESTERN GAS</u>
<u>Larry C. Drake</u>	<u>Ark. Western Gas Co.</u>
<u>Roger K. Wade</u>	<u>Ark Western Gas Co.</u>
<u>Gary Stang</u>	<u>ARK Western GAS CO.</u>
<u>Vern A. Wade</u>	<u>ARK Western Gas Co.</u>
<u>Mike Hays</u>	<u>ARK WESTERN GAS CO.</u>
<u>Ronny Underwood</u>	<u>ARK Western Gas Co.</u>
<u>Charles Boyer</u>	<u>ARKANSAS WESTERN GAS CO</u>

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

Bargo Eng Inc.	Eric D. Brubaker Vice Pres.
Mindertout	Bargo Eng.
Bargo Engineering Inc.	Daniel Ambler
Dan & Wilhel	Bargo Engineering
Jim Wuyang	BARGO ENGINEERING
Damon Campbell	Bargo Engis.
Steve Cox	Bargo Eng.
Glenn Rame	BARGO Eng.
Mark N King	mark N King BARGO
Max Greenwood	Bargo
Brian O. Brank	Bargo
Joseph S. Ruffel	Bargo
Tommy Ward	BARGO ENG. FAR
Lindell Carter	Bargo Fay.
Darren L Holloway	Bargo Eng
Jim Maholm	Bargo Eng
Larry K. Hill	BARGO Eng
Jim Adkins	BARGO Eng
Paul H. Miller	BARGO Eng
Chas. L. Goff	BARGO BUS. INC.
Jeanette West	Bargo Eng. Inc.
Danue Noel	Bargo Eng. Inc.

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

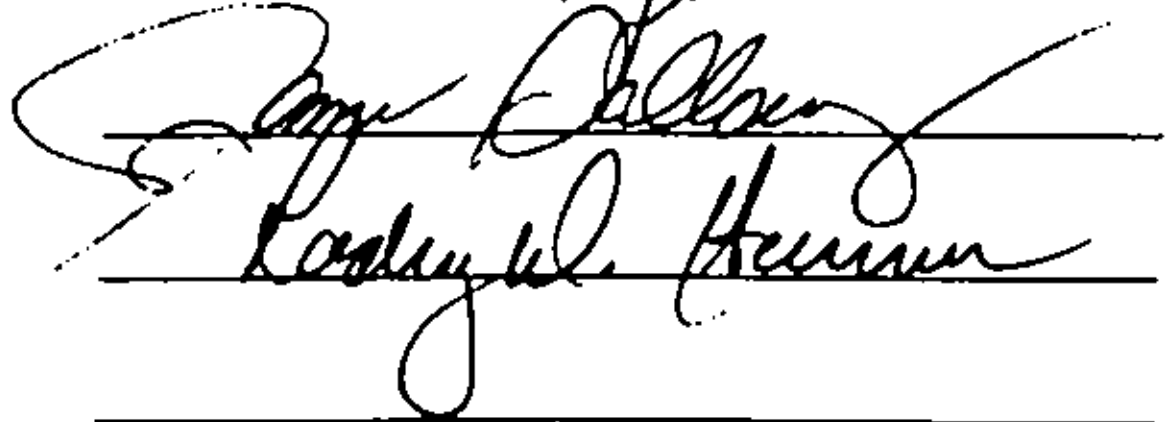
BUSINESS



Steve Nagel

Steve Nagel

Steve Nagel



Rodney L. Henson

Hanna's Candle Co.

Shaver Food, LLC

Shaver Foods, LLC

Hanna's Candles

AMERICAN AIR FILTER

MARVIN'S IGA Store

Ogden's Wholesale

<http://www.stopfayetteville.com>

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

BUSINESS:

NAME/

NAME: Alan P. Ferguson

BUSINESS

BUSINESS
Atlas Construction of AR LLC

[illegible]

<http://www.stopfayetteville.com>

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR

BUSINESS:

NAME

BUSINESS

Miaetta Payne

Matthew Payne

Ramon Nava

<http://www.stopfayetteville.com>

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING “OPEN COMPETITION” FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME: _____

NAME: Jason Hales

BUSINESS

Everett Law Firm

<http://www.stopfayetteville.com>

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

1. Superior Industries Int'l
1901 Borick Dr. Fay

Automotive.

<http://www.stopfayetteville.com>

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:

BUSINESS

NAME: Premium Brands Carl Chappell

Beer Distributor

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

[Signature]

Superior Cdn

Andy Plemons

Superior Cadillac

[Signature]

SUPERIOR CADILLAC

[Signature]

Superior Cadillac

[Signature]

Superior Cadillac

Yakini H. Kellers

Affections Gifts + Orsted S.

manger

[Signature]

[Signature]

Kusna Willis

Solar Planet

Bachel Weaver

Solar Planet

ERNIE ROTHACK ERNIE ROTHACK

UNITED Medical

[Signature]

United Medical

[Signature]

265 Liquor

Christie Ledford

voter

[Signature]

B. Scott

Donna Jordan

Brad Smith's Steak Farm

Jennifer Wiles

Mandy Martin

[Signature]

[Signature]

[Signature]

Renaissance Tans

Carrie Young

[Signature]

Randy Nathan

Eventos

<http://www.stopfayetteville.com>

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS

NAME:

BUSINESS

[Handwritten signatures]
Stanley
D. [unclear]
[unclear]
[unclear]

[Handwritten business names]
Applebees Grill + Bar
PIER 1 IMPORTS
OFFICE MAX
Petco
Monarch Rental

<http://www.stopfayetteville.com>

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:

BUSINESS

<u>Ken Benhar</u>	<u>Ken Benhar Voter</u>
<u>Wally Jones</u>	
<u>James Howard</u>	
<u>Pita Walden</u>	
<u>Dylia Arnold</u>	
<u>Francis Atkinson</u>	
<u>Claudia Rutherford</u>	
<u>Kathy Allen</u>	
<u>Dorothy J. Sager</u>	
<u>John J. Sager</u>	
<u>Robert Daniel</u>	
<u>Harold Brock</u>	<u>ACB Thrift Store</u>
<u>Russ Harrison</u>	
<u>Kathy Woods</u>	<u>Attractor Salon</u>
<u>Sam Rogers</u>	<u>American Tire & Auto Center</u>
<u>Nikki Huph</u>	<u>Fancy Nails</u>
<u>Donny</u>	<u>Sherwin Williams Co.</u>
<u>Op Bruescher</u>	<u>Sherwin Williams Co.</u>
<u>James H. Hurd</u>	<u>Monarch Rental</u>
<u>Ken Hanez</u>	

<http://www.stopfayetteville.com>

PETITION FOR AMERICAN COMPETITION

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FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

Sam Moore

J. Miller

Annie Potter

Bundy Hill

Heather Beckme

Jerri Welsh

Bob P. Ld

Koryson

John Hopping

Phyllis Hopping

John Miller

Jim Hall

Michael Jones

Reuben Delight

Premiere Tans

<http://www.stopfayetteville.com>

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:

BUSINESS

<u>Mike Hancock</u>	<u>Blackbuster</u>
<u>Brook Franklin</u>	
<u>Paul D. Williams</u>	<u>Richard's Country Meat Market</u>
<u>Allen P. Atch</u>	
<u>Tom</u>	
<u>Joan Van</u>	
<u>Rodg Thomas</u>	<u>EW, INC.</u>
<u>W. A.</u>	<u>Hobby Lobby</u>
<u>Bruce S. S.</u>	<u>OFFICE DEPOT</u>
<u>Diana D. D.</u>	<u>Office Depot</u>
<u>J. D. D.</u>	<u>OFFICE DEPOT</u>
<u>Chambers</u>	<u>OFFICE DEPOT</u>
<u>Chris</u>	<u>Atlanta Bread Co.</u>
<u>Mike L. Clayton</u>	<u>Fayetteville Tire</u>
<u>Kent Adams</u>	<u>Liquor World</u>
<u>Randall Edwards</u>	<u>Fay Martial Arts</u>
<u>Kira Carter</u>	<u>H. Leonard Financial Services</u>
<u>Sue Schumacher</u>	<u>Copper Pig</u>
<u>Kosy M. M.</u>	
<u>Kathy Ingle</u>	

<http://www.stopfayetteville.com>

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

[Signature]
[Signature]
[Signature]
[Signature]

VALUATION TECHNOLOGIES, INC.
RAINWATER'S CLOTHING, INC.
RAINWATER'S CLOTHING

Rita Lises
R Scott
Sandra Pritchard
L. E. Gulya
Lathum L Woods
Tammi West
Uland

Silk's Abloom
Silk's Abloom
The Parlor
The Parlor
The Parlor
The Parlor

Tom Stuep

Home Depot

Daddy Dyer
Hasebet
Ella H

DOB ROERS

EMPLOYER ORRICK VACUUMS

Nightingale

Dollar Tree

Angie

Shoe Carnival

Sally Warner

<http://www.stopfayetteville.com>

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME: _____

BUSINESS

NAME: Shandra Randall

Kahlhies, Bernhard

Michael J. Flynn

John High

Sophomorphus

Alan Cole

964/80

Kristina Hamilton

De Regio

Sam Jones

M. Wal-
1000

[Handwritten signature]

[Handwritten signature]

Page 12 is

John King

Collins Song -

Collier Drug

Metabolic Research Center

Walker Bros.

Walker Bros.

AT & T Wireless

James C. Hill

MOUPLES It's a Kitten

Gold's Gym

[illegible]

Circumstance	Percentage (%)
If someone is attacking you	95
If someone is threatening you	85
If someone is harassing you	75
If someone is insulting you	65
If someone is annoying you	55

Circumstance	Percentage (%)
If someone is attacking you	95
If someone is threatening you	90
If someone is harassing you	85
If someone is insulting you	75
If someone is annoying you	65

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

Jennifer Moreland
Mandy Tottenby
Eric Huber
Jannette Bz
Traci Wyatt
Kelley McElroy
Benton Coppage
Ann Penell
M. Heera
Susan Faust
Cindy Stepanek
Yoni Rota
B. R.
Basil Booth
Ann Darrow
Heidi Nettleship
Dorian Dyer
Mark M. Dwyer

Family Dental
Nikon Law Firm
Vulcan Crestive Labs
Vulcan Crestive Labs
Eye Fashion
The Eye Center
Where? For Women
N U - U
Astoria Playgrounds & Supply, LLC
Nita's Place
Flying Fish
Breakers
Salon Bliss
Donovan Law Firm
Naomi Rose Salon
Naomi Rose Salon
Naomi Rose Salon

PETITION FOR AMERICAN COMPETITION

Exclusive
Rights

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

<u>Jeff</u>	<u>ALLSTATE INS.</u>
<u>M. Ann</u>	<u>EDWARDS JONES</u>
<u>Shonda Stathrock</u>	<u>Closest Cruise</u>
<u>Deane</u>	<u>Pick's Bakery</u>
<u>Jeanne Rupert</u>	<u>resident</u>
<u>John C. Allen</u>	<u>Resident</u>
<u>Lloyd Bell</u>	<u>Zip Print Inc.</u>
<u>Chris Tenney</u>	<u>Resident</u>
<u>John</u>	<u>FAST TRAX</u>
<u>Don M. Callaghan</u>	<u>OAK PLAZA Barber shop</u>
<u>Tracy Thompson</u>	<u>Oak Plaza Barber shop</u>
<u>John</u>	<u>Resident</u>
<u>Resident</u>	<u>Resident</u>
<u>M. TROYER</u>	<u>resident</u>
<u>Anna-Jane Boyd</u>	<u>resident</u>
<u>H. H. Smith</u>	<u>Movie Gallery</u>
<u>Kim Richards</u>	<u>N. G. Conoco</u>
<u>John Dugree</u>	<u>resident</u>
<u>Drew Chelton</u>	<u>"</u>

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:

BUSINESS

James Ramsey

Spirit Shop

KEWEE

Hoves of Dall

ALLEN MCDONALD

302 W. 141, 309 W. LOOSE 72701

Don M. Long Mama Mia's

2195 N. College 72703

John Harkin

Metro, Inc.

[Signature]

Metro, Inc.

[Signature]

CITIZEN

Jessica A. Stord

Resident

David L. [Signature]

citizen

David [Signature]

citizen

Sybil [Signature]

corporate citizen

Brandy Smith

manager Burger King

Lindsay Blackburn

Resident

DAVE KELSEY

ECONOMY LIQUOR

Jimmy Hull

Resident

[Signature]

OC AUTO SALES

[Signature]

Joe's Tavern Inc

[Signature]

CE's Hair Club

[Signature]

Resident

[Signature]

Horace King

Exclusive
Right

<http://www.stopfayetteville.com>

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:

BUSINESS

Steve Wilson	Campus Bookstore
Inis Brown	Hobby/Craft
Brittney Bacon	Resident - The Event Group
Bethany Runyan	Resident - The Event Group
Amel	Resident - Christopher Todd Forest
Chad Allen	Resident - College Days
Dawn Clark	Boardwalk Cafe
Tracy Mills	Chick Mtn. Smokehouse
Lindsey Lirley	
Juanice Bartholomew	Jenny's Restaurant
Samuel F. White	Resident
Due Disenore	Resident
Janet Adams	Resident
Lacy Hammond	Resident
Lonnie Hammond	Resident
Kim Taliaferro	Resident - Liaco Title
Melanie Chapman	Brittany's
Christy Hise Christ	
John O'Brien	Cave House Concepts
Mark P. May	Cave House Concepts

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:

BUSINESS

April Marks

RESIDENT - Mason's

Nathan Browne

RESIDENT - Arkansas NBC

Mitch Nichols

Resident

Joe [Signature]

Hugo's Restaurant

John [Signature]

OTARK CLEANERS

[Signature]

Tony [Signature]

Shane Kern

Cellular + Toner Warehouse

Eric A. Worley

Resident

Jesse [Signature]

Resident

Elizabeth Matthews

Business Fay Glass Co.

Shawn Handman

AI Higgins Agency

Paul [Signature]

Skills Unlimited

Kelly Mason

Resident

Vancos Desrosiers

Resident

[Signature]

PANLUMADSON CO

[Signature]

Resident

[Signature]

Resident

[Signature]

Resident

Ben Hinder

House of Dolls

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:

BUSINESS

Vicki Slaughton

NW Ark Path.

Cynthia Kelly

Kelly Barnard

Carol J. Litch

Brian L. Litch

Robert L. Litch

Village Inn

Robert L. Litch

Nibbles

Robert L. Litch

Robert L. Litch

Christie Taylor

Fayetteville Martial Arts

Briana Valley

Panama Bread

Deloris Bause

Melinda Cray

St. James Temple

Lela Randall

Wynne Morcote

Katy Collins

Sherry Deane

Fayetteville

Russ Norby

Amber Chapman

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

David Miley

A. Skatz

Jeff King

Gay Hester

Clay Wyatt

Mr. Proctor

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

FRANK ADAMS

Heather's Plumbing

DAVID BEVARD

MID CONTINENT

Al Burke

MID CONTINENT

Bob Pohl

MID CONTINENT

Phillip Brown

KINCO CONSTRUCTORS

Paul Garner

citizen

<http://www.stopfayetteville.com>

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

David King
Wm R. King

Mr. Burger
Loan Joe's
Lucky Luke's BBQ

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:

BUSINESS

Dina Augustine

A & B Reprographics

Stephen Walker

Ken Wulenman

Mid South Awards

Chazzy Madsen

Betty's Blossoms

Michael Hensler

Jackie Willard

Showcase Florist

Betty Morris

Avalon Nutrition

Richard Allen

Nels Hallmark

Jim Turner

Royal Dry Cleaners

Andrea Stoddall

Victoria Madewell

Mr. D's Salon

Leresa Booher

Planet Cash

Eric Miller

Mail Boxes Etc.

Mark Perry

NPC International

Robert

Pizza Hut

Johnny

Pizza Hut

Steve

Shades a Salon

Steve Perovich

Arkansas Audio & Video

Ann Adair

Rock Bottom Books

Paul Adair

Casa Taco

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

Jay Odb	Meeks Lumber
Jawana May	Meeks Lumber
Don Comale	" "
Byron Rogers	Meeks Lumber
John D. Brantley	Meeks Lumber
Larry Phillips	Ozark Cleaners
Ungorja Babalinde	Automated Research and Marketing
Kelechi Lwile	Head of Mind Playtime
Nick G. Jr.	Gyles Surgical
Juan Arreaga	Arreaga's
Charles Court	Cassat Auto Upholstery
Larry Dunn	Northwest Paint
Chuck Court	CASSETT AUTO UPHOLSTERY
Kevin Reed	Wal-Mart Inc.
Mark Dattak	Mark Jordan
Myraat Williams	Myraat Williams
Charlotte Ross	Chop Shop
Douglas Ruan	Fang Tran
Melissa Frost	Mr. Lead's Salon

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

Dr. Betty Lehin
Dr. Jim Young D.C.
Betty Clark
L. L. L. L.
Paul Barbr
Dawn Williams
Kara Lasser
Cory Miller
Rick Babcock
Ali Mary
Kim Kiser
Danna Staweb
Zebi Lambert
Victoria Butler
K. L. L.
Lara Richardson
L. L. L.
L. L. L.

Party Horse
Agape Chiropractic
Off the Press Printers
American Kites Stamp
Loomis Fargo & Co
Nail Attraction
The Common Grounds
Tim Hard
Tois Studio
Tois Studio
Massage Health & Wellness Clinic
Massage Health & Wellness
Montessori School
Famy Dental Center
SONICS' OWNER
Stockland & Trantham, P.A.
A + D Sales
A + D Sales

PETITION FOR AMERICAN COMPETITION

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FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

Tim Hard
Kristin Hallbrook
Wayne Martin
Shirley Jones
Billy Wilton
Becky Lane
Kay Jones
Bo Bond
J. J.
Jesse Morrow
Elaine Blowers
Simon Clear
Bandy Jefferson
Erika Bousaw
Diana Banning
Laye Alder
Ruth Isaac
Elizabeth Smith
James Brown
P. Langford

BUSINESS

Tim Hard Hardware Menory
A&D Sales
Ozark Consulting: MKtg.
A&D Sales
Ocm
Spectrum
Park N Mail
O'Dell & Associates
Daniel's
Kirsty's Place
Kirsty's Place
Kirsty's Place
Kirsty's Place
Atlas Travel
ATLAS TRAVEL
Scrapbook Maria
James Anderson Engr
Puttin' on The Fitz

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:

BUSINESS

Martha Cavanaugh	Kindergarten teacher Fay. Christ.
Luan Jernian	Kindergarten teacher Fay. Christ.
Veronica Jones	Rafeteria worker
Phil Mussler	Subs teacher for 1 st grade Fay. Christ.
Deborah K. Hawkins	K-4 teacher at FCS
Faye Regina Francis	1 st Grade FCS
Stephanie Albertson	Asst. principal Fay. Chr. School
Cindy Anglin	teacher Fay. Christian
Cecilia R. Haden	teacher Fay. Christian
Debbie Nesbitt	teacher, Fay. Christian
Clayton Cable	teacher, Fay. Christian School
Catherine Ordum	Airtech Heating & Air Conditioning
Cindy Mills	FCS
Shirley Thurman	FCS
Lonna Griffith	FCS
Pam Sygall	FCS staff
Misty Turner	FCS 5 th grade
Lynnda Milstead	Pressure Washing of NWA

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR

BUSINESS:

NAME:

Carla J. J.
14 Stockwell
MICHAEL HAYES
Peter Rankin
John Smith
John B. Brecht
Gay Davis
Stephanie McLean
Angela McInnes
MORRIS R. GALT
h. h.
Vickie Rabeneck
Tami Trujillo
Julia Hill
Brian
R. Sherry
Bobby Dickson
Phil Jones
Carl Pant
Erica Betancourt

BUSINESS

Physics Library WofA
JOHN-KHILL
DICKSON ST. BOOK EXCHANGE
DICKSON ST. BOOK EXCHANGE
H
DICKSON ST. BOOK. EXCHANGE
Best Sports Inc.
Editype Business Services
Jimmy Johns
JIMMY JOHNS
M. V. Tax
VBR Enterprises
Common Grounds
JOSE'S II
ASA
Fayetteville District UMC

PETITION FOR AMERICAN COMPETITION

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FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME

BUSINESS

Pam Daniel

Walmart

Charity Anne

HELPER F.C.S.

John Wood

FCS teacher

Alicia Deavers

FCS Teacher

Grita Buchard

FCS Librarian

Shana Bay

Image Day Spa

Tammi R. Lea

home-maker

M

School Admn.

Ronda Turner

Catherine's

Angela Reyes

FCS

Mark P. Poff

Kawasaki of Fayetteville

Manfredus Jones

Phillip's Service & Repair

William R. Jones

Pastor MASON BIRD BROTST

Tommy Murphy

Accurate Electronic Clinic Service

Sarah Waldenbach

FCS

Mr/Mrs

Massley

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION IN FAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:

BUSINESS

<u>M. J. K.</u>	<u>Arvest</u>
<u>Marsha Patton</u>	<u>Arvest Bank - Fayetteville</u>
<u>Julia</u>	<u>Arvest Bank - Fayetteville</u>
<u>Anthony Fitzgough</u>	<u>Arvest Bank - Fayetteville</u>
<u>Jennifer Marshall</u>	<u>Pace Industries - Fayetteville</u>
<u>Sarena Cook</u>	<u>Pace Industries - Fayetteville</u>
<u>Janet Napier</u>	<u>Odum + Elliott Law Firm</u>
<u>Christie Crenshaw</u>	<u>West Mountain Brewery</u>
<u>Carol Kapitz</u>	<u>Parmalat</u>
<u>Christie Kirk</u>	<u>Bath Junkies</u>
<u>Brandon Kern</u>	<u>Tommy's Sava</u>
<u>Rachel Weller</u>	<u>Cromwell Architects</u>
<u>Reney Hunt</u>	<u>French Quarters Antiques, Ltd</u>
<u>L. O. L. Luff</u>	<u>SOUND WAREHOUSE</u>
<u>Mae B. R. Usteri</u>	<u>Old Town Deli</u>
<u>Kate Rogers</u>	<u>_____</u>
<u>M. J. Ambler</u>	<u>Swifts</u>
<u>JS</u>	<u>_____</u>
<u>Ron Childen</u>	<u>The Headwaiter</u>
<u>Ellen Blafack</u>	<u>Crack Cleaners</u>

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

[Signature]

Esther Easter

Barbara Tipton

Baldwin

Gerson L Rios

Herbi Sosa

Justin Smith

Ryan Cooby

Merely Njoqu

Terrold Dell'osso

Johi Sanchez

Amanda Cooper

Shirley Jones

[Signature]

[Signature]

[Signature]

[Signature]

Boya Nezhadpour

Mark Duch

[Signature]

Jayme Horvath

Kristina Kirk

Arby's BUSINESS

Arby's

Arby's

Taco Bell

SBARCO

SBARCO

Nanco

Lobos Express

Cajun grill

Frullati

frullati

Aqua Massage

Aqua Massage

Journey's

Journey's

JOURNEY'S

JOURNEY'S

[Signature]

[Signature]

Champo Sports

after thoughts

[Signature]

Petition for American Competition

The following business owners and Retailers in the city of Fayetteville have signed this petition in favor of utilizing open competition for waste or recycling options at their business:

<u>NAME</u>	<u>BUSINESS</u>	<u>NAME</u>	<u>BUSINESS</u>
• Tonyahide	Wet Seal	• Emily Parker	KFL
• Courtney (ma)		• Abbe Price	Pro Image
• Brad Heibel	OVERLAND TRADING CO.	• Killis Moore	
• Krysty Pantup	overland trading co.	• Ron Plummer with	Goodback
• Ram & Faddis	Gordon's	• JESSICA SWANER	KB Toss.
• Zachary Venable	Kay Jewels	• Caly Lee	
• Jonathan Stoker	Kay Jewelers	• Lee Yandell	
• [Signature]	Sunglass Hut	• Jessica Johnson	
• [Signature]	CLORIA JEAN'S	• China Joel	
• [Signature]		• Chris Palmer	Bushwhackers
• [Signature]		• Wray Holt	" "
• Alli Dobbs	Things Remembered	• Dana Gantifer	
• Nathan Center		• Michael Kame	
• C. Ashley Pratt		• Rachel Cook	
• Kendra Kifer		• Juan Bidefo	Spencer &
• Kelly Adams		• [Signature]	
• Sherri Hawkins		• Claudia Orr	Loisrup Zone
• [Signature]		• Mpluze	Quiznos
• [Signature]		• Tana Biny	Quiznos
• [Signature]		• Charles Richter	Quiznos
• [Signature]		• J. Z. Pitt	Cingular
• Ruann Baum	Gymboree		
• [Signature]	Univ. of Arkansas		

PETITION FOR AMERICAN COMPETITION

The following business owners + retailers in the city of Fayetteville have signed this petition in favor of utilizing open competition for waste or recycling options at their business.

<u>NAME</u>	<u>BUSINESS</u>	<u>NAME</u>	<u>BUSINESS</u>
• Michelle Edwards	Hollywood Hair Designs		
• Matthan Black			
• Gracey Chappell			
• Timmy Inuoy	Pictures & All		
• Ashleigh Wall	Dippin' Dots		
• Ann. Grace	August Mar Woman		
• [Signature]			
• [Signature]			
• [Signature]	GNC		
• [Signature]	Regis		
• [Signature]	The Nut Hut		
• [Signature]	Friction		
• [Signature]	PROFESSIONALIZ		
• Candace Myers	Salon Icon		

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:

BUSINESS

Terri McDowell	FCS
Jamie Shin	Four Seasons
Jeff Magill	JJ Mobile Tire
John [unclear]	ASAP Services Inc.
Jack [unclear]	Cromwell Village
Maria Louissou	Century 21 Metro Realtors Inc.
Lucile Coleman	
Jessie McLane	
James J. J. [unclear]	The Education Station, Inc.
Alma Phillips	
William Zimmerman	Dark Cleaners
Damon Brown	Resource Sales & Marketing
April Galadino	Healing Arts Medical Center
Edward [unclear]	
[unclear]	
Cherilyn Drevos	Mercantile
Charles Simmons	
Ruth Chantaria	FYE

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION IN FAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS
NAME

Robert White

High
Carla Hatfield

Ray Ray
Barbara Brown

K. King

2. Bynolds

Doris Hudson

Meredith McClure

Lois Alterne

L. Drame

Priscilla Brown

Steph

Steph

Steph

Taxon

Steph

Steph

Steph

Steph

Steph

Steph

BUSINESS

Dental Spa

MGA

BODY REFLECTIONS TANS

Citizen

Wal-Mart #745

Four Seasons Cleaners

Pizza Hut

" "

Binswanger

Citizens

Fresh Cafe

Shanghai Chinese Rest.

Complete Auto

Wendy's #40

Wendy's #40

Liquor Mart

Liquor Mart & Wine Shop

RAC, etc

Wal-Mart #27,
Neighborhood M
2690 East Citizer
Fayetteville, AR 7

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION IN FAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

[Signature]

Video Mundo

Rich Foster

R&S Phone Cards

Sandy Frayre

R&S Phone Cards

[Signature]

SLIM CHICKENS

[Signature]

SLIM CHICKENS

Claude Longham

Franco Longham Realty

Stephanie Hedrick

Shelter Insurance

Dan Meltzer

Dependable Manta

Larry White

Black Dragon Tattoo

[Signature]

STEREO ONE

[Signature]

STEREO ONE

AE Biddler

STEREO ONE

Larry Anderson

PETS PLUS

Richard Peto

Petes Place

Starla Bycock

Clark Jones

Larry [Signature]

American Window Treatments

[Signature]

Citizen

Sue Dufrene

more Friendly L'g

G. Blumhagen

[Signature]

John Shader

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:
NAME:

[Signature]
Barry Wilcox
Joanne Miller
Michael King
Rebecca Freeman
Kevin Thompson
Melinda Brumby
Ed B.
Sergio Freeman
Tom L. L.
Sharon Claypool
Jeff Phillips
Tom Lancaster
Charlotte Carmichael
Heather Bradley
Jennifer Steiner
Marine Gully
Tom Ramsey
Nichelle Jones
[Signature]

BUSINESS
NWA Psychic Center
Larry's Video
Thai Diner
Thai Diner
Papa John's
Papa John's
Osborne & Baker
Twin Arch Motel
Pent Masters
Baby Bouclan's Coffee Shop
Medical Transcriptionist
School Fayetteville Christian
School Fayetteville Christian
Fayetteville Christian School
Fayetteville Christian School

PETITION FOR AMERICAN COMPETITION

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FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

Paul Wilstead

1st Apostolic Church

Judy Melsland

Harmel Ford

Aminda Cole

Holly Edington

Jason M. Peeler

Nathan Jenkins

Camela Stephany

Scott Harmon

Rhino Conoco

Ralph Harmon

Rhino Conoco

Melissa Carpenter

W. W. Culler

FIRST ALC FIN

D. K. Walth

Walters Insurance Services

John W. Mun

Computer Solutions

R. E. - 70

Centra Industries

Elizabeth Howe

Centra Industries

Rachel Smith

Centra Industries

Christie Still

Centra Industries

R. E. - 70

Johnson Harmon Russell

7/27/04

CARING CASKETS

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

James Hill

Q. Hill

Robert Garcia

Andrea Martinez

Paul E.

J. M. Garty

Robert M. Broom

Robert M. Broom

Donna Wilson

Judy Williams

Michael

Tom Dennis

Al Shepherd

Robert Broom

Paul Bradley

Randy Carver

Sammy

Charles Broom

Senia Collins

Mike Tom

Elenita's

Elenita's

Elenita's

ELENITAS

A + Mini Storage

Beechwood Storage

Beechwood Storage

Maintain Mechanical

" "

" "

" Big Al's Paw

NWA Data Management

NWA Data Management

Big Al's PAW

NWADM

Tire Tracks

Casper

Mike

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:

World of CARS

E.G. Muttler

Steve Tennison

Lauri J. Kelley

Jean Lake

Don

John

Jason

pin

Ray

Kelly Schell

Micha Stricklin

Charles

Kidada

snireder zakate

Porfirio Rodríguez

Armando Ramirez

Jose R. Flores

Jesus Romo

David

Rodrigue

Pro. Brian

BUSINESS

SHAWN FAKHIMI (owner)

Sam Benegar

Rest. mgr.

Sales

SALES

MANAGER JAMES

Mexico Viejo

" "

" "

" "

" "

" "

" "

" "

Citizen

PETITION FOR AMERICAN COMPETITION

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"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

Juan Romo Rodriguez	Mexico Viejo
Linda Paul	CASA AMERICANA INC.
Dan Watson	Triangle Binders Supply
Dana Miller	Fayetteville Beauty College
Carol Gargrave	Fayetteville Beauty College
Bob Brummett	Orwell Garden
Kim Widdler	Best Buy here Pay here
Deidre Townsend	Best Buy Here Pay Here
Sandra Coggin	USA Drug Express 2111 W. 6th
Joe Whitehead	USA Drug Express 2111 W. 6th
Phil Coker	
DC Leek	SURPLUS CITY
Lina Cannon	College Shop
Misti Bachman	Payday money store
Irish Timmers	Payday Money Store
J. Hawkins	Payday money store
Corey Baker	College Shoe Shop
Kevin Johnson	Pay Day Money Store
Bethie Dell	Custom Powder Coating
R. G. Woodward	Wholesale Wallpaper
	"The" Parts Store
	Interiors

NAME _____

BUSINESS

NAME: Shirley Eaton
T. Seale
Randall Woodward
James B. A.
Ch. O. A.
Teresa Remington
Rene Holt

BUSINESS

Halberts Vet. Supply

West Tele.

Parity Pressure

Showroom Detail

Terry's Towing

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:

BUSINESS

Walt Ayff

TOTAL

[Signature]

Redline Motorsports

Erin W. [Signature]

DAON LAW OFFICE

Rachel Sanders

Resident

McKendrick

Student

Jana May

John May Law Office

Shirley White

Citizen

Saleh Faur

Citizen

Matthew

Hoffbraun Steaks

[Signature]

SEOUL ORIENTAL FOODS

Cathleen [Signature]

Citizen

Tommy [Signature]

Citizen

Ralph [Signature]

Citizen

John Rogers

Citizen (resident)

Glen [Signature]

Citizen

Highway 62 Auto Salvage

Highway 62 Auto Salvage

Way Emerson !!!

Dave's Body Shop

Long Jones

Citizen

Wade [Signature]

Citizen

[Signature]

Citizen

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:	BUSINESS
<i>Robert S. Hall</i>	CITIZEN
<i>Beryl S. Hall</i>	"
<i>James H. Stewart</i>	CITIZEN
<i>Charles H. Stewart</i>	"
<i>Thomas R. Shaw</i>	CITIZEN
<i>Barry Burns</i>	CITIZEN
<i>Ken, Rose</i>	CITIZEN
<i>Lauched Price</i>	Mgr. Ozark Waffle
<i>Helen Boyd</i>	Rep.
<i>Al P. R. R.</i>	GM Best Western
<i>Juanita</i>	Westlake Hardware
<i>Allen B. Wood</i>	CITIZEN
<i>Andrew Auger</i>	Citizen
<i>Tom E. Offutt</i>	CITIZEN.
<i>W. R.</i>	Citizen
<i>Beth Cammichael</i>	Citizen
<i>Lover H. H. H.</i>	Citizen
<i>Betty R. R.</i>	Citizen
<i>Michael Bauer</i>	Citizen / GM Burger King
<i>Robert R. R.</i>	Citizen

PETITION FOR AMERICAN COMPETITION

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NAME:

BUSINESS

<u>Jose A Espinoza</u>	<u>Citizen</u>
<u>Paulina K Doyle</u>	<u>Neptun Pool Spa</u>
<u>Masoud Boudjem</u>	<u>USA CARS</u>
<u>Mercedes Robinson</u>	<u>Citizen</u>
<u>Christine Johnson</u>	<u>Spark Mountain Air, Inc.</u>
<u>Humberto Velasco</u>	<u>H&F Auto Repair Sales</u>
<u>Sharon Riggs</u>	<u>Resident</u>
<u>Steve</u>	<u>Resident</u>
<u>Prof Lopez</u>	<u>Medina Pharmacy</u>
<u>Dr. G</u>	<u>OSBORN Motor Co</u>
<u>Jessica Chismann</u>	<u>Citizen</u>
<u>James R. Kersch</u>	<u>CITIZEN</u>
<u>Bobby Van Lunt</u>	
<u>Adam Turner</u>	<u>Citizen</u>
<u>Billie Watson</u>	<u>Citizen</u>
<u>Julie Baker</u>	<u>Salon and Day Spa</u>
<u>Amanda Baughn</u>	<u>Citizen</u>
<u>John Wright</u>	<u>The Salon & Day Spa</u>
<u>Greg</u>	<u>Resident</u>
<u>Linda Hamilton</u>	<u>Citizen</u>

<http://www.stopfayetteville.com>

PETITION FOR AMERICAN COMPETITION

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NAME: _____

BUSINESS

NAME: Lex Lowery

Resident BUSINESS

Emma Smith

Citizen

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

[Signature]

Superior Center

Andy Plummer

Superior Cadillac

[Signature]

SUPERIOR CADILLAC

[Signature]

Superior Cadillac

[Signature]

Superior Cadillac

*Yakini H. Kellern
manager*

Affections Gifts + Baskets

Kesha Collins

Solar Planet

Rachel Weaver

Solar Planet

ERNIE ROTHrock Ernie Rothrock

UNITED Medical

[Signature]

United Medical

[Signature]

245 Liquor

Christie Ledford

voter

[Signature]

B. Scott

Donna Jordan

Paul Smith's Steak Farm

Jennifer Wiles

Mandy Martin

[Signature]

Mr. [Signature]

Carrie Young

Renaissance Tans

Randy [Signature]

Eventos

<http://www.stopfayetteville.com>

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:

BUSINESS

[Handwritten signatures]

Applebees Grill + Bar

PIER 1 IMPORTS

OFFICE MAX
Petco

Monarch Rental

<http://www.stopfayetteville.com>

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:

BUSINESS

Ken Barker	Ken Barker Voter
Wally Jones	
James Hester	
Rita Walden	
Delia Arnold	
Francis Atkinson	
Claudia Rutherford	
Kathy Allen	
Dorothy J. Sizer	
John J. Sizer	
Robert Daniel	
Harold Brock	ACB Thrift Store
Russ Harrison	
Kathy Woods	Attractor Salon
Sam Rogers	American Tire & Auto Center
Nikki Humph	Fancy Nails
Donna	Sherwin Williams Co.
Op Brecher	Sherwin Williams Co.
Jaime Ford	Monarch Rental
Ken Hanez	

<http://www.stopfayetteville.com>

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

Sam Moore
J. M. H.
Annie Potter
Bundy Hill
Heather Boehme
Jerri Welsh
Bob R. L.
Raymond
John Hopping
Phyllis Hopping
John M. H.
Jim H.

Michael Jones

Reuben Delight

Premiere Tans

<http://www.stopfayetteville.com>

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:

BUSINESS

<u>Mike Hancock</u>	<u>Blockbuster</u>
<u>Brook Franklin</u>	
<u>Paul D. Williams</u>	<u>Richard's County Meat Market</u>
<u>Allen P. Atch</u>	
<u>Tom</u>	
<u>Joan Van</u>	
<u>Rod Thomas</u>	<u>EW, INC.</u>
<u>[Signature]</u>	<u>Hobbs Hobbs</u>
<u>Bruce S. [Signature]</u>	<u>OFFICE DEPOT</u>
<u>Diana Doris</u>	<u>Office Depot</u>
<u>J.D. [Signature]</u>	<u>OFFICE DEPOT</u>
<u>Charles [Signature]</u>	<u>OFFICE DEPOT</u>
<u>Chris [Signature]</u>	<u>Atlanta Bread Co.</u>
<u>Mike L. Clayton</u>	<u>Fayetteville Tire</u>
<u>Kent [Signature]</u>	<u>Liquor World</u>
<u>Randall Edwards</u>	<u>Fay Martial Arts</u>
<u>Kira Carter</u>	<u>H. Conrad Financial Services</u>
<u>Sue Schumacher</u>	<u>Copper Pig</u>
<u>Rossy [Signature]</u>	
<u>Kathy Ingle</u>	

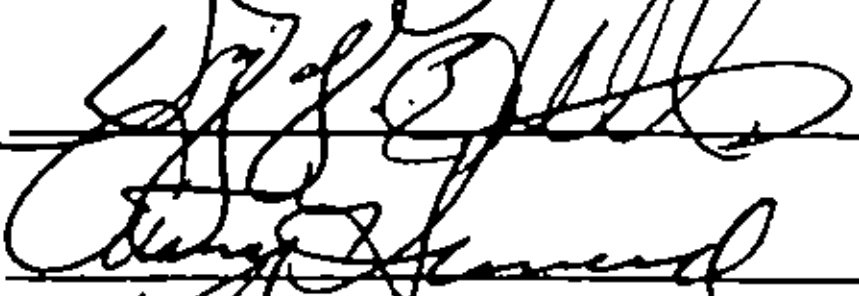
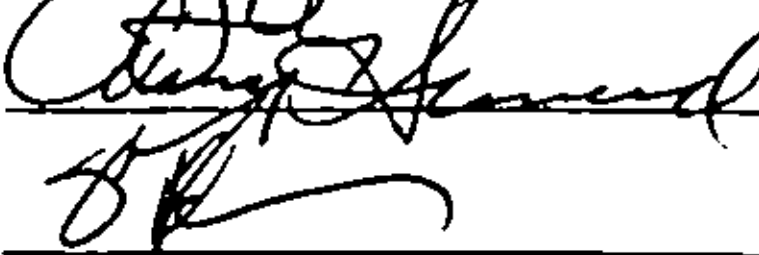
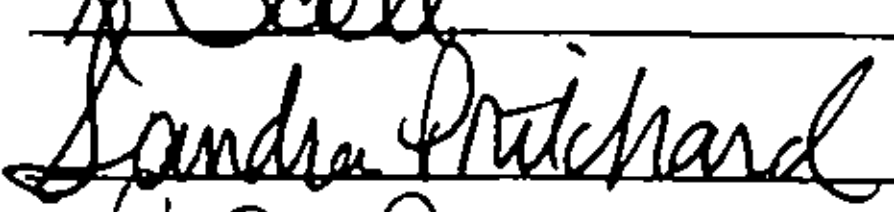
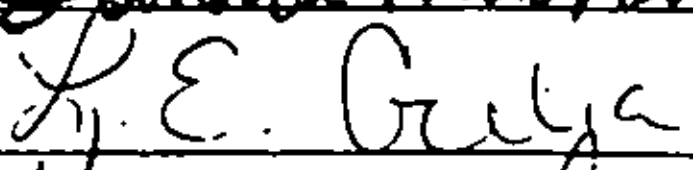
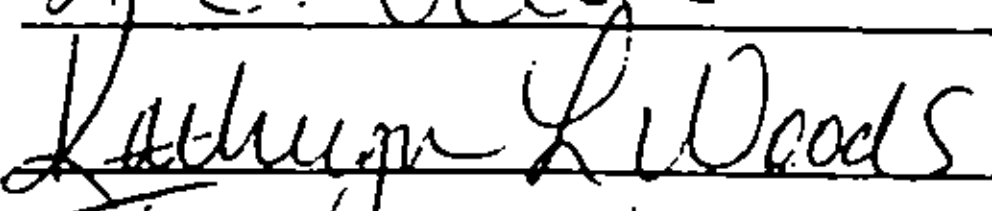
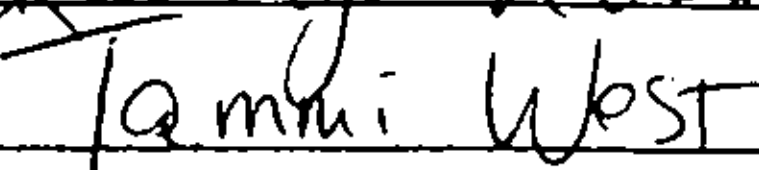
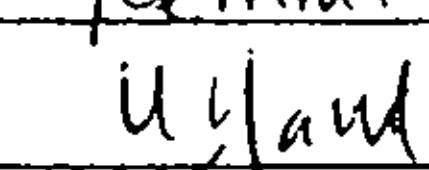
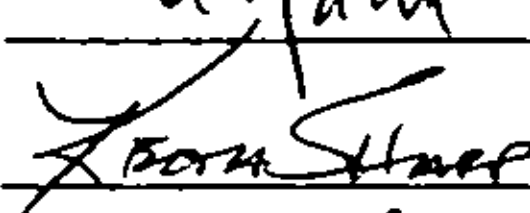
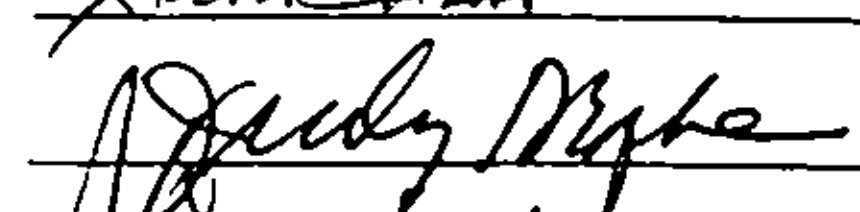
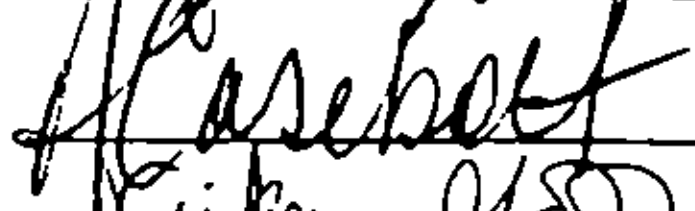
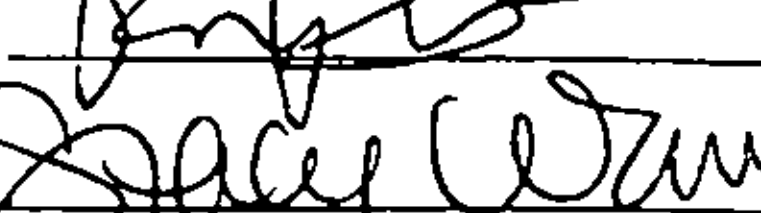
<http://www.stopfayetteville.com>

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

	Valuation Technologies, Inc.
	Rainwaters' Clothing, Inc.
	Rainwaters' Clothing
	Silk & Bloom
	Silk & Bloom
	The Parlor
	The Parlor
	The Parlor
	
	
	Home Depot
	
	
	
	EMPLOYER OR OTHER Vendors
	Dollar Tree
	Shoe Carnival
	

<http://www.stopfayetteville.com>

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"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

Shandra Randall

Kathleen Bernhardt

Michael Miller

John H. H.

Jeffrey Harris

Alan Cole

Gely SA

Krishna H. H.

Dee D.

Sam D.

M. H.

M. H.

Bob D.

Joe D.

Dee D.

Collier Drug

Collier Drug

Metabolic Research Center

Walker Bros.

Walker Bros.

AT&T Wireless

Noupled Italia Kitchen

Gold's Gym

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

Jennifer Moreland
Mandy Tottenby
Eric Huber

Jennette B. J.
Traci Wyatt
Kelley McElroy

Denton Coppridge

Quinn Penell

Michael Heera

Susan Baust

Cindy Stepanek

Yoni Rota

LA R

Basil Booth

Don Davis

Heidi Nettleship

Quinn Pryor

William M. Douglas

Family Dental

Nixon Law Firm

Vulcan Creative Labs

Vulcan Creative Labs

Eye Fashion

The Eye Center

Where? For Women

Nu-U

Arkoma Playgrounds & Supply, LLC

Nita's Place

Flying Fish

Breakers

Salon Bliss

Donovan Law Firm

Naomi Rose Salon

Naomi Rose Salon

Naomi Rose Salon

PETITION FOR AMERICAN COMPETITION

Exclusive
Rights

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

<i>[Signature]</i>	ALLSTATE INS.
<i>[Signature]</i>	EDWARDS JONES
Shonda Barthuch	Closet Crusis
<i>[Signature]</i>	Pick's Bakery
Jeannie Rupert	resident
<i>[Signature]</i>	Residents
Lloyd Beal	Zip Print Inc.
Chris Tenney	Resident
<i>[Signature]</i>	FAST TRAX
<i>[Signature]</i> M. Callaghan	OAK PLAZA Barber shop
<i>[Signature]</i>	Oak Plaza Barber Shop
<i>[Signature]</i>	Resident
<i>[Signature]</i>	Resident
M. TROYER	resident
Anna-Jane Boyd	resident
<i>[Signature]</i>	Movie Gallery
Kim Richards	N. G. Conoco
John Bynbee	resident
Drew Chelton	"

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:

BUSINESS

James Ramsey

Spirit Shop

KEWEE

Houses of Doll

ALLEN MCDONALD

302 W. ILL , 309 W. LOUISE 72701

Don M. Longman Mama Mia's

2195 N. College 72703

[Signature]

Metro, Inc.

[Signature]

Metro, Inc.

[Signature]

CITIZEN

Missie Crawford

Ex Resident

[Signature]

CITIZEN

Dave N. [Signature]

CITIZEN

[Signature]

Corporate Citizen

Brandy Smith

manager Burger King

Lindsay Blackburn

RESIDENT

DAVE KELSEY

ECONOMY LIQUOR

[Signature]

Resident

[Signature]

QC AUTO SALES

[Signature]

Jack's Tavern Inc

[Signature]

CE's Hair Club

[Signature]

Resident

[Signature]

[Signature]

Horace King

[Signature]

Exclusive
Right

<http://www.stopfayetteville.com>

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

Steve Wilson	Campus Bookstore
Inis Brown	Hobby/Craft
Brittney Bacon	Resident - The Event Group
Bethany Runyan	Resident - The Event Group
Amel	Resident - Christopher Todd Forest
Chadwick	Resident - College Days
Dawn Clark	Boardwalk Cafe
Tracy Mills	Oak Mt. Smokehouse
Lindsey Lirley	Resident
Juice Bartholomew	Jerry's Restaurant
Samuel F. White	Resident
Due Disenore	Resident
Jim Braden	Resident
Judy Hammond	Resident
Lonnie Hammond	Resident
Kim Taliaferro	Resident Resident - Liaco Title
Melanie Chapman	Buttapa's
Christy House Christ	
John [Signature]	Carthouse Concepts
Mary [Signature]	Carthouse Concepts

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:

BUSINESS

April Marks

RESIDENT - Mason's

Nathan Browne

RESIDENT - Arkansas NBC

Mike Nichols

Resident

Joe Dr

Hugo's Restaurant

John Lamm

OZARK CLEANERS

Steve Kern

Tony John Sigler

Eric A. Worley

Cellular + Taser Warehouse

Jesse R

Resident

Elizabeth Matthews

Resident

Sharon Henderson

Business Fay Glass Co.

Paul G. Miller

AI Hughes Agency

Kelly Mason

Skille Unlimited

VANCOS DESIGNS

Resident

W. C. King

Resident

Paul

PARKER MOTOR CO.

Jeff Threl

Resident

Resident

Resident

Resident

Resident

Resident

Resident

Ben Hinder

House of Dolls

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:

BUSINESS

Jicki Slaughton

NW Ark Path.

Cynthia Kelly

Kelly Barnard

Carol J. Little

Brian Deppa

[Signature]

[Signature]

[Signature]

[Signature]

Christie Taylor

Briana Vetter

Deloris Bause

Melinda Cray

[Signature]

Lela Randall

[Signature]

Katy Collins

Sherry Deane

Russ Norry

Amber Chapman

Village Inn

Nibbles

Fayetteville Martial Arts

Rumors Bread

Fayetteville

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

David Miller

A. Spatz

Jeff King

Gayle Hulse

Cheryl Whitth

Ms. Pate

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

FRANK ADAMS

Heather Plumbing

DAVID BEVARD

MID CONTINENT

Al Burke

MID CONTINENT

Bob Pohl

MID CONTINENT

Phillip Brown

KINKO CONSTRUCTORS

Pat Cannon

citizen

<http://www.stopfayetteville.com>

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

Mary Jo
David King
Wm R. King

Mr. Burger
Loanin Joe's
Lucky Luke's BBQ

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:

BUSINESS

Dino Augustus

A & B Reprographs

Stephen Allen

Kim Wulenman

Mid South Awards

Chazzy Maltz

Betty's Blossoms

Michael Fowler

Jackie Wiland

Showcase Florist

Betty Morris

Avalon Nutrition

Richard Allen

Nels Hallmark

Jim Sumner

Royal Day Cleaners

Andrea Atundall

Victoria Madewell

Mr. D's Salon

Teressa Booker

Planet Cash

Eric Miller

Mail Boxes Etc.

Mark Baum

NPC International

Robert

Pizza Hut

Donna

Pizza Hut

Greg

Shades a Salon

Gene Perawick

Arkansas Audio & Video

Ann Adair

Rock Bottom Books

Paul Adair

Casa Taco

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
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"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

Jay Odd	Meeks Lumber
Lavonia May	Meeks Lumber
Don Canale	" "
Byron Rogers	Meeks Lumber
Yancy D. Brumley	Meeks Lumber
Larry Phillips	Ozark Cleaners
Ungorin Babalinde	Automated Research and Marketing
Keitha Lorette	Peace of Mind Playtime
Nick C. Jr.	Gyles Surgical
Juan Arcega	Arcega's
Charles Court	CASSETT AUTO WHOLESALE
Larry Dunn	Northwest Paint
Chuck Court	CASSETT AUTO WHOLESALE
Kevin Reed	Wal-Mart
Mark Dattail	Mark Jordan
Michael Wickerson	Mark Jordan
Charlotte Ross	Chop Shop
Douglas R. R.	Fang Tran
Melissa Frost	Mr. Lead's Salon

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

Dr. Betty Lehin	Party Horse
Dr. Jim Young D.C.	Agape Chiropractic
Bob Clark	Off the Press Printers
W. L. Linnick	American Ritten Stamp
Paul Baldr	Loomis Fargo & Co
Dawn Williams	Nail Attraction
Kara Lasea	The Common beans
Cory Miller	Tim Hard
Phil Blalock	
Alicia May	Toi's Studio
Kim Kiser	Toi's Studio
Deanna Starnes	Massage Health & Wellness Clinic
Eebi Lambeth	Massage Health & Wellness
Victorya Butler	Montessori School
W. L. Linnick	Family Dental Center
W. L. Linnick	SONICS' OWNER
Lara Richardson	Stockland & Trantham, P.A.
W. L. Linnick	A + D Sales
W. L. Linnick	A + D SALES

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:

Tim Hard
Kristin Hallbach
Miguel Martin
Shirley Kirk
Billy Wilton
Becky Lane
Kay Jones
Bo Bond
J. H.
Joan Morrow
Elaine Blowers
Simon Olan
Bandy Jefferson
Erika Buisan
Diana Banning
Laye Alder
Ruth Isaacs
Elizabeth Gath
Janet Brown
P. Langford

BUSINESS

Tim Hard Hardware Menory
A&D Sales
Ozark Consulting: MKtg.
A&D Sales
Ocm
Spectrum
Park N Mail
O'Dell & Associates
Daniel's
Kirsty's Place
Kirsty's Place
Kirsty's Place
Kirsty's Place
Atlas Travel
ATLAS TRAVEL
Scrapbook Maria
Racine Anderson Engr
Puttin' on the Fitz

PETITION FOR AMERICAN COMPETITION

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FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

Martha Cavanaugh

Luan Terrian

Veronica Jones

Phil Mussler

Deborah K. Hawkins

Faye Regina Francis

Stephanie Albertson

Cindy Anglin

Cecilia R. Hardin

Debbie Neslitt

Clayton Cable

Catherine J. Orshorne

Cindy Kido

Shirley Thurman

Lonna Griffith

Pammy Spill

Misty Turner

Tyinda Milshead

BUSINESS

Kindergarten teacher, Fay. Christian

Kindergarten teacher, Fay. Christ

Restateria worker

Subs teacher for 1st grade Fay. Christ.

K-4 teacher at FCS

1st Grade FCS

asst. principal Fay. Chr. School

teacher Fay. Christian

teacher Fay. Christian

teacher, Fay. Christian

teacher, Fay. Christian School

Airtech Heating & Air Conditioning

FCS

FCS

FCS

FCS staff

FCS

FCS 5th grade

Pressure Washing of NWA

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

Carl J. J.
14 Stackpole
MICHAEL HAYES
Peter Rankin
John Smith
John B. Brecht
Gay Davis
Stephanie McLean
Angela McLean
MORRIS R. GALT
h. j.
Vickie Rabeneck
Tami Trujillo
Julia Hill
Brian
R. Shum
Bobby Dickson
Phil Jones
Carl Pont
Erica Betancourt

BUSINESS

Physics Library WofA
JOHN-KHILL
DICKSON ST. BOOK EXCHANGE
DICKSON ST. BOOK EXCHANGE
H
DICKSON ST. BOOK. EXCHANGE
Best Sports Inc.
Editype Business Services
Jimmy Johns
JIMMY JOHNS
Mr. Tux
VBR Enterprises
Common Grounds
JOSE'S II
RSA
Fayetteville District UMC

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME

BUSINESS

Lou Daniel

Walmart

Charity Anne

HELPER FCS.

John Wood

FCS teacher

Alicia Deavers

FCS Teacher

Anita Bechard

FCS Librarian

Shana Day

Image Day Spa

Tammi R. Lea

home-maker

Mary

School Admin.

Ronda Turner

Catherines

Angela Reyes

FCS

Wally Potts

Kawasaki of Fayetteville

Manj Thomas

Phillip's Service & Repair

William Berry

Pastor MASON BIRD BAPTIST

Jonny Murphy

Accurate Election Clinic Services

Sarah Walderbach

FCS

Mr/Mrs

Massley

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:

BUSINESS

<u>M. J. K.</u>	<u>Arvest</u>
<u>Masha Patton</u>	<u>Arvest Bank - Fayetteville</u>
<u>John</u>	<u>Arvest Bank - Fayetteville</u>
<u>Anthony Fitzgerald</u>	<u>Arvest Bank - Fayetteville</u>
<u>Jeanne Marshall</u>	<u>Pace Industries - Fayetteville</u>
<u>Sandra Cook</u>	<u>Pace Industries - Fayetteville</u>
<u>Janet Napier</u>	<u>Odom + Elliott Law Firm</u>
<u>Christie Evans</u>	<u>West Mountain Brewery</u>
<u>Carol Kapitz</u>	<u>Parmalat</u>
<u>Christie Kirk</u>	<u>Bath Junkies</u>
<u>Brandon Kern</u>	<u>Tommy's Sava</u>
<u>Rachel Weller</u>	<u>Cromwell Architects</u>
<u>Renee Hunt</u>	<u>French Quarters Antiques, Ltd</u>
<u>Q. L. Luff</u>	<u>SOUND WAREHOUSE</u>
<u>Mae B. R. Luff</u>	<u>Old Town Deli</u>
<u>Kate Rogers</u>	<u>_____</u>
<u>M. Ambler</u>	<u>Swifts</u>
<u>John</u>	<u>_____</u>
<u>Ron Childers</u>	<u>The Headwaiter</u>
<u>Eden Blafack</u>	<u>Crack Cleaners</u>

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

[Signature]

Esther Easter

Barbara Tipton

Baldwin

Gerson L Rinos

Herbi Sosa

Justin Smith

Ryan Cooby

Merrey Njoqu

Jerrald Dell'osso

John Sanchez

Amanda Cooper

Shirley Jones

[Signature]

[Signature]

[Signature]

[Signature]

Boya Neriadpour

Mark Duch

[Signature]

Jayme Howell

Kholina Kim

Arby's BUSINESS

Arby's

Arby's

Taco Bell

SBARRO

SBARRO

Nanco

Lobs Express

Cajun grill

Frullati

frullati

Aqua Massage

Aqua Massage

JOURNEY'S

Journey's

JOURNEY'S

JOURNEY'S

[Signature]

[Signature]

Champs Sports

after thoughts

[Signature]

Petition for American Competition

The following business owners and Retailers in the city of Fayetteville have signed this petition in favor of utilizing open competition for waste or recycling options at their business:

<u>NAME</u>	<u>BUSINESS</u>	<u>NAME</u>	<u>BUSINESS</u>
• Tongahish	Wet Seal	• Emily Parker	KFL
• Courtney (ma)	OVERLAND TRADING CO.	• Abbe Price	Pro Image
• Brad Heibel	overland trading co.	• Killis Moore	
• Krystyl Pantup	Gordon's	• Nori Plummer	Gordons
• Pam & Faddis	Kay Jewels	• JESSICA SWANNER	KB Toss.
• Terry Venable	Kay Jewelers	• Lee Yandell	
• Elizabeth Tucker	Kay Jewelers	• Jessica Johnson	
• Ally	Sunglass Hut	• Chinn Joel	
• Gloria Jean's	CLORIA JEAN'S	• Chris Palmer	Bushwhackers
• Mary Nader	Things Remembered	• Wray Holt	" "
• Alli Dabbs		• Dana Gortifer	
• Nathan Center		• Michael Kame	
C. Ashley Pratt		• Rachel Cook	
• Kendra Kifer		• Juan Bidepd	Spencer's
• Kelly Adams		• Flora	
Sheepi Hawkins		• Claudia Ch	Loisung Zone
Kathy Fink		• Mphuze Quizon	
• Tom		• Tana Birs	QUIZNO'S
• Quann Baum	Nymboree	• Charles Richter	Quizno's
• JB M	Univ. of Arkansas	• L. Z. Pitt	Cinger

PETITION FOR AMERICAN COMPETITION

The following business owners + retailers in the city of Fayetteville have signed this petition in favor of utilizing open competition for more or accepting options at their business.

<u>NAME</u>	<u>BUSINESS</u>	<u>NAME</u>	<u>BUSINESS</u>
• Michelle Edwards	Hollywood Hair Designs		
• Matthan Black			
• Jacey Chesper			
• Timmy Inuoy	Pictures & All		
• Ashleigh Wall	Dippin' Dots		
• John Crall	August Mar Woman		
• Abby			
• John			
• Lee			
• Lee	GNC		
• Prakeshia	Regis		
• Lee	The Nut Hut		
• Mark	Fresh		
• Myron	PROFESSIONAL		
• Candace Myers	Salon Icon		

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

Terri McDowell	FCS
Jamie Shin	Four Seasons
Jeff Hagie	JJ Mobile Tire
John [unclear]	ASAP Services FWA
John [unclear]	Crownrock Village
Mavis Lounson	Century 21 Metro Realtors Inc.
Lucille Coleman	
Debbie McLane	
James J. J. [unclear]	The Education Station, Inc
John [unclear]	
Gloria Phillips	Dark Cleaners
William Zimmerman	Resource Sales & Marketing
Damon Brown	
April Galadino	Healing Arts Medical Center
Edward [unclear]	
[unclear]	
Cherilyn Drees	Mercantile
Charles Simmons	
Ruth Chavarría	FYE

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION IN FAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS
NAME

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

BUSINESS

[Signature]

MGA

BODY REFLECTIONS TANS

[Signature]

Wal-Mart #745

Four Seasons Cleaners

Pizza Hut

" "

Binswanger

[Signature]

Pesho Cafe

Shanghai Chinese Rest.

Complete Auto

Wendy's #40

Wendys #40

Liquor Mart

Liquor Mart & Wine Shop

RAC, etc

Wal-Mart #27.
Neighborhood M
2690 East Citizer
Fayetteville, AR ;

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

[Signature]

[Signature]

[Signature]

[Signature]

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[Signature]

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[Signature]

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[Signature]

[Signature]

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:
NAME:

[Signature]
Brice Wilcox
Ermine Miller
Michael King
Rebecca Freeman
Neri Springfield
Melinda Brancie
W. B. [Signature]
Sarah Freeman
Tom [Signature]
Richard Claypool
Jeff Phillips
Ken Lancaster
Charlotte Carmichael
Heather Bradley
Jennifer Steiner
Marine Gully
Tom Sawyer
Nichelle Jones
[Signature]

BUSINESS
NWA Psychic Center
Larry's Video
Thai Diner
Thai Diner
Papa John's
Papa John's
Osborne & Baker
Twin Arch Motel
Dent Masters
Baby Boudier's Coffee Shop
Medical Transcriptionist
School Fayetteville Christian
School Fayetteville Christian
Fayetteville Christian School
Fayetteville Christian School

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

Paul Wilstead

1st Apostolic Church

Judy Mieleand

Harrel Ford

Caminda Cole

Holly Edgington

Jason M. Peeler

Anthony Jenkins

Camela Stephany

Scott Haseman

Rhino Conoco

Ralph Haseman

Rhino Conoco

Trina Campbell

Willie Culler

FIRST ALC FIN

D. K. Walth

Walters Insurance Services

John Munn

Computer Solutions

John Munn

Centra Industries

Elizabeth Hare

Centra Industries

Rachel Smith

Centra Industries

Christie Still

Centra Industries

Russell Johnson

Johnson Homecare Russell

Ray J. B. H.

CARING CARETAKERS

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

James Hill

Q. Hill

Robert Garcia

Andrea Martinez

Paul E.

J. M. Garty

Robert M. Broom

Robert M. Broom

Donna Wilson

Judy Williams

Michael

Tom Lewis

Al Shepherd

Robert Broom

Paul Broom

Randy Carver

Sam Caffery

Charles Broom

David Collins

Mike Jones

Elenita's

Elenita's

Elenita's

ELENITAS

A + Mini Storage

Beechwood Storage

Beechwood Storage

Maintenance Mechanical

" "

" "

" "

"Big O'S Paw

NWA Data Management

NWA Data Management

Big Al's PAW

NWADM

Tire Tracks

Cinco

Mark J

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
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"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME:

BUSINESS

<i>Eugene Nelson</i>	
<i>Chad Oskey</i>	
<i>David Boggs</i>	<i>Self Employed</i>
<i>Justin Country</i>	
<i>Lee Reed</i>	<i>Lee's Place</i>
<i>John</i>	
<i>Sham Davis</i>	
<i>Robert Thomas</i>	<i>Joining Plus</i>
<i>Robert Campbell</i>	<i>Young Plus</i>
<i>Donald Prichard</i>	" "
<i>Tom Middleton</i>	<i>B&D Sealing</i>
<i>Don Pipes</i>	" <i>STRIPING</i>
<i>Edwin</i>	<i>Autos for Less, INC</i>
<i>Milanne Dupre</i>	<i>Buds Auto Parts</i>
<i>William Beale</i>	<i>B.E.B. Auto Detail</i>
<i>Dale Keeler</i>	<i>Rock Ready 4x4</i>
<i>Shannon Green</i>	<i>Hugg & Hall Equipment</i>
<i>Kenneth B. Hamilton</i>	<i>Pizza Hut</i>
<i>Kathy Younger</i>	" "
<i>Kesty Warford</i>	<i>Budget Tire</i>

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:	BUSINESS
World of CARS	SHAWN FAKHIMI (owner)
EG Muttler	Sam Benegar
Steve Tennison	Rest. mgr.
Louie Kelley	
Jean Aske	
Don	
John	
Jason	Sales
pin	SALES
Ray Smith	MARKER SALES
Kelly Scheil	
Micah Stricklin	
Chad Stricklin	
Kidada Hancock	
SNIREK ZAKATE	
Porfirio Rodríguez	
Armando Ramirez	
Jose R Flores	
IESUS ROMO	
David Brown	
Rodrigue Bonigues	
FR. BERNARD	

Citizen

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:

BUSINESS

Juaní Romo Rodríguez	Mexico Viejo
Linda Paul	CASA AMERICANA INC.
Dan Hlatson	Triangle Binders Supply
Donna	Fayetteville Beauty College
Dina Matter	Fayetteville Beauty College
Carol Gargrave	Orwell Garden
Bob Brummett	Best Buy here Pay here
Kim Widdel	Best Buy Here Pay Here
Deidre Townsend	USA Drug Express 2111 W. 6th
Sandra Cogan	USA Drug Express 2111 W. 6th
Joe White	
Phil Cogan	SURPIS CITY
DC Leek	College Shoe
Lina Carmoon	Payday money Store
Kristi Bachman	Payday Money Store
Irish Jimenez	Payday money Store
J. Hawkins	College Shoe Shop
Corey Baker	Pay Day Money Store
Kevin Johnson	Custom Powder Coating
Bethie Dell	Wholesale Wallpaper
R. G. Woodward	"tho" Parts Store
Victor	Inventor

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF
FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING
"OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR
BUSINESS:

NAME

BUSINESS

Johnathan
T. Seale
Randall Woodward
[Signature]
[Signature]
Teresa Remington
Rene Holt

Halberts Vet Supply
West Tele.
Parity Pressure
Showroom Detail
Terry's Towing

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:

BUSINESS

Walt Ayff

TOTAL

[Signature]

Rolline Motorsports

Eric W. [Signature]

DAON LAW OFFICE

Rachel Sanders

Resident

McKendrick

Student

John May

John May Law office

Shenise White

Citizen

Saleh Tour

Citizen

Matthew

Hoffman Steaks

[Signature]

SEOUL ORIENTAL FOODS

Cathleen [Signature]

Citizen

Tommy [Signature]

Citizen

Ralph [Signature]

Citizen

John Rogers

Citizen (resident)

Glen [Signature]

Citizen

Highway 62 Auto Salvage

Highway 62 Auto Salvage

Wayne Emerson

Daves Body Shop

Don Jones

Citizen

Wade [Signature]

Citizen

[Signature]

Citizen

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:	BUSINESS
<u>Glenn S. Hall</u>	<u>CITIZEN</u>
<u>Ed S. Hall Jr.</u>	<u>"</u>
<u>James H. Stewart</u>	<u>CITIZEN</u>
<u>Charles H. Stewart</u>	<u>"</u>
<u>Thomas R. Shaw</u>	<u>CITIZEN</u>
<u>Barry Burns</u>	<u>CITIZEN</u>
<u>Ken / Roke</u>	<u>CITIZEN</u>
<u>Lauched Perill</u>	<u>Mrs. Ozark Waffle</u>
<u>Heidi Boyd</u>	<u>Rep.</u>
<u>Al P. R. H.</u>	<u>GM Best Western</u>
<u>Juan Neri</u>	<u>Westlake Hardware</u>
<u>Allen B. Wood</u>	<u>CITIZEN</u>
<u>Andrew Anglin</u>	<u>Citizen</u>
<u>Tom E. Smith</u>	<u>CITIZEN.</u>
<u>W. N. Smith</u>	<u>Citizen</u>
<u>Beth Campbell</u>	<u>Citizen</u>
<u>Loree Taylor</u>	<u>Citizen</u>
<u>Betty R. Smith</u>	<u>Citizen</u>
<u>Michael Bauer</u>	<u>Citizen / GM Burger</u>
<u>Robert Perry</u>	<u>Old King</u>
	<u>Citizen</u>

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:

BUSINESS

<u>Jose A Espinoza</u>	<u>Citizen</u>
<u>Bentona K Doyle</u>	<u>Neptun Pool Spa</u>
<u>MASOOD BULOSJEM</u>	<u>USA CARS</u>
<u>Mercedes Robinson</u>	<u>Citizen</u>
<u>Christina Johnson</u>	<u>Apark Mountain Air, Inc.</u>
<u>Heather Velasco</u>	<u>H&F Auto Repair Sales</u>
<u>Sharon Rogers</u>	<u>Resident</u>
<u>Stacy</u>	<u>Resident</u>
<u>Prof Lopez</u>	<u>Medina Pharmacy</u>
<u>Dr. 10</u>	<u>OSBORN Motor Co</u>
<u>Jessica Chapman</u>	<u>Citizen</u>
<u>James R. Lunscher</u>	<u>CITIZEN</u>
<u>Bobby Van Dusen</u>	
<u>Adam Turner</u>	<u>Citizen</u>
<u>Bullie Katson</u>	<u>Citizen</u>
<u>Julie Baker</u>	<u>Salon and Day Spa</u>
<u>Amanda Baughman</u>	<u>Citizen</u>
<u>Deby Wright</u>	<u>The Salon & Day Spa</u>
<u>Deby</u>	<u>Resident</u>
<u>Ami da Hamilton</u>	<u>Citizen</u>

<http://www.stopfayetteville.com>

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME: _____

BUSINESS

NAME: Lex Lowery

Resident BUSINESS

James Smith

Citizen

<http://www.stopfayetteville.com>

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME

BUSINESS

Jim Clarke	Voter
Debra Fawcett	Allstate Ins Co, Inc.
Shirley R. Offinger	Compus Regt
John D. Johnson	COMPURENT
V.oo El-Qatto	Voter
D. Cullhorn	Voter
Lynn Green	Kwik.it
John M. [Signature]	↓ ↓
John M. [Signature]	Harstetter & Glass
John [Signature]	↓ ↓
Richard Hill	↓ ↓
Ray Glass	↓ ↓
Cheli Rogers	Hank's Furniture - office mgr.
Robert Moore	↓ Voter
Kevin Cason	↓ Voter
TERANCE Collic	Voter
Derek Hill	Flash Market
John [Signature]	COUNTRY INN & SUITES
John H. [Signature]	CI & S
John [Signature]	CI & S

<http://www.stopfayetteville.com>

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:	BUSINESS
<i>William B. B. B.</i>	<i>Voter</i>
<i>Alan R.</i>	<i>Holiday Inn Express</i>
<i>Steve [unclear]</i>	
<i>Steve [unclear]</i>	
<i>T. [unclear]</i>	<i>Voter</i>
<i>Janice L. Christian</i>	<i>voter</i>
<i>Bill [unclear]</i>	<i>Voter</i>
<i>Mark [unclear]</i>	<i>Voter / Company (Picasso's pizza)</i>
<i>David [unclear]</i>	<i>Votes / Company</i>
<i>Regina Tomlinson</i>	
<i>Meagan Love</i>	<i>Voter!</i>
<i>David Morlon</i>	
<i>Billy [unclear]</i>	<i>Voter</i>
<i>Joseph [unclear]</i>	<i>Voter</i>
<i>SEW</i>	<i>voter</i>
<i>Sherrin Cook</i>	<i>Voter</i>
<i>Chad Coday</i>	<i>citizen</i>
<i>Chin Fush</i>	<i>voter</i>
<i>Jennifer [unclear]</i>	<i>voter</i>
<i>Shannon Ridley</i>	<i>Citizen</i>

<http://www.stopfayetteville.com>

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:

BUSINESS

Jimmy Clines	Voter
Jim Craig	Voter
Paul Hatch	Shelter Insurance
Amey Ramsey	Voter
Ann Peterson	
Stephen Thetford	Steph Thetford Photo
Jan By	Voter
Wm B. Lee	B & B ORIENTAL STORE
Crystal Dunham	Jamaica Me Tan
Wesley Pytt	
H. R. May	AB C.P.
Dee Hays	Casa Taco
Keri Matherly	CASA TACO
Kimberly Hays	Liquor to Go
Kimberly Hays	Voter
Kendall Hays	Voter
Matthew Hays	Voter
Jim Hays	Spirit Shop
Jim Hays	Economy Liquor
Law Hays	Voter

<http://www.stopfayetteville.com>

PETITION FOR AMERICAN COMPETITION

THE FOLLOWING BUSINESS OWNERS AND RETAILERS IN THE CITY OF FAYETTEVILLE HAVE SIGNED THIS PETITION INFAVOR OF UTILIZING "OPEN COMPETITION" FOR WASTE OR RECYCLING OPTIONS AT THEIR BUSINESS:

NAME:

BUSINESS

Shirley Miles

Citizen

Matthew McFarland

Voter

D. Black

Voter

Seamus

Voter

Jim Van

Voter

Robert Hornsby

Jackson Hewitt Taxider

Ayoub Reuissi

Voter

J.B. Helton

voter

Kevin Zetser

Voter

G. Jany

—

Ernie Spudack

Voter

Dy Up

Voter

Lorna Bunch

Voter

Cathy West

Voter

Albert O. Linder

—

Michael Cameron

—

Day S

Voter

Margaret Hallengrath

Citizen

Per Byg

Entrepreneur

BUSINESS

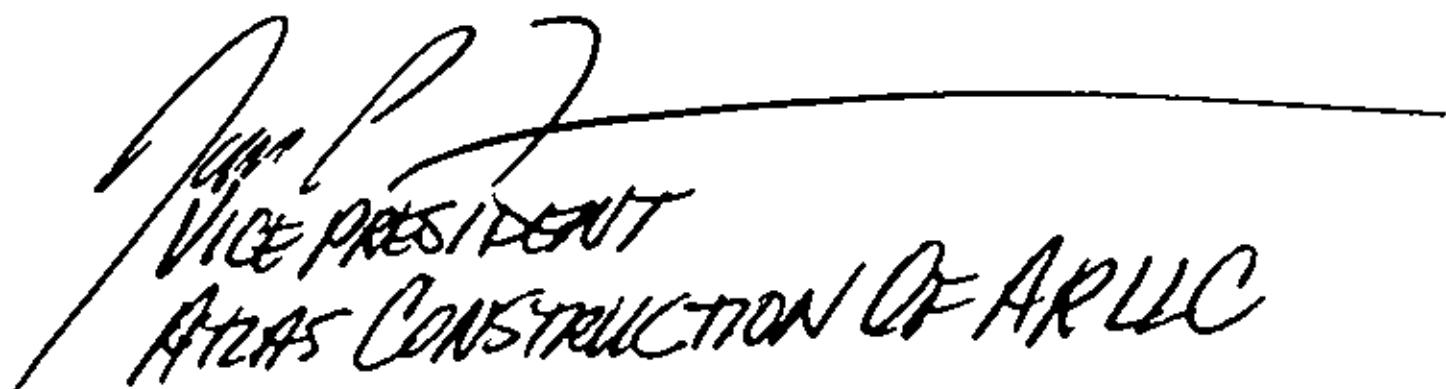
Mayor Dan Coody
City of Fayetteville
Mayor's Office
Administration Bldg.
Fayetteville, AR 72701
Work: 575-8330
Home: 443-6758

RE: Open Competition for Solid Waste

Dear Mayor Coody:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,


VICE PRESIDENT
ATLAS CONSTRUCTION OF AR LLC

Mayor Dan Coody
City of Fayetteville
Mayor's Office
Administration Bldg.
Fayetteville, AR 72701
Work: 575-8330
Home: 443-6758

RE: Open Competition for Solid Waste

Dear Mayor Coody:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,



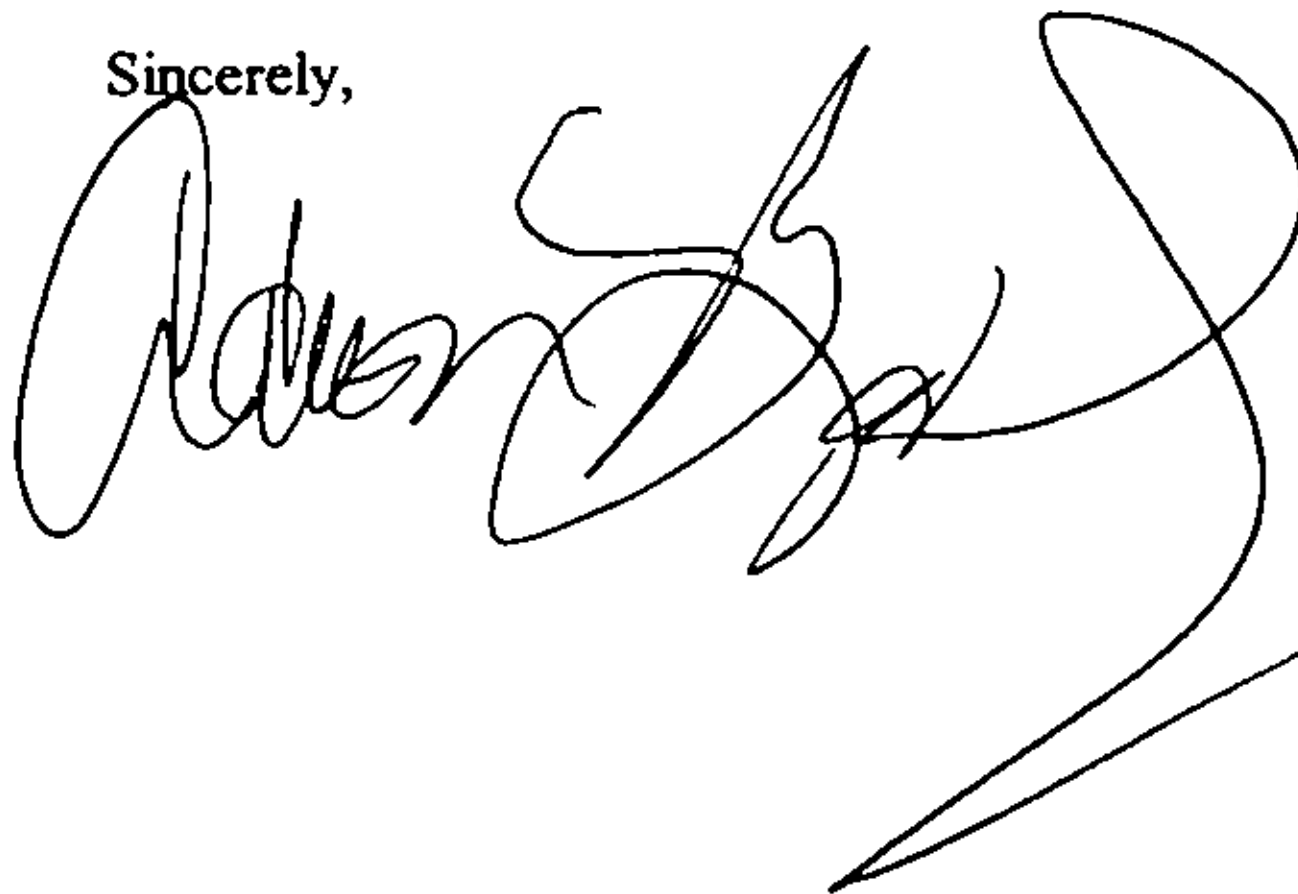

Mayor Dan Coody
City of Fayetteville
Mayor's Office
Administration Bldg.
Fayetteville, AR 72701
Work: 575-8330
Home: 443-6758

RE: Open Competition for Solid Waste

Dear Mayor Coody:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Adam B. Smith". The signature is written in a cursive, flowing style with a long, sweeping underline that extends to the right.

Mayor Dan Coody
City of Fayetteville
Mayor's Office
Administration Bldg.
Fayetteville, AR 72701
Work: 575-8330
Home: 443-6758

RE: Open Competition for Solid Waste

Dear Mayor Coody:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. L. Lull".

Mayor Dan Coody
City of Fayetteville
Mayor's Office
Administration Bldg.
Fayetteville, AR 72701
Work: 575-8330
Home: 443-6758

RE: Open Competition for Solid Waste

Dear Mayor Coody:

I am a ^{resident}~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Aaron Nave

Mayor Dan Coody
City of Fayetteville
Mayor's Office
Administration Bldg.
Fayetteville, AR 72701
Work: 575-8330
Home: 443-6758

RE: Open Competition for Solid Waste

Dear Mayor Coody:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

12. Matthew Layne

Mayor Dan Coody
City of Fayetteville
Mayor's Office
Administration Bldg.
Fayetteville, AR 72701
Work: 575-8330
Home: 443-6758

RE: Open Competition for Solid Waste

Dear Mayor Coody:

resident

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Mialette Fague

Mr. Robert Rhoads, Alderman
Ward 3. Position 1
3168 Skillem Road
Fayetteville, AR 72703
Home: 443-9917
Work: 973-5202

RE: Open Competition for Solid Waste

Dear Mr. Rhoads:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a long, horizontal, slightly wavy line extending to the right.

Mayor Dan Coody
City of Fayetteville
Mayor's Office
Administration Bldg.
Fayetteville, AR 72701
Work: 575-8330
Home: 443-6758

RE: Open Competition for Solid Waste

Dear Mayor Coody:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Carl Chappell
Premium Brands

Ms Shirley Lucas, Alderwoman
Ward 4. Position 1
2139 Ora Drive
Fayetteville, AR 72701
Home: 442-4612

RE: Open Competition for Solid Waste

Dear Ms. Lucas:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul M. Paul", with a horizontal line drawn underneath it.

Mayor Dan Coody
City of Fayetteville
Mayor's Office
Administration Bldg.
Fayetteville, AR 72701
Work: 575-8330
Home: 443-6758

RE: Open Competition for Solid Waste

Dear Mayor Coody:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Coody", with a horizontal line extending from the end of the signature.

Mayor Dan Coody
City of Fayetteville
Mayor's Office
Administration Bldg.
Fayetteville, AR 72701
Work: 575-8330
Home: 443-6758

RE: Open Competition for Solid Waste

Dear Mayor Coody:

I am a business ^{man} ~~owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Winnal Montee

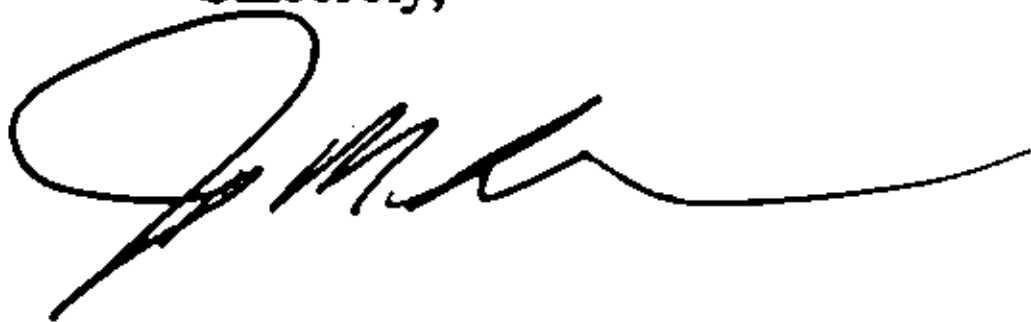
Mayor Dan Coody
City of Fayetteville
Mayor's Office
Administration Bldg.
Fayetteville, AR 72701
Work: 575-8330
Home: 443-6758

RE: Open Competition for Solid Waste

Dear Mayor Coody:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. M. A.', written over a horizontal line.

Mayor Dan Coody
City of Fayetteville
Mayor's Office
Administration Bldg.
Fayetteville, AR 72701
Work: 575-8330
Home: 443-6758

RE: Open Competition for Solid Waste

Dear Mayor Coody:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl Stohr". The signature is fluid and cursive, with a large initial "C" and a long, sweeping underline.

Mayor Dan Coody
City of Fayetteville
Mayor's Office
Administration Bldg.
Fayetteville, AR 72701
Work: 575-8330
Home: 443-6758

RE: Open Competition for Solid Waste

Dear Mayor Coody:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Phillip Broom
KINCO CONSTRUCTORS

Ms Shirley Lucas, Alderwoman
Ward 4. Position 1
2139 Ora Drive
Fayetteville, AR 72701
Home: 442-4612

RE: Open Competition for Solid Waste

Dear Ms. Lucas:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Matthew W. Paul". The signature is written in dark ink and is positioned below the word "Sincerely,".

Ms Shirley Lucas, Alderwoman
Ward 4. Position 1
2139 Ora Drive
Fayetteville, AR 72701
Home: 442-4612

RE: Open Competition for Solid Waste

Dear Ms. Lucas:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to be "Bryant", written in a cursive style.

Ms Shirley Lucas, Alderwoman
Ward 4. Position 1
2139 Ora Drive
Fayetteville, AR 72701
Home: 442-4612

RE: Open Competition for Solid Waste

Dear Ms. Lucas:

I am a ^{voter}~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen R. Updegraff", with a long horizontal flourish extending to the right.

Ms Shirley Lucas, Alderwoman
Ward 4. Position 1
2139 Ora Drive
Fayetteville, AR 72701
Home: 442-4612

RE: Open Competition for Solid Waste

Dear Ms. Lucas:

I am a ^{voter}~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Evan Lett".

Ms Shirley Lucas, Alderwoman
Ward 4. Position 1
2139 Ora Drive
Fayetteville, AR 72701
Home: 442-4612

RE: Open Competition for Solid Waste

Dear Ms. Lucas:

I am a ~~business owner~~^{voter} in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Leslie D. Smith". The signature is written in dark ink and is positioned below the word "Sincerely,".

Ms Shirley Lucas, Alderwoman
Ward 4. Position 1
2139 Ora Drive
Fayetteville, AR 72701
Home: 442-4612

RE: Open Competition for Solid Waste

Dear Ms. Lucas:

I am a business ~~owner~~^{employee} in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Crystal Dunham

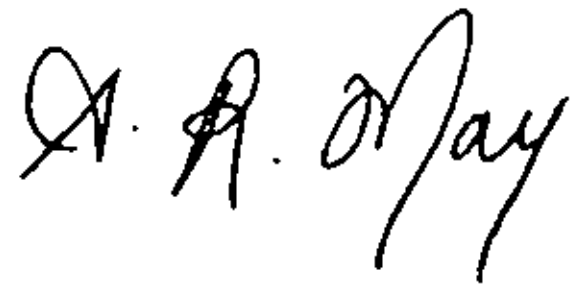
Ms Shirley Lucas, Alderwoman
Ward 4. Position 1
2139 Ora Drive
Fayetteville, AR 72701
Home: 442-4612

RE: Open Competition for Solid Waste

Dear Ms. Lucas:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. A. May". The signature is written in dark ink and is positioned below the word "Sincerely,".

Ms Shirley Lucas, Alderwoman
Ward 4. Position 1
2139 Ora Drive
Fayetteville, AR 72701
Home: 442-4612

RE: Open Competition for Solid Waste

Dear Ms. Lucas:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Tim Freck

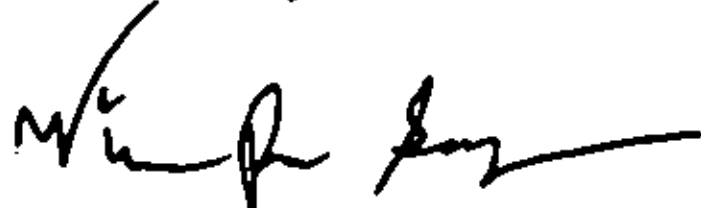
Ms Shirley Lucas, Alderwoman
Ward 4. Position 1
2139 Ora Drive
Fayetteville, AR 72701
Home: 442-4612

RE: Open Competition for Solid Waste

Dear Ms. Lucas:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to be "Mike Jones", written over the word "Sincerely,".

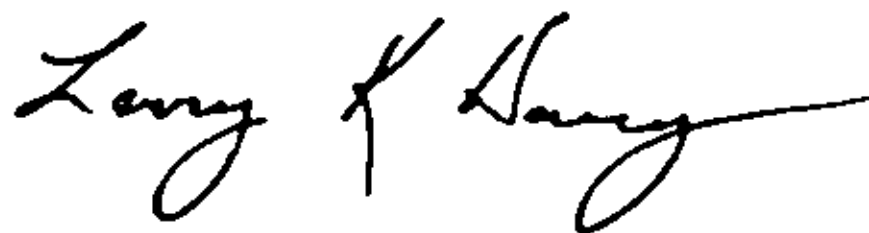
Ms Shirley Lucas, Alderwoman
Ward 4. Position 1
2139 Ora Drive
Fayetteville, AR 72701
Home: 442-4612

RE: Open Competition for Solid Waste

Dear Ms. Lucas:

I am a ^{voter} ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Larry F. Lang". The signature is written in dark ink and is positioned below the word "Sincerely,".

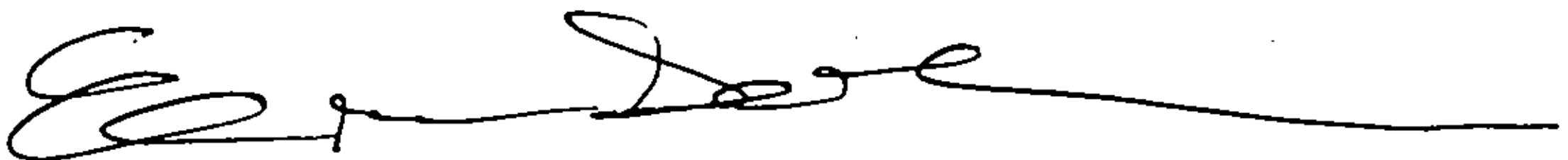
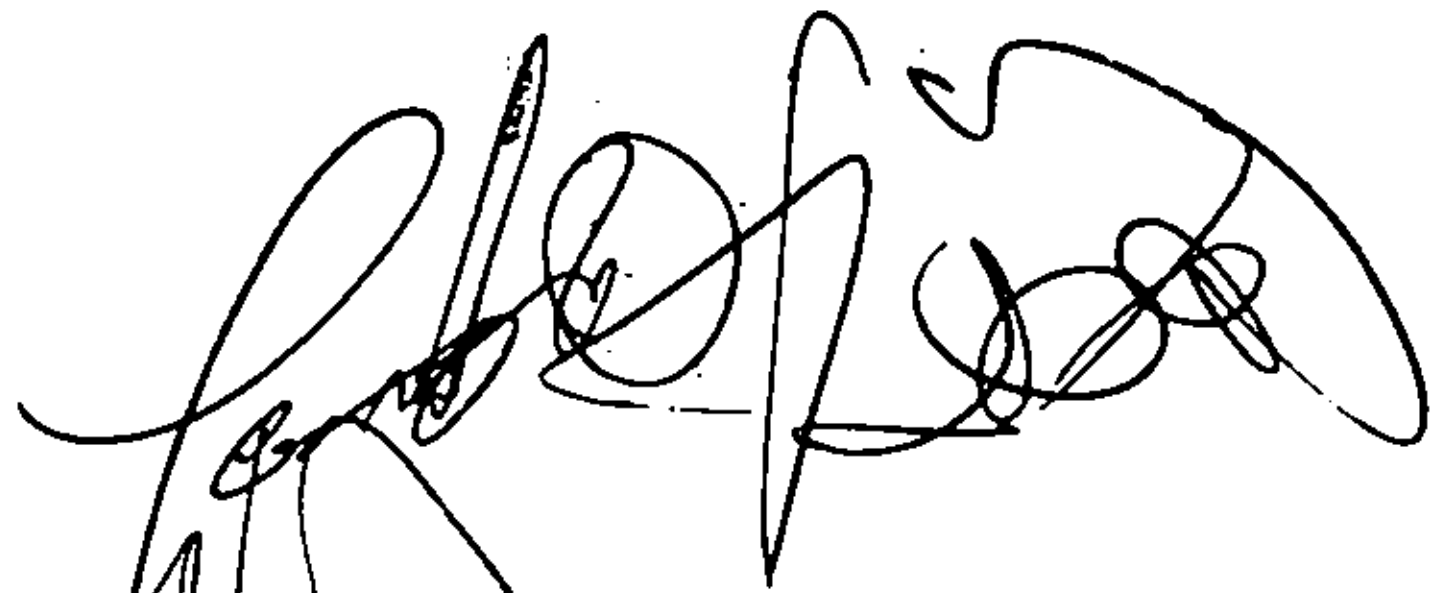
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,



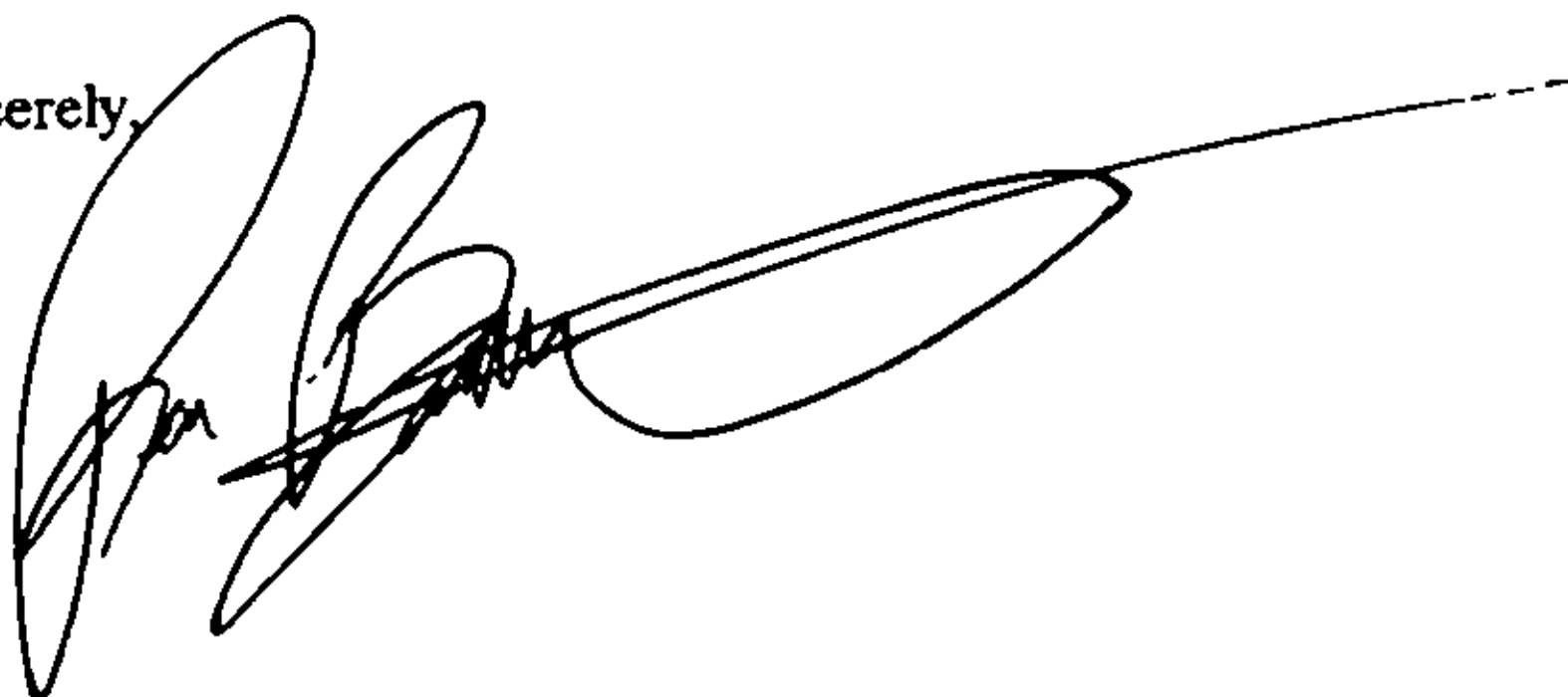
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to be "Dan Smith", with a long horizontal flourish extending to the right.

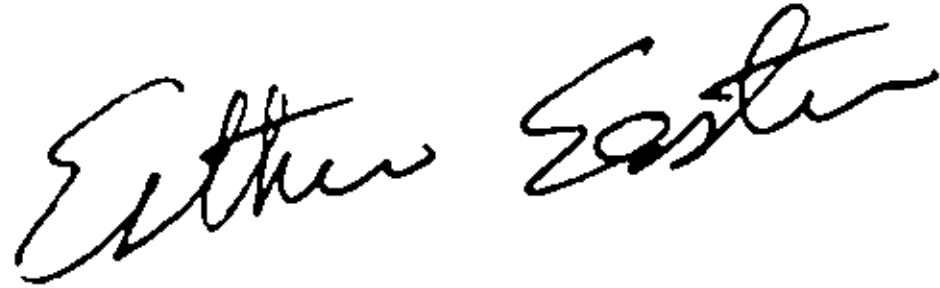
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, reading "Esther Easter". The signature is written in dark ink and is positioned below the word "Sincerely,".

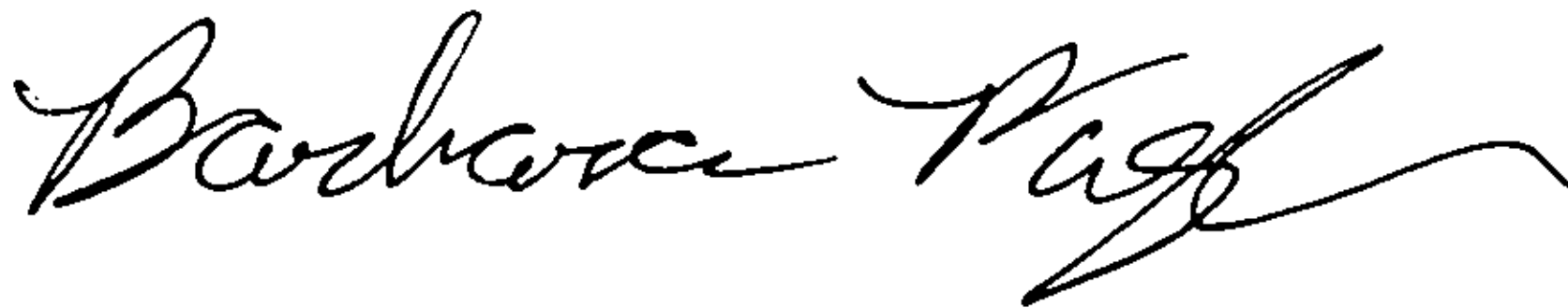
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, reading "Barbara Page". The signature is fluid and includes a long, sweeping horizontal line at the end.

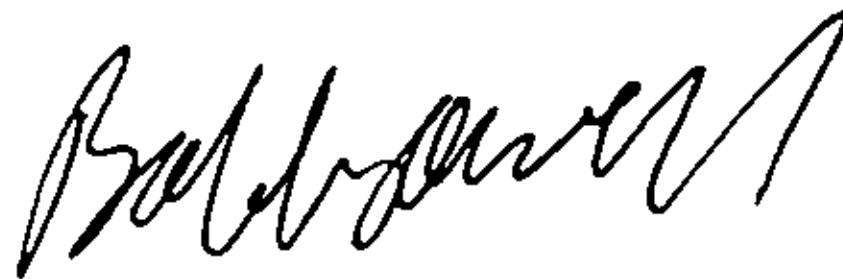
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Davis", written in a cursive style.

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Genora L. PhucS

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Herbi Sosa

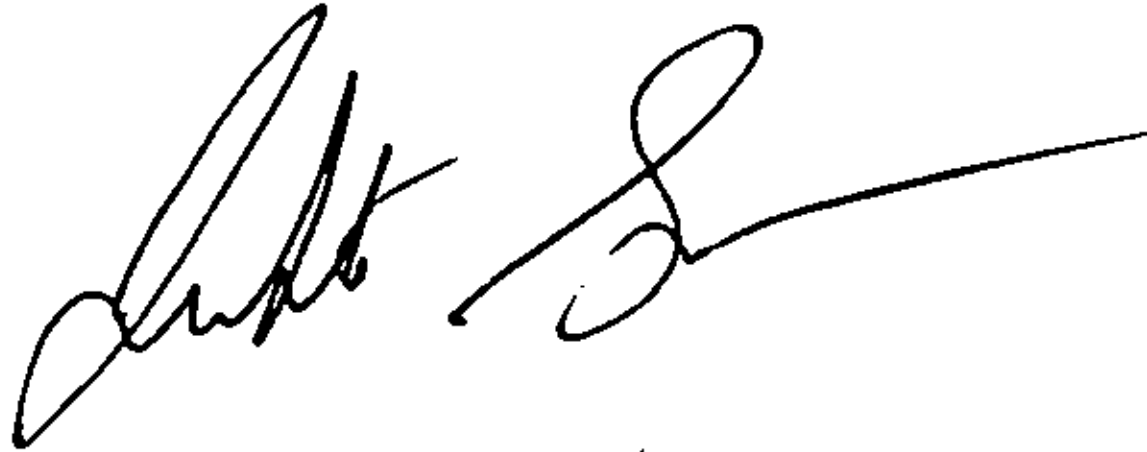
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to be "L. S.", written in a cursive style.

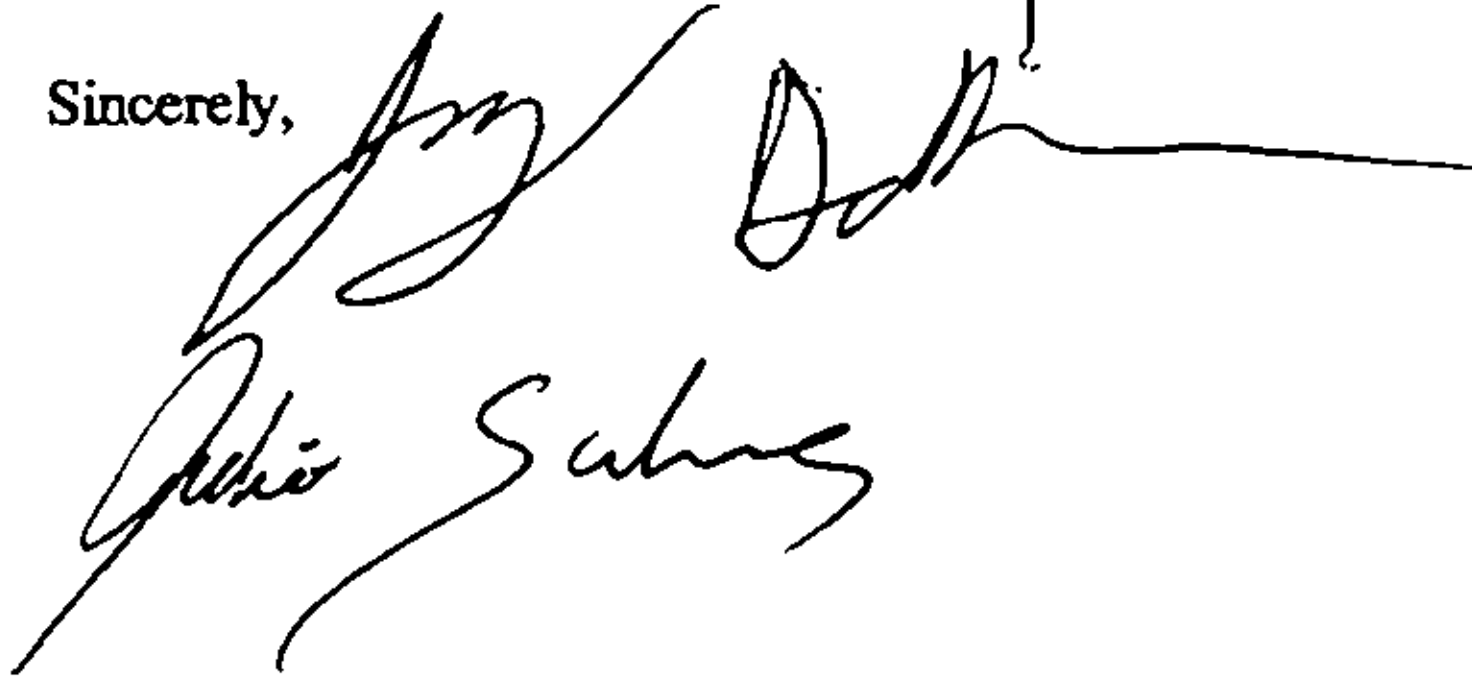
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a ~~business owner~~ ^{employer} in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jerry Smith", with a long horizontal line extending to the right.

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Geni McDowell

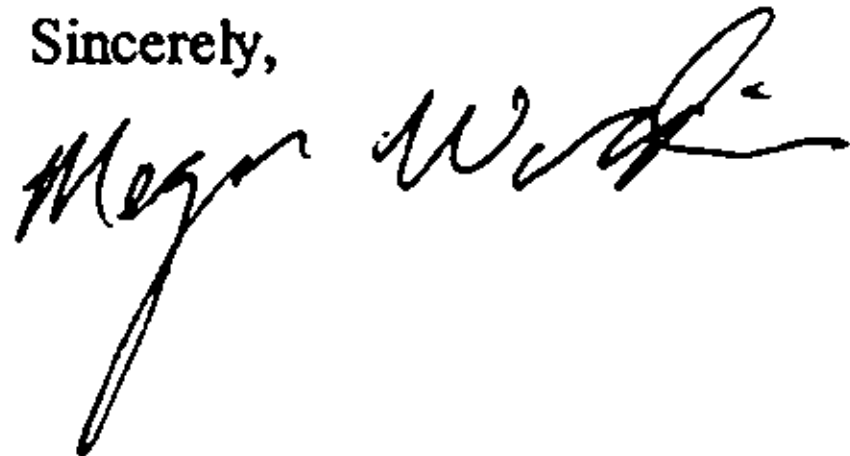
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a ~~business~~ owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Meg Whitman". The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

Kelly Adams

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Kendra Kim

Shirley Hammon

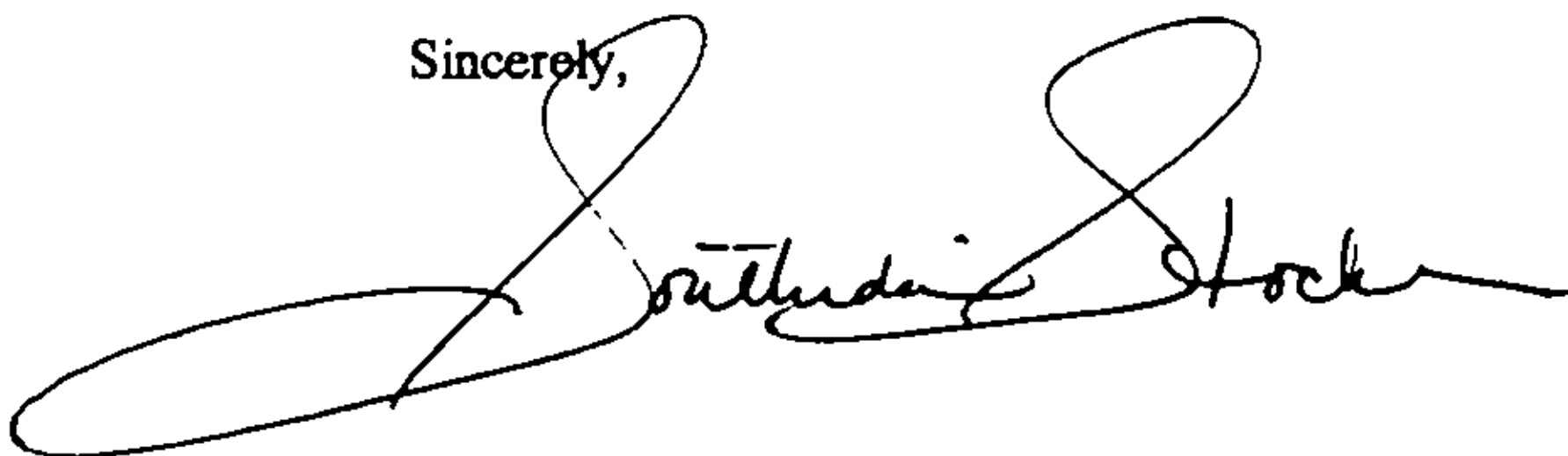
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "L. L. Stock". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping underline.

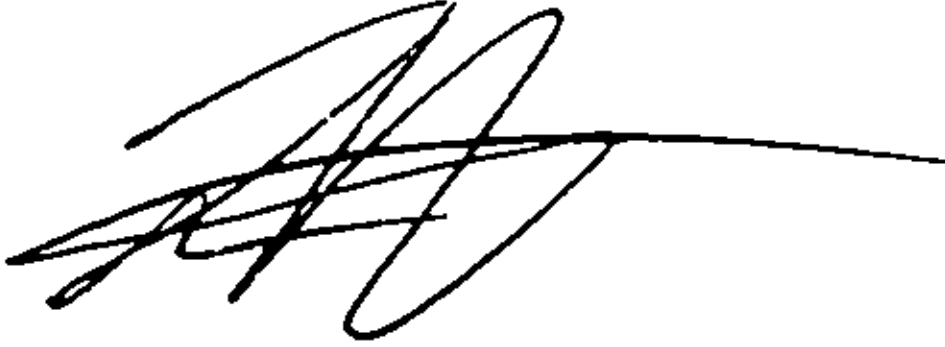
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, consisting of a stylized, cursive 'A' followed by a horizontal line extending to the right.

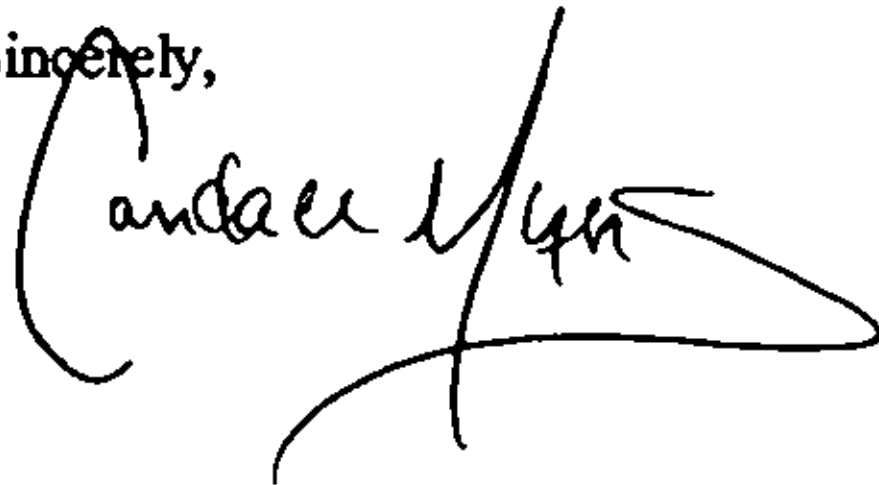
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a ~~businessman~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Candace Lynn". The signature is fluid and cursive, with a large loop at the end.

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Raja Nezhadpour
Mh

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Raun
Chambers

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bryan Tisdale". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Shambrey Ouel
Amenda Cooper

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Ryan 

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature, likely "Mark", written in dark ink. The signature is stylized with a horizontal line extending to the right.

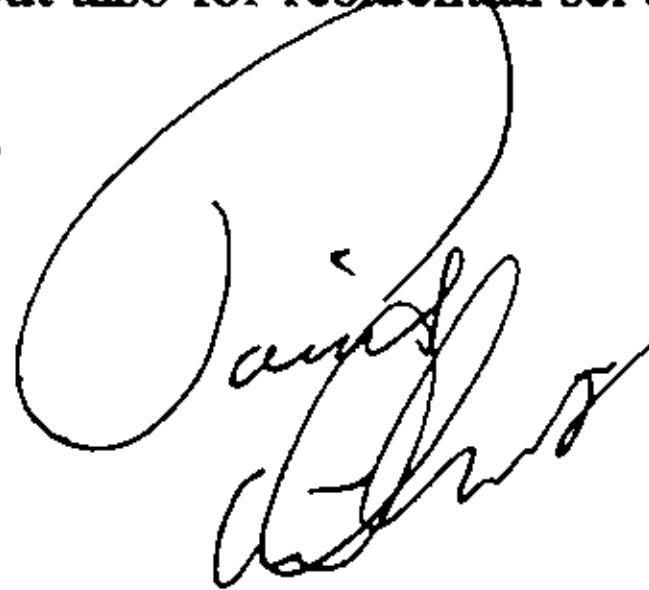
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

manager
I am a business ~~owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Christ". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,


MARK OFFICEMAX

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business ^{man.} owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul R. Stanley".

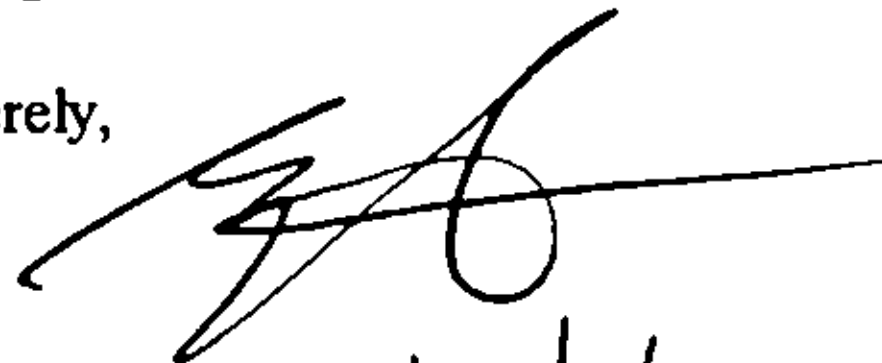
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A stylized handwritten signature in black ink, consisting of a large, sweeping 'M' followed by a series of loops and a horizontal line extending to the right.

MGL Applebees Grill & Bar

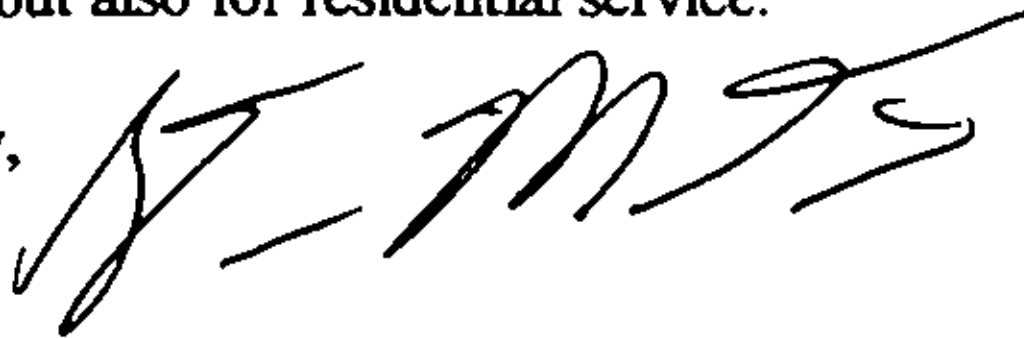
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to be "J. M. J.", written over the word "Sincerely,".

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a ^{employee}~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Carrie Young

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Mandy Martin

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am ~~a business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Jennifer Wiles

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Aaron L. Jordan". The signature is written in dark ink and is positioned below the word "Sincerely,".

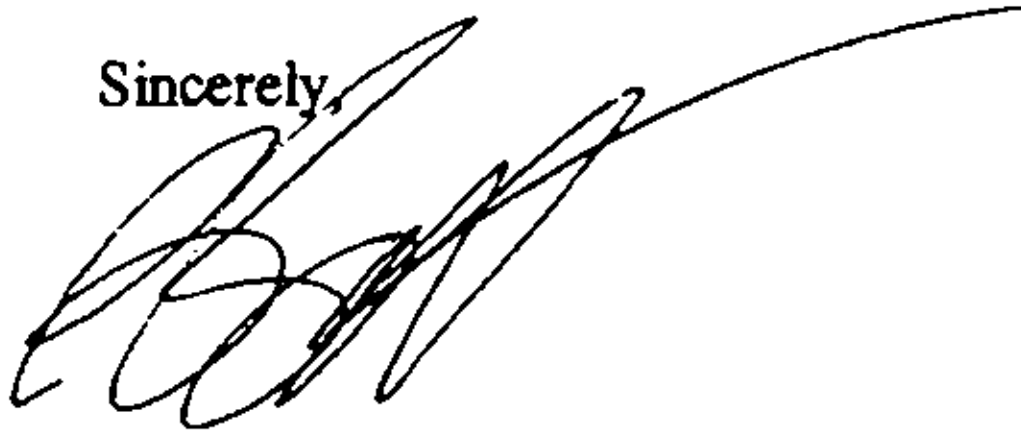
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to be "Bob Davis", written over the word "Sincerely,".

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

manager
I am a business ~~owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

C. Byrd

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a ^{registered voter} ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Christie Sedford

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a ^{citizen}~~business~~ owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,



Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Ernie Rothwell

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Rachel Weaver

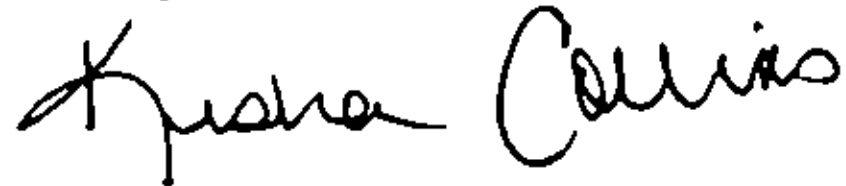
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, reading "Kisha Collins". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Yahni H. Kelton
(Manager, Affections Gifts).

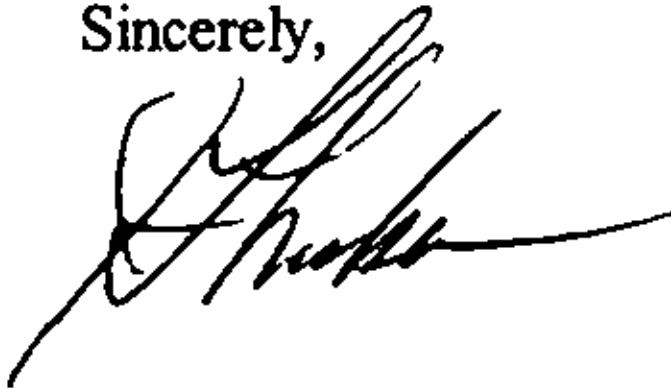
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to be "J. H. Hinkle", written over the word "Sincerely,".

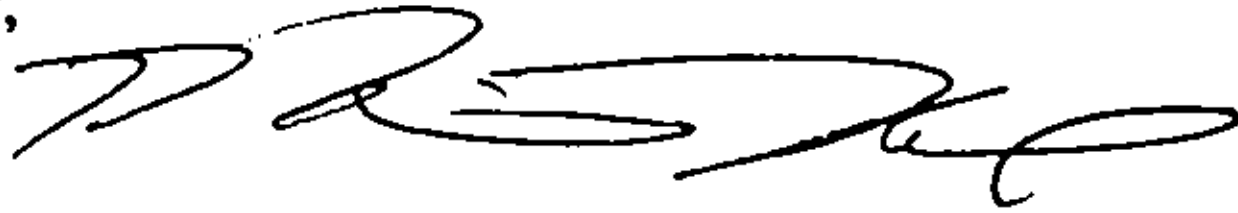
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to be "D. Davis", written in a cursive style.

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized initial 'B' followed by a long, horizontal, wavy line that extends to the right.

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Andy Plummer". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Just Bell

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul M. [unclear]", with a long horizontal flourish extending to the right.

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles Hopping". The signature is written in dark ink and is positioned below the word "Sincerely,".

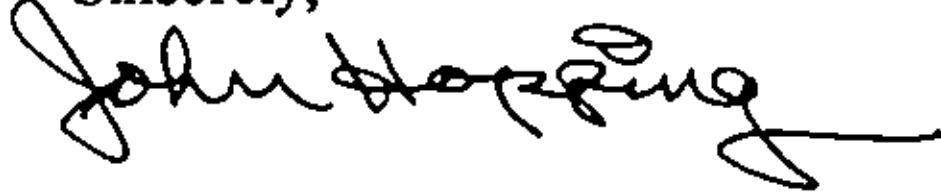
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Hopping". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business ^{employee} ~~owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

B. Roland

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a ^{Resident}~~business~~ owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Walsh". The signature is written in dark ink and is positioned below the "Sincerely," text.

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Walter Boone
General Nutrition Center

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script that reads "Annie Potter". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "J. M. Miller". The signature is fluid and cursive, with the first letter of the first name being a large, stylized capital "J".

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a ~~business owner~~^{resident} in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Len King". The signature is written in black ink and is positioned below the word "Sincerely,".

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "John K. Kline".

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to be "Mike Koff", written over the word "Sincerely,".

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,



Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Russ Hutchison".

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Harold Brock
AB Thrift Stores

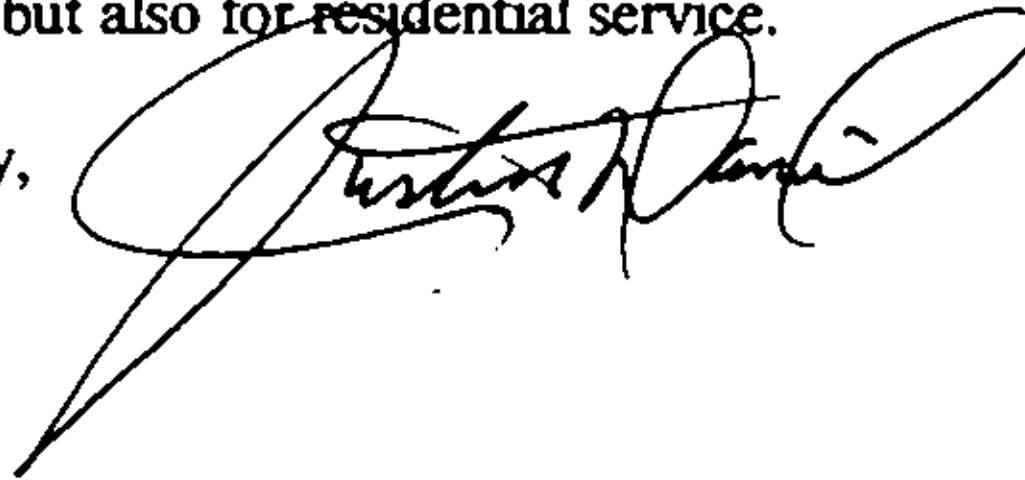
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin H. Davis", written over a large, loopy flourish.

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a ~~business owner~~^{Employee} in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Davis", written over a large, loopy oval shape.

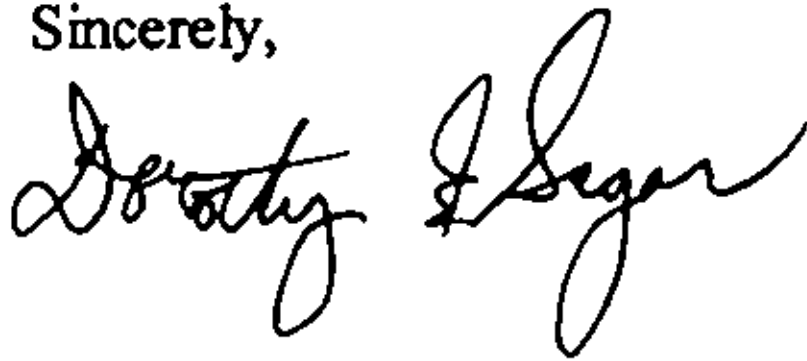
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dorothy E. Segar". The signature is fluid and stylized, with the first name "Dorothy" being more prominent than the last name "Segar".

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, reading "Claudia Luckford". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Allen". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

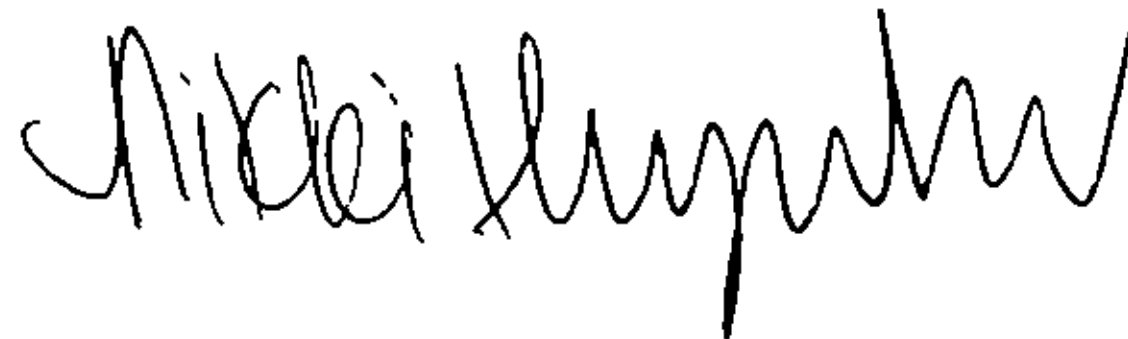
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Nikki Lynne". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,


Sherman W. Williams Co.
manager

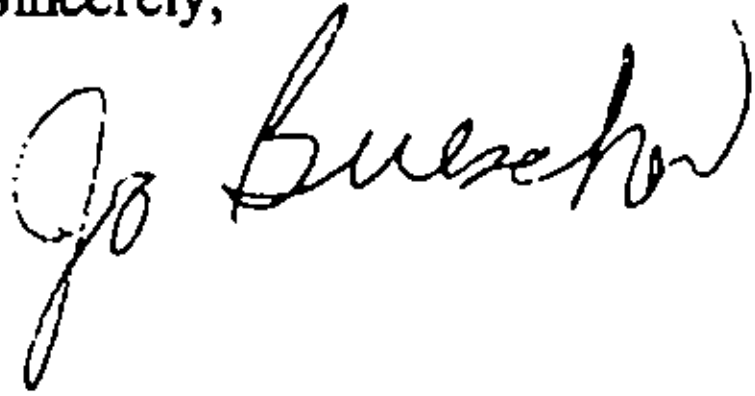
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jo Buescher". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumm Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to be "J. H. White", written over the word "Sincerely,".

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

M. Auger
I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Kristina Hamilton

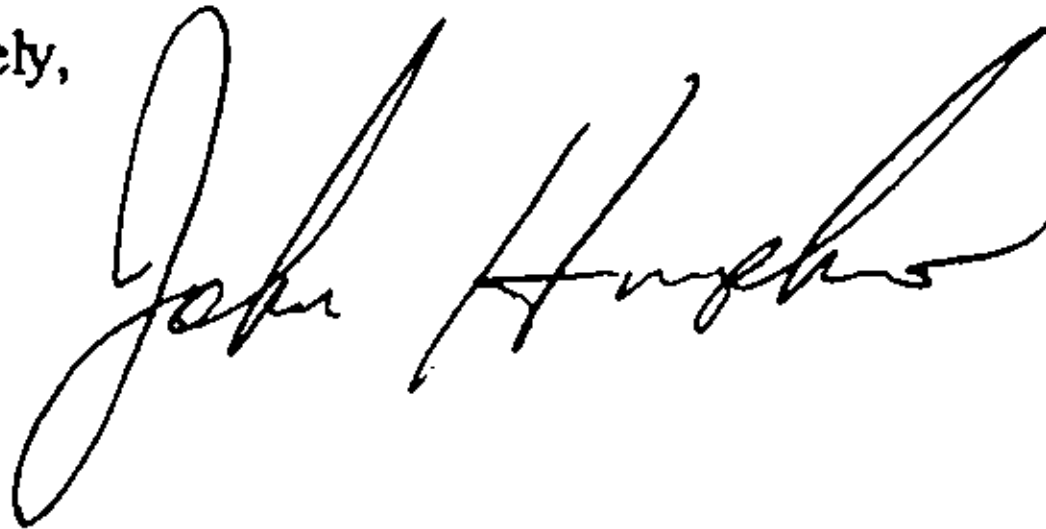
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Hughes". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

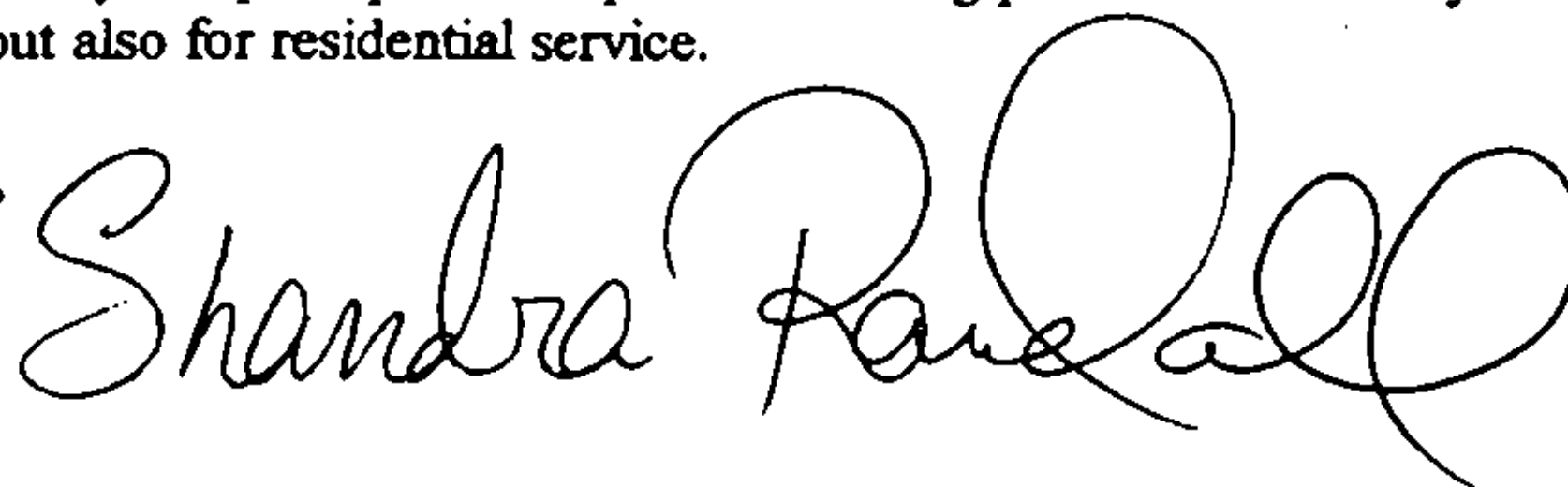
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script that reads "Shandra Ramey". The signature is fluid and stylized, with the first name "Shandra" written in a larger, more prominent script than the last name "Ramey".

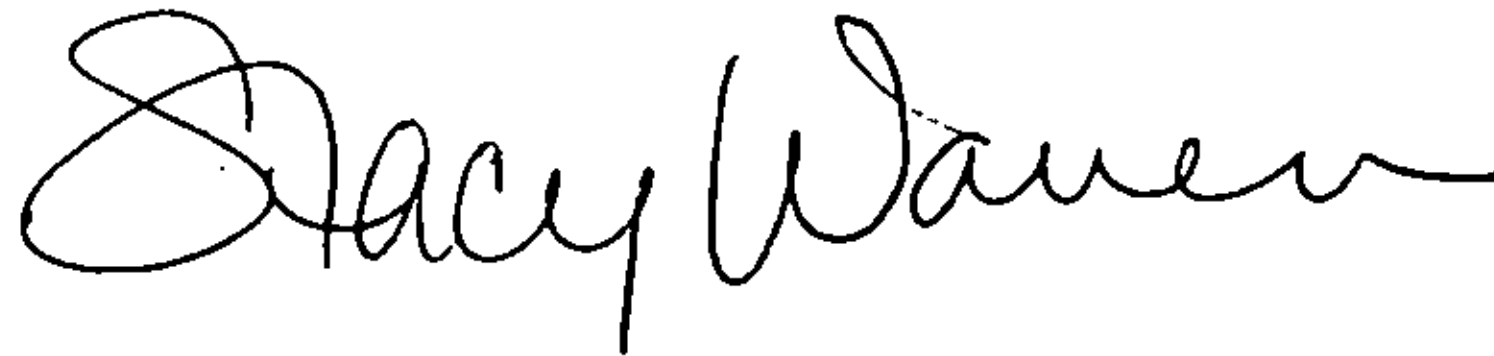
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a ^{Citizen}~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script that reads "Stacy Warner". The signature is fluid and written in dark ink.

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,



Anne Dier

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Jammi L. West

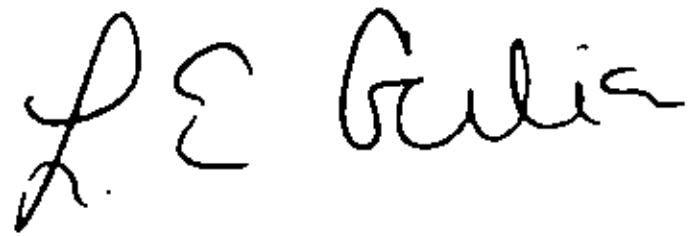
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "L E Gulis". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Kathryn L Woods

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

R Scott

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Reba Lisco
Silva Bloom

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Sandra Pritchard

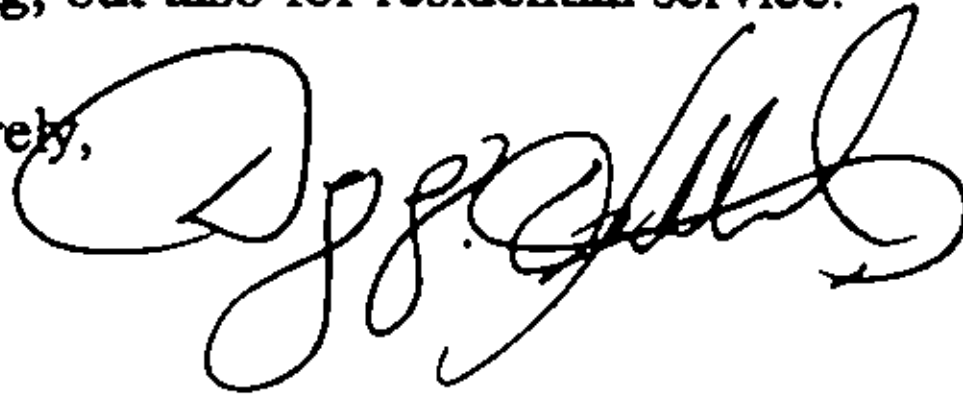
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Donny L. Hubbard". The signature is stylized with large, flowing loops and a prominent initial "D".

Donny L. Hubbard RAINWATER'S CLOTHING.

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Anthony Hernandez".

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the left.

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Mike L. Clayton
Fayetteville Tire & Auto

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Chanel ~~Stanphill~~

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a ^{resident}~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "J. D. H. A." with a long horizontal stroke extending to the right.

OFFICE DEPOT

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

William S. Slegin
OFFICE DEPOT

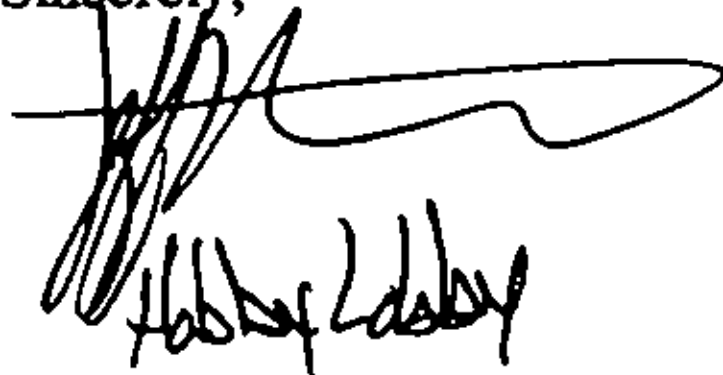
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,



Hobbs L. L. L.

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Ray James, Project Manager

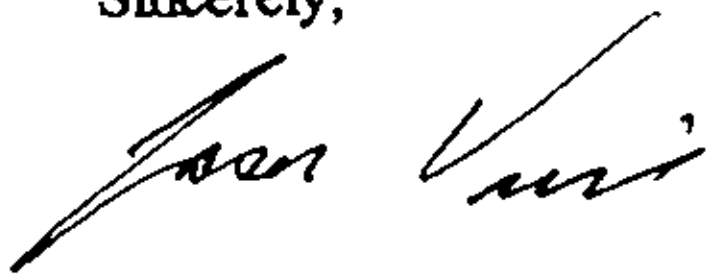
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joan V. V. V.", written in dark ink.

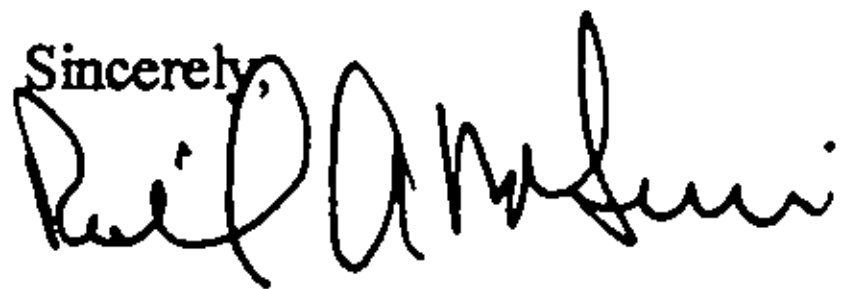
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard A. Moseley".

Richard's County Meat Market

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Brook Franklin

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Mike Hunsark

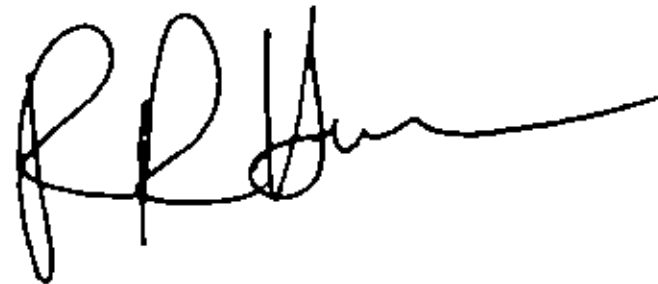
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to be "R. Davis", written over a horizontal line.

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Vicke Slaughter

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to be "Josh" followed by a long horizontal flourish.

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,



Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

James Gilbreath
The Education Station, Inc

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Anderson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

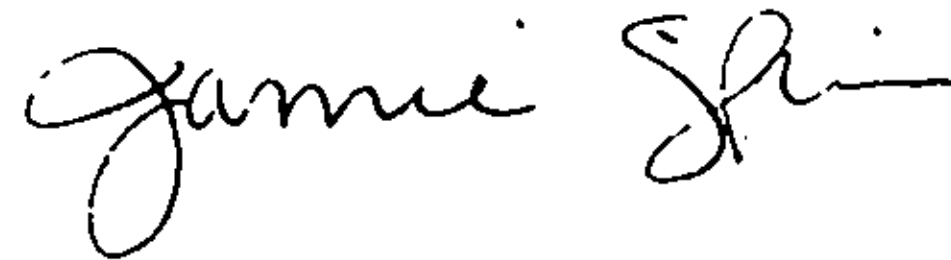
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, reading "Jamie Spivey". The signature is written in dark ink and is positioned below the "Sincerely," text.

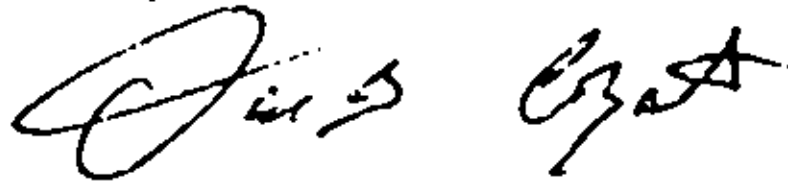
Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Egan". The signature is written in a cursive, flowing style with a large initial "J" and a stylized "E".

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Jehrie McLane

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,


RSM

Mr. Bob Davis, Alderman
Ward 3. Position 2
3257 Autumn Court
Fayetteville, AR 72703
Home: 442-5950
Work: 521-2233

RE: Open Competition for Solid Waste

Dear Mr. Davis:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Carlos
Datzfeld

Mr. Robert Rhoads, Alderman
Ward 3. Position 1
3168 Skillem Road
Fayetteville, AR 72703
Home: 443-9917
Work: 973-5202

RE: Open Competition for Solid Waste

Dear Mr. Rhoads:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Christie Taylor

Mr. Robert Rhoads, Alderman
Ward 3. Position 1
3168 Skillem Road
Fayetteville, AR 72703
Home: 443-9917
Work: 973-5202

RE: Open Competition for Solid Waste

Dear Mr. Rhoads:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Briana Kelley
Panem Bread

Mr. Robert Rhoads, Alderman
Ward 3. Position 1
3168 Skillem Road
Fayetteville, AR 72703
Home: 443-9917
Work: 973-5202

RE: Open Competition for Solid Waste

Dear Mr. Rhoads:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,


3-13-83

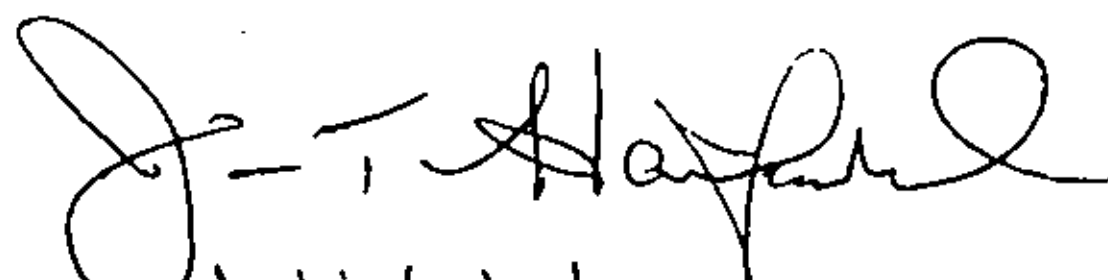
Mr. Robert Rhoads, Alderman
Ward 3. Position 1
3168 Skillem Road
Fayetteville, AR 72703
Home: 443-9917
Work: 973-5202

RE: Open Competition for Solid Waste

Dear Mr. Rhoads:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,


Nibbles

Mr. Robert Rhoads, Alderman
Ward 3. Position 1
3168 Skillem Road
Fayetteville, AR 72703
Home: 443-9917
Work: 973-5202

RE: Open Competition for Solid Waste

Dear Mr. Rhoads:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles B. Green". The signature is written in dark ink and is positioned below the word "Sincerely,".

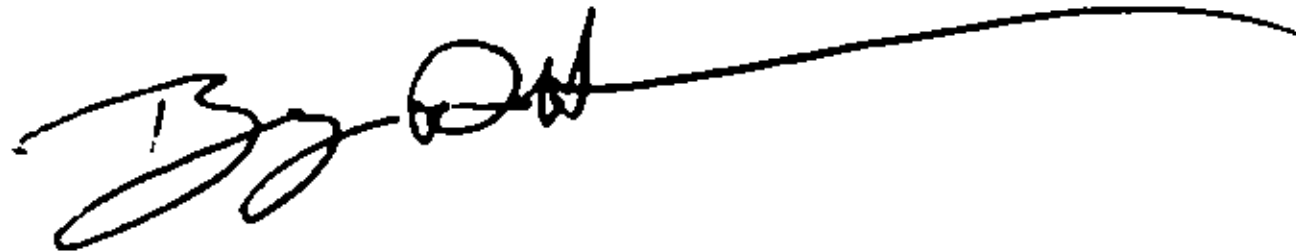
Mr. Robert Rhoads, Alderman
Ward 3. Position 1
3168 Skillem Road
Fayetteville, AR 72703
Home: 443-9917
Work: 973-5202

RE: Open Competition for Solid Waste

Dear Mr. Rhoads:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to be "Bj O", followed by a long horizontal line extending to the right.

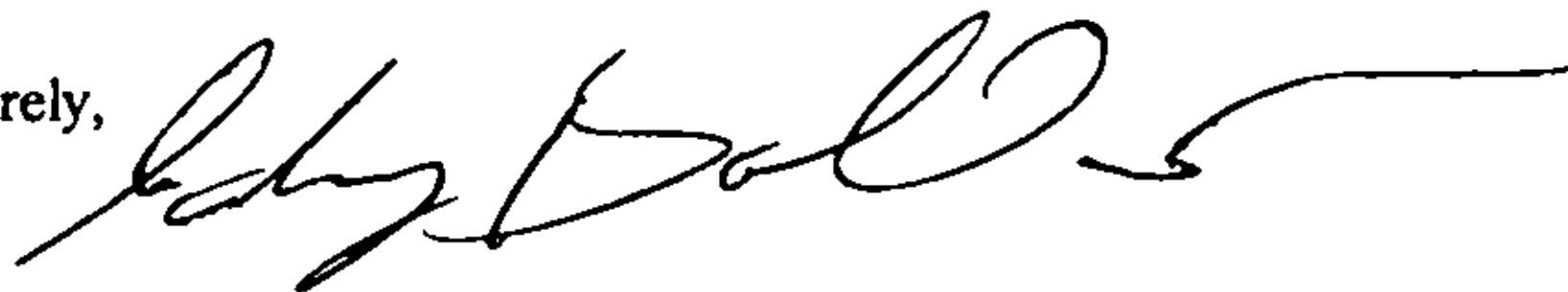
Mr. Robert Rhoads, Alderman
Ward 3. Position 1
3168 Skillem Road
Fayetteville, AR 72703
Home: 443-9917
Work: 973-5202

RE: Open Competition for Solid Waste

Dear Mr. Rhoads:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Rhoads", with a long horizontal flourish extending to the right.

Mr. Robert Rhoads, Alderman
Ward 3. Position 1
3168 Skillem Road
Fayetteville, AR 72703
Home: 443-9917
Work: 973-5202

RE: Open Competition for Solid Waste

Dear Mr. Rhoads:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Jesse Zig". The signature is written in a cursive, flowing style with a large initial "J" and a stylized "Zig".

Mr. Robert Rhoads, Alderman
Ward 3. Position 1
3168 Skillem Road
Fayetteville, AR 72703
Home: 443-9917
Work: 973-5202

RE: Open Competition for Solid Waste

Dear Mr. Rhoads:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lewis", with a large, stylized flourish extending from the end of the name.

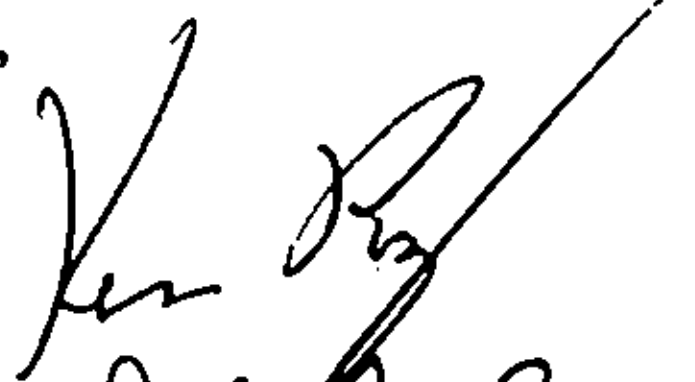
Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,






Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Chuck
CE's Dry Cleaning
Ernest Davis
Kaseal Sanders

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Bill McCall
Fred Champion

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Marr", with a long horizontal line extending to the right.

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script that reads "Lin Richard". The signature is written in dark ink and is positioned below the word "Sincerely,".

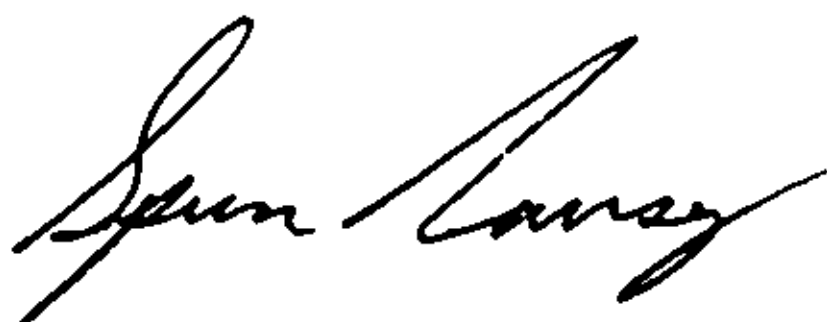
Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Caray". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to be 'M. Marr', with a horizontal line extending from the end of the signature.

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Victor B. Burt". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to be "Kurt Smith", written in a cursive style.

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Marr", with a stylized flourish at the end.

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Debi Rawbeth

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, reading "Kara Richardson". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am ^{employee}~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Judy Stepanek

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business ^{employee} ~~owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Susan Gust
Office Manager

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a ^{residence}~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Long
Pewitt

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Bentley Coyne
Where? for Women

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,


THAD HANNA

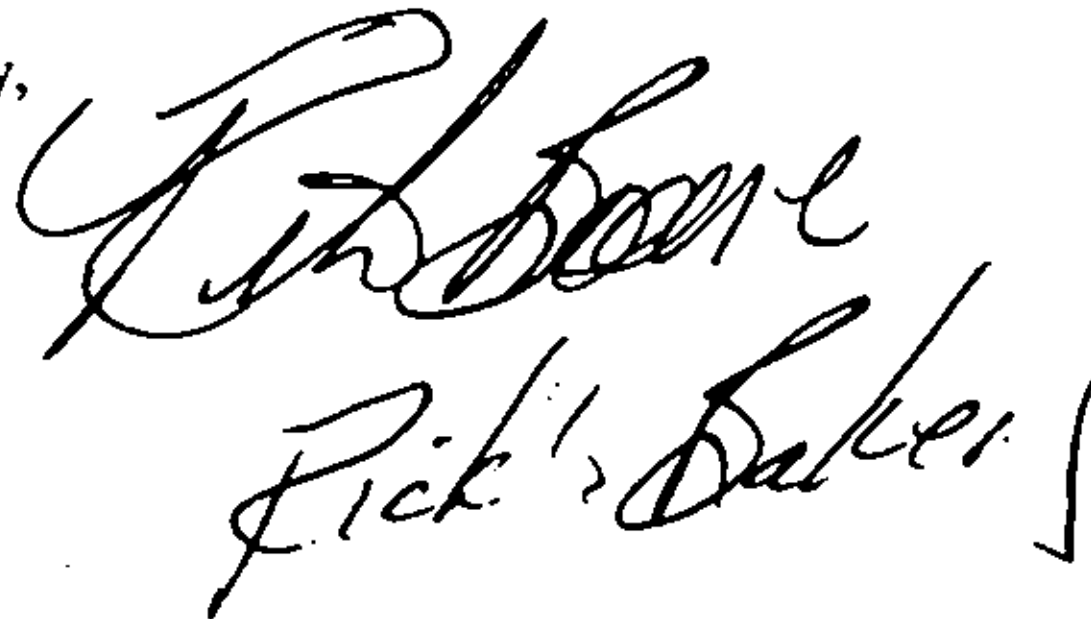
Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,


Rick Baker

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lloyd Bell".

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, reading "Traci L. Wyatt". The signature is written in dark ink and includes a long horizontal flourish extending to the right.

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marie H. Lee". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

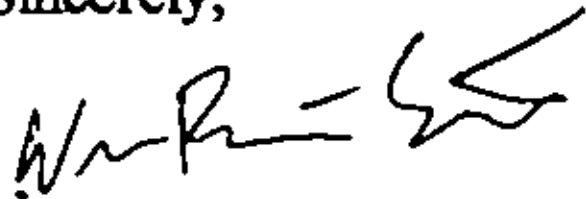
Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in dark ink, appearing to be "W. R. - [unclear]", written in a cursive style.

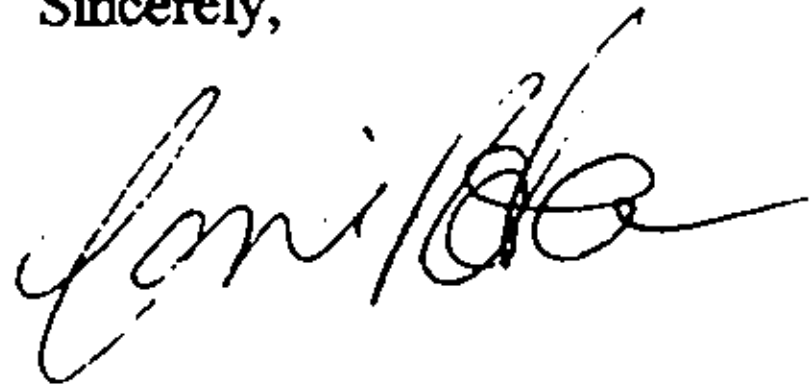
Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lonita", written in dark ink.

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'B' followed by a horizontal line and a small '5' or similar character.

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "B. L. Booth". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

David King

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to be "L. G. Smith" or similar, written in a cursive style.

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to be "Paul Marr", written over a horizontal line.

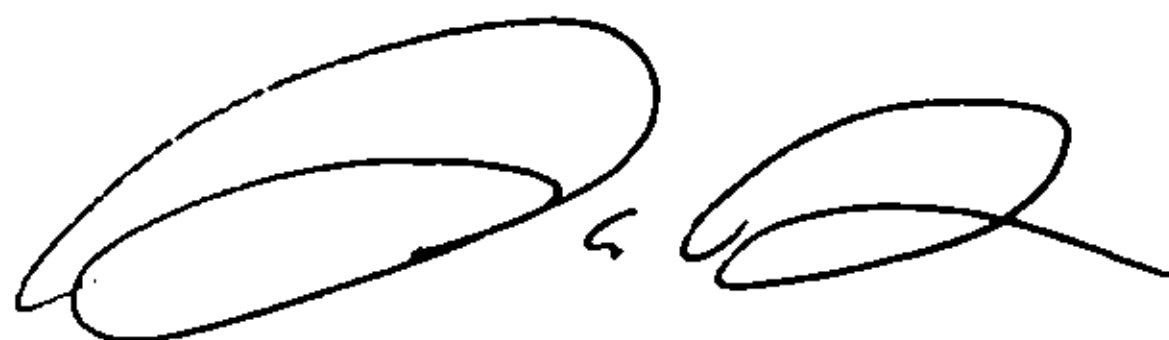
Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a smaller, more fluid signature.

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul Perami". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

W. S. Achy
TOTAL

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lane Emerson", followed by a horizontal line.

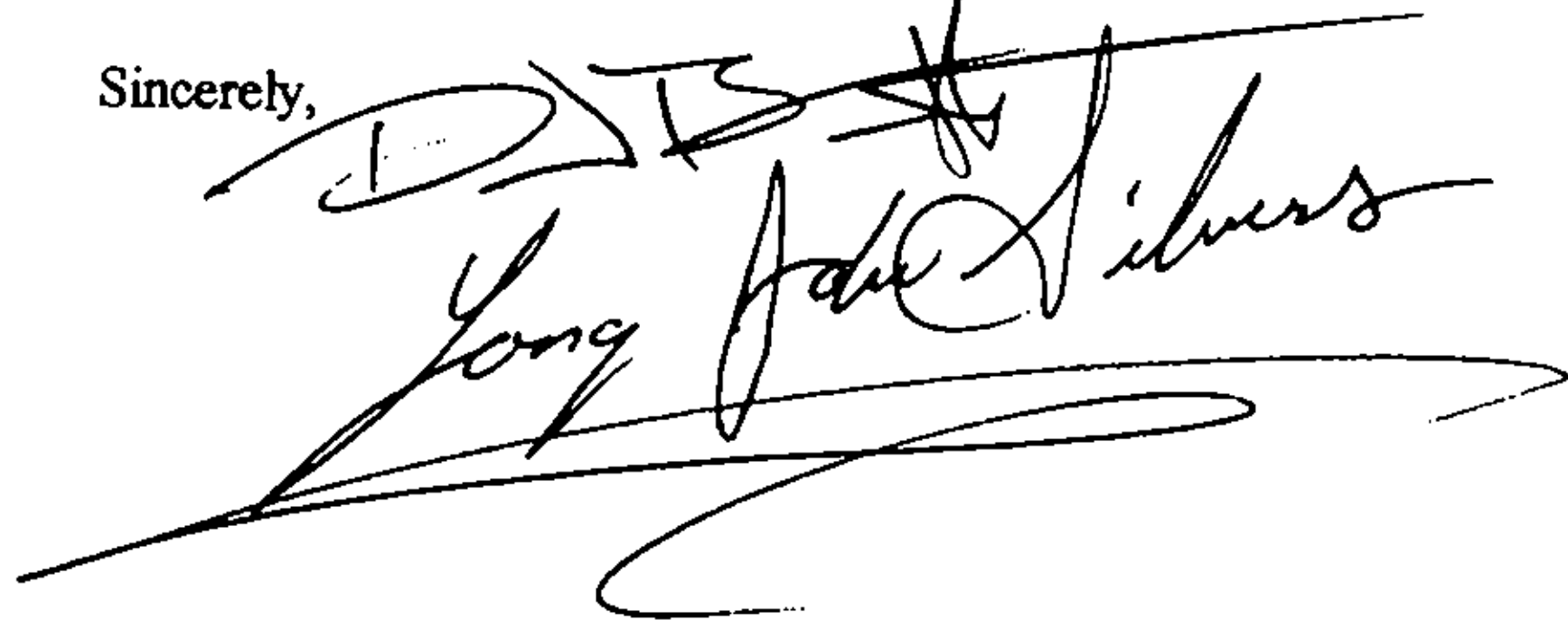
Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to taking over all of the waste hauling services within the City. My option of choice for the City to open up the competitive bidding process for not only commercial hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Long John Silvers". The signature is stylized with a large, sweeping underline that extends to the left and then curves back under the name.

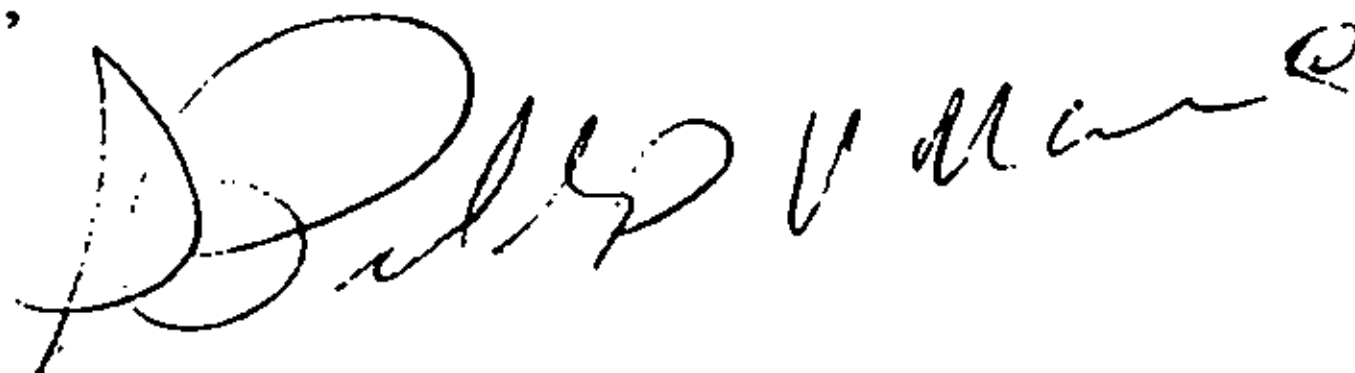
Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Don Marr", followed by a small circular mark.

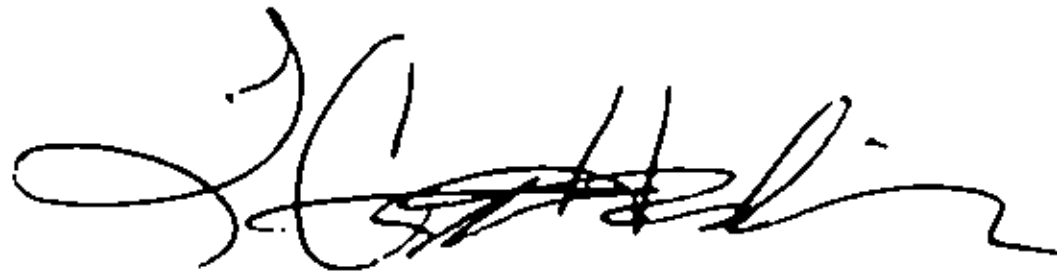
Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,



Metro, Inc. , Inc.

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a ~~businessman~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

I am strongly opposed to Any
Monopoly — Esp trash &
telephone. Include Gas,
Electric & Water.

Ellen R. Blalock

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Jeanne Mansell

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Christi Kuhl

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Rachel Wiles

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in dark ink, appearing to be 'M. Marr', with a long horizontal stroke extending to the right.

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,



Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "John Smith", with a long horizontal flourish extending to the right.

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ashley Fitzhugh".

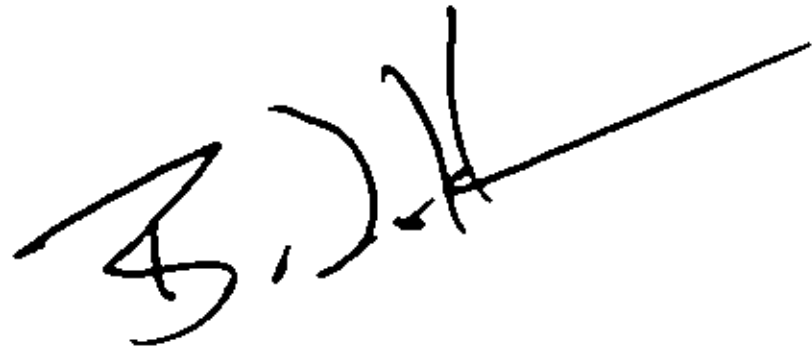
Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to be "S. J. H." followed by a long horizontal line.

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. S. L. L. L.", followed by a large, stylized flourish.

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Deana Cook

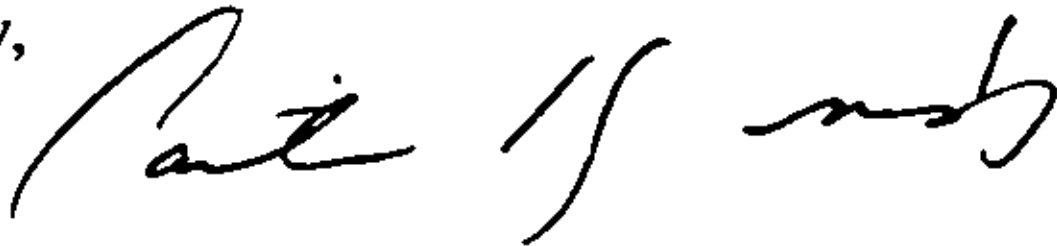
Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul J. Smith".

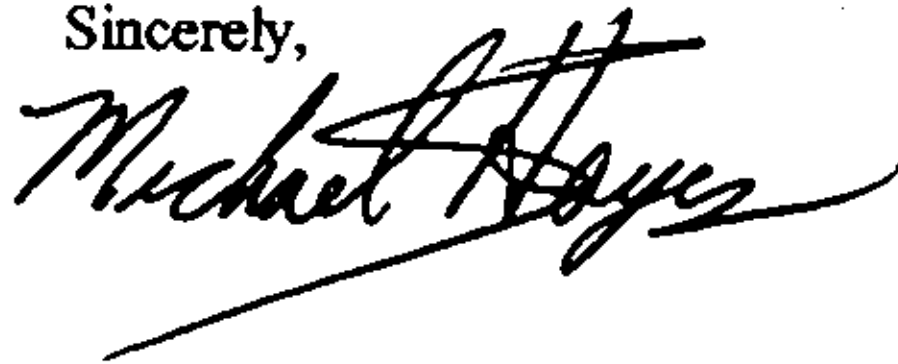
Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

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Sincerely,

A handwritten signature in cursive script, appearing to read "Michael Hayes". The signature is written in dark ink and is positioned below the word "Sincerely,".

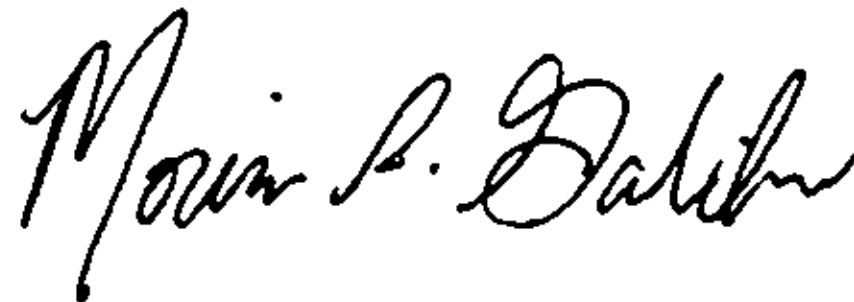
Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, reading "Marvin P. Dalbey". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to be "K. Gar" or similar, written in a cursive style.

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Vickie Rabeneck
VBR Enterprises

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a ^{citizen} ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Jami Trzwick

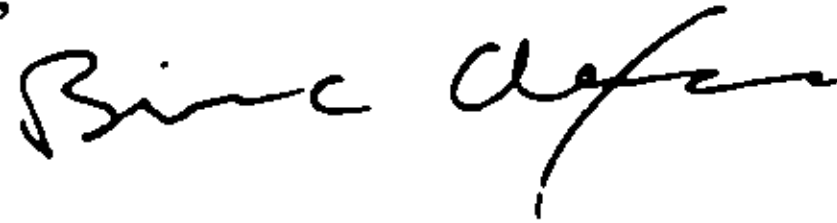
Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Binc Afer".

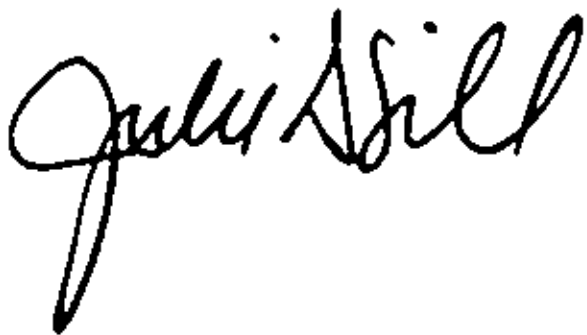
Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie Hill". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, ~~but also for residential service.~~

Sincerely,



Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bobby Richardson". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Beahm", written over a horizontal line.

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "David Clark". The signature is written in a cursive, somewhat stylized font. The first name "David" is written with a large, sweeping 'D' and the last name "Clark" follows in a similar cursive style.

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Tracy Daniels

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in dark ink, appearing to read "Luis Beren". The signature is fluid and cursive, with a large initial "L" and a trailing flourish.

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

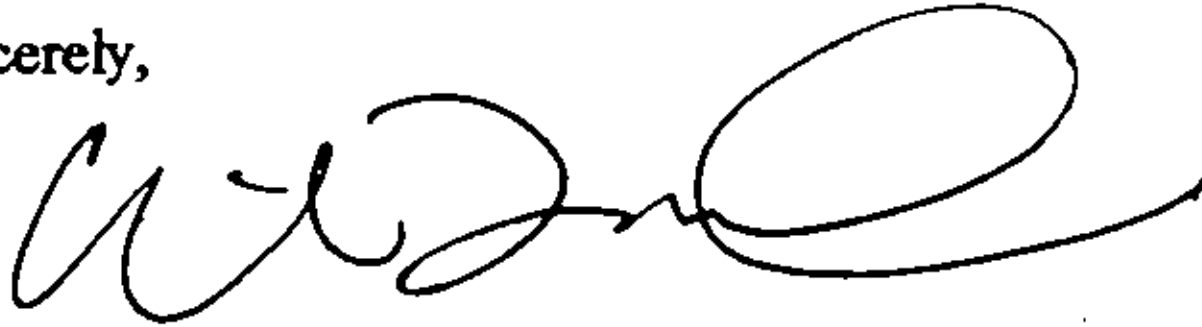
RE: Open Competition for Solid Waste

Dear Mr. Marr:

general manager

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to be 'W. D. Marr', written in a cursive style.

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Wa

Dear Mr. Marr:

I am a business owner in the City of
taking over all of the waste hauling s
be for the City to open up the compe
hauling, but also for residential servic

Sincerely,

A handwritten signature in black ink, appearing to be "James F. Barr", written in a cursive style.

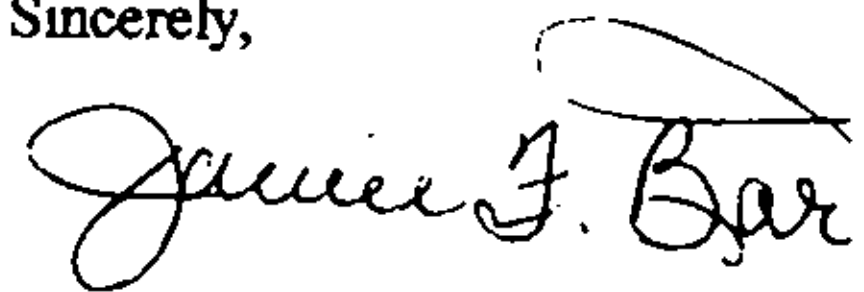
Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid

Dear Mr. Marr:

I am a business owner in the City
taking over all of the waste haulin
be for the City to open up the coi
hauling, but also for residential se

Sincerely,

A handwritten signature in black ink, appearing to be "James F. Barr", written in a cursive style.

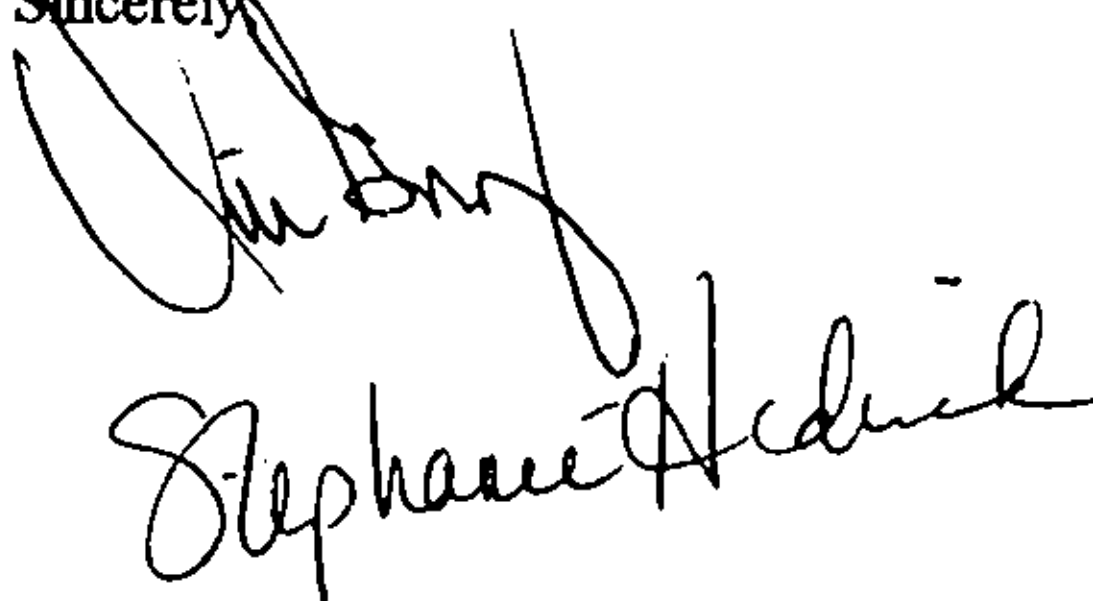
Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stephanie Hedrick". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Sonja Dixon
Wendy's #40
Al R
James Miller

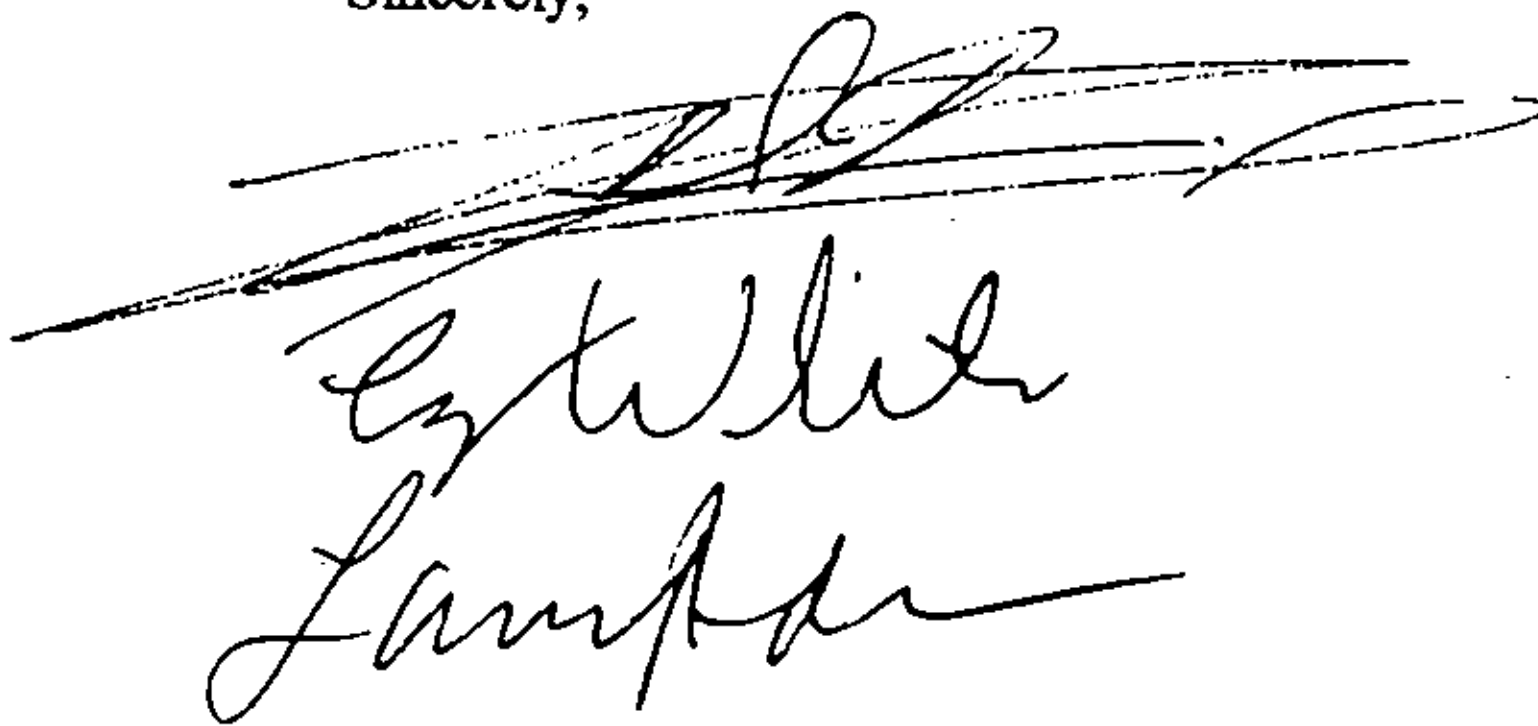
Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,



Cynthia
Lampson

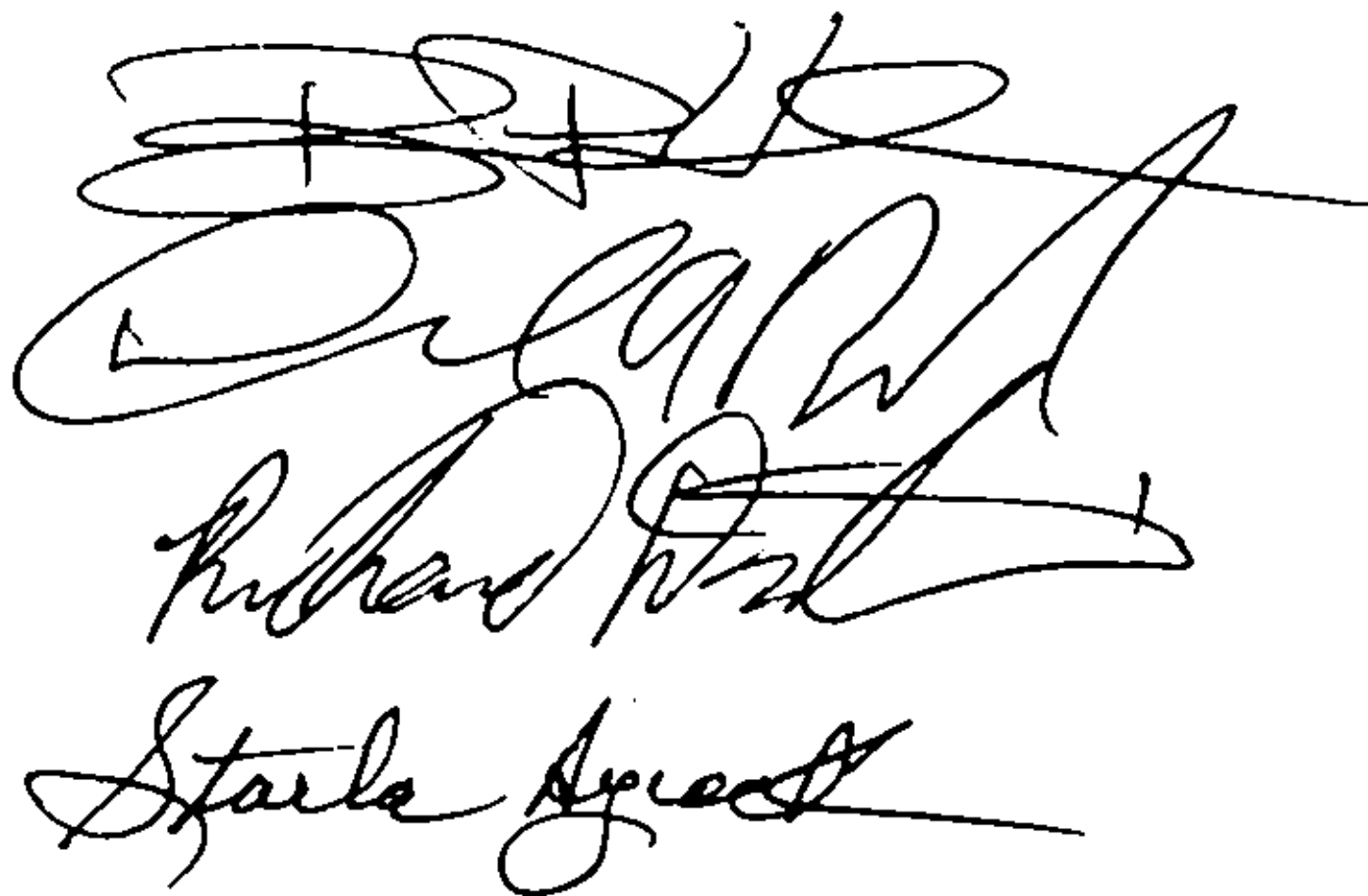
Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,



Starla Bryant

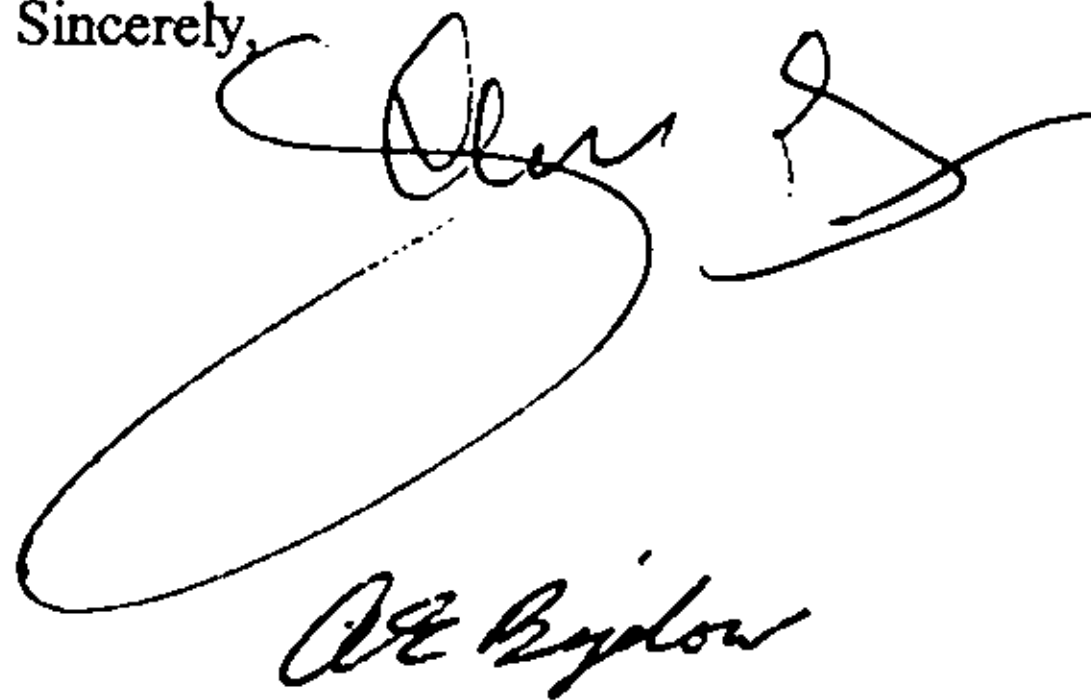
Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business ^{owner} ~~owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,



Art Byrdlow

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to be "Michael", followed by a long horizontal line extending to the right.

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to be "Don Marr", written over the word "Sincerely,".

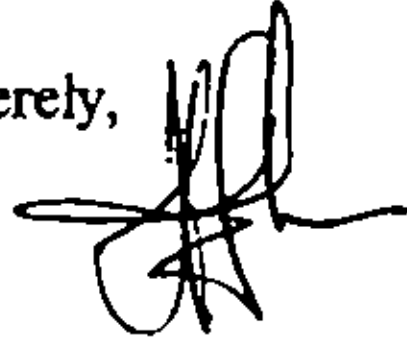
Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to be a stylized 'J' or 'K' followed by a horizontal line.

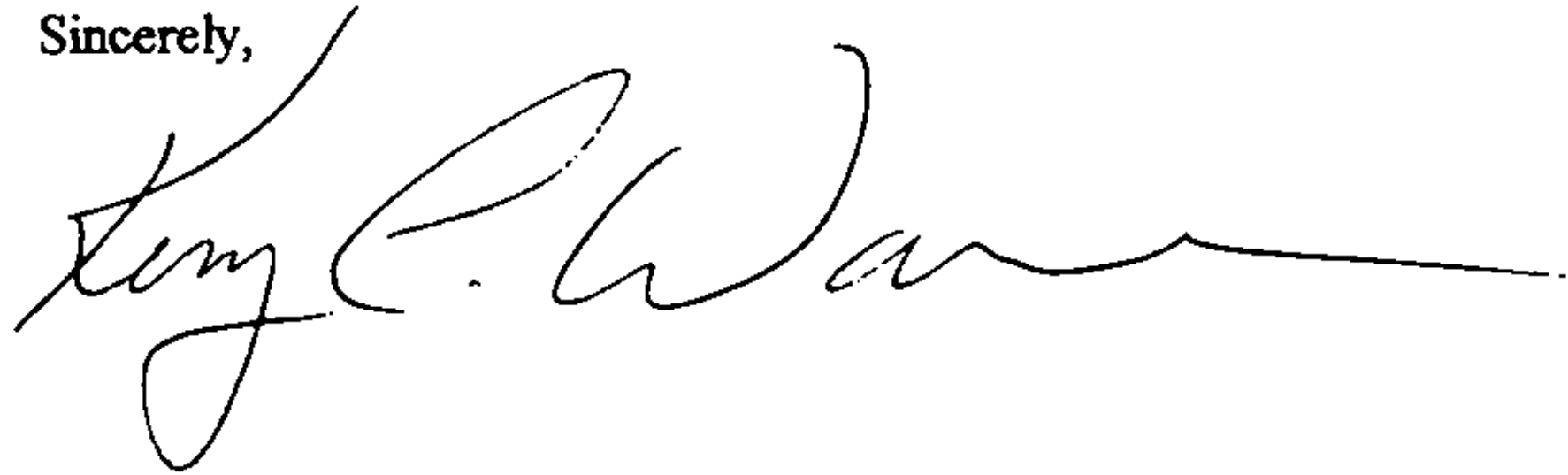
Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tony C. Wan". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Jennifer Steiner

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rebecca F. [unclear]". The signature is written in black ink and includes a large, stylized loop at the end.

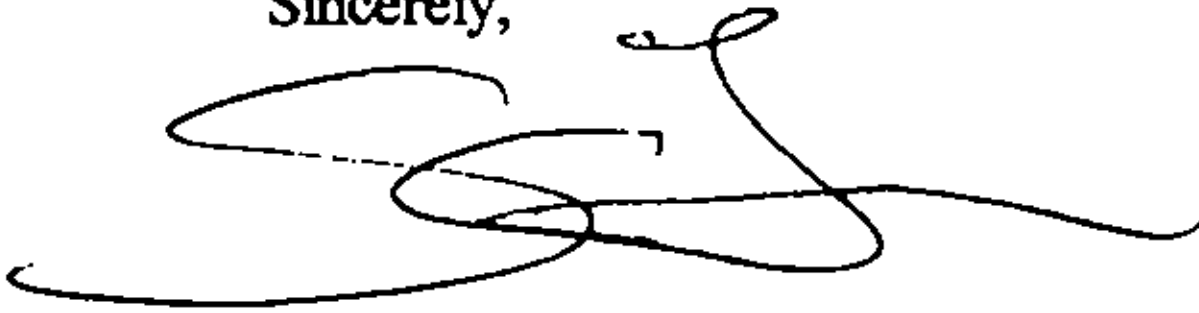
Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael H. Hargis". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bruce Wilcox".

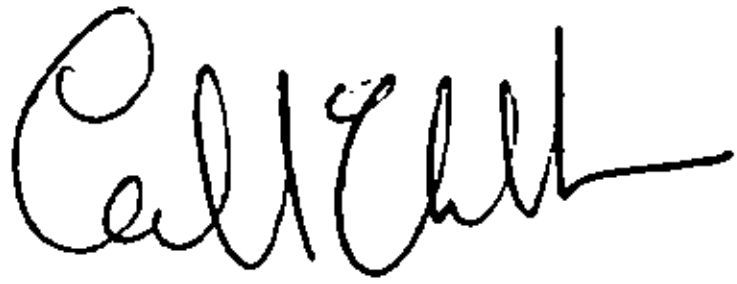
Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Callie", followed by a horizontal flourish.

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business ^{MGR.}owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. B. Blahney".

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. L. Smith". The signature is fluid and stylized, with a large loop at the end.

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "D. K. Wildt". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to be a stylized 'R' followed by a horizontal line and a small loop.

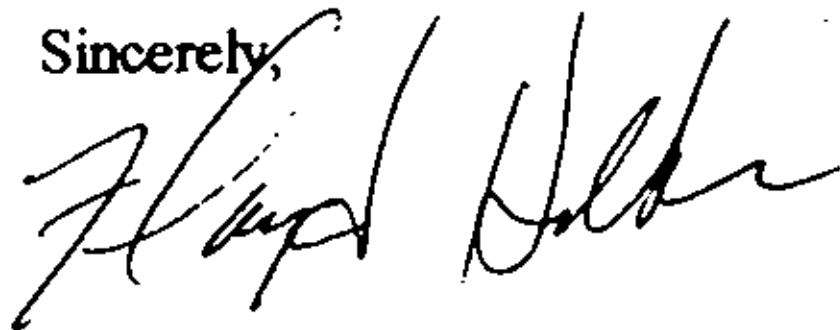
Mr. Don Marr, Alderman
Ward 2. Position 2
2 W. Mount Nord
P.O. Box 3561
Fayetteville, AR 72702
Home: 442-6513
Work: 444-6513

RE: Open Competition for Solid Waste

Dear Mr. Marr:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Floyd Holder", written over the word "Sincerely,".

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,



W. E. Farn
FARNER MOTOR CO

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Brandy Smith
Asst. Manager Burger King #1982

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Bo Brack

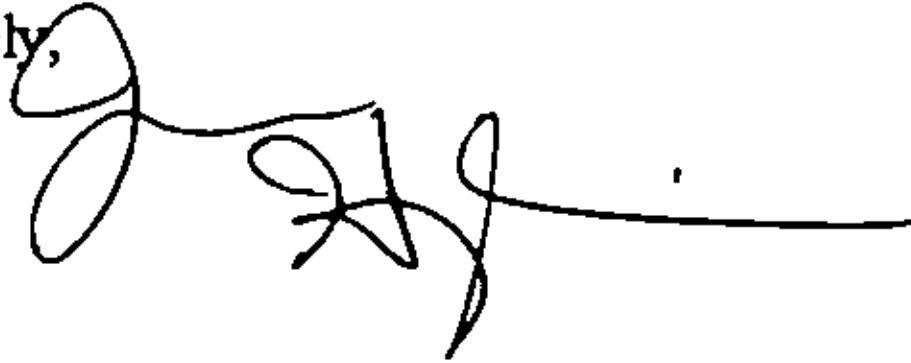
Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to be "J. H. [unclear]", followed by a horizontal line.

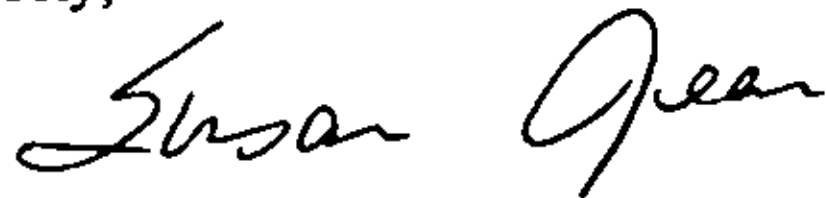
Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan Jean".

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Bandy Jefferson

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Erika Bourisaw

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Stephen Vallu

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Peggy Mulls". The signature is written in dark ink and is positioned below the typed name "Peggy Mulls".

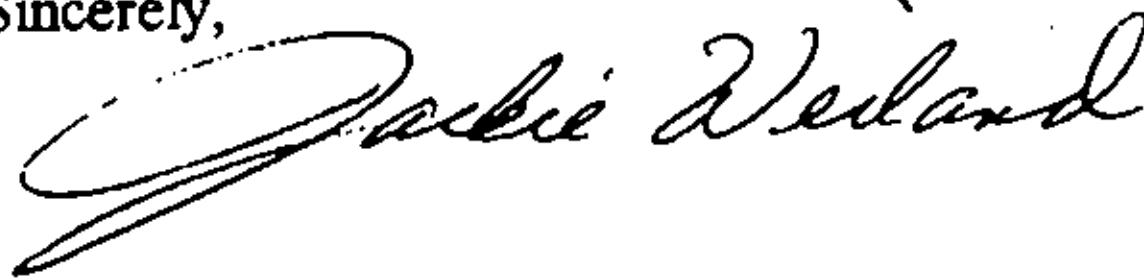
Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, reading "Jackie Weiland". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Betty P. Morris

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Richard Allen

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Danna Bunning
Atlas Haul

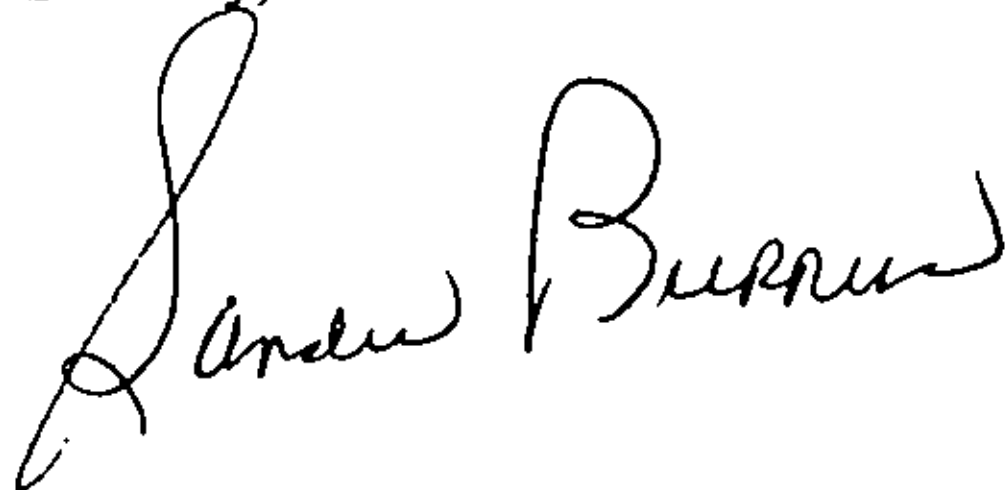
Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a ^{citizen}~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Andrew Burrum

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

/

Sincerely,

Dice Augustine

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

^{resident}
I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Mandy Fortenberry

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Jennifer Mereland

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. H. Hester".

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Andrea Stendahl

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Victoria Madewell

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a ^{manager}~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Aeresa Booher

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,


Eric
Mail Boxes Etc.

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Doug Miller

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Hurd". The signature is fluid and cursive, with a long horizontal stroke at the end.

**Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632**

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Sincerely,



Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gavin May". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

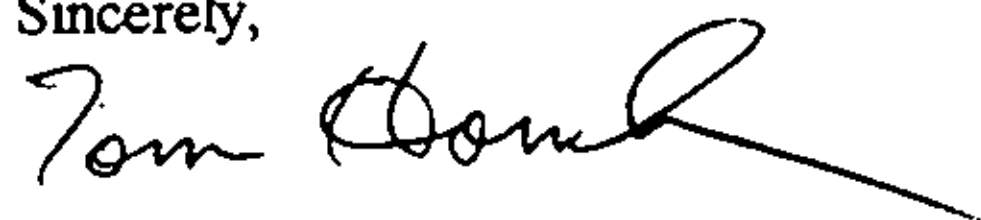
Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Howell", with a long horizontal line extending to the right.

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Jimmy O. Hobbs
7c

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay B. Smith", written in a cursive style.

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to be "Donna", with a long horizontal flourish extending to the right.

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Theresa", with a long horizontal line extending from the end of the signature.

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Keitha Luette

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Neil G. Smith". The signature is fluid and cursive, with the first name "Neil" written in a large, stylized script, followed by a middle initial "G." and the last name "Smith".

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to be "H. H. H." or similar, written in a cursive style.

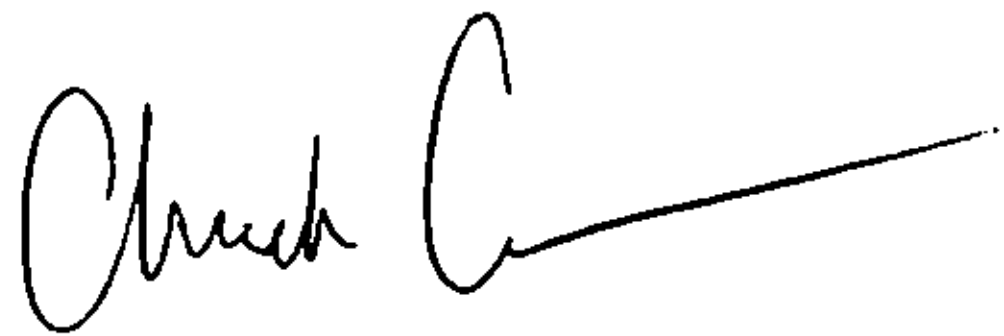
Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Chuck C.", followed by a long horizontal line extending to the right.

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles Cant".

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Jordan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

August Nickerson

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Charlotte Ross

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Doug Parn".

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Melissa Frost

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

*Betty Ann
Party House*

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Dr. Jay Young D.C.

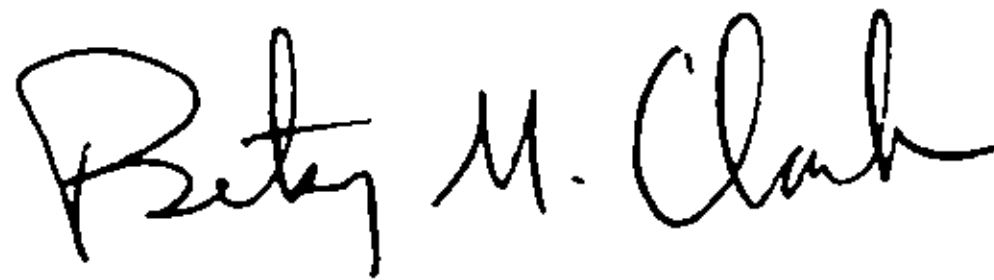
Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script that reads "Betty M. Clark". The signature is written in dark ink and is positioned below the word "Sincerely,".

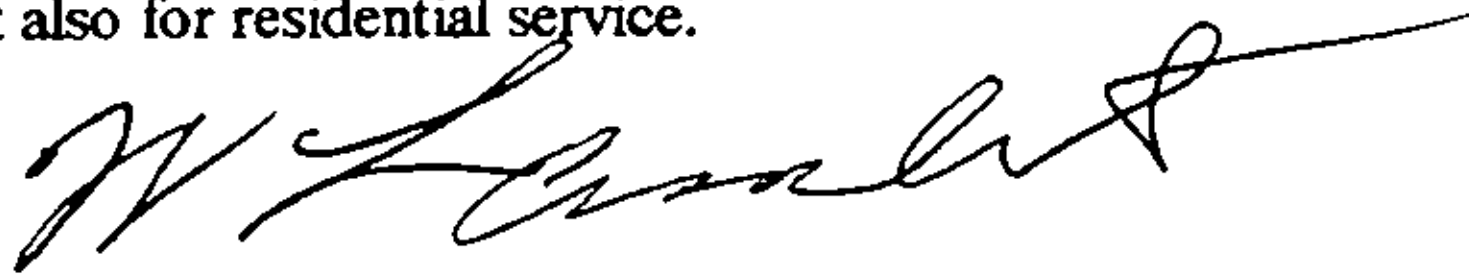
Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "W. L. Smith", with a long horizontal flourish extending to the right.

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul Bank". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script that reads "Dawn Williams". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mr. Kyle Cook, Alderman
Ward 2. Position 1
1335 Vandeventer
Fayetteville, AR 72701
Home: 521-7632

RE: Open Competition for Solid Waste

Dear Mr. Cook:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Glasen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ms. Brenda, Thiel, Alderwoman
Ward 1. Position 2
172 E Willoughby Drive
Fayetteville, AR 72701
Home: 442-3095

RE: Open Competition for Solid Waste

Dear Ms Thiel:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Chris Sargent, President Highway 62 Auto Salvage & Sales, Inc.

A handwritten signature in black ink, appearing to read "Chris Sargent", with several overlapping strokes and a large, dark, scribbled area below the name.

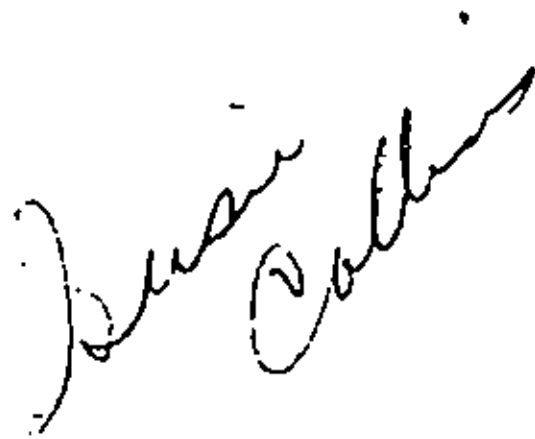
Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Justin Collins".A handwritten signature in cursive script, appearing to read "Robert Reynolds".

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

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Sincerely,

Teresa Renington

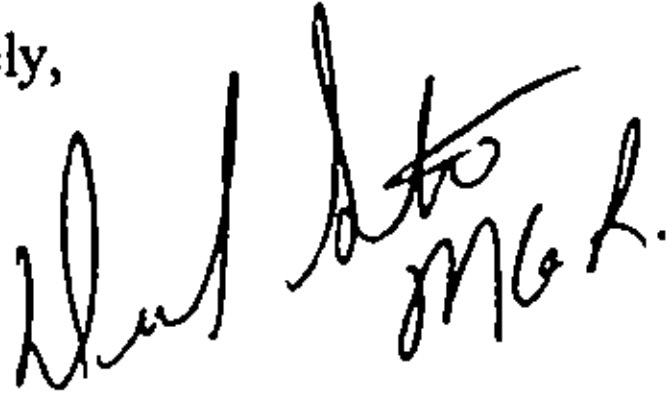
Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

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Sincerely,

A handwritten signature in black ink, appearing to read "Mark H. Reynolds". The signature is stylized with a large initial "M" and a long, sweeping line extending from the "H".

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Jaeds Grace
Jaeds Grace

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

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Sincerely,

A handwritten signature in black ink, appearing to read "Phil Logan", with a long horizontal flourish extending to the right.

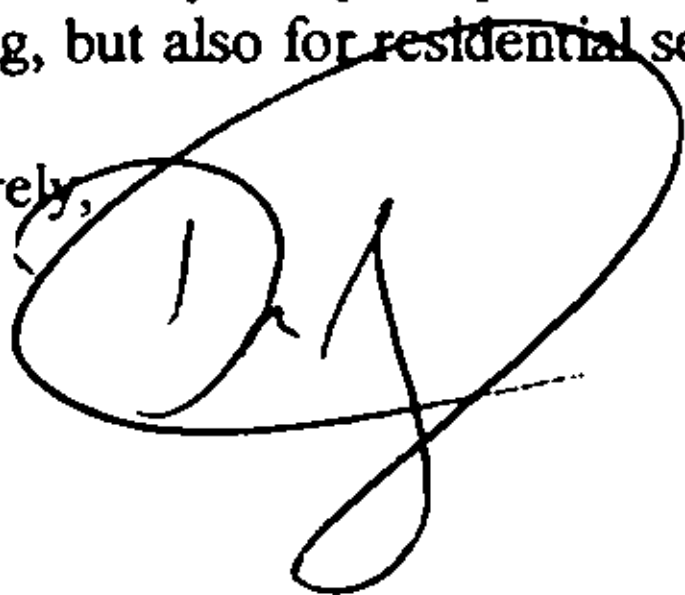
Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

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Sincerely,

A handwritten signature in black ink, appearing to be "DJ" or similar, enclosed within a large, loopy oval shape.

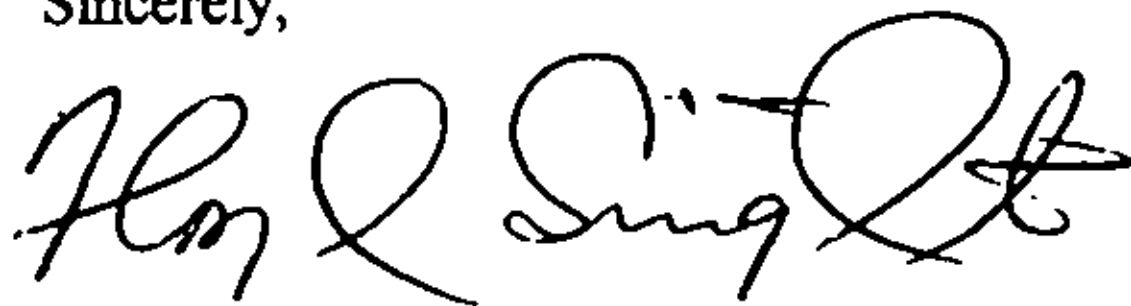
Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Hong Q. Sing". The signature is stylized with a large, looped "H" and a cursive "Sing".

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to be "M. L. ...", written in a cursive style.

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink. The first part of the signature is "Jason" written in a cursive style. This is followed by a large, stylized letter "B". The signature ends with a horizontal line that loops back under the "B".

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

I am a business ~~owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,



Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "D. C. Peck". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

I am a business ~~owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely, *Kim Wladu*

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

I am a business ^{MS.} ~~owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Mason". The signature is stylized with a large, sweeping loop at the end.

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Hight", with a long horizontal flourish extending to the right.

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Rusty Warford

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Don H. H. H.", written in black ink.

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Milam".

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,



SHAWN FAKHIMI

3-13-03

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Don Renfro". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

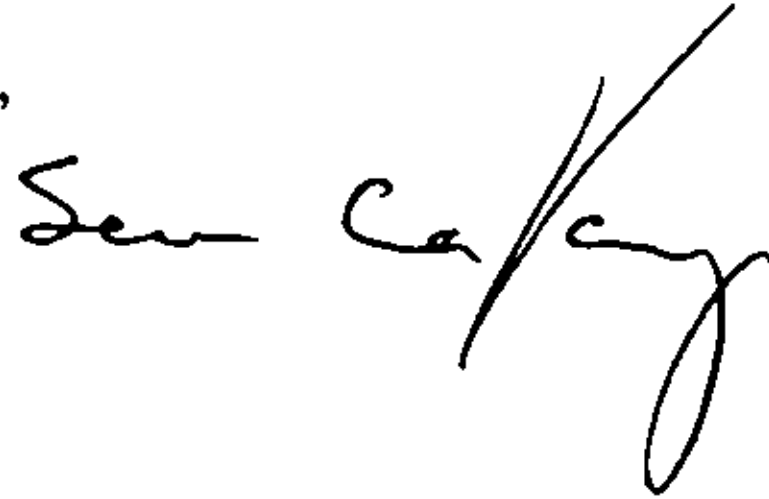
Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sen Casey". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Randy Cunniff". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul Brackley".

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Alvin Rosen". The signature is fluid and cursive, with a long horizontal stroke at the end.

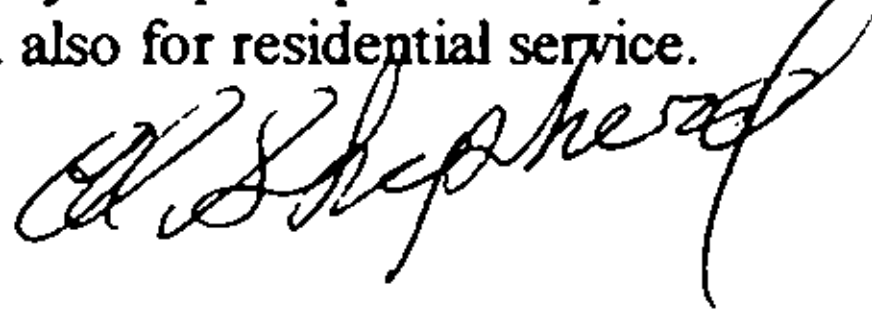
Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

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Sincerely,

A handwritten signature in cursive script, appearing to read "A. Shepherd", written over the word "Sincerely,".

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

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Sincerely,

Donna Wilson
B. Judy Williams

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

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Sincerely,

A handwritten signature in black ink, appearing to be "Paul R.", followed by a long horizontal line extending to the right.

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

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Sincerely, 

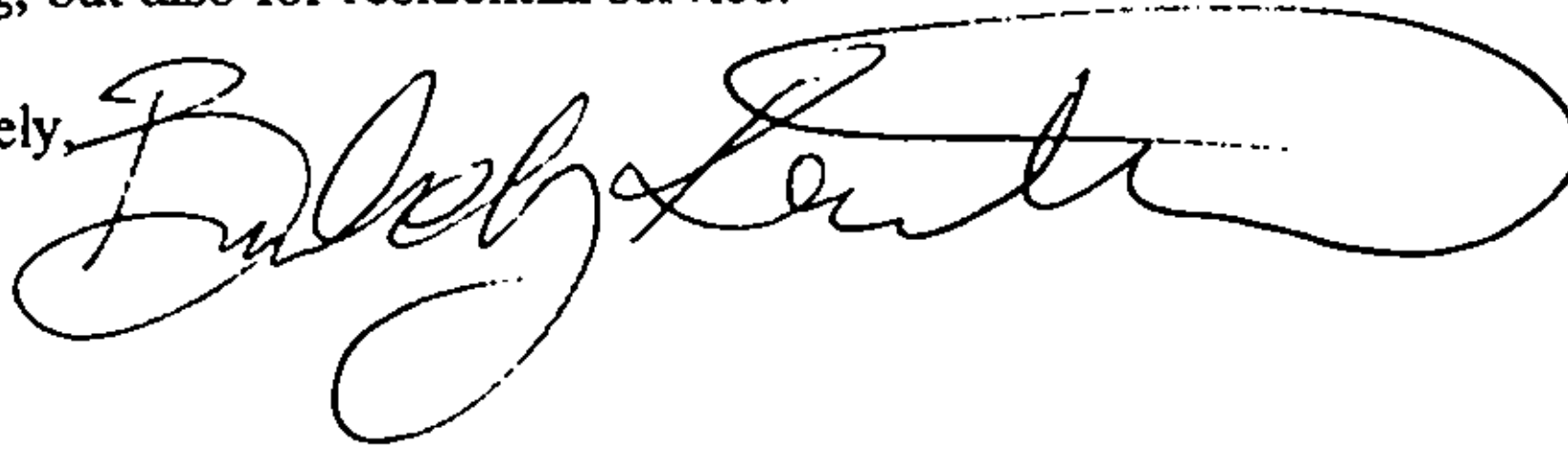
Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
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Sincerely,

A handwritten signature in cursive script, appearing to read "Daley Lantz", written in black ink. The signature is fluid and stylized, with a large loop at the end.

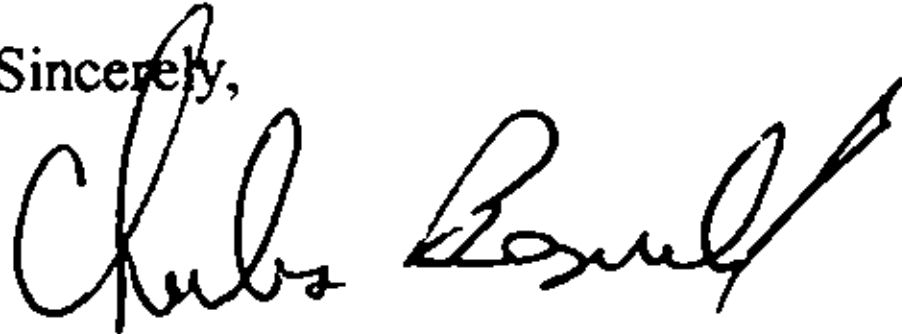
Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
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RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

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Sincerely,

A handwritten signature in cursive script, appearing to read "Charles Beaulieu", with a large, sweeping flourish at the end.

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
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RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

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Sincerely,

A handwritten signature in cursive script, appearing to read "J. J. Thomas".

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

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Sincerely,

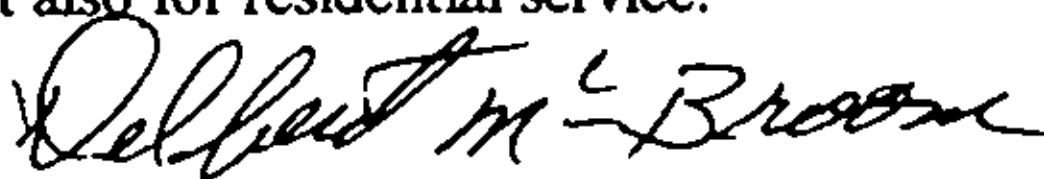
A handwritten signature in cursive script, appearing to read "Jan Reed".

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely, 

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

I am a business ^{GM}~~owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Carl P. Ruff
GM Best Western

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

I am a business ^{Front End Sup.} ~~owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Quadi Mann
Westlake Hdw.

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

I am a business ~~owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Landis S. Pinner
Mgr. Ozark W Affles

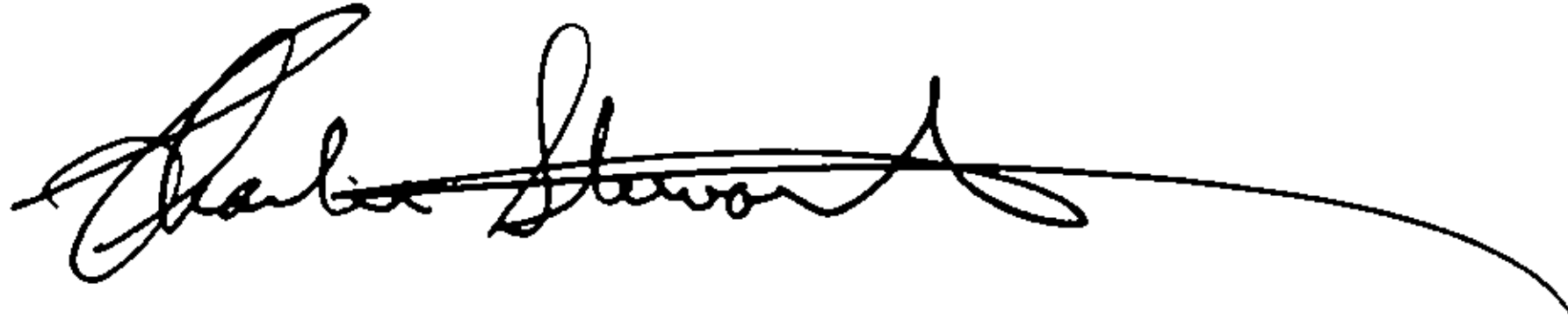
Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
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RE: Open Competition for Solid Waste

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Sincerely,

A handwritten signature in black ink, appearing to read "Charles Stewart", with a long horizontal flourish extending to the right.

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

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Sincerely,

Christine Johnson, Sec. Treas
OZARK MOUNTAIN AIR, INC.

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

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Sincerely,

Barbara K. Doyle
Neptune Pool & Spa

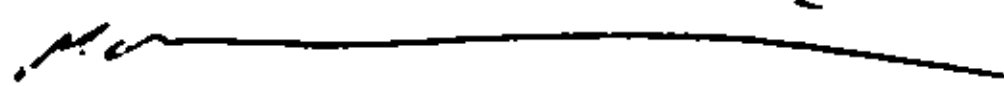
Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
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RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

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Sincerely,

A handwritten signature in dark ink, appearing to be "J. W. ...", followed by a long horizontal line that extends to the right.

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
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RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

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Sincerely,

Andrea Myggen

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

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Sincerely,


Bob Martin
3-14-93

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

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Sincerely,

Julie Baker

The Salon and Day Spa

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

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Sincerely,

A handwritten signature in cursive script that reads "Lou Daniel". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

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Sincerely,

Charity Anne

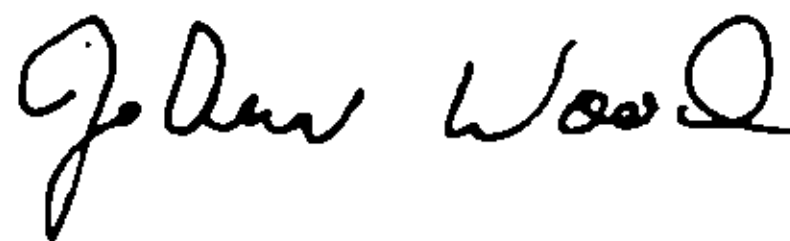
Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

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Sincerely,

A handwritten signature in cursive script, appearing to read "John Wood".

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

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Sincerely,

A handwritten signature in black ink, appearing to read "A. Stevens", with a stylized flourish at the end.

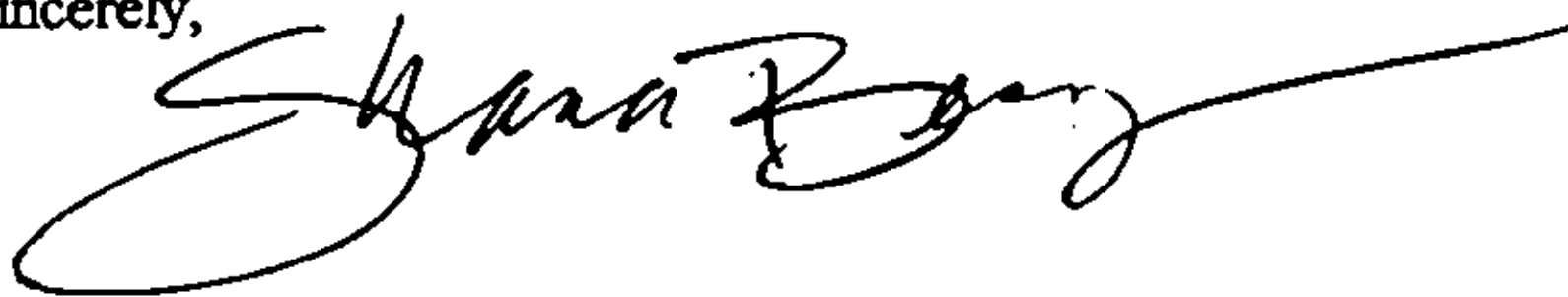
Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
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Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

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Sincerely,

A handwritten signature in black ink, appearing to read "Sharon R. [unclear]". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
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Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

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Sincerely,

Arita Bechaud

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

I am a ^{resident}~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Lammie R. Lea

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sam D. Lawrence". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

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Sincerely,

A handwritten signature in cursive script, reading "Angela J. Reyes". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

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Sincerely,

A handwritten signature in black ink, appearing to be "R. Reynolds", written in a cursive style.

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

I am a ~~business owner~~ in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Berry", written over a horizontal line.

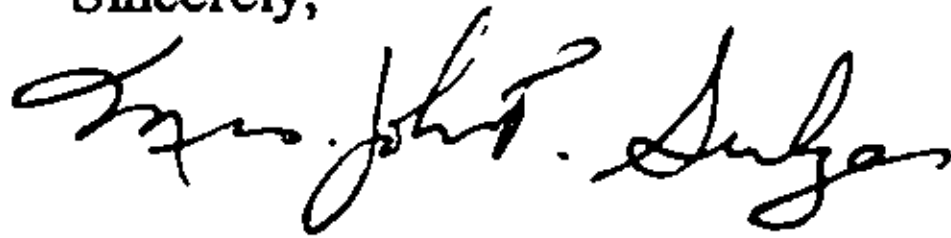
Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

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Sincerely,

A handwritten signature in cursive script, appearing to read "Tom J. H. Sledge".

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

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Sincerely,

Jaith Walderbach

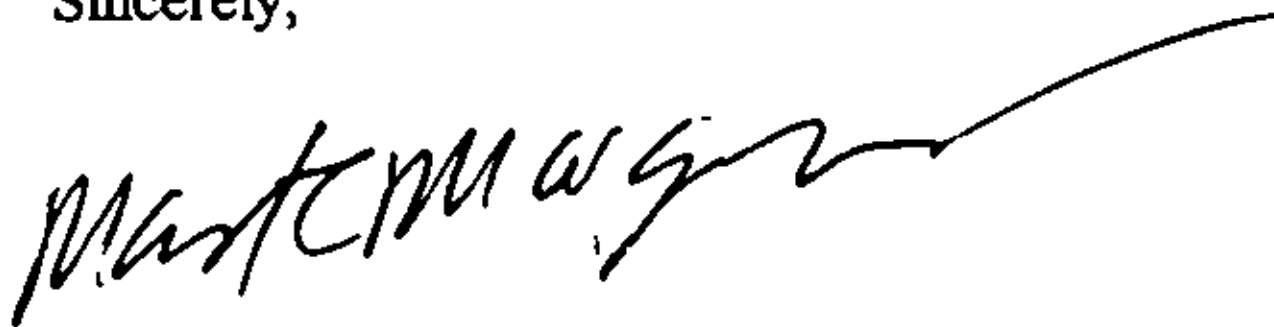
Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
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Sincerely,

A handwritten signature in black ink, appearing to read "Mark Magruder", with a long, sweeping horizontal line extending to the right.

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

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Sincerely,

A handwritten signature in black ink, appearing to be the initials 'MR' followed by a stylized flourish.

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

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Sincerely,

A handwritten signature in cursive script, appearing to read "Tony Murphy".

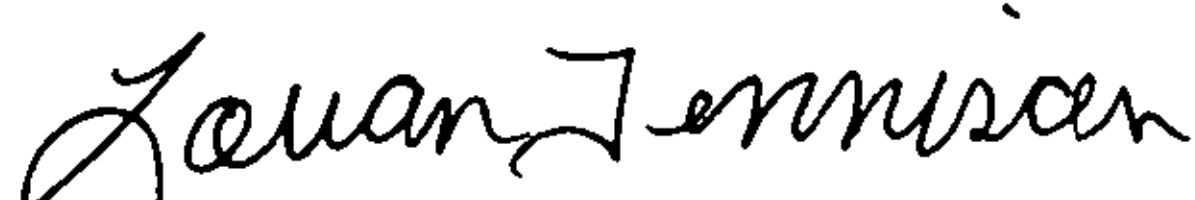
Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
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RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

A handwritten signature in cursive script, reading "Lewan J. Morrison". The signature is written in dark ink and is positioned below the "Sincerely," text.

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
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Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

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Sincerely,

Veronica Jones

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Dail Mussler

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

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Sincerely,

Deborah K. Hawkins

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

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Sincerely,

Regina Francis

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

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Sincerely,

Stephanie Albertson

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

RE: Open Competition for Solid Waste

Dear Mr. Reynolds:

I am a business owner in the City of Fayetteville and I am strongly opposed to the City taking over all of the waste hauling services within the City. My option of choice would be for the City to open up the competitive bidding process for not only commercial waste hauling, but also for residential service.

Sincerely,

Cindy Anglin

Mr. Robert Reynolds, Alderman
Ward I. Position 1
2571 S City Lake Road
Fayetteville, AR 72701
Home: 442-3799
Work: 442-9792
Cell: 530-9792

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Sincerely,

Cecilia A. Hardin

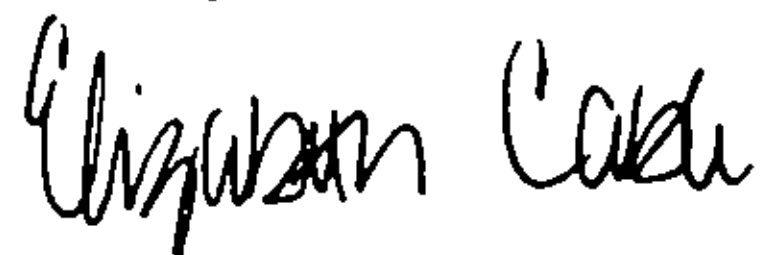
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Sincerely,

A handwritten signature in cursive script, appearing to read "Elizabeth Calkins".

Mr. Robert Reynolds, Alderman
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Sincerely,

Catherine J. Orsburne

Mr. Robert Reynolds, Alderman
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Sincerely,

Curt. M. Hall

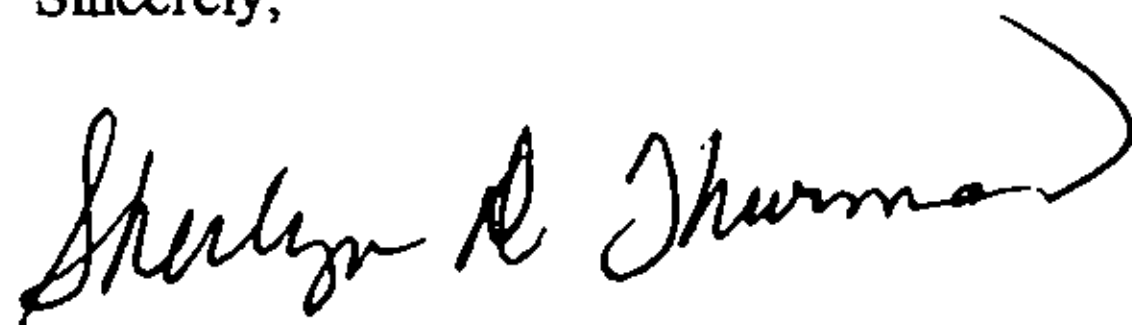
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Sincerely,

A handwritten signature in cursive script, reading "Sherlyn A. Thurman". The signature is written in black ink and includes a long, sweeping horizontal stroke at the end.

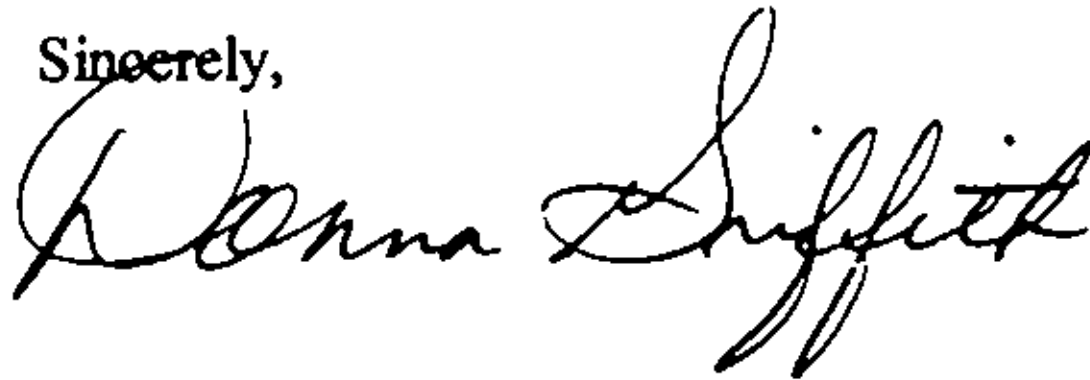
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Sincerely,

A handwritten signature in cursive script, appearing to read "Donna Griffith". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mr. Robert Reynolds, Alderman
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Sincerely,

A handwritten signature in black ink, appearing to read "Misty Turner". The signature is written in a cursive, flowing style with a long horizontal line extending from the end.

Mr. Robert Reynolds, Alderman
Ward I. Position 1
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Sincerely,

Tylinda Milstead

Mr. Robert Reynolds, Alderman
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Sincerely,

A handwritten signature in cursive script, appearing to read "Pam Sympson". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Mr. Robert Reynolds, Alderman
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Sincerely,

A handwritten signature in black ink, appearing to be "T. D. [unclear]", written in a cursive style.

Mr. Robert Reynolds, Alderman
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Sincerely,

Francis Robinson

Mr. Robert Reynolds, Alderman
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A handwritten signature in cursive script, appearing to read "Ken Beale". The signature is written in dark ink and is positioned below the word "Sincerely,".

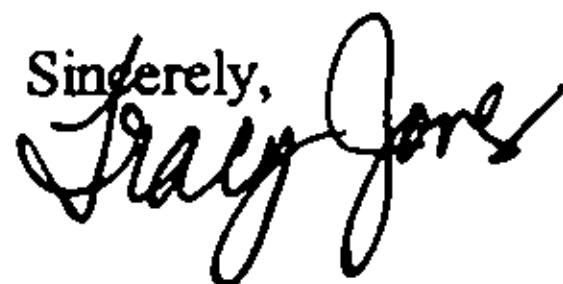
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Sincerely,

A handwritten signature in cursive script, appearing to read "Tracy Jones".

Mr. Robert Reynolds, Alderman
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A handwritten signature in cursive script, appearing to read "James Howard". The signature is written in dark ink and is positioned below the word "Sincerely,".

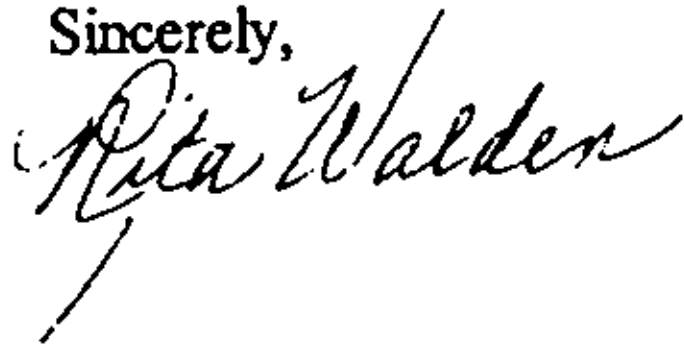
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Sincerely,

A handwritten signature in cursive script that reads "Rita Walden". The signature is written in dark ink and is positioned below the word "Sincerely,".

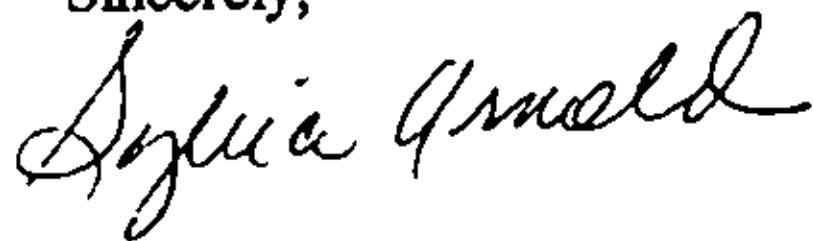
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Sincerely,

A handwritten signature in cursive script, appearing to read "Sylvia Arnold".