

Aldermen

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Sarah E. Lewis

Final Agenda City of Fayetteville Arkansas City Council Meeting May 17, 2011

A meeting of the Fayetteville City Council will be held on May 17, 2011 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

1. Quarterly Financial Report

Agenda Additions:

A. Consent:

1. Approval of the May 5, 2011 City Council meeting minutes. **APPROVED**
Due to a scrivener's error the date of the minutes approved should read May 3, 2011 City Council meeting.
2. **City of West Fork Inter-Local Agreement:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of West Fork, Arkansas to provide animal sheltering services to West Fork through 2011.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 76-11

3. **Ranger's Pantry Pet Food Bank Donation Revenue:** A resolution approving a budget adjustment in the amount of \$1,619.00 representing citizen donation revenue to the Animal Services Division Ranger's Pantry Pet Food Bank during the first quarter of 2011.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 77-11

4. **Police Department Policies:** A resolution approving Fayetteville Police Department policies 15.1 Planning and Research, 15.3 Criminal Analysis, 41.2.13 Seatbelt Usage, and 45.1.1 Community Oriented Policing.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 78-11

5. **Education Access Television Contract:** A resolution to approve an agreement with the Fayetteville School District to operate the City's Educational Access Channel.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 79-11

6. **Highway 16 East Widening Project:** A resolution to approve two donation warranty deeds, three donation warranty permanent easement deeds and one temporary construction easement for the City of Fayetteville to convey to the Arkansas State Highway Commission for the Highway 16 East Widening Project.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 80-11

7. **Emergency Operations Plan "EOP":** A resolution approving an emergency operations plan for the City of Fayetteville as the method for handling all emergencies occurring within the City.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 81-11

8. **2011 COPS Hiring Grant:** A resolution authorizing application for a 2011 Community Oriented Policing Services hiring grant through the U.S. Department of Justice.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 82-11

B. Unfinished Business:

1. **Amend §95.05 Regulation of Smoking in Most Public Places and Places of Employment:** An ordinance to amend §95.05 Regulation of Smoking in Most Public Places and Places of Employment of the Fayetteville Code by removing the exemption for bars. *This ordinance was left on the First Reading at the May 3, 2011 City Council meeting.*

THIS ITEM WAS LEFT ON THE SECOND READING.

C. New Business:

- 1. Arkansas Western Gas:** An ordinance waiving the requirements of formal competitive bidding and approving a contract with Arkansas Western Gas Company in the amount of \$74,594.00 plus a contingency of \$15,710.00 for the relocation of gas mains and facilities necessary for the Cato Springs Road widening project.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5411

City Council Tour: Monday, May 16, 2011 at 4:30 p.m. The Council will tour the Noland Wastewater Treatment Plant and Biosolids Management Site.

Announcements:

Adjournment: 8:50 p.m.

NOTICE TO MEMBERS OF THE AUDIENCE

All interested parties may appear and be heard before the City Council. If you wish to address the City Council on an agenda item please queue behind the podium when the Chair asks for public comment. Once the chair recognizes you, go to the podium and give your name and address. Address your comments to the Chair, who is the presiding officer. The Chair will direct your comments to the appropriate elected official, staff member or others for response. Please keep your comments brief, to the point and relevant to the agenda item being considered so that everyone has a chance to speak.

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A copy of the City Council agenda is available at accessfayetteville.org or in the office of the City Clerk, 113 West Mountain, Fayetteville, Arkansas.

City Council Meeting:

May 17, 2011

Adjourn: 8:50 p.m.

Subject:	Roll				
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Ferrell	✓			
	Adams	✓			
	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Mayor Jordan	✓			

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Kinion				
	Petty				
	Tennant				
	Ferrell				
	Adams				
	Lewis				
	Gray				
	Thiel				
	Mayor Jordan				

Subject:	Consent				
Motion To:					
Motion By:					
Seconded:					
<u>Minutes</u> <u>Approved</u> <u>Passed</u> 76-11 thru 82-11	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Ferrell	✓			
	Adams	✓			
	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Mayor Jordan				

8-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Kinion				
	Petty				
	Tennant				
	Ferrell				
	Adams				
	Lewis				
	Gray				
	Thiel				
	Mayor Jordan				

Subject:		Amend §95.05 Regulation of Smoking in Most Public Places and Places of Employment			
Motion To:			<i>2nd Read</i>	<i>Amend Effective date to 1-2-2012</i>	
Motion By:			<i>Petty</i>	<i>Gray</i>	
Seconded:			<i>Gray</i>	<i>Thiel</i>	
B. 1 Unfinished Business <i>Left on the Second Reading</i>	Kinion		✓	✓	
	Petty		✓	✓	
	Tennant		✓	✓	
	Ferrell		✓	✓	
	Adams		✓	✓	
	Lewis		✓	✓	
	Gray		✓	✓	
	Thiel		✓	✓	
	Mayor Jordan				

8-0

8-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Kinion				
	Petty				
	Tennant				
	Ferrell				
	Adams				
	Lewis				
	Gray				
	Thiel				
	Mayor Jordan				

Subject:		Arkansas Western Gas			
Motion To:			2nd Read	3rd Read	Pass
Motion By:			Thiel	Thiel	
Seconded:			Tennant	Tennant	
C. 1 New Business <u>Passed</u> 5411	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Adams	✓	✓	✓	
	Lewis	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Mayor Jordan				

8-0

8-0

8-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Kinion				
	Petty				
	Tennant				
	Ferrell				
	Adams				
	Lewis				
	Gray				
	Thiel				
	Mayor Jordan				



Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan

THRU: Sondra Smith, City Clerk

FROM: Kit Williams, City Attorney

DATE: May 18, 2011

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of May 17, 2011

1. **Interlocal Agreement with West Fork:** A resolution approving an Interlocal Agreement between the City of Fayetteville, Arkansas and the City of West Fork, Arkansas to provide animal sheltering services to West Fork through 2011.
2. **Revenue for Ranger's Pantry:** A resolution approving a budget adjustment in the amount of \$1,619.00 representing citizen donation revenue to the animal services division Ranger's Pantry Pet Food Bank during the first quarter of 2011.
3. **Police Department Policies:** A resolution approving Fayetteville Police Department Policies 15.1 **Planning and Research**, 15.3 **Criminal Analysis**, 41.2.13 **Seatbelt Usage**, and 45.1.1 **Community Oriented Policing**.
4. **Education Access Television Contract:** A resolution to approve an agreement with the Fayetteville School District to operate the City's Educational Access Channel.
5. **Hwy. 16 East Widening Project:** A resolution to approve two donation Warranty Deeds, three donation Warranty Permanent Easement Deeds and one Temporary Construction Easement for the City of Fayetteville to convey to the Arkansas State Highway Commission for the Highway 16 East Widening Project.
6. **Emergency Operations Plan:** A resolution approving an Emergency Operations Plan for the City of Fayetteville as the method for handling all emergencies occurring within the City.

7. 2011 COPS Hiring Grant: A resolution authorizing application for a 2011 Community Oriented Policing Services Hiring Grant through the U.S. Department of Justice.

8. Arkansas Western Gas: An ordinance waiving the requirements of formal competitive bidding and approving a contract with Arkansas Western Gas Company in the amount of \$74,594.00 plus a contingency of \$15,710.00 for the relocation of gas mains and facilities necessary for the Cato Springs Road Widening Project.

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Mayor Lioneld Jordan
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Left on the First Reading

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1. **Arkansas Western Gas:** An ordinance waiving the requirements of formal competitive bidding and approving a contract with Arkansas Western Gas Company in the amount of \$74,594.00 plus a contingency of \$15,710.00 for the relocation of gas mains and facilities necessary for the Cato Springs Road widening project.

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RESOLUTION NO. _____

**A RESOLUTION APPROVING AN INTER-LOCAL AGREEMENT
BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE CITY
OF WEST FORK, ARKANSAS TO PROVIDE ANIMAL SHELTERING
SERVICES TO WEST FORK THROUGH 2011**

**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 Inter-local Agreement between the City of Fayetteville, Arkansas and the City of West Fork, Arkansas to provide animal sheltering services to the City of West Fork through 2011. A copy of the agreement, marked Exhibit "A", is attached hereto and made a part hereof.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor and City Clerk to execute the Inter-Local Agreement with the City of West Fork, Arkansas.

PASSED and APPROVED this 17th day of May, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



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**City of Fayetteville Arkansas
City Council Meeting Minutes
May 3, 2011**

A meeting of the Fayetteville City Council was held on May 3, 2011 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Gray, Thiel, Kinion, Petty, Tennant, Ferrell, Adams, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Certificate of Achievement for Excellence in Financial Reporting

Mayor Jordan presented the Certificate to Marsha Farthing, Accounting Director and her staff.

City Council Meeting Presentations, Reports and Discussion Items: None

Agenda Additions: None

Consent:

Approval of the April 19, 2011 City Council meeting minutes.

Approved

Bid #11-32 Nichols Erosion Control, Inc.: A resolution awarding Bid #11-32 and authorizing a contract with Nichols Erosion Control, Inc. in the amount of \$31,430.00 for the purchase and installation of sod for two new soccer fields at the Lewis Soccer Complex.

Resolution 69-11 as recorded in the office of the City Clerk

Bid #11-22 Multi-Craft Contractors, Inc.: A resolution awarding Bid #11-22 and authorizing a contract with Multi-Craft Contractors, Inc. in the amount not to exceed \$62,237.00 for HVAC and repair services related to Energy Efficiency and Conservation Block Grant funded Community Revolving Loan Fund projects.

Resolution 70-11 as recorded in the office of the City Clerk

Bid #11-23 Schefers Roofing: A resolution awarding Bid #11-23 and authorizing a contract with Schefers Roofing in the amount not to exceed \$60,554.40 for roofing repairs and upgrades related to Energy Efficiency and Conservation Block Grant funded Community Revolving Loan Fund projects.

Resolution 71-11 as recorded in the office of the City Clerk

Bid #11-25 Heckathorn Construction Company, Inc.: A resolution awarding Bid #11-25 and authorizing a contract with Heckathorn Construction Company, Inc. in an amount not to exceed \$40,742.00 for window and door replacements related to Energy Efficiency and Conservation Block Grant funded Community Revolving Loan Fund projects.

Resolution 72-11 as recorded in the office of the City Clerk

Bid #11-33 Natural State Insulation: A resolution awarding Bid #11-33 and authorizing a contract with Natural State Insulation in an amount not to exceed \$25,885.10 for attic seal and installation services related to Energy Efficiency and Conservation Block Grant funded Community Revolving Loan Fund projects.

Resolution 73-11 as recorded in the office of the City Clerk

Bid #11-34 Rocky Grove Sun Company: A resolution awarding Bid #11-34 and authorizing a contract with Rocky Grove Sun Company in an amount not to exceed \$170,150.00 for solar equipment and installation related to Energy Efficiency and Conservation Block Grant funded Community Revolving Loan Fund projects.

Resolution 74-11 as recorded in the office of the City Clerk

STAG Grant – Sanitary Sewer System Improvements: A resolution authorizing acceptance of a State and Tribal Assistance Grant (STAG) in the amount of \$485,000.00 from the U.S. Environmental Protection Agency for sanitary sewer system improvements in the area of and including the Elkins Outfall Sewer Line, and approving a budget adjustment.

Resolution 75-11 as recorded in the office of the City Clerk

Alderman Lewis moved to approve the Consent Agenda. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

Unfinished Business:

None

New Business:

RZN 11-3777 (2143 North Ruppel Road/Daugherty): An ordinance rezoning that property described in rezoning petition RZN 11-3777, for approximately 4.86 acres, located at 2143 North Ruppel Road from RSF-1, Residential Single-Family, 1 unit per acre to R-O, Residential Office.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Current Planning gave a brief description of the ordinance. He stated staff did support the request as did the Planning Commission with a vote of 6-0.

Alderman Lewis: It is in the flood plain and with our recent flooding I think it is important to back them up off of there.

Jeremy Pate: I actually looked at that after Agenda Session and it appears that the development that was constructed in 1955 is well outside the flood plain area.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5404 as Recorded in the office of the City Clerk

VAC 11-3785 (221 W. South St./Knight): An ordinance approving VAC 11-3785 submitted by Kristen Knight for property located at 221 West South Street to vacate a portion of an unconstructed right-of-way, a total of 0.03 acres.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance. He stated Planning Commission is recommending approval as did staff.

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

City Attorney Kit Williams read the ordinance.

Alderman Ferrell moved to suspend the rules and go to the third reading. Alderman Tennant seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5405 as Recorded in the office of the City Clerk

Amend Ordinance No. 2990 and Ordinance No. 4278: An ordinance to amend Ordinance No. 2990 of March 6, 1984 to acknowledge that some Fayetteville citizens and businesses are now within the Prairie Grove Telephone Company franchise area and to apply the same franchise fee to both telephone companies, to amend Ordinance No. 4278 of November 21, 2000 and to codify these combined ordinances.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: I was approached by the attorney for the Prairie Grove Telephone Company who informed us that we had annexed into his company's area and so we need to have a franchise agreement.

David Parks, President of Prairie Grove Telephone Company gave a brief history of his company and the services they provide. He stated that in order to continue to provide those services to them we have decided that we need to bring a fiber optic cable into Fayetteville. In order to get to the facilities, that we need to hook up to, we would need to use the City of Fayetteville's right of way.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Adams: What will be done out there? When you say access what are you going to do to the property?

David Parks: The cable that we are bringing in is to connect to the internet back bone for the World Wide Web. It's for all of the customers to use.

Alderman Adams: Are you digging a trench?

David Parks: Yes, we will be boring the cable from Farmington to Fayetteville.

City Attorney Kit Williams: As our ordinances require there are certain development requirements that they have to meet in order to do that and to make sure that the right of way is not adversely affected for other users of it. To get to the review process they had to have a franchise agreement.

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

Ordinance 5406 as Recorded in the office of the City Clerk

Amend §72.58 Off-Street Parking Facilities; Rules and Rate (K): An ordinance to amend §72.58 Off-Street Parking Facilities; Rules and Rates (K) to explicitly prohibit a driver driving around or improperly through a gated parking lot exit.

City Attorney Kit Williams read the ordinance.

Police Chief Greg Tabor: This is an item we brought forward to give the Police another alternative when dealing with someone that leaves a paid lot without paying. In the past our only option was to arrest them for thief. This gives us an alternative to issue them a citation for violating a city ordinance instead of using state law.

Don Marr, Chief of Staff: We would also like to have a lowered charge for repeat violators or someone who blatantly drives through equipment and we would still have the ability to use the existing theft of services charge.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5407 as Recorded in the office of the City Clerk

Amend §72.58 Off-Street Parking Facilities; Rules and Rates: An ordinance to amend §72.58 Off-Street Parking Facilities; Rules and Rates of the Fayetteville code to add event parking for large Walton Arts Center Events.

City Attorney Kit Williams read the ordinance.

Don Marr gave a brief description of the ordinance. He spoke on the current parking issues at the Walton Arts Center and he said this would give us the enabling legislation to implement event parking.

Alderman Lewis: Can you paint the picture for me if I am going to an event what does it look like if I am experiencing event parking?

Don Marr gave an explanation of event parking.

Alderman Ferrell: Will the tickets be sequentially numbered for ease of reconciliation?

Don Marr: We are assessing that. There are some event parking models that allow you to print a receipt that uses the QR Code. That lets us process those tickets post or it could be a color coded ticket that is event specific for the individuals that come in. We are planning to go with the lowest cost option which we are still evaluating.

Alderman Adams: What will the impact be on someone who is just going for an hour or two on those evenings?

Don Marr: If they are there when the lot is converted to event parking they will pay \$5 to park in that lot.

Alderman Adams: It is much more than that in other cities. I think that is a good thing to state up front.

Don Marr: It would certainly be more than someone coming for an hourly rate and paying for one hour at this point.

Alderman Thiel: I am concerned about how this is going to work logistically. I think it's a good idea. It seems like we could just require people to buy at the beginning rather than when exiting as they do now.

Don Marr: I think the goal from the Walton Arts Center staff is that the gate is raised and the amount of time to leave, even inserting a ticket, would be minimized as much as it could. He discussed the event parking processes that is used in other cities.

Alderman Gray: So everyone in the parking lot will have the event ticket?

Don Marr: You could have individuals that entered prior to event parking. The model the Walton Arts Center originally projected was that if they had a 7:00 to 8:00 p.m. show the lot would convert to event parking at 4:00 pm. We are working out the logistics.

Alderman Gray: My concern was if one person has to go through the process and then holds up the whole line.

Don Marr: In the staff memo we did speak to the chance of shrinkage in this. We believe this will net to be no financial impact.

Alderman Thiel: Except for the people going. It has been running about \$3 for an event so it would be \$5.

Don Marr: What we are hearing from the Walton Arts Center staff, I think people were willing to look at this model for a faster exit than what is currently happening, and they weighed that against the additional cost.

Brian Crown, owner of George's Majestic Lounge: I would support the event style parking and it would have an immediate positive impact on the experience of a Dickson Street customer.

Julie Seal with Common Grounds and Hog Haus: Whatever we can do to bring a positive experience to Dickson Street, as far as parking is concerned, will benefit all of us. I support it and I think you guys should look into supporting it as well.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5408 as Recorded in the office of the City Clerk

Walton Arts Center Contract to Provide Educational and Entertainment Services for Fayetteville Citizens: An ordinance to waive competitive bidding and award a contract for educational, entertainment and administrative services in 2011 to the Walton Arts Center Council, Inc. in the amount of \$250,000.00.

City Attorney Kit Williams read the ordinance.

Don Marr gave a brief description of the ordinance and listed the various programs and services that will be provided.

Alderman Thiel: We don't really get a break down like this from the contribution that is made to the boys and girls club. I feel like they have really been quite generous in what they are offering to the public. I certainly support this.

Don Marr: The City of Fayetteville will be listed as a sponsor for the Walton Arts Center season.

Alderman Petty: When we first passed paid parking there were a lot of folks that were skeptical about what was going to happen with this funding stream for the Walton Arts Center. In the past few years I have seen the number of community opportunities increase. I am very happy to see that this money is being used for something that is such an opportunity for Fayetteville.

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

City Attorney Kit Williams read the ordinance.

Alderman Tennant moved to suspend the rules and go to the third reading. Alderman Petty seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5409 as Recorded in the office of the City Clerk

Walton Arts Center Contract Parking Service: An ordinance to waive competitive bidding and award a contract for parking service in 2011 to the Walton Arts Center Council, Inc. in the amount of \$39,000.00.

City Attorney Kit Williams read the ordinance.

Don Marr gave a brief description of the ordinance.

Alderman Lewis: This relates to that event parking?

Don Marr: This is actually done regardless of whether we have event parking or not. It relates in a sense that it incorporates any expenses they have related to that in this same contract.

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

City Attorney Kit Williams read the ordinance.

Alderman Gray moved to suspend the rules and go to the third reading. Alderman Petty seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5410 as Recorded in the office of the City Clerk

Amend §95.05 Regulation of Smoking in Most Public Places and Places of Employment:
An ordinance to amend §95.05 Regulation of Smoking in Most Public Places and Places of Employment of the Fayetteville Code by removing the exemption for bars.

City Attorney Kit Williams read the ordinance.

Alderman Gray gave a brief description of the ordinance. She spoke on the research done on the affects of second hand smoke and she stated this is something we need in Fayetteville and this will keep us moving forward.

Alderman Petty discussed the various view points that he has heard thus far and spoke on the dangers of cigarette smoke.

Joe Bates, Deputy State Health Officer for Arkansas complimented the City of Fayetteville for what they did in the past to restrict smoking in public places. What you did was very important in getting the clean air indoor act passed in Arkansas. The Health Department's job is to protect all the people of Arkansas. Smoking is not a right. There is nothing in the Constitution. There is no safe amount of exposure to second hand smoke. Business owners have a responsibility to make their establishment reasonably safe for their customers. If this were to pass it would have a big impact on the State of Arkansas. We have about 200 bars in Arkansas where women and men work that are exposed to second hand smoke. If Arkansas could get all bars to be smoke free we would meet the criteria as a State to be a 100% smoke free State. That would be a landmark event. There are 31 industries or people in groups who refuse to have regional or state meetings in a state that is not 100% smoke free. This would be an economic boon for Arkansas if we could attract some of these meetings.

Alderman Ferrell: Does the State Department of Health have anything to do with administering tobacco settlement funds to be used throughout the state to go toward nonsmoking programs?

Joe Bates: We receive funds from the Master Settlement Agreement to promote prevention of smoking in Arkansas.

Alderman Ferrell: Are those funds passed out?

Joe Bates: Yes they are.

Alderman Lewis: How would we attract those organizations?

Joe Bates: Those organizations have rules that they will not have their meetings in a state that is not 100% smoke free. We as a State would meet that criteria if we could get this ordinance passed throughout Arkansas.

Malcolm Hayward, Medical oncologist and cancer physician read research results on the affects of second hand smoke. He spoke in favor of the ordinance.

Barbara Kumpe, Government Relations Director for the American Heart Association and American Stroke Association stated the number one controllable risk factor for heart disease and stroke is smoking. She spoke in favor of the ordinance.

Hillary, a citizen stated there is not a lot of evidence that the occasional trip to the bar would influence someone so much that they would develop the health risks that we have heard today and it's a business choice. She spoke against the ordinance.

Tyler Clark, Project Coordinator with the Tobacco Free Coalition spoke on the affects of smoking and gave statistics on the deaths caused by smoking and second hand smoke. It is estimated that 120 people in Fayetteville die each year from their own cigarette smoke, 69 people died last year from accidental deaths and twelve people will die because of second hand smoke. He spoke in favor of the ordinance.

Alderman Ferrell: Where does alcohol come in on the cause of deaths? Is that included in the 69?

Tyler Clark: I don't think that would be included in the 69 number. There may be alcohol related fatalities but not that I am aware of.

Barbara Price Davis, a citizen stated this is about the workers and their health. She spoke in favor of the ordinance.

Susie Shinn, Chair of the Fayetteville Forward Action Committee stated I am here in support of the proposed amendment to eliminate smoking in stand alone bars. She spoke in favor of the ordinance.

Alderman Lewis: You referenced a survey, are you knowledgeable about the survey itself or can someone tell more about that?

Susie Shinn explained the survey given in 2010 by the Northwest Arkansas Tobacco Free Coalition which surveyed 720 Fayetteville registered voters about their attitudes about the current smoke free ordinance and the proposed amendment to eliminate smoking in bars. She stated 70% of the registered voters surveyed agreed that they support or strongly support the notion that musicians and patrons deserve to be protected from second hand smoke.

Alderman Ferrell: Was this an independent third party that did this and did they draw up the questions or did the coalition have anything to do with it? Was it a completely objective third party that did the survey?

Susie Shinn: Yes sir.

Cambre Horne Brooks, the past coordinator for the Tobacco Free Coalition and the current Director of Development for Community Clinic spoke on the surveys that have been conducted and the economic impact that has been looked at over the years. She spoke in favor of the ordinance.

Matt Neely, U of A Student: I choose to visit the smoking establishments because I find the atmosphere more comfortable to what I like to experience when I go out for a night of drinking. If you were to ban smoking in bars I would argue that brief periodic exposure to second hand smoke in a bar is not a considerable health concern. He spoke against the ordinance.

Shea Pielsticker, U of A Student stated students are concerned about our health and he pointed out that the Council has such a huge ability to impact the health of the citizens. He spoke in favor of the ordinance.

Tami Clinkingbeard, a citizen of Ward 4 spoke on the affects of second hand smoke and the costly health risks involved with it. She spoke in favor of the ordinance.

Jordan McDaniel, a graduate student at the University spoke on the manipulative strategies used by the tobacco companies to draw in the youth market. She spoke in favor of the ordinance.

Steven Duke, a Junior at the University of Arkansas stated it is a personal choice and responsibility for someone to choose to smoke cigarettes and a personal decision to put yourself in an environment where there is cigarette smoke present. He spoke against the ordinance.

Alderman Adams: How did you feel when the smoking ban went into effect on Campus?

Steven Duke: I feel that it was detrimental. We have seen more cigarette litter on campus than before because they have taken away the ash trays. I feel the smoking ban has not decreased any use in tobacco and many students still smoke in places where they can't be seen.

Jennifer Worth-Bronson, a Fayetteville resident, former student and researcher stated I support smoke free bars and taverns in Fayetteville as part of a comprehensive public protection from this entirely preventable environmental hazard. She pointed out the affects of smoking and second hand smoke.

Jamie Thornton, a Fayetteville resident spoke in favor of the ordinance and stated there are a lot of bars and establishments I would like to visit more often than I do but I would like to be able to speak and breathe the next day.

Alex Tripodi, a Fayetteville resident stated reminding us of the dangers of smokers in no way proves the point that this ban should go through. He spoke against the ordinance.

Rob Founce, U of A student spoke on the affects of alcohol use and he stated if it is the intention of the Council to regulate personal behaviour then you also need to go after alcohol and prohibit it as well. I am opposed to this ordinance and he asked the Council to allow the business owners and adult customers to make the decisions regarding this matter.

Linda Thompson, a Fayetteville resident read a letter that she wrote to the editor of the newspaper regarding her mother's health who was a victim of second hand smoke. She asked the Council to support this ordinance.

Justin Felts, U of A student and an employee of a local bar stated the Council needs to lead the way and do this and hopefully the rest of the state will follow.

Alderman Ferrell: You work at this bar by choice, correct?

Justin Felts: Yes I do.

Sarah Varga, owner of two bars on Dickson Street, one being smoke free stated to have something come along of this nature worries me because I don't know what changes I am going to have to make to survive. I don't know why we don't try to go state wide with this instead of picking on the several bars that are left in Fayetteville. She spoke against the ordinance.

Alderman Gray asked Cambre Horne Brooks to come and address Sarah Varga's comments.

Cambre Horne Brooks: The State has looked at this issue. The first nonsmoking ordinance that was passed in the State of Arkansas was in Fayetteville so from a historical standpoint the idea is to get an original ordinance passed by this Council.

Sarah Varga: If we could go toward more of a state wide thing I would tend to support that a lot more.

Alderman Gray: I think the point that we have made this evening is that one city has to take the initiative just like before. We are hoping the whole state will go smoke free in bars which will help us economically as a state.

Sarah Varga: I would like to wait until things calm down from the parking issue so that we can figure out what to do as bar owners when this passes. She spoke against the ordinance.

Alderman Tennant: Did you open Sideways?

Sarah Varga: Yes my husband and I did.

Alderman Tennant: Was it nonsmoking when you opened it?

Sarah Varga: Yes we did that from the start.

Alderman Tennant: Have you ever considered going to smoking?

Sarah Varga: We wanted to give people that were voicing their opinion a place.

Alderman Tennant: With Riley's have you ever considered going nonsmoking voluntarily? The second part of that is do you think it would negatively affect your business if you went nonsmoking to Riley's?

Sarah Varga: It's hard to say. I would like to provide a patio for people to go out and smoke.

Alderman Gray: Was litter your number two thing that you were addressing?

Sarah Varga: I just wanted to reinstate that littering on Dickson Street would be a problem.

Alderman Lewis: You mentioned you opened Sideways because of the demand. I am wondering if you can elaborate on that.

Sarah Varga: I built a bar that I wanted to go to but at the same time I already had a bar that I could go to and smoke. I am on the fence on this one and I really want to give people a choice on whether they can smoke or not. I would like some more time on this issue overall. I don't know how we can do it as a State without having Fayetteville go first.

Alderman Ferrell: I appreciate your honesty. I think you are just telling all sides of it and how it can affect you and it came shining through.

Sandy Prince with Hope Cancer Resources stated there is no such thing as an occasional smoker. She spoke on the negative affects from smoking and second hand smoke. She spoke in favor of the ordinance.

Paige Daniel, a Fayetteville resident stated the number one cause of preventable death is smoking, number two is obesity and number three is second hand smoke. She discussed research that was done in the past. She spoke in favor of the ordinance.

Matt Marshall, a bartender on Dickson Street stated I chose this job. Business is already down. I think that our rights should be protected to decide where we go on our own. He spoke against the ordinance.

Kim Agee, a Fayetteville resident and a pulmonary and critical care physician stated I whole heartedly support and endorse this proposal that will create smoke free taverns and bars in Fayetteville. He spoke in favor of the ordinance.

Eleanor Hughes, a Fayetteville resident who also works in health education stated I think a comprehensive smoke policy is a way to keep our community safe. She spoke in favor of the ordinance.

Alderman Gray: Who do you work with?

Eleanor Hughes: With UAMS AHEC Northwest.

Alderman Ferrell: I have a couple of constituents that are in the business and they have asked that we not vote on this tonight.

Alderman Thiel: I think we have heard some very passionate points and I think we need time to think about this.

Alderman Lewis: I appreciated the thoughtful comments and I hope people will continue to share their ideas. We have an important topic here that needs to be addressed and I think it's an economic as well as a health issue.

Alderman Gray: I think the whole issue we need to think about is it's a public health issue. It is our responsibility to take some action.

Alderman Kinion: I am really undecided and so I think it is important to have more dialogue on this. I do think it is a public health issue. I would love to see Fayetteville as a leader in protecting public health, but I also think that Fayetteville is known for having the opportunity for people to be well educated and make a choice.

Alderman Lewis: I think it's definitely a health issue and people know that. There aren't a lot of job options. That is where I am at in my thinking. That is something we really need to think about.

Alderman Ferrell: If people feel like they have to go there for a job way over 90% of the establishments that serve alcohol in Fayetteville are smoke free. I would think there would be more opportunities in nonsmoking places.

Mayor Jordan complimented the Council and the public for the way they conducted themselves regarding this issue.

This ordinance was left on the First Reading

Meeting adjourned at 8:50 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

Aldermen

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Sarah E. Lewis

Tentative Agenda City of Fayetteville Arkansas City Council Meeting May 17, 2011

A meeting of the Fayetteville City Council will be held on May 17, 2011 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

City Council Agenda Session Presentations:

- 1. CH2M Hill Wastewater Operations Annual Report** by Billy Ammons, OMI Regional Business Manager
- 2. Information regarding properties for sale near the City Administration Building.**

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

- 1. Quarterly Financial Report**

Agenda Additions:

A. Consent:

- 1. Approval of the May 5, 2011 City Council meeting minutes.**

2. **City of West Fork Inter-Local Agreement:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of West Fork, Arkansas to provide animal sheltering services to Washington County through 2011.
3. **Ranger's Pantry Pet Food Bank Donation Revenue:** A resolution approving a budget adjustment in the amount of \$1,619.00 representing citizen donation revenue to the Animal Services Division Ranger's Pantry Pet Food Bank during the first quarter of 2011.
4. **Police Department Policies:** A resolution approving Fayetteville Police Department policies 15.1 Planning and Research, 15.3 Criminal Analysis, 41.2.13 Seatbelt Usage, and 45.1.1 Community Oriented Policing.
5. **Education Access Television Contract:** A resolution to approve an agreement with the Fayetteville School District to operate the City's Educational Access Channel.
6. **Highway 16 East Widening Project:** A resolution to approve two donation warranty deeds, three donation warranty permanent easement deeds and one temporary construction easement for the City of Fayetteville to convey to the Arkansas State Highway Commission for the Highway 16 East Widening Project.
7. **Emergency Operations Plan "EOP":** A resolution approving an emergency operations plan for the City of Fayetteville as the method for handling all emergencies occurring within the City.

B. Unfinished Business:

1. **Amend §95.05 Regulation of Smoking in Most Public Places and Places of Employment:** An ordinance to amend §95.05 Regulation of Smoking in Most Public Places and Places of Employment of the Fayetteville Code by removing the exemption for bars. *This ordinance was left on the First Reading at the May 3, 2011 City Council meeting.*

Left on the First Reading

C. New Business:

1. **2011 COPS Hiring Grant:** A resolution authorizing application for a 2011 Community Oriented Policing Services hiring grant through the U.S. Department of Justice.
2. **Arkansas Western Gas:** An ordinance waiving the requirements of formal competitive bidding and approving a contract with Arkansas Western Gas Company in the amount of \$74,594.00 plus a contingency of \$15,710.00 for the relocation of gas mains and facilities necessary for the Cato Springs Road widening project.

City Council Tour: Monday, May 16, 2011 at 4:30 p.m. The Council will tour the Noland Wastewater Treatment Plant and Biosolids Management Site.

Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

All interested parties may appear and be heard before the City Council. If you wish to address the City Council on an agenda item please queue behind the podium when the Chair asks for public comment. Once the chair recognizes you, go to the podium and give your name and address. Address your comments to the Chair, who is the presiding officer. The Chair will direct your comments to the appropriate elected official, staff member or others for response. Please keep your comments brief, to the point and relevant to the agenda item being considered so that everyone has a chance to speak.

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

As a courtesy please turn off all cell phones and pagers.

A copy of the City Council agenda is available at accessfayetteville.org or in the office of the City Clerk, 113 West Mountain, Fayetteville, Arkansas.

City of Fayetteville Staff Review Form

A. 2
City of West Fork
Inter-Local Agreement
Page 1 of 6

City Council Agenda Items
and
Contracts, Leases or Agreements

5/17/2011

City Council Meeting Date
Agenda Items Only

Justine Middleton

Submitted By

Community Services

Division

Development Services

Department

Action Required:

Approval of the 2011 Interlocal Sheltering Contract with the City of West Fork, Arkansas.

_____	\$ _____ -	_____
Cost of this request	Category / Project Budget	Program Category / Project Name
_____	\$ _____ -	_____
Account Number	Funds Used to Date	Program / Project Category Name
_____	\$ _____ -	_____
Project Number	Remaining Balance	Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

William C. Be...
Department Director

04-20-2011
Date

Previous Ordinance or Resolution # _____

John B. Kelly
City Attorney

4-21-11
Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Behm
Finance and Internal Services Director

4-21-2011
Date

Received in City
Clerk's Office

04-20-11 P03:21 RCLVD

Kim J.

Don Man
Chief of Staff

4-22-11
Date

Received in
Mayor's Office

ENTERED
4/21/11
P.H.

Franklin D. ...
Mayor

4/22/11
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: City Council

Thru: Yolanda Field, Dir. Community Services; Jeremy Pate, Dir. Community Development

From: Justine Middleton, Animal Services Superintendent

Date: April 19, 2011

Subject: Approval of 2011 Interlocal Sheltering Agreement with the City of West Fork

PROPOSAL:

The City of West Fork has no other options at this time for their animal sheltering. They previously had a contract with a local veterinary clinic, but that contract expired.

RECOMMENDATION:

Staff recommends approval of the Interlocal Sheltering Agreement for the term of 2011.

BUDGET IMPACT:

Revenue amount cannot be determined at this time.

RESOLUTION NO. _____

**A RESOLUTION APPROVING AN INTER-LOCAL AGREEMENT
BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE CITY
OF WEST FORK, ARKANSAS TO PROVIDE ANIMAL SHELTERING
SERVICES TO WASHINGTON COUNTY THROUGH 2011**

**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 Inter-local Agreement between the City of Fayetteville, Arkansas and the City of West Fork, Arkansas to provide animal sheltering services to the City of West Fork through 2011. A copy of the agreement, marked Exhibit "A", is attached hereto and made a part hereof.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor and City Clerk to execute the Inter-Local Agreement with the City of West Fork, Arkansas.

PASSED and APPROVED this 17th day of May, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

**INTERLOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE,
ARKANSAS AND CITY OF WEST FORK, ARKANSAS**

THIS AGREEMENT is entered into this _____ day of _____, 2011, by and between the **CITY OF FAYETTEVILLE**, and the **CITY OF WEST FORK, ARKANSAS**, concerning the provision of animal sheltering services;

WHEREAS, A.C.A. § 25-20-108, Interlocal Cooperation Act, authorizes public entities to enter into agreements to provide governmental services to the mutual benefit of each entity; and

WHEREAS, effective animal control is of mutual interest to the City of Fayetteville and City of West Fork; and

WHEREAS, the City of Fayetteville possesses the necessary facilities to provide animal sheltering services to City of West Fork.

NOW, THEREFORE, IN CONSIDERATION of mutual promises of the parties contained herein and other good and valuable consideration, the parties agree as follows:

Article I

The City of Fayetteville agrees to provide sheltering services for animals delivered to its shelter, located at 1640 Armstrong Avenue, in the City of Fayetteville, by West Fork police officers and designated animal control officers.

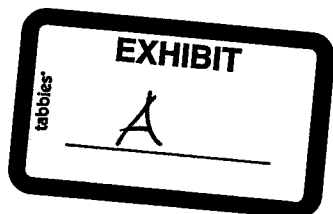
Article II

The City of West Fork agrees to comply with the Fayetteville Animal Shelter's Operating Policy during the term of this Agreement, and understands that the City of Fayetteville may terminate this agreement for noncompliance.

Article III

The City of West Fork agrees to pay sheltering services fees of Seventy Five dollars (\$75) per animal to the City of Fayetteville in the form of twelve (12) monthly payments. Payment shall be due on or before the first day of each month. The annual sheltering services fee shall be based upon the total number of animals delivered to the shelter by West Fork police officers and designated animal control officers during the 2011 calendar year.

Article IV



This agreement shall remain in effect until midnight December 31, 2011.

Article V

The City of Fayetteville agrees to provide assistance to the City of West Fork in the form of minor medical treatment while a shelter veterinarian is on staff, the drafting of animal control ordinances, educational programming, professional consultation regarding animal control matters, and in all other areas necessary and proper to effectuate the highest level of cooperation between the two cities.

Article VI

Both Cities acknowledge the existence of a county wide animal sheltering agreement between the City of Fayetteville and Washington County, but which currently excludes the corporate boundaries of any incorporated cities. The Cities agree that this Agreement shall automatically terminate in the event that the City of West Fork enters into an animal sheltering services agreement with Washington County, Arkansas. In any event, either City shall have the right to terminate this Agreement upon Thirty (30) days written notice to the other.

Article VII

Neither City may assign any of its rights or delegate any of its obligations under this Agreement, without the express written consent of the other.

Article VIII

This Agreement shall be interpreted according to and enforced under the laws of the State of Arkansas.

Article IX

Each paragraph of this Agreement is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs shall remain in full force and effect.

Article X

The City of West Fork shall hold harmless the City of Fayetteville from any and all claims or liabilities arising from the performance of this Agreement, provided that nothing in this Agreement shall be construed to alter, limit or

otherwise compromise that immunity afforded the City of Fayetteville or the City of West Fork under the Constitution and Statutes of the State of Arkansas.

Article XI

It is agreed that the failure of any party to invoke any of the available remedies under this Agreement or under law in the event of one or more breaches or defaults by any party under the Agreement shall not be construed as a waiver of such provisions and conditions and shall not prevent the parties from invoking such remedies in the event of any future breach or default.

Article XII

This Agreement constitutes the entire understanding of the parties, and no modification or variation of the terms of this Agreement shall be valid unless made in writing and signed by the duly authorized agents of the parties, after an affirmative vote of a majority of each city's governing body.

IN WITNESS WHEREOF, the City of Fayetteville and the City of West Fork have executed this Agreement on or as of the date first written above.

CITY OF FAYETTEVILLE, ARKANSAS

LIONELD JORDAN, Mayor

ATTEST:

SONDRA SMITH, City Clerk

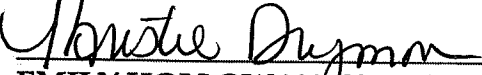
CITY OF WEST FORK, ARKANSAS



FRANCES HIME, Mayor

13 Apr 2011

ATTEST:



EMILY HOLLOWAY, City Clerk
Kristie Drymon (Appointed Temporarily)

City of Fayetteville Staff Review Form

A. 3
 Ranger's Pantry Pet Food
 Bank Donation Revenue
 Page 1 of 4

City Council Agenda Items
 and
 Contracts, Leases or Agreements

5/17/2011

City Council Meeting Date
 Agenda Items Only

Yolanda Fields

Submitted By

Community Services

Division

Development Services

Department

Action Required:

Approval of Budget Adjustment recognizing the first quarter 2011 Donation revenue received from citizens for the Ranger's Pantry Pet Food Bank in the amount of \$1619.

_____	\$ _____	_____
Cost of this request	Category / Project Budget	Program Category / Project Name
_____	\$ _____	_____
2180.4945.5390.01	Funds Used to Date	Program / Project Category Name
Account Number		
_____	\$ _____	_____
Project Number	Remaining Balance	Community Services
		Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒

Department Director

04-20-2011
 Date

Previous Ordinance or Resolution # _____

City Attorney

4-21-11
 Date

Original Contract Date: _____

Original Contract Number: _____

Finance and Internal Services Director

4-21-2011
 Date

Received in City 04-20-11 P03:21 RCVD
 Clerk's Office

Chief of Staff

4-25-11
 Date

Received in
 Mayor's Office

Mayor

4/27/11
 Date



Staff recommends approval of the Budget Adjustment.



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: City Council

Thru: Jeremy Pate, Dir. Community Development

From: Yolanda Fields, Dir. Community Services 

Date: April 12, 2011

Subject: Approval of a Budget Adjustment for the Community Services Division

PROPOSAL:

Community Services would like to recognize first quarter donation revenue that was received from citizens for the Ranger's Pantry Pet Food Bank.

RECOMMENDATION:

Staff recommends approval of a budget adjustment to budget the Community Services Donation Revenue for Ranger's Pantry Pet Food Bank.

BUDGET IMPACT:

Increase the Community Outreach Projects account by \$1619 for Ranger's Pantry Pet Food Bank.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$1,619.00 REPRESENTING CITIZEN DONATION REVENUE TO THE ANIMAL SERVICES DIVISION RANGER'S PANTRY PET FOOD BANK DURING THE FIRST QUARTER OF 2011

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A", in the amount of \$1,619.00 representing citizen donation revenue to the Animal Services Division Ranger's Pantry Pet Food Bank during the first quarter of 2011.

PASSED and APPROVED this 17th day of May, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

A. 3
Ranger's Pantry Pet Food
~~Bank Donation Revenue~~

V.090403

Budget & Research Use Only

Type: A B C D E

Requested By _____ Rachel _____

General Ledger Date _____

Posted to General Ledger _____

Initial Date

City of Fayetteville Staff Review Form

A. 4
Police Department Policies
Page 1 of 12

**City Council Agenda Items
and
Contracts, Leases or Agreements**

5/17/2011

City Council Meeting Date
Agenda Items Only

Greg Tabor
Submitted By

Police
Division

Police
Department

Action Required:

Staff seeks council approval of a resolution to adopt Fayetteville Police Department Policies: 15.1, Planning and Research; 15.3, Criminal Analysis; 41.2.13, Seatbelt Usage; and 45.1.1, Community Oriented Policing

\$0

Cost of this request

Category / Project Budget

Program Category / Project Name

Account Number

Funds Used to Date

Program / Project Category Name

\$

Project Number

Remaining Balance

Fund Name

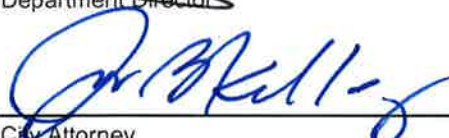
Budgeted Item

Budget Adjustment Attached


Department Director

4-21-11
Date

Previous Ordinance or Resolution #


City Attorney

4-25-11
Date

Original Contract Date:

Original Contract Number:

Paul A. Buhner
Finance and Internal Services Director

4-28-2011
Date

Received in City Clerk's Office 4-22-11 P04:59 RCVD


Chief of Staff

4-30-11
Date

Received in
Mayor's Office


Mayor

5/2/11
Date



Comments:



To: Mayor Lioneld Jordan and City Council
From: Greg Tabor, Chief of Police 
Date: Wednesday, 04/21/2011
Re: Police Department Policy Updates

Recommendation:

Council approves a resolution adopting Fayetteville Police Department Policies: 15.1, Planning and Research; 15.3, Criminal Analysis; 41.2.13, Seatbelt Usage; and 45.1.1, Community Oriented Policing

Background and Discussion:

The current Fayetteville Police Department Policies were approved by council resolution #3-99 on January 5th, 1999. The department is currently in the process of reviewing all policies and updating as necessary to conform to current practices and to comply with accreditation standards.

Budget Impact:

None

RESOLUTION NO. _____

A RESOLUTION APPROVING FAYETTEVILLE POLICE DEPARTMENT POLICIES 15.1 PLANNING AND RESEARCH, 15.3 CRIMINAL ANALYSIS, 41.2.13 SEATBELT USAGE, AND 45.1.1 COMMUNITY ORIENTED POLICING

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 Fayetteville Police Department policies 15.1 Planning and Research, 15.3 Criminal Analysis, 41.2.13 Seatbelt Usage, and 45.1.1 Community Oriented Policing. A copy of the policies, marked as Exhibit "A", is attached hereto and made a part hereof.

PASSED and APPROVED this 17th day of May, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

POLICIES, PROCEDURES, AND RULES

Subject: 15.1 Planning and Research	Effective Date:
Reference:	Version: 1
CALEA: 15.1.1, 15.1.2, 15.2.	No. Pages: 2

I. Policy

It is the policy of the Fayetteville Police Department to establish and to maintain a planning and research function. The planning and research function researches policy, procedural, and operational alternatives, assesses future needs and plans future programs. Planning and research activities are essential to the effective management of the Department. [CALEA 15.1.1]

II. Staffing

Planning and Research is staffed at the direction of the Chief of Police and reports directly to the Chief of Police. [CALEA 15.1.2]

III. Planning and Research Responsibilities

- A. The functions of Planning and Research will be directed toward compiling information and presenting documented analysis to assist in the management and decision-making processes of the Department. Planning and Research shall have access to information necessary to complete the research. Research may include but not be limited to the following:
1. Resource allocation studies to improve the effectiveness and efficiency of available staff;
 2. Geographic analysis and equalization of workload distribution;
 3. Maintenance of fleet status and projection of future police vehicle needs;
 4. Law enforcement surveys for comparison of service levels;
 5. Collecting community input regarding service expectations and satisfaction;
 6. Preparation of an annual report to reflect the achievements of the Department;
 7. Compiling call for service studies reflecting trends and patterns for future planning; and
 8. Serve as liaison with other law enforcement agencies in the exchange of research information.



- B. Analytical and informational studies by Planning and Research may be self-initiated or directed by the Chief of Police. At the completion of a project the report is forwarded to the Chief of Police and other personnel as instructed by the Chief of Police. The reports are formulated, based on the nature of the project, but include the following:
1. A summary of the study and the research method used to collect the information;
 2. A recommendation of action based on the research;
 3. A cost estimate, if any, to implement the program or change;
 4. A time estimate, if any, to implement the program or change; and
 5. The identifying information to include dates, times, person requesting the study, and the person conducting the study.

IV. Goals, Objectives and Performance Measures[CALEA 15.2.1, 15.2.2]

- A. Annually, program supervisors (i.e., administrative, patrol and drug enforcement programs) will develop measurable goals and objectives in support of the department's mission to reduce crime, reduce the fear of crime and improve the quality of service to the citizens of Fayetteville. Periodic reports indicating progress will be made to the Chief of Police as required.
- B. On an annual basis, division supervisors shall assist in preparing new or revised performance measures for the upcoming year and submit a written report to the Chief of Police.
1. Performance measures shall be developed utilizing input from all personnel levels within the department. Personnel input should provide the following:
 - a. Improve the relevancy and coverage of the performance measures; and
 - b. Enable employee's contribution to departmental management and operation.
 2. Upon request, division supervisors shall submit to the Chief of Police a written evaluation on the progress made toward department performance measures.
 3. Performance measures shall be routinely reviewed and updated to help ensure direction, unity of purpose, and provide a basis for measuring progress.
 4. Written goals, objectives, and performance measures will be made available to all personnel.

Comment: added to bolster requirements in CALEA 15.2.1. JWH 4-7-11

POLICIES, PROCEDURES, AND RULES

Subject: 15.3 Criminal Analysis	Effective Date:
Reference:	Version: 1
CALEA: 15.3.1 a,b,c	No. Pages: 2

I. PURPOSE

The purpose of this policy is to define the function and responsibilities of personnel assigned to complete crime analysis.

II. POLICY

A. CRIME ANALYSIS PROCEDURE

1. The purpose of crime analysis will be to identify similarities in offenses, suspects and locations and to establish trends in criminal activity patterns and direct the application of police response. Crime analysis as a specific process will be completed as necessary and will be a function of the Criminal Investigation Division (CID). Crime analysis will be the responsibility of the CID Supervisor and CID Support Services Personnel who may utilize whatever departmental resources are available to fulfill this responsibility.
2. The CID Supervisor shall brief and/or distribute information on crime patterns or trends to the Chief of Police and other personnel as needed [CALEA 15.3.1b,c]
3. Crime analysis may be disseminated to other law enforcement agencies. The CID Supervisor will be responsible for feedback analysis and evaluation on any crime analysis report disseminated.

B. CRIME ANALYSIS OBJECTIVES AND FACTORS

1. The objectives of crime analysis are:
 - a) To identify potential and actual police hazards within the department's jurisdiction.
 - b) To increase the number of cases cleared by arrest, by correlating the methods of operation of arrested suspects with other current offenses.
 - c) To provide investigative leads to personnel by furnishing lists of suspects.
 - d) To provide bulletins to Patrol and CID to increase awareness and the potential for arrests.
 - e) To provide early identification of crime patterns.

- f) To provide a measure of the effectiveness of crime suppression and preventive programs.
 - g) To provide the Administration Division with recommendations on programs, manpower allocation and the effective use of resources.
 - h) To identify future problem areas for tactical and long range planning.
 - i) To analyze feedback and evaluate the effectiveness of the crime analysis function.
2. Crime analysis data may be collected from, but not limited to, the following sources [CALEA 15.3.1 a]:
- a) Offense, Information, Arrest and Field Interview reports
 - b) Arkansas Crime Information Center (ACIC)
 - c) National Crime Information Center (NCIC)
 - d) Other law enforcement agencies
 - e) Uniform Crime Reporting System (UCR) and/or National Incident Based Reporting System (NIBRS)
3. Crime analysis data may include one or more of the following items:
- a) Frequency by type of crime
 - b) Geographic factors
 - c) Chronological factors
 - d) Victim and target descriptions
 - e) Suspect descriptions
 - f) Suspect vehicle descriptions
 - g) Methods of operations
 - h) Physical evidence information
 - i) Community policing strategies
 - j) Special events requiring police attention
 - k) Holidays and their effect on crime
 - l) Information supplied by other law enforcement agencies

POLICIES, PROCEDURES, AND RULES

Subject: 41.2.13 Seatbelt Usage	Effective Date:
Reference:	Version: 1
CALEA: 41.3.3	No. Pages: 2

I. PURPOSE

The use of seatbelts can have a significant effect in reducing the number of deaths and the severity of injuries resulting from traffic accidents. Occupant safety restraining devices are also an important factor in assisting officers in maintaining control of their vehicles during pursuit or emergency high-speed operations. The purpose of this directive is to establish rules for use of occupant safety restraining devices in department vehicles.

II. POLICY

A. All personnel operating, or riding in, city owned, leased, or operated vehicles must use available safety belt systems while the vehicle is in motion. [CALEA 41.3.3]

1. Non-employees riding as passengers in city owned, leased, or operated vehicles must use available safety belt systems, **including child-safety restraints** when possible, while the vehicle is in motion.
2. It shall be the responsibility of the employee driving the city vehicle to see that all passengers utilize available safety belt systems while the vehicle is in motion.
3. Vehicles with non-operable safety belts on the driver's side shall not be driven by employees unless the purpose of driving is to deliver the vehicle for safety belt repair. Vehicles with non-operable safety belts in other seating positions shall not transport passengers in those seating positions. It is the responsibility of the driver of the vehicle to report any safety belt defect to their immediate supervisor and to complete any required vehicle repair forms.
4. Exemptions: This policy shall not apply to persons occupying a seating position not equipped with a safety belt assembly, or to any officer possessing a written indication from a physician stating medical or physical reasons prevent the officer from using the safety belt system.
 - a. In the event a violent or otherwise uncooperative prisoner is placed in a city vehicle, the officer simply directing the prisoner to wear the safety belt shall be considered compliance with this policy (even if the prisoner refuses to comply).

Comment: Language added

Comment: Language deleted: or the Chief of Police

- b. It is recognized that other safety considerations may outweigh strict compliance concerning the use of safety belts. During the few seconds of time just before a vehicle comes to a complete stop, as during a traffic stop, or arrival at an emergency call, it is permissible for officers to unbuckle the safety belt in preparation for exiting the vehicle.
- c. Undercover officers in the furtherance of an official investigation are exempt from this policy if, in their opinion, such compliance could jeopardize their undercover capacity or the investigation.

POLICIES, PROCEDURES, AND RULES

Subject: 45.1.1 Community Oriented Policing Division	Effective Date:
Reference:	Version: 1
CALEA: 45.1.1, 45.1.2, 45.1.3, 45.2.1, 45.2.2, 45.2.3, 45.2.3, 45.2.5	No. Pages: 2

I. PURPOSE

The purpose of this directive is to establish procedures for the Community Oriented Policing Division. All levels of personnel should recognize that the goals and accomplishments of the Community Oriented Policing Division are vital to the mission of the Fayetteville Police Department.

II. POLICY

A. Crime Prevention

1. The agency's crime prevention program provides the following [CALEA 45.1.1]:
 - a. targeting programs by crime type and geographic area on the basis of crime data;
 - b. targeting programs to address community perceptions or misperceptions of crime;
 - c. conducting documented evaluation of crime prevention programs, at least once every three years.
2. The agency assists in organizing crime prevention groups through [CALEA 45.1.2]:
 - a. assisting in organizing crime prevention groups in residential areas;
 - b. assisting in organizing crime prevention groups in business areas;
 - c. maintaining liaisons with these groups and other interested community groups.
3. The agency, when requested, provides crime prevention input into development and/or revision of the following [CALEA 45.1.3]:
 - a. zoning policies;
 - b. building codes;
 - c. fire codes;
 - d. residential/commercial building permits.

B. Community Involvement

1. The community involvement function provides the following, at a minimum [CALEA 45.2.1]:

- a. establishing liaisons with existing community organizations or establishing community groups where they are needed;
- b. assisting in the development of community involvement policies for the agency;
- c. publicizing agency objectives, community problems, and successes;
- d. conveying information transmitted from citizens' organizations to the agency;
- e. improving agency practices bearing on police community interaction;
- f. developing problem oriented or community policing strategies.

2. The supervisor assigned to the Community Oriented Policing Division shall ensure that a quarterly report is prepared and submitted to the Chief through the chain of command containing the following [CALEA 45.2.2]:

- a. a description of current concerns voiced by the community;
- b. a description of potential problems that have a bearing on law enforcement activities within the community;
- c. a statement of recommended actions that addresses previously identified concerns and problems;
- d. a statement of progress made toward addressing previously identified concerns and problems.

3. All personnel are expected to participate in the mission of the Community Oriented Policing Division and should forward relevant information to the supervisor of the Community Oriented Policing Division that falls under the following categories [CALEA 45.2.3]:

- a. concerns of the community;
- b. potential problems in the community having a bearing on law enforcement activities.

4. The supervisor assigned to the Community Oriented Policing Division shall ensure that a documented survey of citizen attitudes and opinions is conducted once every three years with respect to the following categories [CALEA 45.2.4]:

- a. overall agency performance;
- b. overall competence of agency employees;
- c. citizens' perception of officers' attitudes and behavior;
- d. community concern over safety and security;
- e. citizens' recommendations for improvements.

5. The supervisor assigned to the Community Oriented Policing Division shall ensure that the documented citizen survey's results are compiled and provided to the Chief in the form of a written summary [CALEA 45.2.5].

City of Fayetteville Staff Review Form

A. 5
Education Access Television Contract
Page 1 of 8

City Council Agenda Items
and
Contracts, Leases or Agreements

5-17-11

~~5/3/2011~~

City Council Meeting Date
Agenda Items Only

Lindsley Smith

Submitted By

Communication

Division

General Government

Department

Action Required:

A Resolution to approve a contract with the Fayetteville School District to operate the Education Access Channel.

\$0

Cost of this request

\$0.00

Category / Project Budget

Program Category / Project Name

\$

Account Number

Funds Used to Date

Program / Project Category Name

\$

Project Number

Remaining Balance

Fund Name

Budgeted Item ☐Budget Adjustment Attached ☐

Lindsley Smith
Department Director

4-28-11
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Kim King
City Attorney

4-28-11
Date

Paul A. Buhner
Finance and Internal Services Director

4-28-11
Date

04-28-11P03:27 RCVD
Received in City
Clerk's Office

Don Man
Chief of Staff

4-30-11
Date

Received in
Mayor's Office

Donald Jordan
Mayor

5/2/11
Date

Comments:



www.accessfayetteville.org

TO: Mayor Lioneld Jordan and City Council

FROM: Lindsley Smith, Communication Director *LS*

DATE: April 29, 2011

SUBJECT: Education Access Television Contract Approval

RECOMMENDATION

Approval of the attached contract between the City of Fayetteville and the Fayetteville School District for the Fayetteville School District to operate the Education Access Channel.

BACKGROUND

The Education Access Channel is one of the three PEG channels (Public, Education, Government) provided by Cox Communications as a part of the franchise fee agreement between the City of Fayetteville and Cox Communications. This contract is for operation of the Education Access Channel. Prior to this year, the University of Arkansas and the Fayetteville School District shared the operation and time on the Education Public Access channel. There is no existing signed contract for operation of the Education Access Channel. As of early this year, Cox Communications provided the University of Arkansas UATV with its own channel, so the Fayetteville School District can now fully operate the Education Access Channel 24/7. Both the City and School District desire to have a contract, and the contract provided herein for City Council review is non-controversial and approved by each entity, with the city staff recommendation encouraging approval of the contract.

DISCUSSION

Prior to the contract going to the full Telecommunications Board for its review, city staff and Fayetteville School District staff had several productive meetings and both participated in the drafting and editing process, with the contract drafted by the Fayetteville City Attorney. The contract was sent to the Fayetteville School Board. The Telecommunications Board approved the contract during their meeting on April 21, 2011, with the provision that such approval would still stand if during the final legal drafting process edits are made, unless substantive changes are made from the version reviewed by the Board, and the Telecommunications Board requested that the contract be forwarded to the City Council for approval. Edits after the time of Telecommunications Board review were required; however, it is the opinion of staff that such edits were not substantial to override the Board's approval. It is beneficial to the Fayetteville School District if this contract could be approved in May so that it will be in place by June to best prepare for the upcoming school year of fall 2011.

BUDGET IMPACT

None.

RESOLUTION NO. _____

**A RESOLUTION TO APPROVE AN AGREEMENT WITH THE
FAYETTEVILLE SCHOOL DISTRICT TO OPERATE THE CITY'S
EDUCATIONAL ACCESS CHANNEL**

WHEREAS, the City of Fayetteville has exercised its right to have Public, Educational, and Government Access channels on Cox cable and AT&T U-verse for our citizens; and

WHEREAS, the University of Arkansas had in the past been the primary operator of the Educational Access Channel, but now has been provided its own access channel by Cox Communications; and

WHEREAS, the Fayetteville School District has been training its students and staff in telecommunications and is now ready to assume the full responsibility to administer and operate the City's Educational Access Channel in furtherance of the educational, entertainment and communication needs of its students, staff, and the citizens of Fayetteville.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the Education Television Access Administration Agreement Between The City Of Fayetteville and the Fayetteville School District attached as Exhibit A and authorizes Mayor Jordan to sign this agreement.

PASSED and APPROVED this 17th day of May, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

**EDUCATION TELEVISION ACCESS CHANNEL
ADMINISTRATION AGREEMENT
BETWEEN
THE CITY OF FAYETTEVILLE
AND
FAYETTEVILLE SCHOOL DISTRICT**

THIS AGREEMENT is made and entered into this _____ day of _____ 2011, by and between the City of Fayetteville and the Fayetteville School District for the operation of the City's Education Access Television channel.

PURPOSE AND INTENT

1. Federal law and the City's franchise agreement provide The City of Fayetteville with Public, Educational and Government cable channels.
2. The City of Fayetteville desires to provide the Fayetteville School District with the right to operate the Education Access Television channel in Fayetteville to further the educational opportunities for its students and to better inform its citizens about school-related activities and programs.
3. This agreement for Education Access Television services is contingent upon the City retaining agreements with television services providers, such as they continue to provide the City with an Education Access Television channel.

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth herein, the City of Fayetteville and the Fayetteville School District agree as follows:

SECTION 1

TERM

The term of this Agreement shall begin on May 1, 2011, or when approved by both parties, and shall end on June 30, 2012 ("Initial Term"). Following the expiration of the Initial Term, this Agreement shall be automatically extended each year for an additional one year period until June 30, 2017, on the same terms and conditions set forth in this Agreement. Either party may terminate this agreement at any time without penalty by giving thirty (30) days' written notice to the City of Fayetteville Mayor or the Fayetteville School District Superintendent of its intent to terminate this Agreement.

SECTION 2.

FAYETTEVILLE SCHOOL DISTRICT DUTIES

The Fayetteville School District hereby agrees and shall be responsible for operating the Education Access Television channel for educational purposes, which shall include one or more of the following:

- A. Production of programming for telecast on the Education Access Television channel.
- B. Telecasting of programming on the Education Access Television channel.
- C. Telecasting of all regularly-scheduled and special meetings of the full School Board, with the exception of those meetings addressing hearings related to personnel and student issues.
- D. Promoting use of the Education Access Television channel in the Fayetteville Public Schools as a teaching, educational and communication tool.
- E. Producing, selecting and telecasting programming that:
 - 1. Communicates information that encourages parental involvement in education; or
 - 2. Supports and promotes professional development for teachers; or
 - 3. Presents or highlights activities or events organized, presented or sponsored by the Fayetteville School District; or
 - 4. Communicates information regarding opportunities for public involvement in activities of the Fayetteville Public Schools.

The Fayetteville School District is advised that pursuant to Fayetteville, Ark. Code § 33.210(B)(2): "If the city enters into a contract with another entity for administration of a PEG channel, the Telecommunications Board shall ensure contract compliance."

IN FURTHERANCE OF THE ABOVE REFERENCED SERVICES AND DUTIES, THE PARTIES HEREBY AGREE AS FOLLOWS:

- A. The Fayetteville School District, in its sole discretion, will determine the telecast schedule, programming content and technical quality within the following stipulations:
 - 1. The Fayetteville School District will not require, solicit or accept any compensation of any kind in return for telecasting any programming or program material telecast on the Education Access Television channel. The Fayetteville School District may solicit or accept program sponsors pursuant to the "Program Sponsorship" section below.
 - 2. The Fayetteville School District will not allow any other organization or entity, whether for- or non-profit, to require, solicit or accept any compensation of any kind in return for telecasting any programming or program material telecast on the Education Access Television channel.
 - 3. Scheduling of programming that is produced by the Fayetteville School District students, teachers and staff will be preferred over programming that is produced outside the Fayetteville School District.
 - 4. The Fayetteville School District will ensure programming does not contain:
 - a. any violation of any Federal or State statute relating to obscenity; or
 - b. any material that is an unlawful invasion of privacy; or
 - c. any material that violates copyright law.
 - 5. The Fayetteville School District will ensure programming is not commercial in nature. Commercial programming is defined as: "Programming that contains direct appeals to purchase commercial goods or services; promotes the activities of for-profit groups, organizations or individuals; contains any call to action or solicitation to purchase a product or patronize a business; any use of superlatives in describing a product, service or business; any direct comparison to other

- products, or direct comparisons to unnamed products; any price or value information; or any inducements to buy.”
6. The Fayetteville School District will ensure programming is telecast 24 hours per day/7 days per week.
 7. Programming should meet industry-accepted standards for technical specifications regarding video and audio signals by public school districts.
 8. The Fayetteville School District will install and maintain telecast facilities and equipment that meet the minimum technical requirements of the telecommunications services providers providing an Education Access Channel to the City of Fayetteville on which the Education Access Channel is distributed.
- B. The Fayetteville School District shall submit an annual report of its use of the Education Access Television channel, including the approximate number of students producing or working on cable programming, staff support, number and type (subject) of shows produced and telecast and any other pertinent information to the City Council with a copy to the Telecom Board.

PROGRAM SPONSORSHIP

The Fayetteville School District may accept sponsors for programming the Fayetteville School District produces for telecast on the Education Access Television channel. Program sponsorship must adhere to the following:

1. The following may be identified as a program sponsor:
 - a. Corporations or Divisions or Subsidiaries of Corporations
 - b. Endowments and Foundations
 - c. Individuals
2. General Rules for Acceptability
 - a. The sponsor may not exercise editorial control over the content of any portion of programming telecast on the Education Access Television channel.
 - b. There must be nothing in a program which indicates that the sponsor has any editorial control over the content of any portion of programming telecast on the Education Access Television channel.
 - c. There must be nothing in the program that promotes sponsors' products, services or other business interests.
3. Rules for Display of Sponsor Credits
 - a. All sponsor credits must identify the sponsor by name and/or logo unless the sponsor requests to be anonymous.
 - b. Sponsor credits may **not** include:
 - i. Any call to action or solicitation to purchase a product, i.e. any use of “you” or “your”; or slogans, such as “Get Met. It Pays.”
 - ii. Superlatives, i.e. “...the most intelligent car ever built.”
 - iii. Direct comparisons, i.e. “...when a Cadillac just isn't good enough.”
 - iv. Price or value information.
 - v. Inducements to buy, i.e. “six months free service when you buy.”

- c. Toll-free numbers or Web site addresses may be acceptable if it is clear that their sole purpose is for the viewer to receive more information, and not to solicit sales.
- d. Sponsor credits may not exploit or take unfair advantage of the child audience for children's programming.
- e. Sponsor credits may not create the perception that there is a connection between the program content and the sponsor's products or services.
- f. Sponsor credits may only be displayed at the beginning or end of a program.
- g. Program content may not be interrupted to provide sponsor credit.
- h. No one sponsor credit may exceed fifteen 15 seconds in length.
- i. No single program may have a sequence of sponsor credits that exceeds sixty (60) seconds in length.
- j. The total time allotted to sponsor credits may not exceed two minutes per hour of telecasting.
- k. "Embedded" commercials disqualify such programming from being telecasted on the Education Access Television channel.

SECTION 3.

COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS

While using the Education Access Television channel, the Fayetteville School District shall comply with all applicable laws, regulations, and polices of the Federal and State governments and all applicable City Ordinances.

SECTION 4.

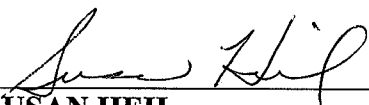
CONSIDERATION

- A. The City of Fayetteville grants the Fayetteville School District the exclusive right and authority to operate the Education Access Television channel for the City of Fayetteville during the term of this Agreement.
- B. The Fayetteville School District agrees that it shall be solely responsible for all costs and expenses associated with use of the Education Access Television channel, including, but not limited to, production, programming, and telecasting; and any technical, facility or use costs.

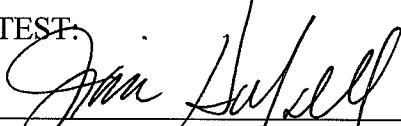
CITY OF FAYETTEVILLE, ARKANSAS

FAYETTEVILLE SCHOOL DISTRICT

By: _____
LIONELD JORDAN
Mayor

By:  _____
SUSAN HEIL
President of the Fayetteville School Board

ATTEST:

ATTEST:  _____
By: **Jim Halsell**, Secretary/Disbursement Officer

By: _____
Sondra Smith, City Clerk

City of Fayetteville Staff Review Form

A. 6
 Highway 16 East Widening Project
 Page 1 of 24

**City Council Agenda Items
 and
 Contracts, Leases or Agreements**

5/17/2011

City Council Meeting Date
 Agenda Items Only

Chris Brown *CB*
 Submitted By

Engineering
 Division

Development Services
 Department

Action Required:

A resolution authorizing the donation of right-of-way along Hwy. 16 East (15th St., Happy Hollow Rd., and Huntsville Rd.) containing a total of 0.66 acres and being a part of Parcel Nos. 765-19940-000 and 765-15227-000 and authorizing the granting of three permanent easements and two temporary construction easements across Parcel Nos. 765-19940-000, 765-15258-000 and 765-15227-000, and to authorize the Mayor to execute deeds and any other necessary papers to effect a transfer of ownership of this property and easement rights to the Arkansas State Highway Commission.

\$0 Cost of this request	\$ 13,412,545.00 Category / Project Budget	Transportation Bond Improvements Program Category / Project Name
4520.9520.5809.00 Account Number	\$ 1,596,466.10 Funds Used to Date	Street Improvements Program / Project Category Name
06035.2300 Project Number	\$ 11,816,078.90 Remaining Balance	Sales Tax Construction Fund Name

Budgeted Item ☐Budget Adjustment Attached ☐

[Signature]
 Department Director

04.26.2011
 Date

Previous Ordinance or Resolution # _____

[Signature]
 City Attorney

5-2-2011
 Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Beck
 Finance and Internal Services Director

5-2-2011
 Date

Received in City
 Clerk's Office *84-29-11P03:28 RCVD*

[Signature]
 Chief of Staff

5-2-11
 Date

Received in
 Mayor's Office

ENTERED
5/2/11 *BBP*

[Signature]
 Mayor

5/3/11
 Date

Comments:

CITY COUNCIL AGENDA MEMO

Council Meeting of May 17, 2011

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director 
Chris Brown, City Engineer 

From: Jill Goddard, Land Agent 

Date: April 27, 2011

Subject: A resolution authorizing the donation of right-of-way along Highway 16 East (Fifteenth Street, Happy Hollow Road, and Huntsville Road) containing a total of 0.66 acres and being a part of Parcel Nos. 765-19940-000 and 765-15227-000 and authorizing the granting of three permanent easements and two temporary construction easements across Parcel Nos. 765-19940-000, 765-15258-000 and 765-15227-000, and to authorize the Mayor to execute deeds and any other necessary papers to effect a transfer of ownership of this property and easement rights to the Arkansas State Highway Commission.

PROPOSAL:

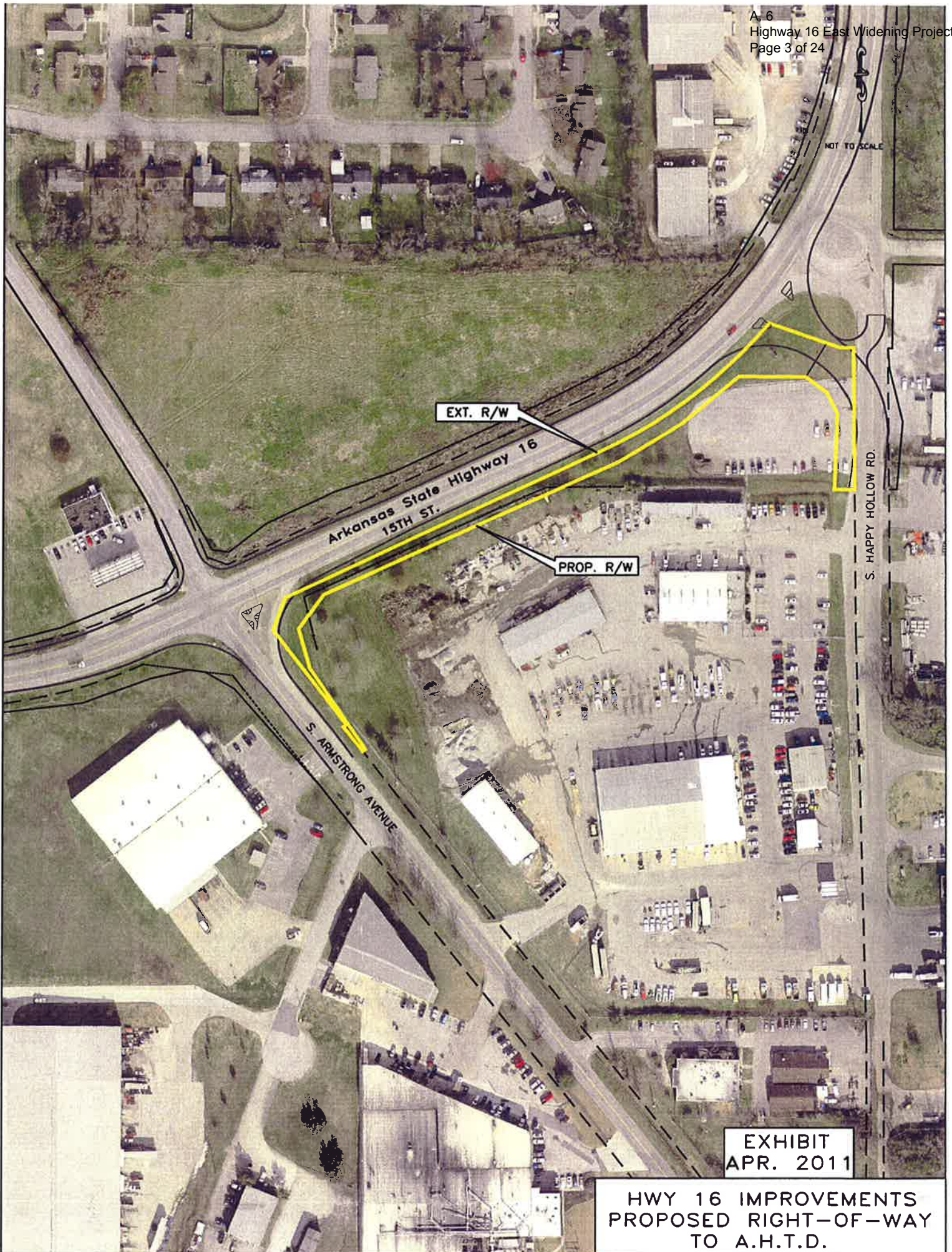
In conjunction with the Hwy. 16 East (Armstrong Ave.–Stonebridge Rd.) widening project, AHTD is requesting the donation of right-of-way and easements from three City-owned properties. AHTD is requesting 0.62 acres of right-of-way along Fifteenth Street from Parcel No. 765-19940-000 (Tract 35) as well as permanent easements along the east side of Armstrong Ave. and the west side of Happy Hollow Rd. They are also requesting a permanent easement and a temporary construction easement along the east side of Happy Hollow Rd. (west side of Parcel No. 765-15258-000 – Tract 43). And lastly, they are requesting 0.04 acres of right-of-way at the southwest corner of the intersection of Huntsville Rd. and Ray Ave. from Parcel No. 765-15227-000 (Tract 45) as well as a temporary construction easement. AHTD is requesting that the right-of-way be conveyed to them by deed as well as the easement rights be granted by easement documents (copies attached).

RECOMMENDATION:

Staff recommends Council approval of the donation of right-of-way deeds and easements to the Arkansas State Highway Commission.

BUDGET IMPACT:

AHTD is requesting all of this as a donation (no compensation).



NOT TO SCALE

Arkansas State Highway 16
15TH ST.

EXT. R/W

S. HAPPY HOLLOW RD.

PROP. R/W

EXHIBIT
APR. 2011

HWY 16 IMPROVEMENTS
PROPOSED RIGHT-OF-WAY
TO A.H.T.D.





Departmental Correspondence



**LEGAL
DEPARTMENT**

www.accessfayetteville.org

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

CC: Chris Brown, City Engineer

FROM: Kit Williams, City Attorney

A handwritten signature in blue ink, appearing to read "Kit Williams", written over a horizontal line.

DATE: May 2, 2011

RE: Highway 16 East Improvement Project

The City clearly needs to convey property it owns to the State Highway Commission which is needed for the improvements planned for Highway 16 East. I do not like having to provide warranty deeds and thus, guarantee the titles to these parcels for donated land. However, I can understand that the Highway Development wants to be sure there are no ownership issues before it constructs a road on this land. Thus, it demands Warranty Deeds even for donated land (which usually is done by Quit Claim deed).

I am sure the City's land agents have researched our ownership rights to these parcels so that we can be assured there are no clouds on our title.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE TWO DONATION WARRANTY DEEDS,
THREE DONATION WARRANTY PERMANENT EASEMENT DEEDS AND
ONE TEMPORARY CONSTRUCTION EASEMENT FOR THE CITY OF
FAYETTEVILLE TO CONVEY TO THE ARKANSAS STATE HIGHWAY
COMMISSION FOR THE HIGHWAY 16 EAST WIDENING PROJECT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the two attached Donation Warranty Deeds, three Donation Warranty Permanent Easement Deeds and one Temporary Construction Easement from the City of Fayetteville to the Arkansas State Highway Department for the Highway 16 East Improvement Project and authorizes Mayor Jordan to sign all such deeds.

PASSED and APPROVED this 17th day of May, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

Job No. 040578
Tract No. 35

**DONATION
WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS:

That **I/we, City of Fayetteville, Arkansas, Grantor**, for and in consideration of the mutual benefits inuring to the Grantor and the **Arkansas State Highway Commission**, Grantee, and to the public, the undersigned does hereby agree, without any remuneration or monetary consideration, to donate to the **Arkansas State Highway Commission**, Grantee, and unto its successors and assigns, upon the terms and conditions hereinafter set forth, the following lands situated in the County of Washington, State of Arkansas, to-wit:

LEGAL DESCRIPTION:

Part of Lot 2, Final Replat of Fayetteville Industrial Park which is also part of the Southwest Quarter of the Northwest Quarter of Section 23, Township 16 North, Range 30 West, Washington County, Arkansas, more particularly described as follows:

Commencing at a point being used as the Quarter Corner of Section's 22 and 23; thence South 87° 06' 23" East along the South line of the Southwest Quarter of the Northwest Quarter of Section 23 a distance of 491.81 feet to a point on the Northeasterly right of way line of South Armstrong Avenue as established by Affidavit from the City of Fayetteville dated August 18, 2009; thence North 35° 05' 16" West along said right of way line a distance of 32.82 feet to the POINT OF BEGINNING; thence continue North 35° 05' 16" West along said right of way line a distance of 76.99 feet to a point on the Southerly right of way line of State Highway 16 as established by AHTD Job 9458; thence North 22° 58' 43" East along said right of way line a distance of 50.90 feet to a point; thence North 67° 23' 21" East along said right of way line a distance of 507.42 feet to a point; thence in a Northeasterly direction along said right of way line on a curve to the left having a radius of 756.17 feet a distance of 314.06 feet having a chord bearing of North 55° 29' 27" East a distance of 311.81 feet to a point on the Southwesterly prescriptive right of way line of Happy Hollow Road as established by Affidavit from the City of Fayetteville dated August 18, 2009 ; thence South 68° 44' 15" East along said right of way line a distance of 89.97 feet to a point on the Southwesterly right of way line of Happy Hollow Rd. as established by AHTD Job 040578; thence South 34° 21' 15" West along said right of way line a

distance of 58.85 feet to a point on the Southerly right of way line of State Highway 16 as established by AHTD Job 040578; thence North 87° 03' 21" West along said right of way line a distance of 99.32 feet to a point; thence South 53° 27' 06" West along said right of way line a distance of 108.71 feet to a point; thence South 61° 12' 06" West along said right of way line a distance of 108.71 feet to a point; thence South 68° 04' 25" West along said right of way line a distance of 472.82 feet to a point; thence South 38° 30' 16" West along said right of way line a distance of 61.77 feet to a point; thence South 13° 01' 38" East along said right of way line a distance of 60.45 feet to a point; thence South 54° 11' 17" West along said right of way line a distance of 7.86 feet to the point of beginning and containing 0.62 acres or 26,836 square feet more or less as shown on plans prepared by the AHTD referenced as Job 040578.

DCM
1/25/10

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

And we, City of Fayetteville, Arkansas, Grantor for such consideration does hereby release and relinquish unto the said **Arkansas State Highway Commission**, all our right of dower, curtesy, homestead or survivorship in and to said lands.

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

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

Grantor further, by executing this Donation Warranty Deed, etc., does hereby release and relinquish all of their rights to an appraisal, compensation or other consideration for such donation; and Grantor does hereby release and relinquish all claims, causes of action or any

obligation of the **Arkansas State Highway Commission** arising out of or in conjunction with this donation.

WITNESS my/our hands/s on this _____ day of _____, 2011.

ACKNOWLEDGMENT

STATE OF

COUNTY OF

BE IT REMEMBERED, that on this day before the undersigned, a Notary Public, within and for the County and State aforesaid, duly commissioned and acting, appeared in person _____ and _____, to me well known as a/the Grantor/s in the foregoing instrument, and stated that she/he/they had executed the same for the consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public on this _____ day of _____, 2011.

My Commission Expires: _____ -

_____, Notary Public

Job No. 040578
Tract No. 35E1

**DONATION
PERMANENT EASEMENT**

KNOW ALL MEN BY THESE PRESENTS:

That I/we, City of Fayetteville, Arkansas, Grantor, for and in consideration of the mutual benefits inuring to the Grantor and the **Arkansas State Highway Commission**, Grantee, and to the public, the undersigned does hereby agree, without any remuneration or monetary consideration, to donate to the **Arkansas State Highway Commission**, Grantee, and unto its successors and assigns, upon the terms and conditions hereinafter set forth, the following easement situated in the County of Washington, State of Arkansas, to-wit:

LEGAL DESCRIPTION:

Part of Lots 2 and 3, Final Replat of Fayetteville Industrial Park which is also part of the Southwest Quarter of the Northwest Quarter and part of the Northwest Quarter of the Southwest Quarter both in Section 23, Township 16 North, Range 30 West, Washington County, Arkansas, more particularly described as follows:

Commencing at a point being used as the Quarter Corner of Section's 22 and 23; thence South 87° 06' 23" East along the South line of the Southwest Quarter of the Northwest Quarter of Section 23 a distance of 491.81 feet to a point on the Northeasterly prescriptive right of way line of South Armstrong Avenue as established by Affidavit from the City of Fayetteville dated August 18, 2009 to the POINT OF BEGINNING; thence North 35° 05' 16" West along said right of way line a distance of 32.82 feet to a point on the Northeasterly right of way line of S. Armstrong Ave. as established by AHTD Job 040486; thence North 54° 11' 17" East along said right of way line a distance of 7.86 feet to a point; thence South 31° 48' 43" East a distance of 143.35 feet to a point; thence South 54° 11' 17" West a distance of 4.59 feet to a point on the Northeasterly prescriptive right of way line of South Armstrong Avenue as established by Affidavit from the City of Fayetteville dated August 18, 2009; thence North 35° 50' 14" West along said right of way line a distance of 45.68 feet to a point; thence North 54° 09' 46" East along said right of way line a distance of 5.52 feet to a point; thence North 35° 05' 16" West along said right of way line a distance of 64.51 feet to the point of beginning and containing 0.02

acres or 776 square feet more or less as shown on plans prepared by the AHTD referenced as Job 040578.

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

And we, City of Fayetteville, Arkansas, Grantor for such consideration does hereby release and relinquish unto the said **Arkansas State Highway Commission**, all our right of dower, curtesy, homestead or survivorship in and to said lands.

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

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

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

WITNESS my/our hands/s on this _____ day of _____, 2011.

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

STATE OF

COUNTY OF

BE IT REMEMBERED, that on this day before the undersigned, a Notary Public, within and for the County and State aforesaid, duly commissioned and acting, appeared in person _____ and _____, to me well known as a/the Grantor/s in the foregoing instrument, and stated that she/he/they had executed the same for the consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public on this _____ day
of _____, 2011.

My Commission Expires: _____

, Notary Public

Job No. 040578
Tract No. 35E2

**DONATION
PERMANENT EASEMENT**

KNOW ALL MEN BY THESE PRESENTS:

That I/we, City of Fayetteville, Arkansas, **Grantor**, for and in consideration of the mutual benefits inuring to the Grantor and the **Arkansas State Highway Commission**, Grantee, and to the public, the undersigned does hereby agree, without any remuneration or monetary consideration, to donate to the **Arkansas State Highway Commission**, Grantee, and unto its successors and assigns, upon the terms and conditions hereinafter set forth, the following easement situated in the County of Washington, State of Arkansas, to-wit:

LEGAL DESCRIPTION:

Part of the Southwest Quarter of the Northwest Quarter of Section 23, Township 16 North, Range 30 West, Washington County, Arkansas, more particularly described as follows:

Commencing at a point being used as the Northwest Sixteenth Corner of Section 23; thence South 02° 44' 18" West along the East line of the Southwest Quarter of the Northwest Quarter of Section 23 a distance of 1,014.56 feet to a point; thence North 87° 58' 29" West a distance of 46.13 feet to a point on the Westerly prescriptive right of way line of Happy Hollow Road as established by Affidavit from the City of Fayetteville dated August 18, 2009 to the POINT OF BEGINNING; thence continue North 87° 58' 29" West a distance of 28.73 feet to a point; thence North 04° 55' 38" East a distance of 111.52 feet to a point; thence North 24° 31' 11" West a distance of 34.53 feet to a point; thence North 51° 14' 35" West a distance of 38.67 feet to a point on the Southeasterly right of way line of State Highway 16 as established by AHTD Job 040578; thence North 34° 21' 15" East along said right of way line a distance of 58.85 feet to a point on the Westerly prescriptive right of way line of Happy Hollow Road as established by Affidavit from the City of Fayetteville dated August 18, 2009; thence South 68° 44' 15" East along said right of way line a distance of 20.59 feet to a point; thence South 86° 47' 04" East along said right of way line a distance of 18.77 feet to a point; thence South 02° 04' 29" West along said right of way line a distance of 207.95 feet to the point of beginning and containing

0.17 acres or 7,582 square feet more or less as shown on plans prepared by the AHTD referenced as Job 040578.

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

And we, City of Fayetteville, Arkansas, Grantor for such consideration does hereby release and relinquish unto the said **Arkansas State Highway Commission**, all our right of dower, curtesy, homestead or survivorship in and to said lands.

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

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

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

WITNESS my/our hands/s on this _____ day of _____, 2011.

ACKNOWLEDGMENT

STATE OF

COUNTY OF

BE IT REMEMBERED, that on this day before the undersigned, a Notary Public, within and for the County and State aforesaid, duly commissioned and acting, appeared in person _____ and _____, to me well known as a/the Grantor/s in the foregoing instrument, and stated that she/he/they had executed the same for the consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public on this _____ day
of _____, 2011.

My Commission Expires: _____

, Notary Public

Job No. 040578
Tract No. 43E2

D O N A T I O N
P E R M A N E N T E A S E M E N T

KNOW ALL MEN BY THESE PRESENTS:

That **I/we, City of Fayetteville, Arkansas, Grantor**, for and in consideration of the mutual benefits inuring to the Grantor and the **Arkansas State Highway Commission**, Grantee, and to the public, the undersigned does hereby agree, without any remuneration or monetary consideration, to donate to the **Arkansas State Highway Commission**, Grantee, and unto its successors and assigns, upon the terms and conditions hereinafter set forth, the following easement situated in the County of Washington, State of Arkansas, to-wit:

LEGAL DESCRIPTION:

Part of the Southeast Quarter of the Northwest Quarter of Section 23, Township 16 North, Range 30 West, Washington County, Arkansas, more particularly described as follows:

Commencing at a point being used as the Northwest Sixteenth Corner of Section 23; thence South 02° 44' 18" West along the East line of the Southwest Quarter of the Northwest Quarter of Section 23 a distance of 1,014.56 feet to a point; thence South 87° 58' 29" East a distance of 3.87 feet to a point on the Easterly prescriptive right of way line of Happy Hollow Road as established by Affidavit from the City of Fayetteville dated August 18, 2009 to the POINT OF BEGINNING; thence North 02° 04' 29" East along said right of way line a distance of 206.91 feet to a point; thence South 02° 05' 15" East a distance of 31.11 feet to a point; thence South 11° 13' 18" East a distance of 78.99 feet to a point; thence South 07° 21' 24" West a distance of 99.42 feet to a point; thence North 87° 58' 29" West a distance of 11.27 feet to the point of beginning and containing 0.06 acres or 2,476 square feet more or less as shown on plans prepared by the AHTD referenced as Job 040578.

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

And we, City of Fayetteville, Arkansas, Grantor for such consideration does hereby release and relinquish unto the said **Arkansas State Highway Commission**, all our right of dower, curtesy, homestead or survivorship in and to said lands.

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

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

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

WITNESS my/our hands/s on this _____ day of _____, 2011.

ACKNOWLEDGMENT

STATE OF

COUNTY OF

BE IT REMEMBERED, that on this day before the undersigned, a Notary Public, within and for the County and State aforesaid, duly commissioned and acting, appeared in person _____ and _____, to me well known as a/the Grantor/s in the foregoing instrument, and stated that she/he/they had executed the same for the consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public on this _____ day
of _____, 2011.

My Commission Expires: _____

,Notary Public

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT City of Fayetteville for and in consideration of Zero Dollars, (\$0.00), and other valuable considerations, to us cash in hand paid by the Arkansas State Highway Commission, the receipt of which is hereby acknowledged, do hereby give and grant to the Arkansas State Highway Commission, its successors and assigns an exclusive temporary easement for the sole purposes necessary for Highway construction, together with free ingress and egress, to, across, through and over the lands shown on the Right of Way Plans for Job No. 040578, and designated as Tract No. 43E situated in the County of Washington, State of Arkansas.

This temporary easement as conditioned above shall terminate when the above subject job has been completed by the contractor and accepted by the Arkansas State Highway Commission.

TO HAVE AND TO HOLD the same unto the said Arkansas State Highway Commission and to its successors and assigns for and during the term aforesaid and for the purposes hereinabove set forth.

WITNESS my signature of this _____ day of _____, 20____.

Signature

Signature

ACKNOWLEDGMENT

STATE OF)
) SS
COUNTY)

BE IT REMEMBERED, that on this day came before the undersigned, a Notary Public, acting within and for the aforesaid County, on this day personally appeared _____ well known to me to be the person(s) whose name(s) is subscribed to the foregoing instrument and stated to me that _____ executed the same for consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public _____ day of _____, 20____.

MY COMMISSION EXPIRES:

NOTARY PUBLIC

Job No. 040578
Tract No. 45

**DONATION
WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS:

That I/we, City of Fayetteville, Arkansas, Grantor, for and in consideration of the mutual benefits inuring to the Grantor and the **Arkansas State Highway Commission**, Grantee, and to the public, the undersigned does hereby agree, without any remuneration or monetary consideration, to donate to the **Arkansas State Highway Commission**, Grantee, and unto its successors and assigns, upon the terms and conditions hereinafter set forth, the following lands situated in the County of Washington, State of Arkansas, to-wit:

LEGAL DESCRIPTION:

Part of the Northeast Quarter of the Northwest Quarter of Section 23, Township 16 North, Range 30 West, Washington County, Arkansas, more particularly described as follows:

Commencing at a point being used as the Northwest Sixteenth Corner of Section 23, thence South 86° 52' 56" East along the South line of the Northeast Quarter of the Northwest Quarter of Section 23 a distance of 4.78 feet to a point on the Easterly right of way line of State Highway 16 as established by AHTD Job 9424; thence North 00° 21' 09" East along said right of way line a distance of 7.37 feet to a point; thence North 03° 12' 56" East along said right of way line a distance of 173.72 feet to a point; thence South 87° 58' 21" East along said right of way line a distance of 25.01 feet to a point; thence North 03° 12' 56" East along said right of way line a distance of 500.44 feet to a point; thence in a Northeasterly direction along said right of way line on a curve to the right having a radius of 195.00 feet a distance of 379.17 feet having a chord bearing of North 58° 55' 15" East a distance of 322.20 feet to a point; thence South 65° 22' 25" East along said right of way line a distance of 14.95 feet to a point; thence in a Southeasterly direction along said right of way line on a curve to the left having a radius of 1,613.66 feet a distance of 219.61 feet having a chord bearing of South 69° 16' 22" East a distance of 219.44 feet to the POINT OF BEGINNING; thence continue in a Southeasterly direction along said right of way line on a curve to the left having a radius of 1,613.66 feet a distance of 62.64 feet having a chord bearing of South 74° 16' 59" East a distance of 62.64 feet to a point; thence South 75° 23' 45" East along said right of way line a distance of 67.92 feet to a point the

Westerly prescriptive right of way line of South Ray Avenue as established by Affidavit from the City of Fayetteville dated August 18, 2009; thence South 05° 10' 44" West along said right of way line a distance of 38.18 feet to a point on the Southerly right of way line of State Highway 16 as established by AHTD Job 040578; thence North 34° 05' 21" West along said right of way line a distance of 25.96 feet to a point; thence North 64° 53' 41" West along said right of way line a distance of 119.29 feet to the point of beginning and containing 0.04 acres or 1,607 square feet more or less as shown on plans prepared by the AHTD referenced as Job 040578.

DCM
1/25/10

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

And we, City of Fayetteville, Arkansas, Grantor for such consideration does hereby release and relinquish unto the said **Arkansas State Highway Commission**, all our right of dower, curtesy, homestead or survivorship in and to said lands.

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

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

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

WITNESS my/our hands/s on this _____ day of _____, 2011.

ACKNOWLEDGMENT

STATE OF

COUNTY OF

BE IT REMEMBERED, that on this day before the undersigned, a Notary Public, within and for the County and State aforesaid, duly commissioned and acting, appeared in person _____ and _____, to me well known as a/the Grantor/s in the foregoing instrument, and stated that she/he/they had executed the same for the consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public on this _____ day
of _____, 2011.

My Commission Expires: _____

Notary Public

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT City of Fayetteville for and in consideration of Zero Dollars, (\$0.00), and other valuable considerations, to us cash in hand paid by the Arkansas State Highway Commission, the receipt of which is hereby acknowledged, do hereby give and grant to the Arkansas State Highway Commission, its successors and assigns an exclusive temporary easement for the sole purposes necessary for Highway construction, together with free ingress and egress, to, across, through and over the lands shown on the Right of Way Plans for Job No. 040578, and designated as Tract No. 45E situated in the County of Washington, State of Arkansas.

This temporary easement as conditioned above shall terminate when the above subject job has been completed by the contractor and accepted by the Arkansas State Highway Commission.

TO HAVE AND TO HOLD the same unto the said Arkansas State Highway Commission and to its successors and assigns for and during the term aforesaid and for the purposes hereinabove set forth.

WITNESS my signature of this _____ day of _____, 20____.

Signature

Signature

ACKNOWLEDGMENT

STATE OF)
) SS
COUNTY)

BE IT REMEMBERED, that on this day came before the undersigned, a Notary Public, acting within and for the aforesaid County, on this day personally appeared _____ well known to me to be the person(s) whose name(s) is subscribed to the foregoing instrument and stated to me that _____ executed the same for consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public _____ day of _____, 20____.

MY COMMISSION EXPIRES:

NOTARY PUBLIC

City of Fayetteville Staff Review Form

A. 7
Emergency Operations Plan "EOP"
Page 1 of 4

**City Council Agenda Items
and
Contracts, Leases or Agreements**

May 17, 2011

**City Council Meeting Date
Agenda Items Only**

Don Marr
Submitted By

Chief of Staff
Division

Administration
Department

Action Required:

A resolution recognizing and adopting the City of Fayetteville Emergency Operations Plan "EOP" as the official method for handling all hazards that might occur within the City.

<u>N/A</u> Cost of this request	\$ <u>-</u> Category / Project Budget	<u>N/A</u> Program Category / Project Name
<u>N/A</u> Account Number	\$ <u>-</u> Funds Used to Date	<u>N/A</u> Program / Project Category Name
<u>N/A</u> Project Number	\$ <u>-</u> Remaining Balance	<u>N/A</u> Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐

[Signature] 4/29/11
Department Director Date

Previous Ordinance or Resolution # _____

[Signature] 5-2-11
City Attorney Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Becker 5-2-2011
Finance and Internal Services Director Date

Received in City Clerk's Office 04-29-11 P03:57 RCVD
Sen

[Signature] 5-2-11
Chief of Staff Date

Received in Mayor's Office
ENTERED 5/2/11 BRP

[Signature] 5/3/11
Mayor Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

From: Don Marr, Chief of Staff

Date: May 17, 2011

Subject: A resolution approving and adopting the City of Fayetteville Emergency Operations Plan.

PROPOSAL:

The City of Fayetteville Emergency Operations Plan has been developed by Staff with input from all City Department and Division heads who will be Emergency Support Function Coordinators for the Plan. The EOP is a flexible yet comprehensive document that addresses any hazard that might occur, whether from natural disaster or human causes. The plan follows Federal Emergency Management Agency guidelines for developing local government emergency plans, and therefore complies with FEMA guidelines for County, State, and Federal Emergency Operations Plans.

RECOMMENDATION:

Staff recommends that the City of Fayetteville EOP should be adopted by the City Council and recognized as the official method for handling all hazards that might occur within the City.

BUDGET IMPACT:

None

RESOLUTION NO. _____

**A RESOLUTION APPROVING AN EMERGENCY OPERATIONS PLAN FOR
THE CITY OF FAYETTEVILLE AS THE METHOD FOR HANDLING ALL
EMERGENCIES OCCURING WITHIN THE CITY**

**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
Emergency Operations Plan, attached hereto as Exhibit "A", as the method for handling all
emergencies occurring within the City.

PASSED and APPROVED this 17th day of May, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

AGENDA REQUEST

FOR: COUNCIL MEETING OF MAY 3, 2011

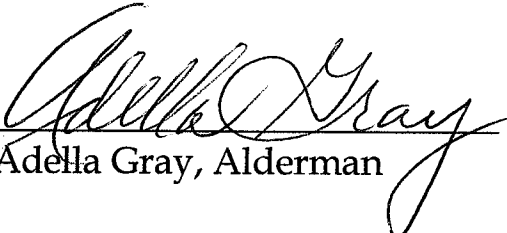
FROM:

ALDERMAN ADELLA GRAY

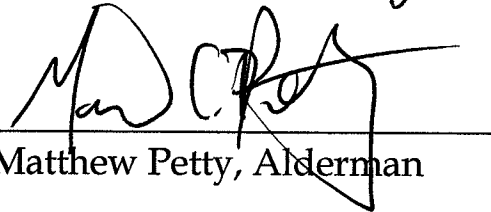
ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend §95.05 Regulation Of Smoking In Most Public Places And Places Of Employment Of The Fayetteville Code By Removing The Exemption For Bars

APPROVED FOR AGENDA:


Adella Gray, Alderman

4/19/11
Date


Matthew Petty, Alderman

4-20-2011
Date


City Attorney
(as to form)

4-17-2011
Date

Left on first Reading at the May 3rd 2011 CC mtg.

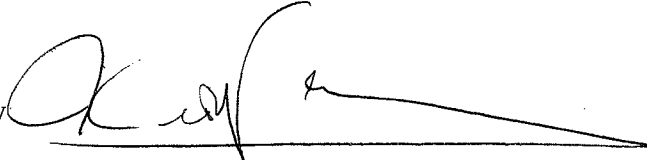
Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

CC: Don Marr, Chief of Staff

FROM: Kit Williams, City Attorney



DATE: February 25, 2011

RE: Proposed Amendment to Smoking Ordinance to include bars

The Smoking Ordinance was passed by the City Council and was later referred to the voters after a petition drive by its opponents. The voters passed the ordinance under provisions of Amendment 7 of the Arkansas Constitution after a hotly contested election campaign. Because of this citizens' vote, Amendment 7 protects this electoral decision by requiring that :

“No measure approved by the people shall be amended or repealed by . . . any City Council, except upon a yea and nay vote on roll call of two-thirds of all members elected to . . . the City Council. . . .”

This means that any proposed amendment to the Smoking Ordinance by the Fayetteville City Council will require the affirmative vote of six aldermen. The Mayor may not vote on this issue because of the above wording of Amendment 7 as he was not “elected . . . to the City Council.”

I have been asked about referring any passed amendment to the voters for their final approval. This can be done pursuant to A.C.A. Section 14-55-301 “by a majority vote of its members.” If this is not a section within the actual ordinance passed by the City Council, a later ordinance (within 30 days) can also refer an ordinance to the voters, but then a two-thirds majority of the City Council is required for passage.

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND §95.05 REGULATION OF SMOKING IN
MOST PUBLIC PLACES AND PLACES OF EMPLOYMENT OF THE
FAYETTEVILLE CODE BY REMOVING THE EXEMPTION FOR BARS**

WHEREAS, second hand smoke is dangerous for employees and patrons of bars; and

WHEREAS, bartenders have higher rates of lung cancer than firefighters, coal miners and workers in some other occupations in which air pollution is a problem.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals §95.05(C) *Exemptions* in its entirety and enacts a replacement §95.05(C) as shown below:

“(C) *Exemption.*

“Retail tobacco stores are exempted from the smoking prohibition of this ordinance.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends §95.05(A) *Definitions* by deleting the reference to a “bar” within the definition of “*Place of employment*,” so that the third sentence shall read: “A ‘retail tobacco store’ is not a place of employment for purposes of this section.”

PASSED and APPROVED this 3rd day of May, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

Current law

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

thereupon service of the publication as now provided for by law against nonresident defendants may be had, and an attorney ad litem may be appointed to notify the defendant by registered letter addressed to his last known place of residence if same can be found.

(Code 1965, §§11-3, 11-3.1; Ord. No. 1303, 5-28-62; Ord. No. 1721, 12-15-69; Ord. No. 2557, 9-4-79; Ord. No. 2922, 5-17-83; Code 1991, §95.03)

State law reference(s)--Enforcement of lien for clearance by municipality, A.C.A. §14-54-904; Notice to unknown or nonresident owners, A.C.A. §14-54-902.

95.04 Public Nuisance; Abatement

- (A) It shall be unlawful for the owners, occupants, tenants, or lessees of any dwelling or place of business to allow garbage, trash or other litter to accumulate on his premises, or to place or cause to be placed paper, cardboard or other litter in such manner as to cause unsightly or unsanitary conditions in the city.
- (B) Code Compliance Officers or their authorized representatives shall have the duty of notifying the owner, occupant, tenant, or lessee of a dwelling or place of business where one or more of the conditions described in subsection (A) of this section is found to exist.
- (C) It shall be the duty of the owner, occupant, tenant or lessee of such premises to correct said condition or conditions within 30 days from date of receipt of such notice.
- (D) If the owner, occupant, tenant, or lessee fails to obey such notice and continues to maintain said prohibited condition or conditions, such person shall be deemed in violation of this section and shall be subject to the penal provisions contained in this chapter.
- (E) The provisions of this section are supplementary to, and do not amend or repeal the provisions of §§95.01 through 95.03 of this Code.

(Code 1965, §10-5; Ord. No. 1194, 4-6-59; Ord. No. 1619, 8-19-68; Code 1991, §95.04)

Cross reference(s)--Penalty, §95.99.

State law reference(s)--Municipal authority, A.C.A. §14-54-901; Removal or razing of buildings, A.C.A. §14-56-203.

95.05 Regulation Of Smoking In Most Public Places And Places Of Employment

- (A) **Definitions.** For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Bar. An establishment, whether termed a private club or public establishment, that is devoted primarily to the sale and service of alcoholic beverages for on-premises consumption and where the service of food, if any, is incidental to the consumption of such beverages.

Restaurant. An eating establishment, including but not limited to dining establishments, private clubs, coffee shops, cafeterias, sandwich shops, private and public cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as non-residential kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.

Enclosed area. All space partially enclosed between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways), which extend from the floor to the ceiling.

Manager. The owner, lessee, or other person in charge of a public place.

Place of employment. An enclosed area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, hallways, classrooms, and employee cafeterias. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility. A "bar" and a "retail tobacco store" are not places of employment for purposes of this Section. An enclosed private office that is not regularly entered or occupied by a nonsmoking employee is not a place of employment for purposes of this section.

Public place.

- (1) Any enclosed indoor area that is used by the public or private club members and guests, except designated hotel and motel guest rooms.
- (2) Any swimming pool owned or operated by the city.

Retail Tobacco Store. A retail store utilized primarily for the sale and use of tobacco products

Remove
"bar"

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

and accessories and in which the sale of other products is merely incidental.

Smoking. Holding a lighted pipe, cigar, or cigarette of any kind, or lighting, or emitting or exhaling the smoke of, a pipe, cigar, or cigarette of any kind.

(B) *Prohibition of Smoking in public places and places of employment*

Smoking is prohibited in all public places, places of employment, and city vehicles unless specifically exempted in subsection (C).

(C) *Exemptions.*

The following types of establishments are exempted from the smoking prohibition of this ordinance:

- (1) Bars
- (2) Retail tobacco stores

(D) *Duties of Managers.*

- (1) The manager of a place within which smoking is prohibited by this ordinance shall place "No Smoking" or "Smoke Free" signage at the major entrance and other appropriate places within the establishment.
- (2) The manager of a public place in which smoking is prohibited or restricted shall not knowingly permit or fail to make reasonable efforts to prevent smoking in any area where smoking is prohibited.

(E) *Enforcement.*

- (1) City police shall enforce this section pursuant to their normal police power.
- (2) If a manager knowingly permits or fails to make reasonable efforts to prevent smoking by the establishment's customers or employees where prohibited by this section, the manager shall be guilty of a violation and a fine or not more than \$100.00 per occurrence.
- (3) A person who smokes in an area where smoking is prohibited by provisions of this section shall be guilty of a violation punishable by a fine not exceeding fifty (\$50.00) dollars per occurrence.
- (4) In addition to the fines established by this Section, multiple violations of this Section by a

person who owns, manages, operates or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued for the premises on which the violation occurred.

(F) *Jurisdiction.*

This section is not applicable nor enforceable in federal, state or county buildings including all facilities owned or operated by the University of Arkansas.

(G) *Effective date.*

This ordinance shall take effect on February 1, 2004

(Ord. No. 3584, 12-17-91; Code 1991, §95.05; Ord. 4512, 09-02-03)

95.06-95.98 Reserved

95.99 Penalty

- (A) Any person failing to comply with an order as described by §95.01 shall, upon conviction, be punished by a fine of not less than \$10.00 nor more than \$100.00.
- (B) Whoever violates §95.04 shall be punished by a fine of not more than \$500.00 or double that sum for each repetition of such offense, or violation; provided, no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. The penalty for allowing the continuation thereof shall not exceed \$250.00 for each day that the same is unlawfully continued.
- (C) There is hereby created the office of Code Compliance Officer. Code Compliance Officers shall be hired by the Mayor or his designated representative and shall perform the duties and exercise the powers set forth in this chapter.
- (D) Code Compliance Officers are hereby authorized to issue citations to any person violating the provisions of §§95.01-95.04 or § 173.08(A) of the Code of Fayetteville, provided that their authority is expressly limited to removing or causing the removal of unsanitary or unsightly things, or to correcting or causing the correction of unsafe or unsanitary conditions on the property in question.

Remove
Bars →

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: **Mayor Jordan**
City Council

CC: **Don Marr**, Chief of Staff

FROM: **Kit Williams**, City Attorney

DATE: **April 29, 2011**

RE: **Smoking Ordinance History**

On November 5, 1991, the Fayetteville Board of Directors adopted a smoking policy for City-owned facilities. On November 19, 1991, the Fayetteville Board of Directors tabled a smoking ordinance so that members of the hospitality industry could meet with Rob Leflar of the Sierra Club to come up with a compromise smoking ordinance for businesses serving the public like restaurants, grocery stores, theaters, etc. That ordinance was again tabled at the December 3, 1991, Board meeting.

On December 17, 1991, the Fayetteville Board of Directors heard recommendations about a proposed compromise smoking ordinance from Rob Leflar who stated he had worked "in good faith with the Chamber of Commerce and the hospitality industry." He stated "good faith efforts were made on all sides in reaching a compromise which he believes is acceptable to all." Only five non-Fayetteville Board Members spoke on this issue and all five supported the smoking ordinance. The Fayetteville Board of Directors passed the ordinance on a 4-2 vote with Board of Directors Mike Green, Julie Nash, Dan Coody and Shell Spivey voting in favor, and Directors Fred Vorsanger and Ann Henry voting against. (Attached is a copy of those minutes and Ordinance No. 3584.)

A little more than a decade later, the Fayetteville City Council heard from citizens that Ordinance No. 3584, codified as §95.05 of the Fayetteville Code, was not effectively protecting non-smokers from secondhand smoke. Therefore Aldermen Marr and Jordan sponsored a wholesale rewrite of the Smoking Ordinance which was transformed into an almost total ban of smoking in all businesses and places of

employment. The introduction of this ordinance at the City Council meeting began the Smoking Ordinance War of 2003. This ordinance sparked more heated debate, citizen participation and public controversy than any issue in this decade. Every meeting was packed with numerous strident or thoughtful, compelling or weak arguments on both sides of the issue presented for hours to the Mayor and City Council. Our TV ratings (and some blood pressure readings) soared.

The original proposal sponsored by Aldermen Marr and Jordan did not exempt bars, but in an effort to compromise bars were exempted at the second City Council meeting. This had no appreciable effect upon vigorous opposition to the ordinance, and it created a problem of how bars and restaurants that served alcohol could be properly distinguished and defined.

The new Smoking Ordinance (No. 4512) was finally passed on September 2, 2003, on a 5 to 3 vote with Aldermen Don Marr, Shirley Lucas, Lioneld Jordan, Brenda Thiel and Kyle Cook voting yes. A separate vote to refer it to the voters in a referendum failed on a 4 to 4 vote with Mayor Coody refusing to cast an affirmative vote. The opposition to the ordinance organized a petition drive and after some initial problems were finally able to collect enough valid signatures to call a Referendum. After a hard fought campaign and a great voter turn out, the Smoking Ordinance was passed by the Fayetteville voters and went into effect in 2004.

The City also survived a legal challenge to the Smoking Ordinance winning a judgment in the Circuit Court of Washington County in a lawsuit questioning the statutory power of Fayetteville to enact such a Smoking Ordinance. After a few initial enforcement problems, the controversy died away after the election.

In the 2006 Legislative session, the General Assembly passed the Arkansas Clean Indoor Air Act of 2006 (A.C.A. §20-27-1801). This state law was very similar to the Fayetteville Smoking Ordinance except that it even applied to bars unless the bar (or restaurant) prohibited "at all times all persons less than twenty-one (21) years of age from entering the premises" A.C.A. §20-27-1805(8)(A). This new state law was expressly not preemptive of existing or future smoking ordinances that could be adopted by cities.

"This subchapter is cumulative to and does not prohibit the enactment of ... local ordinances prohibiting smoking that are more restrictive than ... this subchapter." A.C.A. §20-27-1808(a)

As mentioned in my memo of February 25, 2011 which is in your Agenda packet, the City Council cannot amend 95.05 **Regulation of Smoking in Most Public Places** except by six affirmative aldermen votes because this ordinance was referred to and approved by Fayetteville voters in 2004. *Amendment 7 to the Arkansas Constitution.*

However, I believe that a simple majority (five affirmative votes) can pass an ordinance referring this proposed change to the voters pursuant to A.C.A. §14-55-301(a). Mayor Jordan can vote for the referral to the voters ordinance, but may not vote for an amendment change directly enacted by the City Council. *Amendment 7 to the Arkansas Constitution.*

December 17, 1991

no easements have been acquired on the south side; however, 10 acres for the tank site and access thereto has been acquired by a long term lease. The acquisition of easements is the only delaying factor for this portion of the project.

In conclusion, Bunn reported that total funds expended to date on the 36 inch line total project at approximately \$500,000. The majority of that is engineering fees and acquisition of easements. Bunn reiterated Linebaugh's statement that there is a possibility for consumption water management for one more summer. Whether water management will be necessary for the summer of 1993 will depend on the progress of construction. The planned construction of water tanks, which will provide an additional 12 million gallons, is scheduled to be completed first in order to be in service for the summer of 1993. In addition, the progress of construction at the Beaver Treatment Plant could affect the 1993 service.

OLD BUSINESS

Items that have been brought before the Board but were tabled or no decision made to allow for further information to be presented.

SMOKING POLICY

Mayor Vorsanger reintroduced an ordinance regulating smoking in certain public areas.

Vorsanger explained that the Board of Directors adopted a smoking policy for City owned facilities at their November 5, 1991 meeting. The matter before the Board now is the consideration of enacting a smoking policy for certain public places.

Vorsanger further reported that the Board voted at the November 19 meeting to table this ordinance to allow people from the hospitality industry in Fayetteville to meet with Robert Leflar and others who drafted the original ordinance to come up with a compromise ordinance that both business people as well as the non-smoking community could endorse.

In addition, Vorsanger reported that the Board voted at the December 3 meeting to leave the item on the table to allow further time for the two groups to reach a compromise ordinance and to be presented to the Board members for their consideration prior to the meeting.

Mayor Vorsanger requested input from the other Board members as to whether they should take the previous ordinance off the table, or start anew, leaving the old ordinance on the table and address the new ordinances before them this evening.

December 17, 1991

Director Green recommended that they leave the old ordinance on the table and start anew with the revised ordinance.

City Attorney Rose verified that by the Board's inactivity, the previous ordinance is automatically tabled indefinitely.

Director Coody, seconded by Spivey, made a motion to adopt the new ordinance dated December 17th.

The ordinance was read for the first time. Green, seconded by Coody, made a motion to suspend the rules and place the ordinance on its second reading. Upon roll call, the motion passed by a vote of 6 to 0. The ordinance was read for the second time. Coody, seconded by Green, made a motion to further suspend the rules and place the ordinance on its third and final reading. Upon roll call, the motion was passed by a vote of 6 to 0. The ordinance was read for the third and final time.

Director Coody thanked Rob Leflar and members of the Sierra Club for their efforts in reaching the compromise ordinance being presented.

Director Spivey thanked all interested parties, including the hotel and restaurant owners, who were all instrumental in the compromise settlement of this issue.

Sierra Club representative Rob Leflar addressed the Board. Leflar reported that he had fulfilled his pledge to work in good faith with the Chamber of Commerce and the hospitality industry. Many hours of discussion were held in which the concerns of both sides were voiced and good faith efforts were made on all sides in reaching a compromise which he believes is acceptable to all. Leflar further expressed his appreciation to Coy Kaylor, Pat Henry, Bill Clodfelter, and Wayne Dyer for their effective negotiations and contributions to the process. He further stated that these gentlemen would prefer not to have a smoking ordinance, but in the event of the Board's judgment that an ordinance is necessary in the best interests of the City, they believe that the new ordinance is acceptable and one they can live with.

Leflar further addressed the concerns raised by Mayor Vorsanger at the last Board meeting regarding enforcement of the ordinance stating this concern is addressed in the new ordinance by giving the City Manager authority to designate an officer most appropriate for enforcement of the ordinance. In addition, Leflar reported his contact with Jim McSwain, Fire Chief of the City of Lawrence, Kansas (a strong business and University community with a comparable population to Fayetteville), regarding McSwain's responsibility for enforcement of a similar ordinance, relayed his experience that in over 4 years since their ordinance was passed, a total of 45 complaints have been received with the majority received in the first year. Once their citizens became familiar

December 17, 1991

with the provisions of the ordinance, the number of complaints dramatically reduced and enforcement became a minor problem. Leflar stated that he believes a similar situation will be realized in the City of Fayetteville.

Leflar proceeded to explain the points of significant change in the new ordinance as follows:

- 1) Paragraph A(2a) pertaining to the designation of designated smoking area, the word "clearly" was omitted;
- 2) Paragraph A(2b) contains a provision which will essentially serve as a "grandfather clause" so that existing restaurants can use their existing physical barriers and ventilation systems to avoid major remodelling expenses in order to comply with the provisions of the ordinance and can merely post "smoking" and "non-smoking" signs in areas of their choice;
- 3) Paragraph A(3) includes a new definition for "designated non-smoking areas";
- 4) Paragraph A(6) pertaining to the definition of "public place" has specifically exempted hotel/motel guest rooms; banks were moved from category "B" into category "C";
- 5) Paragraph C(6) contains an exemption of existing restaurants with a total public seating of 30 or less, where it is difficult to separate "smoking" from "non-smoking"; however, said exempt restaurants would be required to post a notice on the outside of their establishments informing potential customers of that fact;
- 6) Paragraph E(3) clearly states that managers of public places will place conspicuous signs at all entrances, up to a maximum of six; posting one of the following statements: "Smoking Prohibited" or "Smoking Prohibited Except Within Designated Smoking Areas" or "Smoking Permitted Except Within Designated Non-Smoking Areas"; with the option of which sign to post being that of each individual facility by their management;
- 7) Paragraph E(5) addresses management's enforcement of the ordinance in order to comply by asking smokers to refrain from smoking in a non-smoking area or directing smokers to designated smoking areas;
- 8) Paragraph F addresses City enforcement by authorizing the City Manager to designate an officer responsible for enforcement of the ordinance;

December 17, 1991

- 9) Paragraph F(2) states that an inadvertent first offender could be given a warning rather than being fined;
- 10) Paragraph F states that the City officials responsible for granting permits for new facilities would consider applicant's compliance with "smoking" and "non-smoking" citing designation as a factor in granting of permits.

In conclusion, Leflar stated that the process by which the parties arrived at an acceptable compromise will stand as a good example of "bending bridges" and set a good example for future controversies among different areas and groups in the community.

Molly Wolfe, student at the University of Arkansas, addressed the Board encouraging them to support the smoking ordinance and feels strongly about this issue as her conscious efforts at health/safety seem to be in vain when she has to be subjected to second hand smoke in public places. With all the hazards that we don't have control over, this is one that can be controlled. *

Janet Titus, immediate past President of the Washington County Medical Society, addressed the Board in support of the new smoking ordinance as it supports in spirit the goals of the Washington County Medical Society efforts for a smoking ordinance. She stated that it seems to be an acceptable compromise that helps to protect the health and welfare of the majority of citizens without overly taxing the facilities' ability to serve their customers who wish to smoke. As a physician, she spends a lot of time trying to convince her patients not to smoke, and a position like this taken by a public entity, supports her stand against smoking.

Mayor Vorsanger addressed Dr. Titus regarding his confusion with the ordinance and her letter wherein they talk about the risks of smoking which he agrees with, but the ordinance as well as the last paragraph in her letter states, ". . . the Washington County Medical Society strongly supports efforts to regulate smoking in all public areas, all area hospitals have already taken the lead in banning smoking, except by patients in their rooms" which he finds confusing and contradictory.

Dr. Titus responded that nurses find some patients to be extremely difficult to deal with when they are raving about wanting to have a cigarette in the middle of the night. The original ruling was that patients could smoke only with the direct permission of their physician which quickly fell by the wayside as it is difficult to confront long term smokers with this restriction. Although Dr. Titus would like to see smoking banned completely, she does not believe it is practical in those situations. In addition, the hospitals when admitting patients assign rooms according to smoking preference. Titus also stated that regulating smoking by staff in nursing homes will help considerably in those facilities.

December 17, 1991

Director Henry stated that despite the fact that physicians are trained in health issues, and many have stopped smoking themselves, they cannot convince their patients to stop smoking as some people have no choice as they are addicted to the habit.

Dale Smith, owner of Carolyn's Restaurant, addressed the Board stating that his restaurant is already in compliance with this ordinance, and he would like to think that an ordinance like this wasn't necessary; however, people simply don't smoke responsibly nor realize the seriousness of this issue. Therefore, an ordinance is required to help control the problem as well as further educating people on the hazards of smoking.

Carol Fossey, physician practicing in the Fayetteville area, addressed the Board recommending that the Board pass this smoking ordinance as a good compromise and stated the importance of the City Board as representatives of the well being of the citizens of Fayetteville. Fossey encouraged the passage of an ordinance to help protect non-smokers from passive smoke.

Director Henry inquired as to whether this ordinance will require many changes from the hospitality industry that have not already been implemented.

Leflar stated that some additional signage would be required.

Henry stated that bars, beauty shops, and barber shops were exempted from this ordinance, and it is really not any broader than any of the previous proposed ordinances. The ordinance will take care of some additional problems. Henry further stated her concern that this ordinance was placing a lot of responsibility on managers of public establishments, especially in view of the fact that physicians are not willing to confront their patients. In addition, Henry stated that the City was being asked to solve this problem and to do what each individual has every right and the ability to control in their own situations. In closing, Henry stated that although this ordinance appears to be a compromise, she believes it is just the continuation of a trend to ask the government to do things that each individual should be able to do for themselves.

Betty Lou Olson addressed the Board stating that a common response received by a non-smoker requesting that someone not smoke in their presence is "I am not breaking the law"; therefore, an ordinance is necessary for enforcement.

Director Nash pointed out that this is not a smoking ban. She has received various opinions on a smoking ordinance and believes that both sides have made concessions and are willing to live with this ordinance. She is pleased to see this sort of communication and cooperation by everyone involved.

December 17, 1991

Mayor Vorsanger stated his concerns that: (1) chewing tobacco, which he considers more offensive than smoking, is not included in this ordinance; (2) it's okay to smoke and drink, but if you smoke and eat, the required signs needs to be posted; and (3) government should not regulate people or businesses in this matter. He stated he would vote against the ordinance.

Director Henry stated her agreement with Mayor Vorsanger, stating that she would like to see the word "tobacco" used in the ordinance.

Director Green stated that the Board needed to realize that this is a start and they have to start somewhere. This happens to be an ordinance which is at least bearable to most of those involved. Although it is not the answer to everything, this ordinance itself is at least a compromise and a good start, and the other issues will take care of themselves in time or can be addressed by the Board in the future if necessary. Even though he would prefer not to be asked to regulate business, there are valid reasons for trying to protect non-smokers from passive smoke; therefore, he stated that he would support the ordinance.

Mayor Vorsanger stated that one of the wonderful things about democracy and being on the Board of Directors is that they will all vote their conscience.

Upon roll call, the ordinance passed by a vote of 4 to 2, with Directors Vorsanger and Henry voting against the ordinance.

ORDINANCE 3584 APPEARS ON PAGE 7/ OF ORDINANCE AND RESOLUTION BOOK XXVI

UTILITY VEHICLE BID AWARD

Mayor Vorsanger reintroduced a resolution awarding Bid 91-61 to Ron Blackwell Ford for \$68,028 and to Lewis Ford Sales for \$43,857 for the purchase of seven (7) light and medium duty utility vehicles.

Vorsanger further reported that Staff recommends awarding the bids for the purchase of 4-1992 Jeep Cherokees, a 1991 Ford Ranger, a 1992 Ford F-250 pickup with a slip in dump bed, and a 1992 Ford Ranger 4x4.

Vorsanger explained that this item was tabled at the December 3, 1991 meeting so that the department needs for 4x4 vehicles could be presented to the Board.

Director Coody stated that in response to his questions regarding the necessity of the 4x4 vehicles, he has received a lot of input which include the following options: (1) Continue with current situation with 4-wheel drive Jeep Cherokee sport wagons; (2) Provide sufficient justification to reject the lowest bid to allow

FILED FOR RECORD

'91 DEC 20 PM 3:41

WASHINGTON CO AR
J. L. MEYER

ORDINANCE NO. 3584

AN ORDINANCE TO REGULATE SMOKING IN CERTAIN
PUBLIC PLACES AND TO AMEND CHAPTER 95 OF THE
CODE OF ORDINANCES OF THE CITY OF
FAYETTEVILLE, ARKANSAS BY ADDING A NEW SECTION
95.05.

WHEREAS, studies by the Surgeon General of the United States, the National Academy of Sciences, the National Institute of Occupational Safety and Health, and other scientific and health organizations demonstrate that passive smoking, or involuntary exposure to other people's tobacco smoke, is a significant health hazard for elderly people, children, individuals with cardiovascular disease, and individuals with impaired respiratory function;

WHEREAS, health hazards caused by passive smoking include lung cancer, respiratory infection, decreased respiratory function, decreased exercise tolerance, bronchoconstriction and bronchospasm;

WHEREAS, non-smokers who suffer allergies, respiratory diseases and other ill effects of passive smoking may experience a loss of job productivity and may be forced to take periodic sick leave because of such adverse reactions;

WHEREAS, smoking is a frequent cause of fires, and cigarette and cigar burns and ash stains on merchandise and fixtures cause losses to business;

WHEREAS, the Fayetteville business community has taken important steps to increase customer satisfaction by providing non-smoking areas, and this trend should be encouraged; and

WHEREAS, the purpose of this ordinance is to protect public health, safety and welfare by prohibiting smoking in certain public places essential to members of the public, and by restricting smoking to designated smoking areas in other specified public places;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. Chapter 95 of the Code of Fayetteville is hereby amended by adding Section 95.05 to read as follows:

§95.05 Regulating Smoking in Certain Public Places.

(a) Definitions.

- (1) "Bar" means an area devoted to the sale and service of alcoholic beverages for on-premises consumption, where the service of food, if any, is only incidental to the consumption of such beverages.

LIBER 1446 PAGE 848

MICROFILMED

- (2) "Designated smoking area" means an area:
- (A) that is separated from non-smoking areas; is designated by appropriate signs which are clearly visible to patrons in and entering the area, or is in a facility where conspicuous signs are posted that smoking is permitted in the entire facility except for non-smoking areas; contains ashtrays, containers, or other receptacles for extinguishing smoking materials; and does not include service lines or cashier areas; and
 - (B) that is situated so that smoke from the smoking area does not normally enter a non-smoking area; provided that in the case of a public place that is in business or operation on the date of enactment of this ordinance, whether under the same or new management, no new physical barriers or ventilation systems need to be installed, and such public place shall be deemed to satisfy this subparagraph (a)(2)(B) if it utilizes existing physical barriers or ventilation systems to minimize the drift of smoke into non-smoking areas.
- (3) "Designated non-smoking area" means an area that is separated from smoking areas, and is designated by appropriate signs which are clearly visible to patrons and entering the area.
- (4) "Health care facilities" means all enclosed indoor areas in which health care is provided to the general public (other than areas to which smoking policy is already established by state law (A.C.A. §§ 20-27-701 thru 703), including nursing and convalescent homes, optometrists', podiatrists', and chiropractors' offices, and physical therapy facilities.
- (5) "Manager" means the owner, lessee, or other person in charge of a public place.
- (6) "Public place" means (a) any enclosed indoor area that is used by the general public, except hotel and motel guest rooms and areas restricted to use only by employees or management of a private business; and (b) any swimming pool owned or operated by the city, including the entire area within the pool enclosure. A private residence shall not be considered a public place for purposes of this ordinance, unless it is used as a health care or licensed child care facility.

- (7) "Smoking" means holding a lighted pipe, cigar, or cigarette of any kind, or lighting, or emitting or exhaling the smoke of, a pipe, cigar, or cigarette of any kind.
- (b) Restrictions on Smoking in Public Places Essential to Members of the Public.

No person shall smoke in the following public places:

- (1) health care facilities, except in private or semi-private rooms occupied by one or more patients all of whom are smokers who have requested to be placed in rooms where smoking is permitted;
- (2) licensed child care facilities, except in areas in which children being cared for are never present;
- (3) polling places;
- (4) courtrooms and jury waiting and deliberation rooms;
- (5) rooms, halls or other places of meeting or public assembly, during such times as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the city; provided that this ordinance shall not apply to meetings of private organizations;
- (6) drug stores, grocery stores, banks, libraries, and laundromats;
- (7) public transportation terminals;
- (8) buses, taxis, and airport limousines operating within the city limits;
- (9) elevators accessible to the public;
- (10) restrooms, except in facilities listed in subsection (d) of this ordinance; and
- (11) swimming pools owned or operated by the city.

- (c) Restrictions on Smoking in Certain Other Public Places.

No person shall smoke in the following public places, except in designated smoking areas:

- (1) facilities primarily used for exhibiting any motion picture, lecture, musical recital,

stage or other similar performance, except when smoking is part of a stage production;

- (2) enclosed walkways in malls and shopping centers;
 - (3) hotels and motels;
 - (4) museums and galleries;
 - (5) bank and retail stores doing business with the general public, except for retail stores whose primary source of revenue is the sale of tobacco and tobacco-related products;
 - (6) restaurants in business on the date of enactment of this ordinance, whether under the same or new management, if the seating capacity is 30 or less and the management posts a conspicuous notice on each public entrance stating that smoking is permitted throughout the restaurant; and
 - (7) health spas, roller rinks, bowling alleys, and other indoor sports or recreation facilities, except for pool halls.
- (d) The provisions of this ordinance shall not apply to the following facilities, provided that the facility posts a conspicuous notice on each public entrance stating that smoking is permitted throughout the facility:
- (1) bars, and separated bar areas of restaurants;
 - (2) beauty salons and barber shops;
 - (3) retail stores whose primary source of revenue is the sale of tobacco and tobacco-related products;
 - (4) gasoline stations and convenience stores; and
 - (5) pool halls; and
 - (6) restaurants in business on the date of enactment of this ordinance, whether under the same or new management, if the seating capacity is 30 or less.
- (e) Duties of Managers of Public Places.
- (1) The manager of public place to which this ordinance applies shall make one of the following three designations. The manager may

designate: (A) the entire public place as a non-smoking facility; or (B) separate areas of the public place as a designated smoking and non-smoking, if permitted by paragraph (c) of this ordinance; or (C) the entire public place as a smoking-permitted facility, if permitted by paragraph (d) of this ordinance.

- (2) The manager of a public place, if the entire public place has been designated a smoking-permitted facility, shall post a conspicuous notice on each public entrance stating that smoking is permitted throughout the facility.
 - (3) The manager of a public place in which smoking is prohibited or restricted shall place conspicuous signs at each public entrance up to a maximum of six entrances, and at appropriate places within the public place, notifying the public that (A) smoking is prohibited, or (B) that smoking is prohibited except within designated smoking areas, or (C) that smoking is permitted except within designated non-smoking areas.
 - (4) The manager of a public place in which a smoking and non-smoking areas has been designated shall comply with the requirements of this ordinance for sitting of the designated smoking and non-smoking areas.
 - (5) The manager of a public place in which smoking is prohibited or restricted shall not knowingly permit, or fail to make reasonable efforts to prevent, smoking in any area where smoking is prohibited. The manager may fulfill this duty by asking smokers to refrain from smoking in a non-smoking area or directing smokers to designated smoking areas.
 - (6) Nothing in this ordinance shall preclude the manager of a public place listed in paragraphs (c) or (d) of this ordinance from designating all of the facility to be non-smoking, or from designating part of public place listed in paragraph (d) as a non-smoking area.
- (f) Enforcement.
- (1) The City Manager shall designate officers responsible for enforcing the provisions of this ordinance, with due regard for the circumstances of each type of facility subject to the ordinance.

(2) The violation of any provision of this ordinance shall be punishable by a fine of not less than \$10.00 and not more than \$100, except that in inadvertent first offender may be given a warning. Each day a violation of this ordinance continues shall be a separate offense.

(3) City officials responsible for issuing building permits and certificates of occupancy for facilities subject to this ordinance shall consider applicants' compliance with, or agreement to comply with paragraph (e)(4) as a factor in deciding whether to issue the permit.

(g) Relation to Other Laws and Regulations.

Nothing in this ordinance excuses noncompliance with any state or federal law, or any rule or regulation adopted pursuant thereto (including any rule adopted for the University of Arkansas or for the public schools), which prohibits or regulates smoking.

(h) Severability.

If any part of this ordinance, or the application of the same to any person or set of circumstances, is for any reason held to be void or invalid, the validity of the remaining parts of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby.

(i) Effective Date.

This ordinance shall be effective three months after the date of approval by the Fayetteville Board of Directors.

PASSED AND APPROVED this 17th day of December 1991.

APPROVED:

By: [Signature]
Mayor



ORDINANCE NO. 4512

**AN ORDINANCE TO AMEND §95.05 REGULATION OF
SMOKING IN CERTAIN PUBLIC PLACES OF THE CODE
OF FAYETTEVILLE AND TO ENACT A REPLACEMENT §95.05
REGULATION OF SMOKING IN MOST PUBLIC PLACES AND
PLACES OF EMPLOYMENT**

WHEREAS, the Fayetteville City Council has determined that further restrictions of smoking in enclosed public places and work places are needed to protect the health and safety of citizens and to ensure the right of nonsmokers to breathe smoke free air; and

WHEREAS, numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of up to 65,000 Americans annually; and

WHEREAS, secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease. Children exposed to secondhand smoke have an increased risk of asthma, respiratory infections, sudden infant death syndrome, developmental abnormalities, and cancer.

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

Section 1. That the City Council of the City of Fayetteville, hereby repeals **§95.05 Regulation of smoking in certain public places** of the Fayetteville Code in its entirety and enacts the following new **§95.05 Regulation of smoking in most public places and places of employment** of the Fayetteville Code to replace it:

**"Sec. 95.05. Regulation of smoking in most
public places and places of employment.**

- (A) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the

context clearly indicates or requires a different meaning.

Bar. An establishment, whether termed a private club or public establishment, that is devoted primarily to the sale and service of



alcoholic beverages for on-premises consumption and where the service of food, if any, is incidental to the consumption of such beverages.

Restaurant. An eating establishment, including but not limited to dining establishments, private clubs, coffee shops, cafeterias, sandwich shops, private and public cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as non-residential kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.

Enclosed area. All space partially enclosed between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways), which extend from the floor to the ceiling.

Manager. The owner, lessee, or other person in charge of a public place.

Place of employment. An enclosed area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, hallways, classrooms, and employee cafeterias. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility. A "bar" and a "retail tobacco store" are not places of employment for purposes of this Section. An enclosed private office that is not regularly entered or occupied by a nonsmoking employee is not a place of employment for purposes of this section.

Public place.

- (1) Any enclosed indoor area that is used by the public or private club members and guests, except designated hotel and motel guest rooms.
- (2) Any swimming pool owned or operated by the city.

Retail Tobacco Store. A retail store utilized primarily for the sale and use of tobacco products and accessories and in which the sale of other products is merely incidental.

Smoking. Holding a lighted pipe, cigar, or cigarette of any kind, or lighting, or emitting or exhaling the smoke of, a pipe, cigar, or cigarette of any kind.

(B) Prohibition of Smoking in public places and places of employment

Smoking is prohibited in all public places, places of employment, and city vehicles unless specifically exempted in subsection (C).

(C) Exemptions.

The following types of establishments are exempted from the smoking prohibition of this ordinance:

- (1) Bars
- (2) Retail tobacco stores

(D) Duties of Managers.

- (1) The manager of a place within which smoking is prohibited by this ordinance shall place "No Smoking" or "Smoke Free" signage at the major entrance and other appropriate places within the establishment.
- (2) The manager of a public place in which smoking is prohibited or restricted shall not knowingly permit or fail to make reasonable efforts to prevent smoking in any area where smoking is prohibited.

(E) Enforcement.

- (1) City police shall enforce this section pursuant to their normal police power.
- (2) If a manager knowingly permits or fails to make reasonable efforts to prevent smoking by the establishment's customers or employees where prohibited by this section, the manager shall be guilty of a violation and a fine or not more than \$100.00 per occurrence.
- (3) A person who smokes in an area where smoking is prohibited by provisions of this section shall be guilty of a violation punishable by a fine not exceeding fifty (\$50.00) dollars per occurrence.
- (4) In addition to the fines established by this Section, multiple violations of this Section by a person who owns, manages, operates or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued for the premises on which the violation occurred.

(F) *Jurisdiction.*

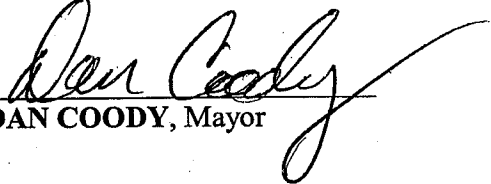
This section is not applicable nor enforceable in federal, state or county buildings including all facilities owned or operated by the University of Arkansas.

(G) *Effective date.*

This ordinance shall take effect on February 1, 2004.

PASSED and APPROVED this the 2nd day of September, 2003.

APPROVED:

By: 
DAN COODY, Mayor

ATTEST:

By: 
SONDRA SMITH, City Clerk



City Clerk - FW: Support Smoke Free Bars!

From: "Adella Gray" <adellag@cox.net>
To: "City Clerk" <city_clerk@ci.fayetteville.ar.us>
Date: 4/28/2011 11:12 AM
Subject: FW: Support Smoke Free Bars!

Sondra, please send to all alderman.
Thanks, Adella

From: Stephan Pollard [mailto:stephan.pollard@gmail.com]
Sent: Thursday, April 28, 2011 8:48 AM
To: adellag@cox.net
Subject: Support Smoke Free Bars!

Hello Adella!

Thank you for sponsoring the smoke-free bars ordinance. I support this important public health measure.

Sincerely,

Stephan Pollard
Ward 2

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trem | wel
(E) N E R G Y + (E) N V I R O N M E N T
GREEN BUILDING WIND SOLAR SUSTAINABILITY

Stephan Pollard, PhD-Environmental Dynamics, CGPM
Chief Executive Officer
Trem | Wel Energy, LLC
555 W. Maple St., Suite C
Fayetteville, AR 72701
M: 479.799.9190
E: stephan.pollard@trem-wel.com
W: trem-wel.com

City Clerk - FW: Smoking Ordinance

From: "Adella Gray" <adellag@cox.net>
To: "City Clerk" <city_clerk@ci.fayetteville.ar.us>
Date: 4/27/2011 4:57 PM
Subject: FW: Smoking Ordinance

Sondra,
Please send this fine letter to all alderman, the mayor and Chief of Staff.
Thank You,
Adella

From: Robert Patton [mailto:rcpattonsr@gmail.com]
Sent: Wednesday, April 27, 2011 4:15 PM
To: adellag@cox.net
Subject: Smoking Ordinance

Dear Ms. Gray,

I want to add my voice to the yes column regarding strengthening the no smoking ordinance banning smoking in all bars. Soon you will hear from the medical community, Dr. Joe Bates and Dr. Hersey Garner, who will speak to the significant ill effects of tobacco use. As an emergency medicine physician, I am aware of the serious effects of smoking, including passive smoking, and look forward to these two fine physicians' presentation.

I wish to offer encouragement in another area. It is your responsibility as a council member to protect the health and welfare of the citizens you represent. The local paper alluded to this ordinance as a "nanny ordinance". I take exception to that pejorative description. Your yes vote has a long historical precedent of responsible leaders protecting the health and resources of their community. First, by discouraging smoking in public spaces, you are protecting the resources of the community. Research demonstrates that smokers are less healthy and utilize more healthcare resources than the nonsmoker. We, as citizens, pay a part of that bill through higher healthcare costs. Second, in a time of high unemployment, you are protecting the worker faced with a decision between their job and their health. It is unfair to put any worker in that position.

The health risks that tobacco smoke carries is well documented. There is no excuse for exempting public venues such as bars and restaurants from its ban. Research shows that anti-smoking legislation results in a reduction of overall tobacco use in the community. This is a good thing.

Sincerely,

Robert Patton, MD

Sondra Smith - FW: Smoking Ordinance

From: "Adella Gray" <adellag@cox.net>
To: "Sondra Smith" <ssmith@ci.fayetteville.ar.us>
Date: 5/4/2011 10:13 AM
Subject: FW: Smoking Ordinance

Sondra, please forward to all aldermen.
Thanks,
Adella

From: Pat_A_Smith@arwd.uscourts.gov [mailto:Pat_A_Smith@arwd.uscourts.gov]
Sent: Wednesday, May 04, 2011 9:39 AM
To: adellag@cox.net
Subject: Smoking Ordinance

I would strongly urge you to extend the non-smoking ordinance to bars. I do not believe this is an invasion of personal rights issue. In America we have the right to live as we choose, but there are boundaries. That's why we have laws and ordinances. It is instead a health issue. The focus of your decision should rest there. I know many people who smoke but do not do so in their homes or cars. They go outside to protect their family and to keep their home and car free of the nicotine odors. These same people want to go to a bar or public place and smoke with no concern for those around them. Most major cities have adopted non-smoking policies, and the social life of the cities has not been adversely affected. You used the argument that in most major cities people pay for parking to pass a parking ordinance that many feared would put them out of business. I hope you will be as adamant in extending the non-smoking ordinance. If all bars are non-smoking, everyone is on an even keel.

Thank you for considering my comments.

Pat Smith

City of Fayetteville Staff Review Form

C. 1
2011 COPS Hiring Grant
Page 1 of 4City Council Agenda Items
and
Contracts, Leases or Agreements

5/17/2011

City Council Meeting Date
Agenda Items OnlyG. Tabor
Submitted ByPatrol
DivisionPolice
Department

Action Required:

Approval of the 2011 COPS Hiring Grant application.

\$ 264,746.00

Cost of this request
1010-2920-5120.00

1010-2920-5302.00

Account Number
03046-1

09024-2009

Project Number

\$ 328,567.00

Category / Project Budget

\$ -

Funds Used to Date

\$ 328,567.00

Remaining Balance

COPS Hiring Grant

Program Category / Project Name

Grant

Program / Project Category Name

General

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Finance and Internal Services Director

Date

Received in City
Clerk's Office

05-02-11 P03:30 RCVD

Chief of Staff

Date

Received in
Mayor's Office

ENTERED

5/3/11 BRP

Mayor

Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and Members of the City Council

From: Greg Tabor, Police Chief 

Date: April 29, 2011

Subject: Approval of Application for 2011 COPS Hiring Grant

PROPOSAL:

The 2011 COPS Hiring Program (CHP) is a competitive grant program that provides funding directly to law enforcement agencies to create and preserve jobs and to increase their community policing capacity and crime prevention efforts. Funding will be based on our current entry-level salaries and benefits for sworn officer positions plus annual step increases per our current pay plan policy. Any additional costs for positions hired under the CHP grant beyond salaries and benefits must be paid for by the City. Also, at the conclusion of the three year federal funding, grantees must retain all sworn officer positions awarded under the CHP grant for a minimum of twelve (12) months.

The Fayetteville Police Department will utilize the CHP grant to fund four (4) currently frozen police officer positions. With current budget reductions, frozen positions, increased workload, and military deployments, we have been perpetually short staffed. The attached spreadsheet shows the total costs for four new officers throughout the four year grant period and the sources of funding necessary to meet the requirements of this grant. In an effort to minimize the impact on our General Fund, it is our intent to utilize federal forfeitures to fund the City's portion of this grant opportunity.

RECOMMENDATION:

Staff recommends approval of the 2011 COPS Hiring Program application.

BUDGET IMPACT:

When the grant is awarded the City Council will be asked to accept the grant and adopt the funding as specified above.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING APPLICATION FOR A 2011
COMMUNITY ORIENTED POLICING SERVICES HIRING GRANT
THROUGH THE U.S. DEPARTMENT OF JUSTICE

**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
application for a 2011 Community Oriented Policing Services hiring grant through the U.S.
Department of Justice.

PASSED and APPROVED this 17th day of May, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

COPS Hiring Grant

Sources and Uses of Funds

2012-2015

	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Total</u>
Use of Funds					
Base Salary per Officer	<u>\$ 34,715</u>	<u>\$ 36,332</u>	<u>\$ 37,948</u>	<u>\$ 39,566</u>	<u>\$ 148,561</u>
Fringe Benefits per Officer					
Medicare	503	527	550	574	2,154
Health Insurance	6,627	6,893	7,169	7,527	28,216
Life Insurance	113	118	122	128	123
Retirement	5,846	6,482	7,149	7,850	27,327
Workers Comp	683	715	747	775	2,920
Professional Liability Insurance	300	300	300	300	1,200
Fringe Benefits per Officer	<u>\$ 14,072</u>	<u>\$ 15,034</u>	<u>\$ 16,038</u>	<u>\$ 17,154</u>	<u>\$ 62,298</u>
Total Salary & Fringe per Officer	<u>\$ 48,787</u>	<u>\$ 51,366</u>	<u>\$ 53,986</u>	<u>\$ 56,720</u>	<u>\$ 210,859</u>
Uniform, Equipment, & Training Per Officer					
Uniform	3,050	500	500	500	4,550
Bulletproof Vest	425	-	-	-	425
Portable Radio	-	-	-	-	-
Hand Gun w/ ammo	-	-	-	-	-
Taser w/ Cam	-	-	-	-	-
Academy Training - OT	3,167	-	-	-	3,167
Academy Training - Food	365	-	-	-	365
FTO Trainer	960	-	-	-	960
Total Equip & Training per Officer	<u>\$ 7,967</u>	<u>\$ 500</u>	<u>\$ 500</u>	<u>\$ 500</u>	<u>\$ 9,467</u>
Total Operating Costs per Officer	<u>\$ 56,754</u>	<u>\$ 51,866</u>	<u>\$ 54,486</u>	<u>\$ 57,220</u>	<u>\$ 220,326</u>
Revenue needed per Officer					
Cops Hiring Program Grant	48,787	51,366	53,986	-	154,139
City General Fund	7,967	500	500	57,220	66,187
Total Revenue	<u>\$ 56,754</u>	<u>\$ 51,866</u>	<u>\$ 54,486</u>	<u>\$ 57,220</u>	<u>\$ 220,326</u>
Total Expense for 4 Officers	<u>\$ 227,017</u>	<u>\$ 207,466</u>	<u>\$ 217,943</u>	<u>\$ 228,878</u>	<u>\$ 881,304</u>
Source of Funds					
COPS Hiring Program	195,149	205,466	215,943	-	616,558
Forfeiture Funds	<u>31,868</u>	<u>2,000</u>	<u>2,000</u>	<u>228,878</u>	<u>264,746</u>
Total Sources	<u>\$ 227,017</u>	<u>\$ 207,466</u>	<u>\$ 217,943</u>	<u>\$ 228,878</u>	<u>\$ 881,304</u>

City of Fayetteville Staff Review Form

C. 2
Arkansas Western Gas
Page 1 of 8City Council Agenda Items
and
Contracts, Leases or Agreements

5/17/2011

City Council Meeting Date
Agenda Items OnlyChris Brown ^{CB}

Submitted By

Engineering

Division

Development Services

Department

Action Required:

A resolution approving an Utility Construction/Relocation Agreement with Arkansas Western Gas Company for Cato Springs Road (Razorback Rd to S. School Av) in the amount of \$78,594.00 plus a 20% contingency of \$15,719.00 for a total of \$94,312.00.

\$ 94,312.00

Cost of this request

\$ 1,271,614.00

Category / Project Budget

Transportation Bond Street Improvements

Program Category / Project Name

4520.9520.5809.00

Account Number

\$ 98,088.89

Funds Used to Date

Sales Tax Construction Bonds

Program / Project Category Name

06035.1200

Project Number

\$ 1,173,525.11

Remaining Balance

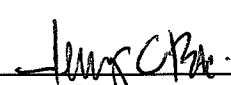
Sales Tax Construction Fund 2006

Fund Name

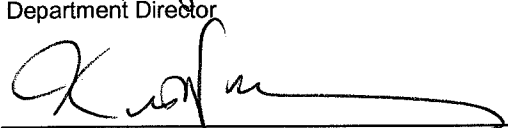
Budgeted Item

☒

Budget Adjustment Attached

☐

 Department Director
04-29-2011
Date

Previous Ordinance or Resolution #


 City Attorney
5-3-2011
Date

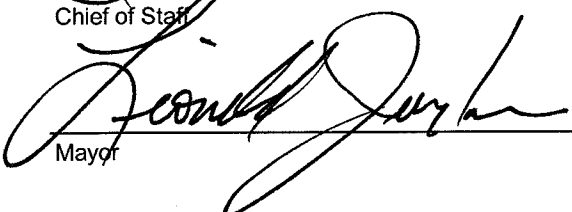
Original Contract Date:

Original Contract Number:


 Finance and Internal Services Director
5-3-2011
DateReceived in City Clerk's Office 29-11P03:28 RCVD


 Chief of Staff
5-4-11
Date

Received in Mayor's Office



 Mayor
5/4/11
Date

Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

Council Meeting of May 17, 2011

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director *J*

From: Chris Brown, City Engineer *CB*

Date: April 27, 2011

Subject: A resolution approving an Utility Construction/Relocation Agreement with Arkansas Western Gas Company for Cato Springs Road (Razorback Rd to S. School Av)

PROPOSAL:

After reviewing the proposed construction plans, Engineering staff and Arkansas Western Gas (AWG) staff have agreed that approximately 2,170 linear feet of existing gas line and appurtenances will have to be relocated to allow the proposed Cato Springs Road improvements to be constructed. It was also determined that 64.52% of the existing gas facilities are located within private easements. Therefore, the City will reimburse AWG 64.52% or \$78,594.00 of actual costs to relocate their facilities which is presently estimated at \$121,821.00. Due to the unpredictable nature of construction projects, staff has included a 20% contingency for unforeseen utility conflicts which is estimated at \$15,719.00. The total dollar amount to be approved by City Council is \$94,312.00. The final payment by the City will be based on the actual quantity of gas facilities relocated, whether less than or more than the current estimate of 2,170 linear feet.

RECOMMENDATION:

Staff recommends City Council approval of the agreement with Arkansas Western Gas Company.

BUDGET IMPACT:

Funds are available from the project budget which is funded by the Transportation Bond Program.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A CONTRACT WITH ARKANSAS WESTERN GAS COMPANY IN THE AMOUNT OF \$74,594.00 PLUS A CONTINGENCY OF \$15,710.00 FOR THE RELOCATION OF GAS MAINS AND FACILITIES NECESSARY FOR THE CATO SPRINGS ROAD WIDENING PROJECT

WHEREAS, only the Arkansas Western Gas Company is allowed to relocate its gas mains when necessary for a road widening project like the Cato Springs Road Project; and

WHEREAS, entering into a cost share project with Arkansas Western Gas Company is the most cost effective and efficient way to accomplish the necessary gas main and facilities relocation so that the Case Springs Road Project can be accomplished.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a contract with Arkansas Western Gas Company in the amount of \$74,594.00 plus a contingency of \$15,719.00 for the relocation of gas mains and facilities necessary for the Cato Springs Road Widening Project. The City Council authorizes Mayor Jordan to sign the contract attached as Exhibit "A".

PASSED and APPROVED this 17th day of May, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

ARKANSAS WESTERN GAS COMPANY
UTILITY CONSTRUCTION/RELOCATION AGREEMENT

Property Developer:
Address:
Job Location:

THIS AGREEMENT, made and entered into this _____ day of _____, and between City of Fayetteville acting by and through its duly authorized representative, hereinafter referred to as the "Developer," and ARKANSAS WESTERN GAS COMPANY, acting by and through its duly authorized representative, hereinafter referred to as the "Owner."

WITNESSETH:

WHEREAS, the "Developer" proposes to make certain improvements at the location designation as shown above; and as part of the necessary work of such improvements, "Owner" must adjust or relocate certain of its existing facilities, and in connection with such adjustment, or relocation, "Developer" shall participate in the costs of such work to the extent herein agreed upon; and

WHEREAS, the proposed improvement necessitates the adjustment and/or relocation of certain facilities of "Owner" as described in the following description of work.

Install pipe with all necessary appurtenances to relocate for the proposed Cato Springs Road Bond Project - Job 040496. "Developer" will reimburse 64.52% of costs to "Owner".

and such adjustment, relocation, or construction being shown in detail in "Owner's" plans, sketches, estimate of cost, and specifications (when applicable) which are attached hereto and made a part hereof; and

WHEREAS, the "Developer" desires to implement the herein described utility adjustments or relocations and approve the proposed utility construction of "Owner" by entering into an agreement with said "Owner."

NOW, THEREFORE, IT IS HEREBY AGREED:

1. Where applicable hereunder by reason of new utility occupancy or crossing of "Developer's" property, "Developer" hereby grants to "Owner" a right of way license and permission to install and operate utility facilities on or across "Developer's" properties as shown on the approved plans or sketch maps attached hereto and made a part hereof, and to execute such easements or right of way grants as may be necessary to evidence and record such right of "Owner."

2. Where applicable hereunder by reason of new construction on existing utility rights of way, "Owner" hereby grants to "Developer" the right to use for his purposes the lands within the project limits on or across which "Owner" holds a valid property interest antedating "Developer's" rights which were subsequently acquired in the same lands, and which property rights "Owner" shall retain so long as "Owner" (or "Owner's" successors or assigns) continues such use and occupancy and does not abandon, and thereby release, such property interest to "Developer" through facility removal in making said adjustments or by subsequent facility removal for "Owner's" convenience; and the "Developer" hereby agrees that "Owner," by granting said right and by said continued joint use and occupancy, does not waive any future claim for reimbursement for adjustment cost as may be eligible for reimbursement by reason of such prior property interest, nor does "Owner" waive any other legal or property right held under the Law or Constitution of the State or the United States.

3. In the event that future construction, reconstruction, expansion, relocation, rehabilitation, betterment, maintenance, or other work on the facilities owned and operated by either the "Developer" or the "Owner" in the area jointly occupied or used under either or both the above provisions of this Agreement will disturb, detrimentally affect, interfere, or be inconvenient to the facilities or responsibilities of either party, the parties hereto shall reach agreement in writing as to locations, extent, and methods of such work before the work is undertaken. In a case of emergency, and where immediate action is necessary for the protection of the public and to minimize damage to or loss of investment in the property of the "Developer" or the "Owner," either party hereto may, at its own responsibility and risk, make any necessary emergency repairs, and shall notify the other party hereto of such action as soon as practicable.

4. "Owner" shall inform "Developer," in writing, three days or more in advance of the date work is to be started, and shall keep the "Developer" informed of progress and activity related to the work being performed, and shall furnish written notice when the work is completed.

5. "Developer" agrees that the cost of the utility adjustment, relocation, and/or construction provided for hereunder shall be paid to "Owner" as follows: "Owner" agrees the "Developer" will only pay actual cost of adjustment, relocation, and/or construction should actual cost be less than \$78594.00. If actual cost exceeds \$78594.00, the "Developer" will pay only the actual cost.

6. "Owner" shall accept as full payment for work hereunder the amount developed or accumulated as eligible actual and related indirect costs in accordance with "Owner's" accounting procedure, which is the Uniform System of Accounts prescribed by the Arkansas Public Service Commission. "Owner" further agrees to retain said cost records and accounts for inspection and audit for a period of not less than one (1) year from the date of final payment.

7. "Owner" shall be responsible for any and all hazards to persons, property, and traffic, and shall save the "Developer" harmless in all respects from any and all losses, damages, or injuries caused by any negligent act or omission by "Owner's" employees or agent performing work under this Agreement or future maintenance or servicing work on facilities constructed under this Agreement; and "Owner" shall, in completing said work, perform clean up and restoration of appearances of the work area including disposal of surplus materials and debris, so as not to leave the work area in an unsafe or unsightly condition.

8. If requested by "Owner" in writing, "Developer" shall make intermediate progress payments in amounts not exceeding ninety percent (90%) of eligible billed costs, and no more often than monthly intervals, for work hereunder upon receipt of statements in two (2) copies for periodic and unpaid costs, provided the herein estimated reimbursable amount is \$2,000.00 or more, and that no such intermediate payment shall be construed as final settlement for any item included in any intermediate billing.

9. "Owner" shall, within six (6) months after completion of the adjustment and acceptance thereof by the "Developer," prepare and submit to "Developer" a detailed complete (including intermediate billings, if any) and final bill in two (2) copies and covering the total cost for the adjustment of "Owner's" facilities.

10. The "Developer," upon receiving from "Owner" the final billing documents complete as listed next above, shall pay "Owner" for the eligible actual cost, less all prior payments, if any, for making the adjustments in "Owner's" facilities as agreed herein. "Developer" shall pay "Owner" within thirty (30) days after such billing documents are received. If "Developer" fails to pay within said time, the amount due shall bear interest at the maximum allowable rate until paid. "Developer" shall have the right to inspect and audit the books of account of "Owner" during normal business hours of "Owner" at any time within the time limit set forth in Paragraph 6 to determine the correctness of "Owner's" billing. "Owner" agrees to refund any and all amounts paid in payments found in the audit to exceed the total amount eligible for work hereunder.

11. It is mutually agreed by the parties hereto that the provisions of this Agreement pertaining to relative property rights, right of way occupancy permission, access for servicing when applicable and joint use of rights of way shall continue in full force and effect from the date of execution, and shall be perpetually binding upon each party's legal representatives, successors or assigns.

12. Anything contained herein notwithstanding, if requested by "Owner" in writing, "Developer" shall make an advance payment not to exceed _____ percent (____%) of eligible billed costs for work to be performed upon receipt of statements in two (2) copies for estimated costs. No such advance payment shall be construed as final settlement for any item included in any billing.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed in duplicate by their duly authorized representatives the date first hereinabove written.

"OWNER"

"DEVELOPER"

ARKANSAS WESTERN GAS COMPANY

City of Fayetteville

Its: Director, Asset Operations, Arkansas

Its: Mayor, Lioneld Jordan

Attest: (If Corporation)

Its:

Witness: (If Individual or Partnership)

TOTAL ESTIMATED PROJECT COST		\$121,821.35
TOTAL ESTIMATED COST to AWG	35.48%	\$43,226.93

TOTAL ESTIMATED REIMBURSEMENT by the City of Fayetteville to AWG	64.52%	\$78,594.42
---	---------------	--------------------

City of Fayetteville	1,400	L.F.			
Reimbursement					
Calculation =	2,170	L.F.	x 100	=	64.52%

(See Attached Sheet for detailed listing)

ARKANSAS WESTERN GAS COMPANY**COST ESTIMATE****Cato Springs Road Relocation****Washington County****1006195**

Item		Quantity	Unit	Unit Price	Total
MATERIALS					
1	2" Plastic Pipe	660	ft	\$0.75	\$495.00
2	4" Plastic Pipe	1,310	ft	\$2.14	\$2,803.40
3	3/4" Plastic Pipe	200	ft	\$0.15	\$30.00
4	4" Steel Pipe	180	ft	\$8.00	\$1,440.00
5	Tracer wire	2,100	ft	\$0.10	\$210.00
6	4" Spherical Tee	2	ea.	\$1,200.00	\$2,400.00
7	1/143-Way Tee	2	ea.	\$100.00	\$200.00
8	2" Transition Fitting	2	ea.	\$25.00	\$50.00
9	1 1/4 Transition Fitting	2	ea.	\$18.00	\$36.00
10	2"3-Way Tee	2	ea.	\$110.00	220
11	4"X2" High Volume Punch Tee	4	ea.	\$75.00	300
12	2"x2" High Volume Punch Tee	4	ea.	\$65.00	260
13	4X3/4 Service Punch Tee	10	ea.	\$18.00	180
14	2X3/4 Service Punch Tee	3	ea.	\$15.00	45
15	3/4" Anodeless Riser	13	ea.	\$35.00	455
16	3/4" Single Loop	13	ea.	\$55.00	715
17	4" 3-R Weld Ell	4	ea.	\$250.00	1000
18	Sales Tax on Material	1	ea.	\$540.60	540.6
Sub-Total					\$11,380.00
CONTRACT LABOR					
1					
Sub-Total					71,965.00
COMPANY LABOR					
1	Easement Acquisition By Land Agent	0	Land Owner		\$0.00
2	Pipe Line Contractor	0	ft		\$0.00
3	Surveyor	0	LS		\$0.00
	Director of Construction	16	Hours	\$50.00	\$800.00
	Superintendent	0	Hours		\$0.00
	Inspector	80	Hours	\$50.00	\$4,000.00
	Crew Leader	48	Hours	\$50.00	\$2,400.00
	Lineman	0	Hours		\$0.00
	Serviceman	0	Hours		\$0.00
	Mileage	0	Miles		\$0.00
	Per Diem	14		\$75.00	\$1,050.00
Sub-Total					\$8,250.00
	Right-of-Way Cost 20% FMV		L.F.	\$0.00	\$0.00
	General Overhead	33.0%		\$30,226.35	
TOTAL (Materials, Contract Labor, Company Labor, Equipment, RW, SWPPP, Preliminary Engineering)					\$91,595.00

Agenda Session Meeting 5/10/11

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Sarah E. Lewis

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
May 17, 2011**

A meeting of the Fayetteville City Council will be held on May 17, 2011 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

City Council Agenda Session Presentations:

- ✓ **CH2M Hill Wastewater Operations Annual Report** by Billy Ammons, OMI Regional Business Manager
- ✓ **Information regarding properties for sale near the City Administration Building.**

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

- 1. Quarterly Financial Report**

Agenda Additions:

A. Consent:

- ✓ Approval of the May 5, 2011 City Council meeting minutes.

2. **City of West Fork Inter-Local Agreement:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of West Fork, Arkansas to provide animal sheltering services to Washington County through 2011.
3. **Ranger's Pantry Pet Food Bank Donation Revenue:** A resolution approving a budget adjustment in the amount of \$1,619.00 representing citizen donation revenue to the Animal Services Division Ranger's Pantry Pet Food Bank during the first quarter of 2011.
4. **Police Department Policies:** A resolution approving Fayetteville Police Department policies 15.1 Planning and Research, 15.3 Criminal Analysis, 41.2.13 Seatbelt Usage, and 45.1.1 Community Oriented Policing.
5. **Education Access Television Contract:** A resolution to approve an agreement with the Fayetteville School District to operate the City's Educational Access Channel.
6. **Highway 16 East Widening Project:** A resolution to approve two donation warranty deeds, three donation warranty permanent easement deeds and one temporary construction easement for the City of Fayetteville to convey to the Arkansas State Highway Commission for the Highway 16 East Widening Project.
7. **Emergency Operations Plan "EOP":** A resolution approving an emergency operations plan for the City of Fayetteville as the method for handling all emergencies occurring within the City.

B. Unfinished Business:

1. **Amend §95.05 Regulation of Smoking in Most Public Places and Places of Employment:** An ordinance to amend §95.05 Regulation of Smoking in Most Public Places and Places of Employment of the Fayetteville Code by removing the exemption for bars. *This ordinance was left on the First Reading at the May 3, 2011 City Council meeting.*

Left on the First Reading

C. New Business:

- move to consent #8*
1. **2011 COPS Hiring Grant:** A resolution authorizing application for a 2011 Community Oriented Policing Services hiring grant through the U.S. Department of Justice.
 2. **Arkansas Western Gas:** An ordinance waiving the requirements of formal competitive bidding and approving a contract with Arkansas Western Gas Company in the amount of \$74,594.00 plus a contingency of \$15,710.00 for the relocation of gas mains and facilities necessary for the Cato Springs Road widening project.

City Council Tour: Monday, May 16, 2011 at 4:30 p.m. The Council will tour the Noland Wastewater Treatment Plant and Biosolids Management Site.

Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

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

As a courtesy please turn off all cell phones and pagers.

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Aldermen

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



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- Move to the 1st Meeting in June Meeting for Agenda Session*
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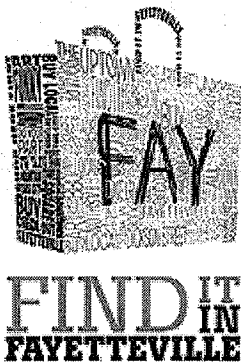
Lisa Branson - Agenda Session Report 5/10/2011 Request

From: Don Marr
To: Branson, Lisa
Date: 4/25/2011 12:57 PM
Subject: Agenda Session Report 5/10/2011 Request
CC: Clark, Steve; Northcutt, Curtis; Tan, Chung

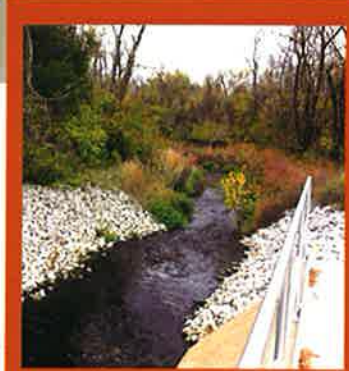
Lisa - Per our conversation, would you please place on the Agenda (for the Agenda Session Only) the Economic Development Contract Quarterly Update Report by the Fayetteville Chamber of Commerce -representatives Chung Tan, Curtis Northcutt and Steve Clark for Tuesday, May 10th, 2011 Agenda Session at 4:30 pm. .

Thank you,
Don Marr

Don Marr



Chief of Staff for Mayor Jordan
113 W Mountain Street
Fayetteville, AR 72701
Office: 479-575-8330
For TDD: (Telecommunications Device for the Deaf)
Dial 479-521-1316
Email: dmarr@ci.fayetteville.ar.us
Website: www.accessfayetteville.org



2010 ANNUAL REPORT

for the City of

Fayetteville
ARKANSAS

SCANNED



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CH2MHILL®



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Section 1

Current Wastewater Operation and Maintenance Information

Owner: City of Fayetteville, Arkansas

Owner Contact: David Jurgens
Utilities Department Director
113 West Mountain Street
Fayetteville, Arkansas 72701
479.575.8330

Operator: CH2M HILL

Operator Contact: Duyen Tran
Project Manager
1400 North Fox Hunter Road
Fayetteville, Arkansas 72701
479.443.3292

Facilities: Paul R. Noland Wastewater Treatment Plant
(Noland WWTP)
1400 North Fox Hunter Road
Fayetteville, Arkansas 72701

The Noland WWTP is an 12.6 million gallons per day (mgd) advanced wastewater treatment facility with influent fine screens, grit removal, A2/O® plug flow biological nutrient removal (BNR) secondary treatment, effluent clarification, Zimpro single-media sand filtration, Trojan ultraviolet (UV) disinfection, post aeration, and effluent discharge to the White River. Residual biosolids are dewatered via belt filter presses and hauled to landfills. All odors from the facility are captured and treated by three, two-stage chemical scrubbers.

West Side Wastewater Treatment Plant
(West Side WWTP)
15 South Broyles Avenue
Fayetteville, Arkansas 72704

The West Side WWTP is a 10-mgd advanced wastewater treatment facility with influent fine screens, grit removal, Eimco A2C™ BNR secondary treatment, effluent clarification, Leopold deep-bed sand filtration, Wedeco UV disinfection, and post aeration. Effluent discharges to Goose Creek. Residual biosolids are dewatered via belt filter presses and hauled to landfills. All odors from the facility are

captured and treated by Bioway biofilters and Siemens carbon adsorbers. CH2M HILL also assists with daily monitoring of a 43.65-acre constructed wetland mitigation site.

Biosolids Management Site

16464 East Wyman Road
Fayetteville, Arkansas 72704

The Biosolids Management Site (formerly known as the Farm Site) is a 670-acre Bermuda grass hay operation that adjoins the Noland WWTP property. Nutrient uptake from the old land application site is achieved through hay harvesting and marketing, with appropriate supplemental nutrient application and irrigation with treated plant effluent.

Staff Size: 37 full-time employees and 4 part-time employees

Hours of Operation: The Noland WWTP is operated 24 hours per day, Monday through Friday, and 20 hours per day on Saturday and Sunday.

The West Side WWTP is operated 11 hours per day, Monday through Friday, and 4 hours per day on Saturday and Sunday.

The Biosolids Management Site operates 8 hours per day, Monday through Friday.

No. of Sewer Lift Stations: 38 lift stations plus site maintenance of 7 abandoned stations

Type of Lift Stations: Wetwell, drywell, submersible

Other Permitted Programs: Industrial Pretreatment Program (IPP), No Discharge Permit, Industrial General Stormwater Permit, and air permits

Original Contract Date: January 1987

Renewal Date(s): January 1989, August 1994, January 2001, May 2003, December 2009

Completion Date: December 2014

Executive Summary

CH2M HILL is pleased to present this 2010 annual report to our client and partner, the City of Fayetteville (the City). The completion of our work in 2010 marks 24 years of successful partnering between CH2M HILL and the City, as well as another year of quality service we've provided to Fayetteville citizens. This report summarizes activities and highlights accomplishments from contract year 2010.

Performance Excellence

Permit Compliance

CH2M HILL regional technical staff continued to provide invaluable support throughout the year and helped WWTP staff maintain permit compliance. CH2M HILL achieved 100-percent compliance with the National Pollutant Discharge Elimination System (NPDES) discharge requirements for both Fayetteville WWTPs in 2010. Exhibits 1 and 2 display the average percent removal efficiency the plants achieved in 2010 for biochemical oxygen demand (BOD), total suspended solids (TSS), total phosphorus (Phos), and ammonia-nitrogen (NH₃-N).

Staff submitted the Notices of Intent and No Exposure Certifications to renew the No Exposure Exclusions under the Arkansas Industrial Stormwater General Permit for both wastewater treatment plants. We received ADEQ approval for both renewals on May 11.

Exhibit 1
2010 Noland Percent Removal

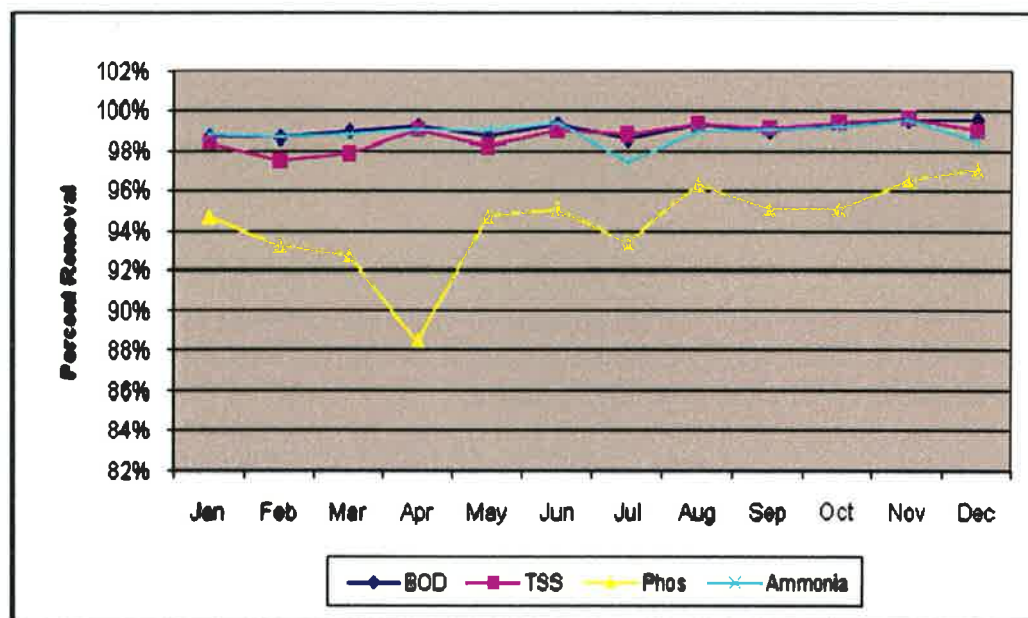
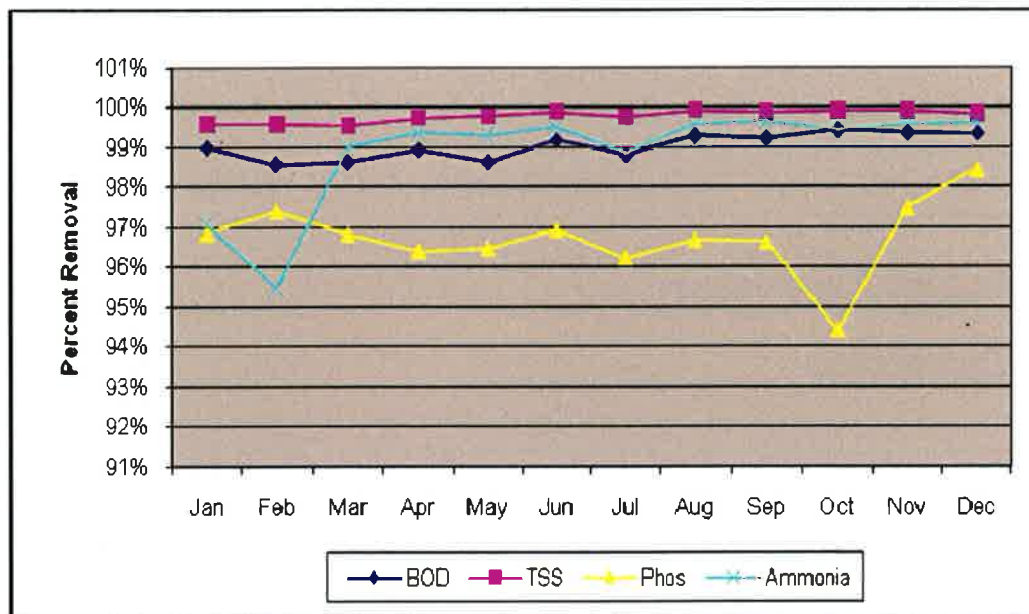


Exhibit 2
2010 West Side Percent Removal



Staff also prepared and submitted the NPDES permit renewal application for Noland WWTP to ADEQ as required at the end of May. ADEQ put a hold on the permit renewal for the West Side WWTP, which was submitted in November 2009, in anticipation of the new TMDL study from the United States Environmental Protection Agency for the Illinois River Basin.

ADEQ conducted the annual compliance audits on the NPDES, No Discharge, and stormwater permits at the West Side facility in May and at the Noland WWTP in December. The West Side WWTP was in compliance with all permits. The Noland WWTP was also found in compliance with the NPDES permit and the stormwater permit but one data point for ammonia was not reported properly on the initial No Discharge Permit report. This report was subsequently corrected. The West Side WWTP and the Hamestring lift station also passed the annual air permit compliance audits.

Cost Management

Electrical Savings

Significant electricity savings continued to accumulate in 2010 through the use of power generators and implementing our Power Management Plan to maintain the off-peak rate structure for the Noland WWTP, West Side WWTP, and Hamestring Lift Station.

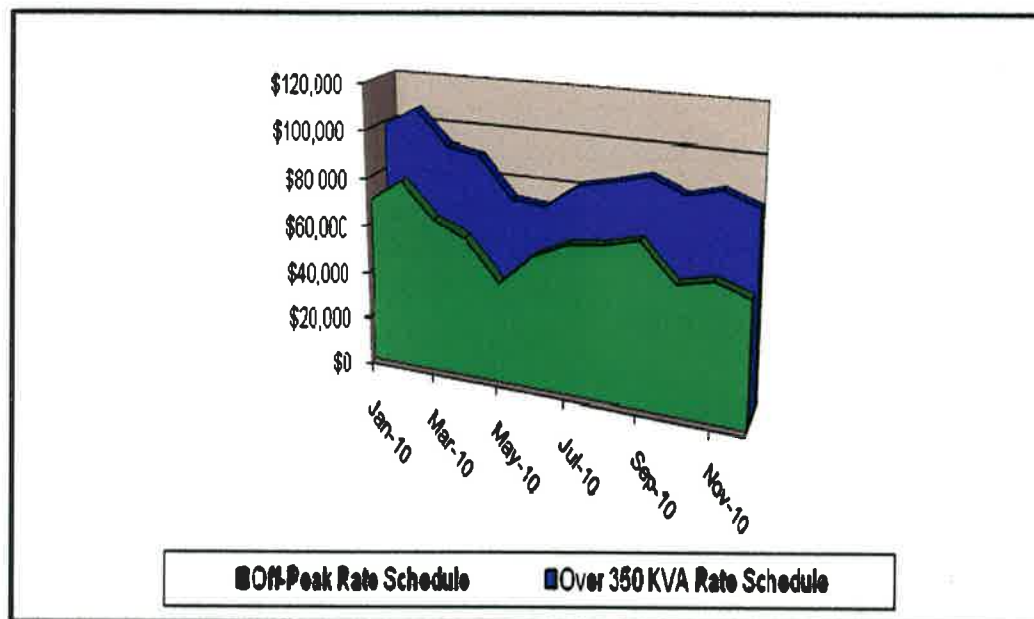
The Power Management Plan uses three, 2-megawatt (MW) power generators to operate the facilities during peak demand periods to eliminate the use of grid-supplied energy during the peak setting periods. Using the generators allowed us to take advantage of off-peak rates, yielding \$310,696 in combined estimated savings in 2010 from both WWTPs and the Hamestring lift station, which is approximately \$25,891 per month. Exhibit 3 displays energy savings for 2010.

Electrical consumption for both wastewater treatment plants in 2010 was 14,002,800 kilowatt-hours, which is relatively unchanged from 2009. However, the total cost of electricity increased slightly, by 5.1 percent, to \$701,355.49, or \$1,921.52 per day.

Electrical consumption from the Hamestring lift station was 1,469,400, which was reduced by 16.8 percent from 2009. Lower overall flow may be the largest factor contributing to the reduction in electrical consumption at this lift station, which reduced the annual cost of electricity to \$191,218.50, or 6.7 percent less than 2009.

Ozarks Electric Cooperative issued annual credits of \$2,390.32 for the Noland WWTP, \$1,951.06 for the West Side WWTP, and \$1,220.78 for the Hamestring lift station.

Exhibit 3
2010 Energy Savings



Power Factor Correction

The team installed new power factor correction capacitors on the jet mixing pumps at the West Side WWTP. This helped to correct the plant power factor and minimize chances for motor contactor failures. We took infrared imaging on the contactors before and after the installation of the capacitors to compare heat differences with electrical current changes.

Revenue

New surcharge rates for extra strength wastewater were applied to discharges from the food industries, including \$0.4170 per pound of BOD and \$0.2084 per pound of TSS. The new rates increased the surcharge revenue by approximately 25 percent from 2009.

Hay production was relatively good during the 2010 growing season despite some setbacks due to inclement weather. The first hay cutting started on May 5 and ended on October 31, yielding 3.5 cycles of harvest. The Biosolids Management Site produced 6,300 bales during the 2010 season, or approximately 2,300 tons.

Hay was sold for an average price of \$74.43 per ton to area residents, a 16.8 percent increase from 2009. The total hay revenue for the 2010 season was \$173,194.68, with \$149,551.14 collected by the end of December 2010 and \$23,643 collected by the end of March 2011. Exhibit 4 represents revenue for 2010.

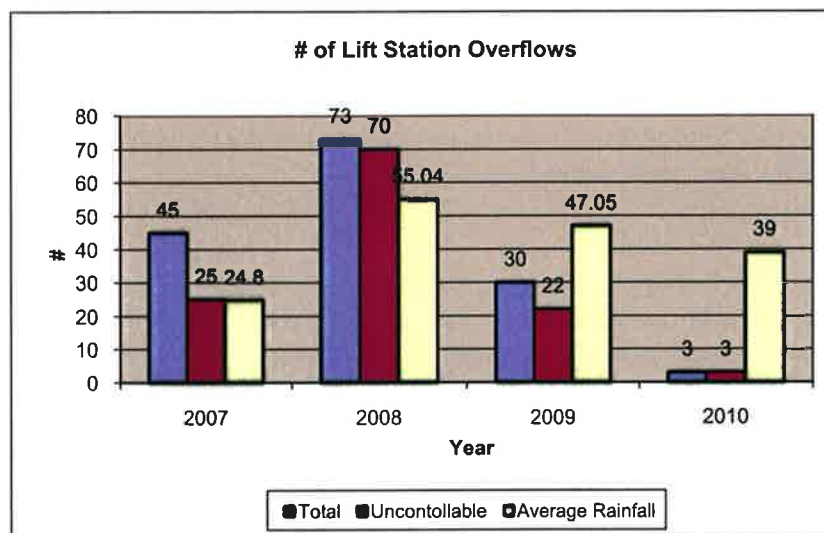
Exhibit 4
2010 Revenue

	Area	Revenue
Industrial Pretreatment	Industrial Surcharge Fees	\$741,655
	Hauled Wastewater Fees	\$7,150
	Application Fees	\$600
	Administrative Fines	\$0
Hay Season 2010 - 2011		\$173,195
Total		\$922,600

Lift Station Overflow Reduction

There were three lift station overflows for the entire year of 2010, a 90 percent reduction from 2009. All three overflows occurred at the Masters lift station (LS#23), one of which was caused by the water leak problem under the Country Club pool area. The others were caused by heavy rain events in July. Water & Sewer personnel made several repairs to the gravity lines entering the lift station and repaired some manholes where rain water was entering. The lift station has not experienced an overflow since then. Exhibit 5 shows number of lift station overflows.

Exhibit 5
Number of Lift Station Overflows



Lift station upgrades and the installation of backup power generators have helped tremendously in reducing the number of lift station overflows. Other factors include improvement in SCADA reliability, daily lift station monitoring, and implementation of a more frequent and rigorous preventive maintenance program on lift stations. The reduced annual rainfall total for 2010 is also likely partially responsible for the reduction in overflows.

Lift Station Generators



Lift Station #39 – 2393 N. Kenswick

Fourteen backup power generators were purchased through the CIP budget near the end of 2009. Five were installed in 2009 and CH2M HILL staff installed the remaining 9 in 2010. Staff built concrete pads, installed piping and electrical conduits, and set the generators in place. All work was done within the O&M budget for an approximate cost of \$242,000. The Water & Sewer crew helped with the boring of the gas line at the Lowe's - Zion Road lift station (LS #1).

These generators bring the City closer to 100-percent compliance with NPDES permit requirements by reducing the risk of sewer overflows due to power outages.

Preparation for the Biosolids Drying Operations

As construction started on the solar biosolids houses at the Biosolids Management Site (BMS), CH2M HILL staff also got started with the preparation for site operations. Staff provided specifications for biosolids equipment to the City Fleet Division for bid advertisements of a 42" belted floor trailer, a tractor spreader, skid-steer loader, and mobile conveyors for the site. Staff also made a trip to Philadelphia, Pennsylvania, to visit sites with equipment and storage that are similar to what can be used for the new biosolids operations in 2011. Dried biosolids storage and other required ancillary equipment were also procured, as funding was available and approved.



The new biosolids solar dryers' construction site

An air permit application for the proposed thermal dryer for biosolids drying also was submitted to ADEQ; however, ADEQ did not think that it was necessary for this process to have one. In December, the structural frames for four of the six solar houses were erected. The drainage lines from the solar houses and the concrete work for the unload basin and ramp were completed. CH2M HILL and Water/Sewer staff also started on the construction of the BMS lift station and wetwell, as well as the concrete work between the solar houses and the unload basin. BMS staff also planted 40 trees by the south barns of the Farm Site to create a buffer zone for the future biosolids drying operation.

Noland Filter Cells Rehabilitation

The aging filter cells at the Noland WWTP again required extensive repair work. Seven filter cells that were repaired three to five years ago started to have issues with concrete anchors coming loose, which allowed the screening material to become displaced, creating holes in the cell. Maintenance staff decided to take on the challenge and rebuilt the cells from the bottom up themselves. Setting a goal to rehabilitate at least one filter cell a month, they completed the repairs of all seven cells by September.



Filter cell rehab with new piping, baffle, and sand.

They completely removed all internal equipment down to the steel and concrete frames and made repairs to all damaged baffles. They eliminated the concrete anchors and welded stainless steel brackets with stainless steel all threads attached. New stainless steel screen material and rubber gaskets also were installed, as was new air scouring piping. The filter cells look and work much better than before. Although the project cost nearly \$70,000, it was still much less than contracting the work out.

Elkins' Water Flow Meter

Staff installed SCADA equipment to allow remote monitoring of the City of Elkins water flow meter as requested. The system routes the information from the Elkins flow meter to the Round Mountain water tank, then to the Mount Robinson tower site, and then to the Noland WWTP. The flow monitoring information also has been added to the water process file so the water on-call employee will receive an alarm if the power fails. This SCADA capability allows the City of Fayetteville to monitor the flows and receive an alarm if the meter loses power. The meter is still being powered by the original pump station; however, a battery backup power source has been installed to keep the flow meter functioning for a short duration during a power outage.

Other Accomplishments

Fixed asset tagging and equipment assessment - Staff completed equipment tagging from the Noland WWTP and the lift station. CH2M HILL specialists Jeff Sanford and Ron Thomas came to Fayetteville in early March to help build the database for an equipment assessment and provided training to the project staff. An equipment assessment was completed for 3,013 pieces of equipment, including rolling stock.

Force Main Switchover at the Owl Creek Lift Station - Successfully assisted with the force main switchover at the Owl Creek lift station (LS #22) without causing an overflow.

Broyles Road Lift Station Startup - The new Broyles Road Lift Station was completed and brought online on October 25. Staff was able to complete startup on the lift station on October 22 and helped to correct some electrical wiring issues. The new lift station relieves about 33 percent of incoming flow to the Owl Creek lift station (LS #22).

Operation Efficiency – Operations staff successfully switched night and weekend operations from the West Side to the Paul R. Noland plant on March 3, allowing us to reduce the day operating hours at the West Side plant from 24 hours to 11 hours. The switch allows for longer operating hours from the

Noland WWTP, which has led to a substantial increase in sludge pressing efficiency by allowing 24-hour pressing at the Noland plant.

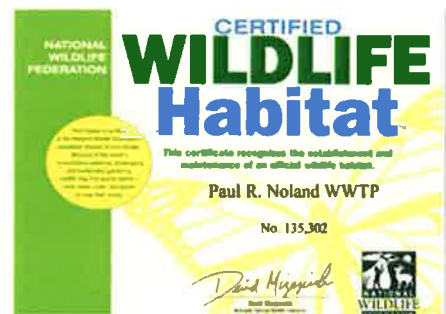
Commitment to Sustainability

By the nature of our business, CH2M HILL's team is environmentally focused. Environmental stewardship is something we care deeply about, and we have implemented several programs to make our environmental impact more "green." Our 2010 sustainable practices yielded the following results:

- Constructed and established the Noland xeriscape garden. 301,875 gallons of effluent was used to irrigate 82 native plant species. After the garden is fully established (in approximately 4 years), the 1-acre area will provide a habitat for local wildlife. It doesn't require mowing or watering, which reduces carbon emissions by 454 pounds a year and saves \$1,442 a year for the life of the Noland WWTP. The landscape was designed by the University of Arkansas Community Design Center and was constructed by the WWTP staff.
- Certified the Noland Wildlife Habitat Restoration Project with the National Wildlife Federation. Staff also completed the wildlife habitat enhancement area at the northwest corner of the Noland WWTP, including a bluebird trail, a viewing parking lot, and an informational kiosk. A CH2M HILL Sustainability Charter donated \$3,500 toward the project, and the WWTP staff put in the time and effort. The donation was used to purchase seeds and materials for the viewing parking lot and the kiosk. The Noland plant may be the first business that achieved the wildlife habitat certification under the new City's Backyard Habitat program and should help bring the City one certification closer to certification as a National Wildlife Federation Community Wildlife Habitat.
- Disked eight acres of invasive fescue to initiate the South Unit Habitat Restoration Project. The unstable areas, beyond the south fence of the Paul R. Noland WWTP and next to the small drainage way, have been repaired and planted with winter cover crop to eliminate erosion. The improvement should also minimize the potential for sediment to flow toward the drainage way.
- Constructed a bio swale and an 800-foot green waterway at the West Side WWTP to eliminate soil erosion and fence washout. Erosion control has been re-established for the south storm drainage ditch and the bio-swale at the West Side WWTP, which had sustained severe damage erosion due to storm water runoff and poor vegetation growth. We applied several truckloads of



Erosion Control at West Side WWTP



Wildlife Habitat Certification of the Noland Wildlife Enhancement Area



The bluebird trail through the prairie restoration area north of the Noland plant

top soil and installed native river rock dams to slow down stormwater flow. We planted native plants and trees throughout the swale.

- Improved belt filter press efficiency, thereby increasing the percentage of total solids of the biosolids dewatering process. The higher the percentage of total solids, the less biosolids we have to haul to the landfill. The improvement saved 1,700 gallons of diesel, 1,140 cubic yards of landfill space, and 37,740 lbs of carbon dioxide (CO₂) emissions.
- Reduced maintenance trips to lift stations by improving SCADA to save 6,100 miles, 436 gallons of gasoline, and 9,069 pounds of CO₂ emissions.
- Optimized the plant process at the Noland WWTP to operate with only one aeration basin for the majority of the time. This reduced the Noland facility electrical consumption and saved 982,930 kilowatt hours.
- Monitored energy and water consumption for the Noland administration building.

Awards and Recognition

- David Jurgens received the Water Environment Federation (WEF) Bedell award. The Bedell award acknowledges his extraordinary personal service to the AWEA.
- Operations Manager Tim Luther received two Wastewater Manager of The Year awards at the state level: AWW&WEA's Wastewater Manager of The Year and AWEA's Mike Thomason's Wastewater Manager of The Year.
- Laboratory Analyst Donna McChristian received the national Water Environment Federation (WEF) Laboratory Analyst Excellence Award.
- The Fayetteville staff received the WEF Burke award for having an effective safety program.
- Denise Georgiou was recognized with a Crystal Eagle Award for her 20 years of work as a CH2M HILL World Class Safety Champion.
- CH2M HILL Fayetteville Staff received National Safety Council's Perfect Record Award for operating 265,593 hours without an occupational injury or illness involving days away from work from September 21, 2006 to September 21, 2010.
- Received a 2010 National Safety Council Occupational Excellence Achievement Award for a Lost Time rate < 50% of the Bureau of Labor Statistics rate for our industry. (Our rate was zero.)
- The Fayetteville CH2M HILL team received the company's Safety Award for no lost time in 2009 and a Perfect Compliance award for exemplary performance in 2009. Duyen Tran and Billy Ammons accepted the awards at the annual CH2M HILL O&M Business Group Leadership Summit last August, accepting the awards on behalf of the entire Fayetteville team.



Billy Ammons, Tim Luther, and David Jurgens accepted the 2010 Water Federation Environment Awards

-
- Industrial Pretreatment Coordinator Denise Georgiou accepted the 2010 Pretreatment Professional Award, and Operations Supervisor Adam McClymont received the 2010 Wastewater Operator of Year Award from the NWD AWW&WEA.
 - The Fayetteville “Ozarks Royal Flush” team entered the Operations Challenge competition at the Water Environment Federation’s Technical Exhibition and Conference, held in New Orleans, Louisiana, on October 4 and 5. Adam McClymont, Tim Tinsley, Graydon Carruth, and Nathan Walker competed in the Operations Challenge event for the first time representing Arkansas, CH2M HILL, and the City of Fayetteville. The team competed in five different events: process control, laboratory, safety, collection system, and pump maintenance. The team placed 7th overall in Division II and took home the 3rd place award in Process Control.



Tim Tinsley, Adam McClymont, Graydon Carruth, and Nathan Walker (in the back) compete at the Operations Challenge pipe cutting event at the 2010 WEFTEC

Plant Overview

CH2M HILL has performed operations and maintenance (O&M) services at the Noland WWTP since February 25, 1988, when the plant first began treating wastewater. In November 2005, the City also initiated construction of the new West Side WWTP, which began operations in June 2008.

In 2010, the wastewater treatment facilities served approximately 80,000 Fayetteville citizens and the neighboring communities of Greenland, Farmington, and Elkins, and part of Johnson.

CH2M HILL performs complete O&M services including:

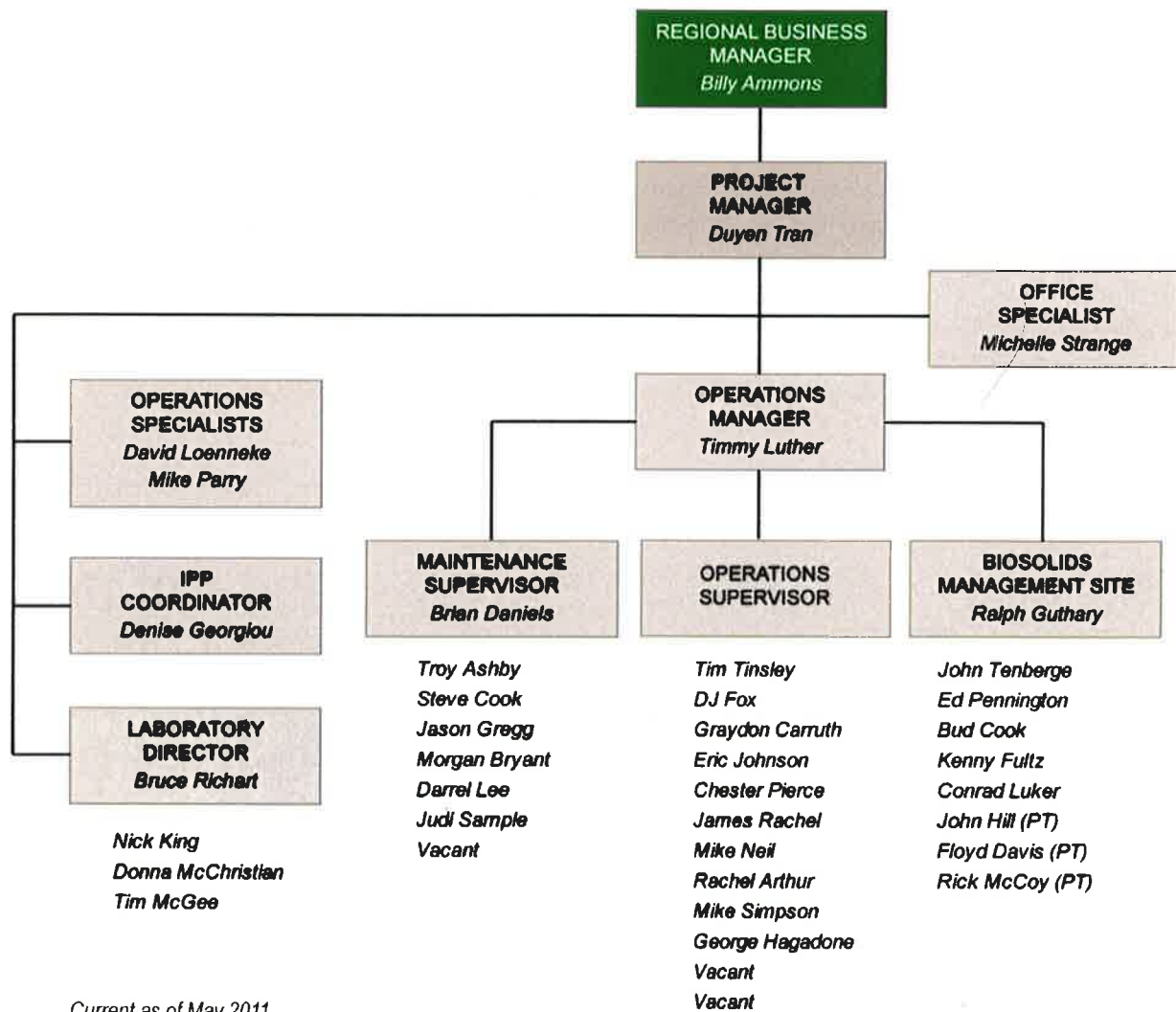
- WWTP O&M
- Lift station maintenance
- Supervisory control and data acquisition (SCADA) monitoring
- Hay harvesting and marketing operation with nutrient uptake program
- Wetland mitigation site monitoring
- Laboratory services
- Industrial pretreatment program (IPP) administration and management
- Capital improvement budgeting and planning
- Rolling stock maintenance
- Staff training
- Computerized maintenance management and inventory control
- Installation of standard CH2M HILL management systems
- Sludge dewatering system and hauling program operation
- Public awareness assistance

Section 4 Staffing Plan

The WWTP staff participates in an ongoing cross-training program to enable us to perform operations 24 hours a day, 7 days a week. Most employees are fully proficient in two to six disciplines, creating a larger pool of human resources to perform the varied tasks required to operate the facilities efficiently.

Exhibit 6 displays current CH2M HILL Fayetteville staff assignments.

Exhibit 6
CH2M HILL Fayetteville Staff Organization



Staff Training

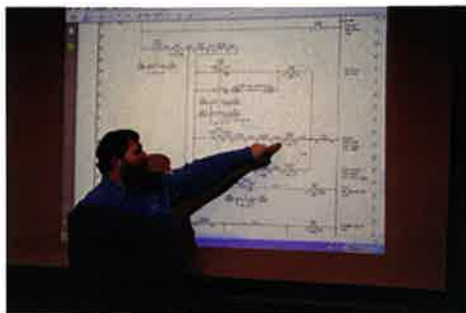
CH2M HILL provided an average of 106 training hours per employee in 2010 on various technical, safety, ethics, leadership, and quality topics to the Fayetteville team. The majority of the training was conducted via hands-on, in-house classroom, or online programs.

In 2010, four plant employees obtained new Arkansas Wastewater Operator certifications or upgraded their certifications. Two employees obtained Class I and II wastewater certifications, and two employees obtained Class III wastewater certifications.

Safety

Staff safety is our highest priority. Our goal is for all employees to go home safely to their families and loved ones every day.

Our safety team focus for 2010 was on the new arc flash regulation and electrical safety. The safety team successfully developed a protocol for working around electricity in compliance with the new regulation, and Morgan Bryant, our electrician, taught a class on basic electricity using beans and bricks.

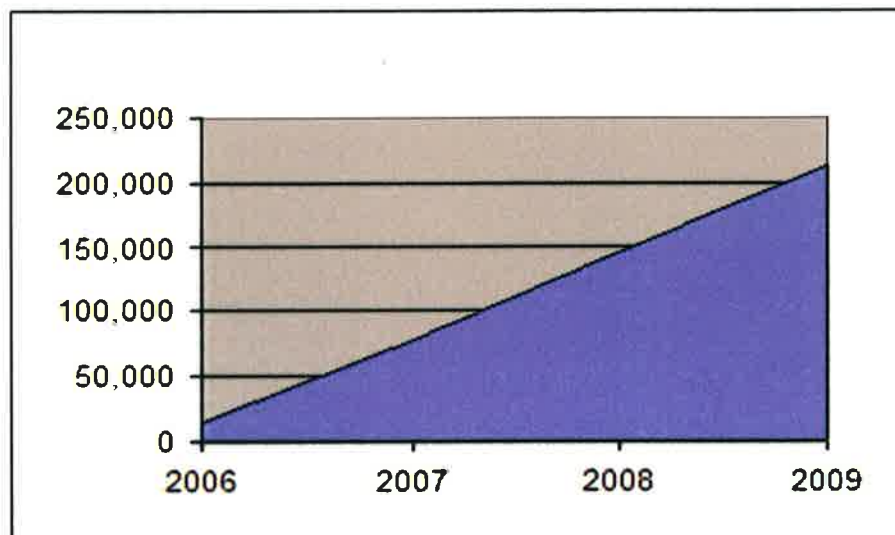


Morgan Bryant taught a basic electrical class

CH2M HILL staff at the Fayetteville project completed the 2010 work year with zero lost-time incidents. This brought the total working hours without lost time to 232,403 hours from September 20, 2006, to April 15, 2010. **Exhibit 7** represents cumulative hours worked without lost time.

Exhibit 7

Cumulative Hours Worked Without Lost Time



Department Overviews

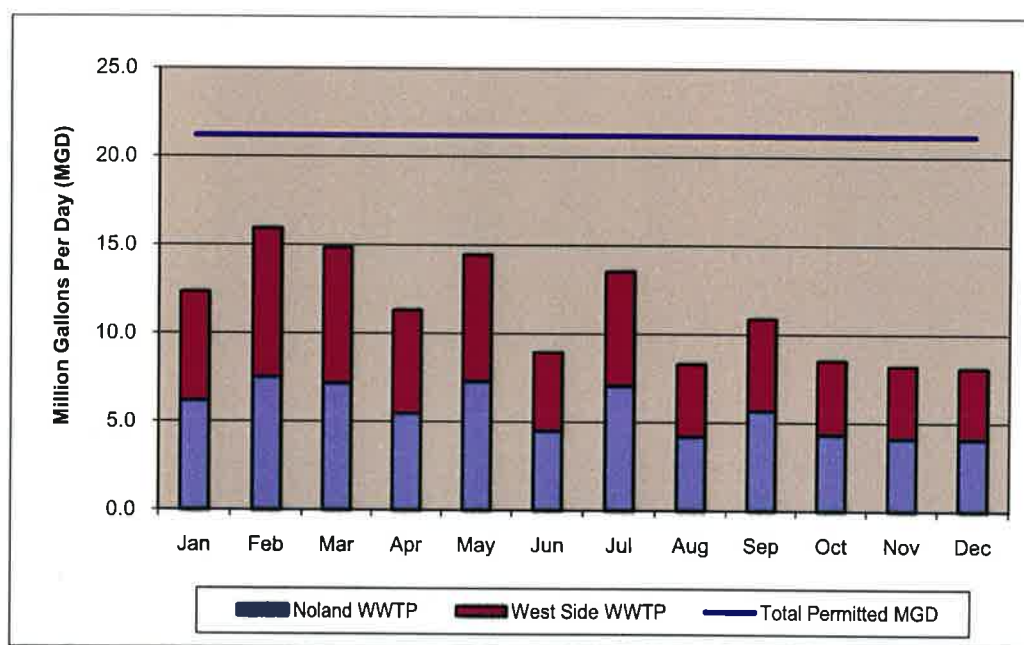
Operations

Plant Loadings

The total average daily influent flow from both plants in 2010 was 11.3-mgd, which is 50 percent of the total design capacity.

Exhibit 8 displays influent flow by month.

Exhibit 8
WWTP Average Influent Flow (Monthly)



Other plant loadings information for the Noland WWTP is listed in Exhibit 9, and plant loadings information for the West Side WWTP is listed in Exhibit 10.

Exhibit 9**Noland WWTP Average Influent Loadings (Monthly)**

	Influent Max Day Flow (MGD)	Date of Maximum Flow	Monthly Average Flow (MGD)	% Permitted Flow	BOD loading (lbs/d)	% BOD loading	TSS loading (lbs/d)	% TSS loading	PO4 loading (lbs/d)	NH3 loading (lbs/d)
Designed or Permitted			11.2		26370		20620			
January	11.7	24-Jan-10	6.18	55.2%	11037	41.9%	8686	42.1%	203	722
February	14.5	06-Feb-10	7.51	67.1%	11885	45.1%	10181	49.4%	202	595
March	18.7	26-Mar-10	7.16	63.9%	10887	41.3%	10071	48.8%	209	614
April	10.0	25-Apr-10	5.46	48.8%	10253	38.9%	8526	41.3%	163	502
May	26.8	15-May-10	7.28	65.0%	9450	35.8%	10378	50.3%	264	671
June	6.0	02-Jun-10	4.47	39.9%	10002	37.9%	10159	49.3%	237	603
July	21.1	13-Jul-10	7.04	62.9%	10396	39.4%	10118	49.1%	236	429
August	5.1	05-Aug-10	4.18	37.3%	9031	34.2%	8865	43.0%	199	369
September	13.1	09-Sep-10	5.65	50.4%	11045	41.9%	10866	52.7%	335	913
October	6.5	25-Oct-10	4.30	38.4%	13471	51.1%	11918	57.8%	277	718
November	5.8	26-Nov-10	4.10	36.6%	12711	48.2%	9697	47.0%	245	795
December	5.5	31-Dec-10	4.06	36.3%	11651	44.2%	8961	43.5%	257	689
Average			5.62	50.1%	10985	41.7%	9869	47.9%	236	635

Exhibit 10**West Side WWTP Average Influent Loadings (Monthly)**

	Influent Max Day Flow (MGD)	Date of Maximum Flow	Monthly Average Flow (MGD)	% Designed Flow	Organic loading (lbs/d)	% Organic loading	TSS loading (lbs/d)	% TSS loading	PO4 loading (lbs/d)	NH3 loading (lbs/d)
Designed			10.0		14595		14595			
January	12.3	22-Jan-10	6.14	61.4%	9276	63.6%	12259	84.0%	237	994
February	14.4	06-Feb-10	8.42	84.2%	9624	65.9%	11605	79.5%	237	1021
March	17.7	26-Mar-10	7.67	76.7%	9538	65.4%	11205	76.8%	183	966
April	8.9	03-Apr-10	5.83	58.3%	9114	62.4%	10264	70.3%	173	807
May	16.4	16-May-10	7.16	71.6%	8818	60.4%	11514	78.9%	208	904
June	5.8	08-Jun-10	4.44	44.4%	9062	62.1%	10281	70.4%	185	828
July	17.6	17-Jul-10	6.47	64.7%	8797	60.3%	10411	71.3%	220	859
August	4.5	20-Aug-10	4.10	41.0%	9494	65.0%	11795	80.8%	196	831
September	11.1	10-Sep-10	5.20	52.0%	11203	76.8%	13393	91.8%	269	1299
October	5.3	24-Oct-10	4.18	41.8%	10802	74.0%	13032	89.3%	222	906
November	7.1	26-Nov-10	4.08	40.8%	10291	70.5%	11674	80.0%	252	947
December	4.7	30-Dec-10	4.00	40.0%	10135	69.4%	12130	83.1%	234	859
Average			5.64	56.4%	9679	66.3%	11630	79.7%	218	935

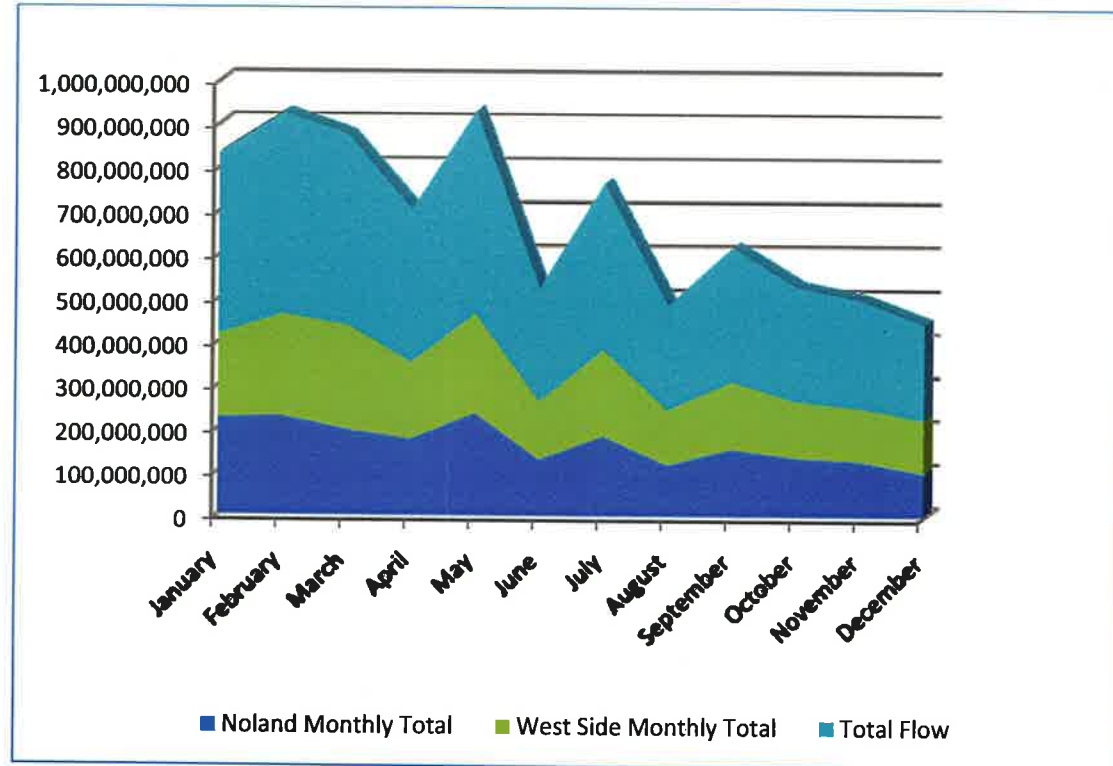
Effluent Quality

In 2010, the two WWTPs treated and discharged 4,070,600,000 gallons of water.

Exhibit 11
Treated and Discharged Water

	Noland WWTF		West Side WWTF		Total	
	Noland Monthly Total	Average Daily Flow	West Side Monthly	Average Daily Flow	Total Flow	Average Daily
January	224,560,000	7,243,871	191,279,000	6,170,290	415,839,000	13,414,161
February	227,750,000	8,133,929	235,325,000	8,404,464	463,075,000	16,538,393
March	196,430,000	6,336,452	241,522,000	7,791,032	437,952,000	14,127,484
April	175,460,000	5,848,667	177,067,000	5,902,233	352,527,000	11,750,900
May	235,120,000	7,584,516	229,962,000	7,418,129	465,082,000	15,002,645
June	128,860,000	4,295,333	133,619,000	4,453,967	262,479,000	8,749,300
July	183,200,000	5,909,677	199,594,000	6,438,516	382,794,000	12,348,194
August	117,010,000	3,774,516	126,494,000	4,080,452	243,504,000	7,854,968
September	154,580,000	5,152,667	155,319,000	5,177,300	309,899,000	10,329,967
October	134,510,000	4,339,032	130,701,000	4,216,161	265,211,000	8,555,194
November	127,540,000	4,251,333	122,270,000	4,075,667	249,810,000	8,327,000
December	99,470,000	3,208,710	122,975,000	3,966,935	222,445,000	7,175,645
Annual Total	2,004,490,000	5,491,753	2,066,127,000	5,660,622	4,070,617,000	11,152,375

Exhibit 12
2010 Effluent Discharge - Monthly Total



Exhibits 13 and 14 show treated effluent quality.

Exhibit 13

Average Noland Effluent Characteristics (Monthly)

	CBOD (mg/l)		TSS (mg/l)		Phos (mg/l)		Ammonia (mg/l)	
	Permitted	Monthly Average	Permitted	Monthly Average	Permitted	Monthly Average	Permitted	Monthly Average
January	21	2.5	15.0	2.4	1.0	0.2	6.1	0.2
February	21	2.3	15.0	3.7	1.0	0.2	6.1	0.1
March	21	2.0	15.0	3.8	1.0	0.3	6.1	0.1
April	7.5	1.6	5.0	1.7	1.0	0.4	3.0	0.1
May	7.5	1.9	5.0	2.9	1.0	0.3	3.0	0.1
June	5.0	1.9	5.0	2.8	1.0	0.3	1.8	0.1
July	5.0	1.9	5.0	1.7	1.0	0.3	1.8	0.2
August	5.0	1.8	5.0	1.7	1.0	0.2	1.8	0.1
September	5.0	1.8	5.0	1.4	1.0	0.3	1.8	0.2
October	5.5	1.7	5.0	1.6	1.0	0.3	2.5	0.1
November	5.5	1.6	5.0	0.9	1.0	0.2	2.5	0.1
December	21	1.8	15.0	2.3	1.0	0.2	6.1	0.2
Average		1.9		2.2		0.3		0.1

Exhibit 14**Average West Side Effluent Characteristics (Monthly)**

	CBOD (mg/l)		TSS (mg/l)		Phos (mg/l)		Ammonia (mg/l)	
	Permitted	Monthly Average	Permitted	Monthly Average	Permitted	Monthly Average	Permitted	Monthly Average
January	13.3	1.8	15	0.9	1.0	0.2	3.7	0.4
February	13.3	2.0	15	0.7	1.0	0.1	3.7	0.7
March	13.3	1.9	15	0.7	1.0	0.1	3.7	0.1
April	10.2	2.0	10	0.6	1.0	0.1	1.6	0.1
May	10.2	2.0	10	0.4	1.0	0.1	1.6	0.1
June	5.3	2.0	10	0.3	1.0	0.2	1.0	0.1
July	5.3	2.0	10	0.4	1.0	0.2	1.0	0.2
August	5.3	1.9	10	0.3	1.0	0.2	1.0	0.1
September	5.3	2.0	10	0.3	1.0	0.2	1.0	0.1
October	6.6	1.7	10	0.3	1.0	0.4	2.3	0.1
November	6.6	2.0	10	0.3	1.0	0.2	2.3	0.1
December	13.3	2.0	15	0.6	1.0	0.1	3.7	0.1
Average		1.9		0.5		0.2		0.2

Solids Production and Disposal

The WWTPs generated approximately 19,385 wet tons (3,511 dry metric tons) of biosolids in 2010. We transported an average of 2.4 loads of biosolids per day, at 18.3 percent dry solids content, to two different landfills for final disposal. Dewatered biosolids are hauled primarily to Prairie View Landfill in Lamar, Missouri.

Noteworthy improvements from the Operations department include:

- Designed and installed a control program to adjust the dissolved oxygen levels in the aeration basin automatically. The change has eliminated the need for operators to make process control adjustments. It's also resulted in energy savings because we can run the aerators on a lower speed more frequently.
- Installed on-line dissolved oxygen meters in each oxic zone of the Noland aeration basin, resulting in a savings of 208 personnel hours per year on manual DO measurements and providing better process control results.
- Completed remote-control operation of the Noland bio-process valve. Operations staff was able to eliminate callouts to adjust process flow, and staff was able to respond quicker to flow fluctuations via SCADA, realizing more than 15 personnel hours of savings in the first year.

Laboratory

In 2010, the CH2M HILL Fayetteville laboratory received 4,463 samples. The laboratory conducted a total of 17,916 analyses on the samples, in addition to 1,406 analyses to verify quality control of the data. The in-house analytical capabilities include 18 parameters.

Noteworthy accomplishments in the laboratory include:

- WEF 2010 Laboratory Analyst Excellence Award
- Passing the annual EPA DMRQA 30 Water Performance Study for all permitted parameters
- Passing the annual NSI WP -164 Water Performance Study for all permitted parameters
- Passing the annual MP-127 Water Performance Study for microorganisms
- Completing sampling and data compilation for West Side and Noland Permit Applications
- Conducting a burn barrel chemistry presentation at the annual Arkansas Water Environment Association conference in Hot Springs
- Passing all whole effluent toxicity analyses for *P. promelas* and *C. dubia* at West Side and Noland
- Conducting low-level total phosphorus treatment process study analysis at Noland
- Passing CH2M HILL's lab review and compliance audit

Industrial Pretreatment

The Industrial Pretreatment Program included eight permitted significant industrial users, including four metal-based categorical users. Three large food processors participate in the surcharge program for excess TSS and BOD loading. This generated more than \$740,000 in revenue for the City. Along with administering the program, IPP personnel serve as industrial liaisons that provide education and training for industrial users and the public.

Exhibit 15 outlines IPP participants and other activities in 2010.

Exhibit 15

2010 Fayetteville IPP Activities and Participants

2010 Permitted Industrial Users	2010 IPP Activities
Ayrshire Electronics, LLC Custom Powder Coating Services, Inc. Elkhart Products Corporation Hiland Dairy Company Marshalltown Company Pinnacle Foods Corporation Superior Industries International Arkansas, LLC Tyson Foods, Inc.	Conducted 10 compliance inspections Performed 17 compliance and surcharge sample collection events Accepted 143 loads of hauled waste Handled 21 unusual discharges
2010 Discharging Haulers	
Arkansas Portable Toilets Best Jet The Necessary Potty House	

In addition to domestic, commercial, and industrial discharges to the sewer, hauled septic tank, portable toilet, or special waste can be discharged into the head of the WWTP or at a wastewater lift station.

Noteworthy IPP accomplishments include the following:

- The Annual Industrial Awareness Seminar was held at the Noland WWTP on October 28. David Jurgens gave updates on water and sewer fees and the status of the biosolids drying venture and presented industrial compliance awards. Denise Georgiou presented industrial and Noland Wastewater Treatment Plant flow and loading trends. Duyen Tran and Billy Ammons gave an update on the Noland Facility and details on solar and thermal dryers. Fayetteville Chamber of Commerce President, Steve Clark, described the Fayetteville Chamber of Commerce GreeNWay Initiative, and Bruce Richart wrapped up with a brief presentation on sustainability. The seminar received high ratings from attendees, most of whom work for regulated industries
- Denise Georgiou received the Northwest District of the Arkansas Water Works and Water Environment Association 2010 Individual Achievement Award for Pretreatment Professional

- Provided Federal Drug Administration drug disposal guidelines in pocket brochures and a sign announcing a fall drug take-back event for the Senior Health Fair. Staff attended an ADEQ Pharmaceuticals, Water Quality and Project WET workshop at the West Side POTW and presented information during the workshop on drug take-back programs and proper disposal of drugs. Staff volunteered at the Fayetteville Police Take-Back site at Evelyn Hills Shopping Center for the National Drug Take-Back Day in September. During the 4-hour event, 36 cars dropped off three trashcans full of unneeded or expired prescription and over-the-counter medications
- Passed ADEQ annual IPP audit
- Worked with industrial users to maintain a high level of industrial user compliance (Exhibit 16).
- Maintained consistent low metal loadings at the Noland WWTP (Exhibit 17).

Exhibit 16

Permitted Industries' Limits Violations 1996 – 2010

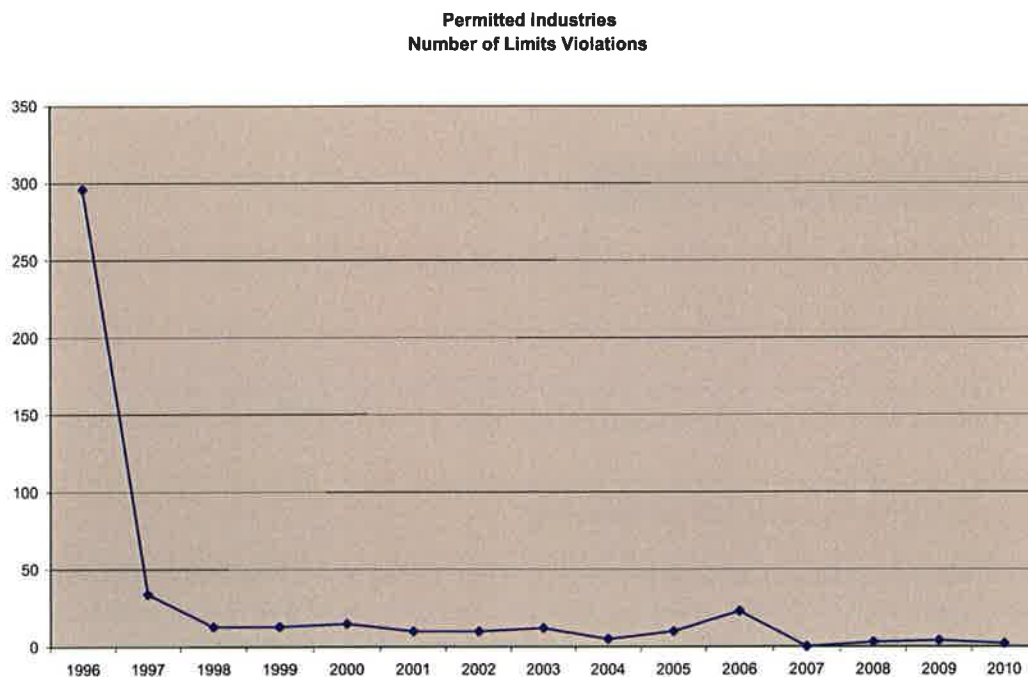
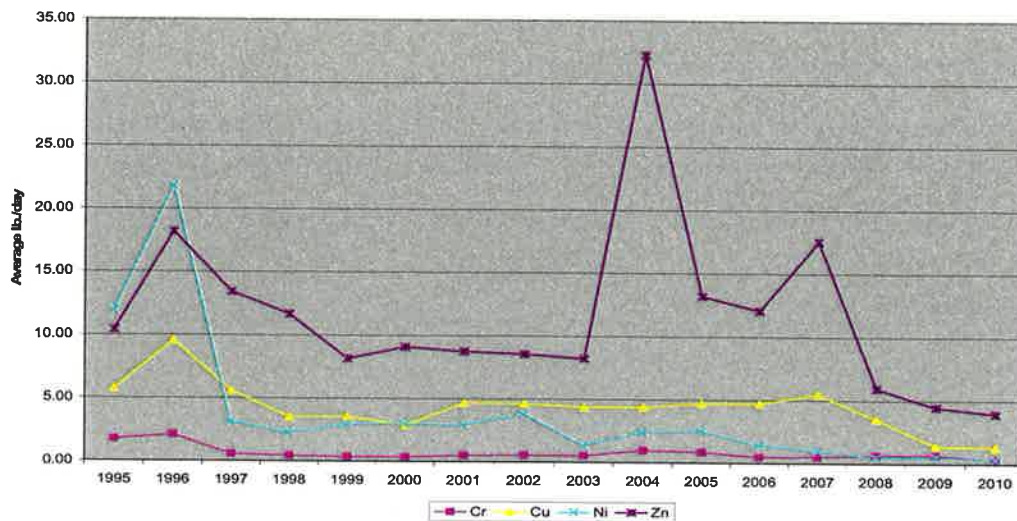


Exhibit 17 Metal Loadings

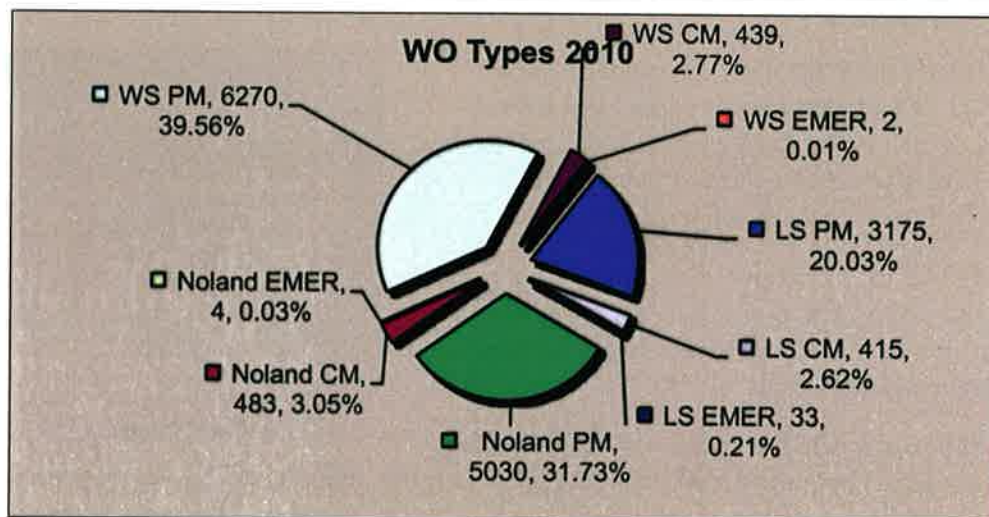
Figure 2
Metal Loadings



Maintenance

The Maintenance department is responsible for preventive maintenance and corrective maintenance of all equipment at the WWTPs, 38 active lift stations, vehicle maintenance, and capital improvement replacement of plant and lift station equipment. A computerized maintenance management system (CMMS) is employed to track the maintenance workload and keeps work orders flowing smoothly and efficiently. CMMS also is used to maintain equipment and parts inventory and a work order history.

Exhibit 18 WO Types 2010



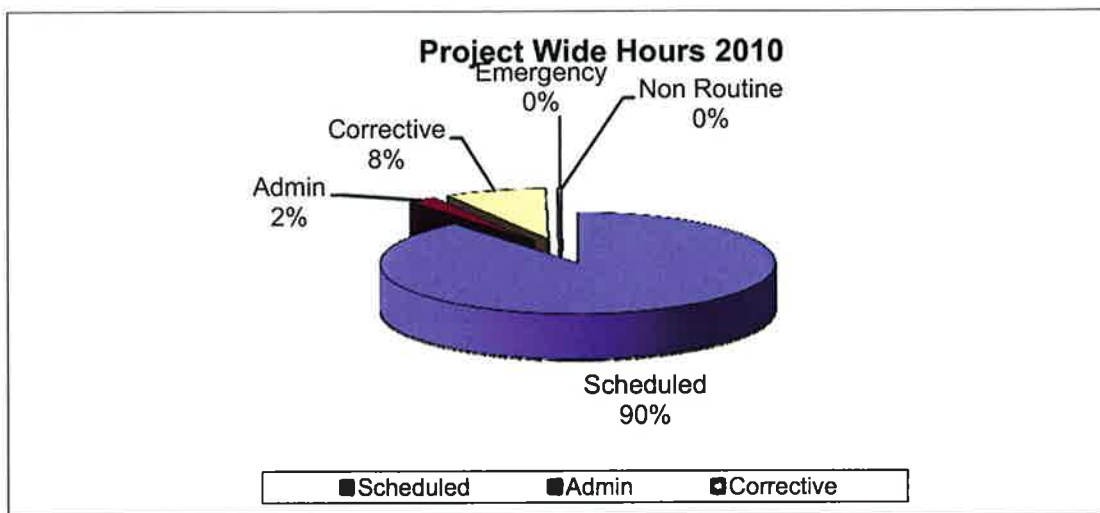
In 2010, staff completed 16,285 work orders (WO) with 14,111 personnel hours. The breakdown of WO types is as follows:

- Preventive maintenance WOs: 14,536, or 89.2 percent
- Corrective maintenance WOs: 1,342, or 8.3 percent
- Emergency maintenance WOs: 38, or 0.2 percent

A total of 7,390 total hours were dedicated to preventive maintenance, 5,258 total hours were applied to corrective maintenance, and 136 total hours were applied to emergency maintenance responses.

Exhibit 18 displays WO types in 2010, and **Exhibit 19** displays project-wide hours for 2010.

Exhibit 19
Project-wide Hours 2010



Noteworthy maintenance accomplishments

Noland Maintenance

- Completed the South fence relocation at Noland WWTP. The fence had been located in the flood zone of the river, making it very difficult to maintain and keep clean. Relocating the fence out of the flood zone will provide much easier maintenance.
- Completed the installation of all 14 new lift station backup power generators, the concrete slab storage area, and the truck dump site for lift station and collection system debris.
- Installed equipment that sprays down the influent storage pond liner, which helps minimize odor from any solids that collect on the liner itself.



Installation of the new water canon at the influent storage pond

West Side Maintenance

- Discovered and repaired an underground air line leak that may have been caused by two physical penetrations that likely occurred during plant construction. Staff located a 15" wide stainless steel band clamp that would cover both penetrations. The clamp was installed, applied plastic wrap, and pressure tested the pipe. Staff buried excavation.
- Completed the work on the South ditch erosion project and the bio-swale project between the clarifiers and bio-units. The ditch had sustained several areas of erosion, due to storm water runoff through the plant and little to no vegetation growth in the ditch. The South ditch project consisted of repairing and reshaping the ditch, applying several truckloads of top soil, installing a deep river rock bed 4 to 5 feet wide throughout the bottom of the ditch, and installing several native rock dams to help slow down the storm water velocity through the ditch during rain events. Both sides of the ditch were hydro seeded. The bio-swale project consisted of cutting out a much more defined storm water ditch and changing the flow pattern slightly. We also applied top soil and a deep river rock bed 2 to 3 feet wide through the swale. Native river rock dams were installed in the swale to slow down storm water velocities. We installed City-provided mulch along both sides of swale. Using the City mulch saved approximately \$1,300. We installed sod on the East side of swale to stabilize the ditch and planted winter wheat in disturbed areas on East side. Native plants and trees were planted throughout the swale. We installed a layer of sod just inside the South fence to stabilize the eroded soil at the fence. While working on both of these projects, we noticed the drainage ditch just south of the post-aeration blower building was not working well either. We cleaned out the bottom of the ditch and installed a river rock bed and put mulch on both sides of the ditch. This should keep storm water within the designed flow pattern, preventing any ditch or soil erosion issues in the future.

Lift Station Maintenance

- Successfully implemented a lift station overflow prevention program and a lift station check protocol to prevent lift station overflow. There were 3 overflows, which totaled merely 6,545 gallons lost from the system.
- Worked with Water & Sewer crew to troubleshoot and repair the flow restrictions at the Master lift station (LS #23). The lift station has not had an overflow since the repairs were made in May.
- Brought a new lift station, the Park Centre lift station (LS #53), online on December 13. SCADA installation is scheduled to be completed in January.

Biosolids Management Site

The Biosolids Management Site (formerly known as the Farm Site or the Land Application Site) is comprised of 670 acres adjoining the Noland WWTP property. The site is bordered by 12 private property owners.

The year 2010 brought with it more exciting times for the BMS. The weather was somewhat kinder to us, which allowed for a good growing season for hay production and also for the overall operation of the site. Because of a cool and damp spring and an extremely hot early summer, we dealt with a more intense infestation of Johnson grass than normal.

Noteworthy Developments from the Biosolids Management Site

The construction of the new solar houses for the biosolids drying operation broke ground in 2010, and our staff has been busy assisting with equipment specifications and procurement for the new operation. Staff also walked door to door to inform the adjoining neighbors about the future construction of the new biosolids drying facility at the site. The communication has been good, and staff was able to address several concerns.

The rain event on July 13 caused one section of the White River stream bank, near the old land application site, to lose an additional 10 feet of river bank due to erosion. Restoration of this section is scheduled for completion in the fall of 2011.



The White River streambank that lost 10 feet of the river bank on July 13, 2010

The analysis from the fall soil samples taken in 2009 showed average pH at 6.6, which recommended no adjustment; therefore no lime was applied in 2010. The recommendations for the 2011 fertilizer application also remain the about same.

The wet and cool period early in the year caused an overgrowth of Rye grass again this year after the herbicide application. The rye grass, combined with rain during the first cutting, contributed to the low protein value for the cutting. Fortunately we have been able to develop a market for this type of hay at a fairly good price.

The first hay cutting started on May 5, and we completed 3.5 cycles of harvest, which ended on October 31. We produced 6,300 bales during the 2010 season for approximately 2,300 tons.

The fields at the Noland Plant were sprayed for thistle and mowed during the summer months. The BMS crew assisted with the xeriscaping site construction, the wildlife plot upkeep, and the mowing of the holding pond areas.

Plant effluent was used for irrigation for 26 days, starting from August 10 to September 10. This was an extremely dry period, and the heat affected the growth of the hay crop considerably.

Community and Professional Activities

CH2M HILL staff participated in several community involvement activities throughout 2010, including the following events and activities:

- Provided six tours of the Noland WWTP and/or algae growth bed system for 84 people, ranging from elementary school students to professors and wastewater professionals.
- Provided 17 tours of the West Side WWTP for 304 people, ranging from elementary school students to university students and wastewater professionals. One of the tours was for the EPA Region 6 TMDL group, led by Dr. Dehlia Haak of the Illinois River Watershed Partnership. This visitation is a part of the Arkansas portion of the Illinois River Watershed tour.

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- Hosted and provided a meeting location for several local organizations, including the Audubon Arkansas Project Learning Tree workshop, which was held twice at the Westside WWTP. The Operations staff provided a plant tour to the workshop attendees as a part of the workshop agenda.
 - Held an open house at the West Side WWTP on November 16, in conjunction with National Geographic's Clean Water Awareness Day.
 - Assisted the Arkansas Audubon Society with its annual bird count.
 - Participated and coordinated fundraising activities to donate essential items to Seven Hills and the Women's Shelter and the Mayor's food bank campaign: "With a Can, We Can."
 - Raised more than \$1,000 through fundraising efforts and payroll deduction in support of Water for People, which may help save an estimated 37 lives from waterborne illnesses.
 - Participated in the annual United Way campaign sponsored by the City.
 - Supported the Curb-The-Clutter program for the 16th consecutive year by cleaning up a section of Old Wire Road near Highway 265.
 - Participated in Secchi Day on Beaver Lake. This is an annual Water Quality Awareness Day sponsored by the Beaver Water District to measure water clarity and collect water samples. We helped collecting clarity data and water samples at six locations near Hickory Creek marina.
 - Maintained an unofficial commitment to clean up Fox Hunter Road near the plant on an annual basis.
 - Participated in the 79th Annual Arkansas Water Works & Water Environment Association Joint Conference in Hot Springs in May. We delivered four presentations and helped with several training sessions.
 - Staffed a booth at the Fayetteville Chamber of Commerce job fair for high school students and the general public on May 7. We also participated in a Career Day at a Farmington elementary school. Information on wastewater treatment was presented in six, 15 minute sessions of 25 students each.
 - Continued the ground upkeep at the Wyman Community building near the Biosolids Management Site.
 - Hosted an ADEQ workshop on Pharmaceuticals, Water Quality & Project WET at the Fayetteville West Side WWTP on July 29. Denise Georgiou, Industrial Pretreatment Coordinator, briefed the teachers on emergent contaminants concerns. Billy Ammons and David Jurgens accompanied the workshop attendees on a guided plant tour of the West Side WWTP. This is the second time the annual ADEQ workshop has been held at the facility.
 - Hosted the AWEA Specialty Conference near Morrilton on October 13 and 14. Nearly 60 wastewater professionals attended the conference, which focused on sustainable wastewater operations and maintenance via new developments and technologies.

-
- Organized the Poker Run event for the first time on October 9, which netted nearly \$500 in donations to the Children's House.
 - Worked with William Winn to coordinate the Northwest District of the Water Works and Water Environment Association (NWD AWW&WEA) meeting in December. The meeting was well-attended with approximately 170 attendees.

Our employees also are active at the district and state level in water and wastewater professional organizations. Regional Business Manager Billy Ammons, Project Manager Duyen Tran, and Laboratory Director Bruce Richart are members of the newly formed Beaver Lake Watershed Partnership.

Duyen continued to serve as the District Director representing the Northwest District on the AWW&WEA board, the Vice President for the AWEA, and the Arkansas Delegate to the Water Environment Federation (WEF). Duyen also serves on the Class IV Wastewater Essay Certification Grading Panel for the ADEQ. Billy Ammons was elected as the Secretary Treasurer for the Arkansas Water & Wastewater Managers Association. Bruce served on the Program Committee for the Arkansas West Branch of U.S. Green Building Council, and he volunteered as a judge for the NWA Regional Science Fair. Laboratory Analyst Donna McChristian serves as the Newsletter Committee Chair of the AWEA. Operations Manager Tim Luther serves as the Vice Chair of the NWD AWW&WEA, and Operator Donna Fox serves on the training committee for the NWD AWW&WEA.

Projections for 2011

2010 has been a great year, and we look forward to many challenges awaiting us in 2011.

In anticipation that the NPDES discharge limit for phosphorus may be lowered from the existing 1.0 mg/l to 0.1 mg/l, CH2M HILL staff, with the assistance of Black & Veatch Engineers and McGoodwin Williams and Yates, has been working to determine whether the Noland and West Side treatment plants could produce effluent that would meet this potential lower phosphorus concentration limits. A preliminary assessment concluded that chemical addition and intense optimization of phosphorus removal processes would be necessary at a minimum and it is likely that significant capital investment would also be required to ensure compliance with this type of limit. We hope to continue working with the consulting engineers and City staff to help find sustainable solutions for both WWTPs to meet the ultra-low phosphorus level.

The NPDES permit for the Paul R. Noland WWTP, which expires on May 31, 2011, is in the renewal process. But because the segment of the White River where the Noland plant effluent discharges into is on the 303(d) impaired streams list for site-specific water quality standards of Total Dissolved Solids, Chloride, and Sulfate, the new permit may contain monitoring requirements for those parameters. We've made a request to the Arkansas Department of Environmental Quality (ADEQ) to suspend the issuance of the proposed permit to allow time for the Use Attainability Analysis (UAA) to be completed on the receiving stream. The UAA, which evaluates the receiving stream with respect to current designated uses, is a necessary step in the third-party petition to the State to change the site-specific water quality standards. CH2M HILL is pleased to lead the effort with the assistance of a number of our company's experts.

We also anticipate that the new NPDES permits, when issued, will contain monitoring requirements for Nitrate + Nitrite-Nitrogen. CH2M HILL's regional technical team has been assisting with process optimization in an attempt to ensure that treated effluent meets or exceeds the expected regulatory level.



The new biosolids solar dryers

The construction of the six biosolids solar dryers is expected to be complete in May 2011, and the thermal dryer should be installed by September. We look forward to producing beneficially reused biosolids that eventually can be distributed for use as a slow-release nitrogen fertilizer or soil amendment.

CH2M HILL strives to maintain continued focus on enhancing our partnership with the City by raising our own expectations for service delivery and striving to exceed contract-required performance standards. This focus has led to O&M success, remarkable environmental protection efforts, and efficient, cost-effective WWTP O&M for the City as demonstrated throughout this report. We look forward to 2011 and the opportunity to continue to provide excellent service to the citizens of the City of Fayetteville.

Agenda Session 5/10/11
HMR Taxes



CITY OF FAYETTEVILLE
1% HOTEL, MOTEL, RESTAURANT TAXES
6 MONTH COMPARISON BY MONTHLY COLLECTIONS

	2009 TOTAL	2010 TOTAL	2011 TOTAL	Difference	Percentage
October	187,960.39	213,013.22		25,052.83	13.33%
November	173,945.97	172,901.71		(1,044.26)	-0.60%
December	164,729.75	177,767.23		13,037.48	7.91%
January		146,053.21	159,763.82	13,710.61	9.39%
February		169,849.08	163,576.85	(6,272.23)	-3.69%
March		180,135.74	184,661.45	4,525.71	2.51%

Total % Increase
in 6 months: 4.79%

CITY OF FAYETTEVILLE, ARKANSAS

Area Groups by Taxes Paid

<u>rank</u>	<u>Area of Fayetteville</u>	<u>Mar-11</u> <i>sales</i>	<u>Oct %</u>	<u>Nov %</u>	<u>Dec %</u>	<u>Jan %</u>	<u>Feb %</u>	<u>Mar %</u>
1	Mall Area / North side	\$ 59,693.02	4.64%	(-2.19%)	4.52%	8.30%	(-2.90%)	5.50%
2	Martin Luther King Blvd.	\$ 29,096.82	10.31%	0.91%	7.59%	6.09%	(-2.52%)	1.58%
3	College / Gregg	\$ 26,962.62	7.08%	(-2.12%)	6.65%	8.78%	(-11.88%)	(-2.80%)
4	West Side	\$ 20,581.33	26.24%	8.56%	19.92%	15.46%	6.38%	6.80%
5	Dickson Street / Entertainment District	\$ 16,519.99	26.41%	(-6.77%)	5.49%	11.76%	(-5.67%)	(-5.69%)
6	East side	\$ 8,942.08	23.64%	8.64%	21.98%	25.37%	8.37%	20.28%
7	Multiple Locations	\$ 8,309.84	17.86%	(-4.05%)	3.58%	7.31%	(-5.93%)	11.50%
8	South side	\$ 5,743.72	28.36%	3.27%	25.79%	3.96%	(-4.96%)	(-6.78%)
9	Square	\$ 4,252.87	8.63%	(-16.44%)	7.74%	(-4.07%)	(-8.73%)	(-16.83%)
10	Miscellaneous	\$ 3,971.38	14.67%	2.62%	(-16.03%)	16.46%	(-10.56%)	9.25%
11	Caterers / Mobile Units / Seasonal	\$ 587.78	74.56%	29.77%	20.55%	4.05%	(-7.35%)	0.85%

Miscellaneous

These numbers are preliminary. This report is subject to change.

Business	Oct-09	Oct-10	Oct %	Nov-09	Nov-10	Nov %	Dec-09	Dec-10	Dec %	Jan-10	Jan-11	Jan %	Feb-10	Feb-11	Feb %	Mar-10	Mar-11	Mar %
Chartwell's Dining☐Compass Group USA, Inc.	\$4,233.41	\$4,674.08	10.41%	\$3,836.16	\$3,491.05	-9.00%	\$1,814.40	\$1,835.68	1.17%	\$1,872.80	\$1,717.47	-8.29%	\$3,052.85	\$2,452.36	-19.67%	\$2,470.06	\$3,055.15	23.69%
Gullett's Gourmet (Closed)	\$226.79		-100.00%	\$183.96		-100.00%	\$36.00		-100.00%	\$0.00		0.00%			0.00%			0.00%
Hutch's Hog Trough	\$17.00	\$15.00	-11.76%	\$18.00	\$12.00	-33.33%	\$20.00	\$9.00	-55.00%	\$16.00	\$13.00	-18.75%	\$18.00	\$12.00	-33.33%	\$13.00	\$12.00	-7.69%
Sodexo Operations, LLC☐U of A Food	\$1,885.53	\$2,607.35	38.28%	\$4,623.46	\$5,385.45	16.48%	\$1,227.16	\$756.24	-38.37%	\$667.81	\$1,246.86	86.71%	\$911.10	\$1,097.25	20.43%	\$1,152.09	\$904.23	-21.51%
Grand Total	\$6,362.73	\$7,296.43	14.67%	\$8,661.58	\$8,888.50	2.62%	\$3,097.56	\$2,600.92	-16.03%	\$2,556.61	\$2,977.33	16.46%	\$3,981.95	\$3,561.61	-10.56%	\$3,635.15	\$3,971.38	9.25%

Dickson Street

These numbers are preliminary. This report is subject to change.

Business	Oct-09	Oct-10	Oct %	Nov-09	Nov-10	Nov %	Dec-09	Dec-10	Dec %	Jan-10	Jan-11	Jan %	Feb-10	Feb-11	Feb %	Mar-10	Mar-11	Mar %
Bordino's Dining, LLC	\$2,104.00	\$2,046.00	-2.76%	\$1,693.00	\$1,503.00	-11.22%	\$2,035.00	\$1,657.00	-18.57%	\$1,224.00	\$1,397.00	14.13%	\$1,699.50	\$1,773.00	4.32%	\$1,687.00	\$1,276.00	-24.36%
Buster Belly's Bar & Deli	\$229.63	\$330.00	43.71%	\$198.85	\$183.00	-7.97%	\$187.51	\$175.00	-6.67%	\$187.05	\$184.00	-1.63%	\$201.94	\$207.00	2.51%	\$218.96	\$248.00	13.26%
Common Grounds	\$1,153.00	\$1,209.00	4.86%	\$1,077.00	\$883.00	-18.01%	\$943.00	\$893.00	-5.30%	\$837.00	\$776.00	-7.29%	\$985.00	\$762.00	-22.64%	\$1,054.00	\$798.00	-24.29%
Dickson Dining LLC (dba Jose's)	\$577.00	\$925.00	60.31%	\$563.00	\$315.00	-44.05%	\$425.00	\$320.00	-24.71%	\$365.00	\$345.00	-5.48%	\$468.00	\$362.00	-22.65%	\$661.00	\$519.00	-21.48%
Doe's Eat Place	\$947.69	\$950.60	0.31%	\$696.73	\$509.60	-26.86%	\$699.33	\$637.00	-8.91%	\$470.40	\$640.00	14.80%	\$691.88	\$661.50	-4.39%	\$721.28	\$654.64	-9.24%
Early Berlin, 1936 Cafe & Club	\$499.00	\$470.00	-5.81%	\$354.90	\$201.00	-43.36%	\$428.00	\$270.00	-36.92%	\$276.00	\$207.00	-25.00%	\$382.00	\$363.00	-4.97%	\$307.00	\$226.00	-26.38%
Emelia's Kitchen	\$320.13	\$308.31	-3.69%	\$268.00	\$173.80	-35.15%	\$233.00	\$214.68	-7.86%	\$171.05	\$177.76	3.92%	\$251.61	\$258.75	2.84%	\$212.42	\$208.05	-2.06%
Feltner Brothers	\$354.94	\$375.54	5.80%	\$350.00	\$289.68	-17.23%	\$297.34	\$281.77	-5.24%	\$271.37	\$291.09	7.27%	\$309.15	\$314.75	1.81%	\$320.06	\$329.44	2.93%
Flying Burrito Company #1 Spring	\$573.00	\$546.00	-4.71%	\$541.00	\$516.00	-4.62%	\$635.00	\$609.00	-4.09%	\$514.00	\$449.00	-12.65%	\$542.00	\$450.00	-16.97%	\$570.00	\$543.00	-4.74%
Gelateria Scarpino	\$62.00	\$45.00	-27.42%	\$31.00	\$81.00	161.29%	\$85.00	\$74.00	-12.94%	\$132.00	\$47.00	-64.39%	\$101.00	\$38.00	-62.38%	\$47.00		-100.00%
Geno's Pizza, Inc.	\$230.00	\$252.00	9.57%	\$171.00	\$117.00	-31.58%	\$95.00	\$70.00	-26.32%	\$120.00	\$90.00	-25.00%	\$131.00	\$104.00	-20.61%	\$119.00	\$99.00	-16.81%
Grub's Bar and Grille	\$1,472.53	\$1,320.00	-10.36%	\$1,229.85	\$864.56	-29.70%	\$1,046.78	\$811.40	-22.49%	\$1,164.11	\$887.42	-23.77%	\$1,303.17	\$950.51	-27.06%	\$1,239.84	\$844.06	-31.92%
Habibi	\$63.00	\$38.29	-39.22%	\$47.00	\$25.02	-46.77%	\$38.50	\$19.19	-50.16%	\$29.51	\$20.88	-29.24%	\$40.66	\$25.03	-38.44%	\$50.73		-100.00%
Hammontrees Gourmet, Inc.	\$295.00	\$654.00	121.69%	\$294.00	\$489.00	66.33%	\$288.00	\$522.00	81.25%	\$295.00	\$500.00	69.49%	\$327.00	\$500.00	52.91%	\$367.00	\$647.00	76.29%
Hog Haus Brewing Co, Inc	\$1,321.00	\$1,582.00	19.76%	\$1,075.00	\$1,053.00	-2.05%	\$1,029.00	\$1,018.00	-1.07%	\$873.00	\$935.00	7.10%	\$1,122.00	\$965.00	-13.99%	\$1,284.00	\$1,019.00	-20.64%
Inn At Carnall Hall (Ella's Restaurant)	\$2,266.00	\$2,671.00	17.87%	\$1,956.00	\$1,698.00	-13.19%	\$1,344.00	\$1,522.00	13.24%	\$941.00	\$1,124.00	19.45%	\$2,158.00	\$1,652.00	-23.45%	\$1,790.00	\$1,457.00	-18.60%
Jimmy John's Gourmet Subs	\$764.18	\$1,192.21	56.01%	\$947.72	\$746.30	-21.25%	\$589.45	\$677.29	14.90%	\$633.04	\$889.24	40.47%	\$947.69	\$898.48	-5.19%	\$691.19	\$832.82	20.49%
Kosmos Greekafe LLC	\$322.00	\$352.00	9.32%	\$258.00	\$281.00	8.91%	\$268.00	\$305.00	13.81%	\$254.00	\$282.00	11.02%	\$295.00	\$273.00	-7.46%	\$335.00	\$353.00	5.37%
Mickey Finn's Irish Pub	\$275.32	\$286.00	3.88%	\$248.12	\$248.00	-0.05%	\$217.07	\$220.00	1.35%	\$251.75	\$259.00	2.88%	\$271.74	\$226.00	-16.83%	\$280.17	\$295.00	5.29%
Powerhouse Seafood & Grill Zydeco, Inc.	\$993.60	\$1,193.43	20.11%	\$811.62	\$717.96	-11.54%	\$916.24	\$1,040.48	13.56%	\$671.10	\$846.07	26.07%	\$1,011.10	\$903.00	-10.69%	\$897.38	\$986.25	9.90%
Qdoba Mexican Grill	\$592.13	\$862.44	45.65%	\$542.09	\$648.71	19.67%	\$390.63	\$423.82	8.50%	\$533.57	\$533.79	0.04%	\$590.39	\$642.11	8.76%	\$612.23	\$640.14	4.56%
Rogue Pizza Company Inc.	\$179.50	\$293.50	63.51%	\$140.50	\$92.56	-34.12%	\$123.50	\$43.00	-65.18%	\$138.00	\$42.00	-69.57%	\$165.00	\$28.00	-83.03%	\$253.50	\$26.00	-89.74%
The Dickson Street Inn	\$182.78	\$480.75	163.02%	\$193.71	\$269.41	39.08%	\$135.98	\$160.07	17.72%	\$87.02	\$185.83	113.55%	\$189.73	\$272.73	43.75%	\$267.24	\$266.07	-0.44%
The Garden Room	\$112.46	\$57.82	-48.59%	\$15.44	\$96.77	526.75%	\$93.71	\$162.74	73.66%	\$26.96	\$7.98	-70.40%	\$12.75	\$40.33	216.31%	\$62.01	\$54.25	-12.51%
Theo's	\$976.00	\$1,116.00	14.34%	\$930.00	\$782.00	-15.91%	\$843.00	\$901.00	6.88%	\$672.00	\$723.00	7.59%	\$888.00	\$777.02	-12.50%	\$799.00	\$895.49	12.08%
U. S. Pizza Company	\$698.50	\$920.00	31.71%	\$658.50	\$630.00	-4.33%	\$583.00	\$681.00	16.81%	\$569.00	\$598.50	5.18%	\$633.00	\$638.00	0.79%	\$682.50	\$659.00	-3.44%
Wasabi	\$767.00	\$1,167.00	52.15%	\$751.00	\$911.00	21.30%	\$688.00	\$916.00	33.14%	\$734.00	\$965.00	31.47%	\$906.00	\$1,009.00	11.37%	\$930.00	\$1,135.00	22.04%
Willy D's	\$379.00	\$454.00	19.79%	\$265.50	\$223.00	-16.01%	\$165.00	\$298.00	80.61%	\$231.00	\$224.86	-2.66%	\$392.50	\$297.00	-24.33%	\$292.00		-100.00%
Wine Keller	\$155.31	\$143.09	-7.87%	\$196.04	\$161.18	-17.78%	\$121.12	\$184.70	52.49%	\$104.66	\$124.08	18.56%	\$121.26	\$160.36	32.24%	\$153.21	\$198.84	29.78%
Yancey's Dickson Street Dogs	\$22.48	\$57.83	157.25%	\$13.32	\$39.62	197.45%	\$5.01	\$38.13	661.08%	\$0.00	\$11.43	100.00%	\$4.26	\$17.46	309.86%	\$36.02	\$26.44	-26.60%
Yazzetti's	\$4.52	\$7.50	65.93%	\$3.57	\$2.55	-28.57%	\$3.30	\$4.86	47.27%	\$2.84	\$0.00	-100.00%	\$1.38	\$2.61	89.13%	\$4.31	\$6.68	54.99%
You Know?? Uno!!	\$78.05	\$108.00	38.37%	\$56.93	\$48.00	-15.69%	\$64.36	\$60.00	-6.77%	\$63.92	\$64.00	0.13%	\$88.98	\$67.00	-24.70%	\$69.60	\$73.00	4.89%
Zooloos	\$83.00	\$49.00	-40.96%	\$60.00	\$38.00	-36.67%	\$41.00	\$29.00	-29.27%	\$43.00	\$31.00	-27.91%	\$55.00	\$55.00	0.00%	\$31.00	\$46.00	48.39%
Grand Total	\$19,053.75	\$22,463.31	17.89%	\$16,638.39	\$14,837.72	-10.82%	\$15,057.83	\$15,239.13	1.20%	\$12,886.35	\$13,758.93	6.77%	\$17,287.69	\$15,693.64	-9.22%	\$17,045.65	\$15,362.17	-9.88%

Dickson Street

(These businesses are either new, closed, or have not submitted the latest report.)

Business	Oct-09	Oct-10	Oct %	Nov-09	Nov-10	Nov %	Dec-09	Dec-10	Dec %	Jan-10	Jan-11	Jan %	Feb-10	Feb-11	Feb %	Mar-10	Mar-11	Mar %
Big Momma's Coffee & Espresso Bar LLC/Dickson		\$26.06	100.00%		\$25.88	100.00%		\$21.81	100.00%	\$0.00	\$18.65	100.00%	\$0.00	\$16.03	100.00%	\$0.00	\$23.28	100.00%
Blue Fin Sushi & Bar	\$86.00	\$43.47	-49.45%	\$86.00		-100.00%	\$95.42		-100.00%	\$118.85		-100.00%	\$108.00		-100.00%	\$87.00		-100.00%
Clubhaus Fitness Center	\$12.50	\$23.00	84.00%	\$10.33	\$24.50	137.17%	\$12.00	\$26.00	116.67%	\$15.00	\$27.50	83.33%	\$19.00		-100.00%	\$25.00		-100.00%
El Sancho Mexican Restaurant & Tequila Bar		\$392.00	100.00%		\$209.00	100.00%	\$0.00	\$168.00	100.00%	\$0.00	\$24.00	100.00%	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	0.00%
Farrell's Bar & Grill		\$925.00	100.00%		\$609.00	100.00%		\$614.00	100.00%		\$796.00	100.00%		\$709.00	100.00%		\$749.00	100.00%
Moonberries Frozen Yogurt		\$226.28	100.00%		\$0.00	0.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%	\$216.06		-100.00%
On The Rocks Patio & Grill	\$0.00		0.00%	\$0.00		0.00%			0.00%			0.00%			0.00%			0.00%
Orange Mango Frozen Yogurt			0.00%		\$141.51	100.00%		\$156.52	100.00%		\$173.23	100.00%		\$171.78	100.00%		\$284.54	100.00%
Railhead Saloon□c/o LaBodega, LLC	\$129.41		-100.00%	\$82.25		-100.00%			0.00%			0.00%			0.00%			0.00%
Rock Bottom at West End		\$407.00	100.00%		\$72.00	100.00%	\$0.00	\$19.00	100.00%	\$0.00	\$53.00	100.00%	\$0.00	\$87.00	100.00%	\$0.00	\$101.00	100.00%
Sunrise Café Off Dickson (closed)	\$140.44	\$291.15	107.31%	\$173.76	\$94.19	-45.79%	\$118.33	\$32.01	-72.95%	\$107.47		-100.00%	\$139.36		-100.00%	\$143.49		-100.00%
Waffle House																		0.00%
WOW Japanese Bistro	\$195.00		-100.00%	\$186.64		-100.00%	\$146.00		-100.00%	\$161.00		-100.00%	\$125.00		-100.00%			0.00%
Grand Total	\$563.35	\$2,333.96	314.30%	\$538.98	\$1,176.08	118.20%	\$371.75	\$1,037.34	179.04%	\$402.32	\$1,092.38	171.52%	\$391.36	\$983.81	151.38%	\$471.55	\$1,157.82	145.53%
Total for All Businesses	\$19,617.10	\$24,797.27	26.41%	\$17,177.37	\$16,013.80	-6.77%	\$15,429.58	\$16,276.47	5.49%	\$13,288.67	\$14,851.31	11.76%	\$17,679.05	\$16,677.45	-5.67%	\$17,517.20	\$16,519.99	-5.69%

Square

These numbers are preliminary. This report is subject to change.

Business	Oct-09	Oct-10	Oct %	Nov-09	Nov-10	Nov %	Dec-09	Dec-10	Dec %	Jan-10	Jan-11	Jan %	Feb-10	Feb-11	Feb %	Mar-10	Mar-11	Mar %
A Taste of Thai	\$297.00	\$433.50	45.96%	\$297.00	\$407.92	37.35%	\$305.00	\$454.43	48.99%	\$297.00	\$408.81	37.65%	\$381.00	\$349.11	-8.37%	\$583.00	\$478.48	-17.93%
Damgoode Pies c/o Maxwell Investments,	\$845.00	\$762.00	-9.82%	\$742.00	\$633.00	-14.69%	\$802.00	\$781.00	-2.62%	\$680.00	\$674.00	-0.88%	\$637.00	\$612.00	-3.92%	\$651.00	\$669.00	2.76%
Hugo's Restaurant	\$1,051.00	\$969.00	-7.80%	\$958.00	\$958.00	0.00%	\$1,057.00	\$1,133.00	7.19%	\$826.00	\$788.00	-4.60%	\$911.00	\$845.00	-7.24%	\$991.00	\$950.00	-4.14%
Little Bread Company	\$96.00	\$92.00	-4.17%	\$84.00	\$84.00	0.00%	\$84.70	\$114.00	34.59%	\$88.20	\$86.00	-2.49%	\$109.67	\$104.00	-5.17%	\$148.00		-100.00%
Loafin Joe's	\$392.00	\$425.00	8.42%	\$369.00	\$347.00	-5.96%	\$355.00	\$346.00	-2.54%	\$360.00	\$345.00	-4.17%	\$375.00	\$336.00	-10.40%	\$392.00	\$378.00	-3.57%
Petra Café, LLC	\$73.21	\$82.00	12.01%	\$60.30	\$71.00	17.74%	\$50.64	\$60.00	18.48%	\$66.28	\$70.00	5.61%	\$77.64	\$62.00	-20.14%	\$77.93	\$85.00	9.07%
Stay Inn Style	\$39.00	\$47.00	20.51%	\$28.00	\$11.00	-60.71%	\$13.00	\$9.00	-30.77%	\$5.00	\$0.00	-100.00%	\$24.00	\$22.00	-8.33%	\$20.00	\$10.00	-50.00%
The Cosmopolitan Hotel	\$1,894.28	\$2,050.94	8.27%	\$1,990.97	\$992.38	-50.16%	\$1,358.99	\$1,086.41	-20.06%	\$1,089.04	\$669.35	-38.54%	\$1,202.45	\$946.86	-21.26%	\$1,562.34	\$834.40	-46.59%
Tiny Tim's Pizza West Mtn Brewing Compa	\$582.00	\$552.00	-5.15%	\$590.00	\$530.00	-10.17%	\$845.00	\$880.00	4.14%	\$445.00	\$427.00	-4.04%	\$481.00	\$396.00	-17.67%	\$498.00	\$425.00	-14.66%
Uncle Gaylord's/David's Restaurant	\$88.11	\$189.29	114.83%	\$84.28	\$101.63	20.59%	\$59.96	\$91.53	52.65%	\$47.29	\$61.16	29.33%	\$66.86	\$64.63	-3.34%	\$53.60		-100.00%
Grand Total	\$5,357.60	\$5,602.73	4.58%	\$5,203.55	\$4,135.93	-20.52%	\$4,931.29	\$4,955.37	0.49%	\$3,903.81	\$3,529.32	-9.59%	\$4,265.62	\$3,737.60	-12.38%	\$4,976.87	\$3,829.88	-23.05%

Square

(These businesses are either new, closed, or have not submitted the latest report.)

Business	Oct-09	Oct-10	Oct %	Nov-09	Nov-10	Nov %	Dec-09	Dec-10	Dec %	Jan-10	Jan-11	Jan %	Feb-10	Feb-11	Feb %	Mar-10	Mar-11	Mar %
Bliss Cupcake Café, LLC	\$0.00	\$26.56	100.00%	\$18.78	\$28.99	54.37%	\$35.40	\$30.58	-13.62%	\$32.88	\$105.63	221.26%	\$37.11	\$115.29	210.67%	\$30.58	\$158.99	419.91%
Hjem Restaurant		\$168.00	100.00%		\$155.50	100.00%	\$0.00	\$225.00	100.00%	\$0.00	\$126.00	100.00%	\$0.00	\$128.00	100.00%	\$0.00	\$199.00	100.00%
Mariachi's Mexican Grill	\$164.00		-100.00%	\$159.00		-100.00%			0.00%			0.00%			0.00%			0.00%
Oseguera Mexican Steakhouse	\$0.00	\$62.00	100.00%	\$0.00	\$60.00	100.00%	\$0.00	\$61.00	100.00%	\$139.00	\$60.80	-56.26%	\$140.00	\$74.00	-47.14%	\$106.00	\$65.00	-38.68%
Whole Earth Organic Lounge		\$138.74	100.00%		\$116.07	100.00%	\$0.00	\$79.12	100.00%	\$0.00	\$88.09	100.00%	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	0.00%
Grand Total	\$164.00	\$395.30	141.04%	\$177.78	\$360.56	102.81%	\$35.40	\$395.70	1017.80%	\$171.88	\$380.52	121.39%	\$177.11	\$317.29	79.15%	\$136.58	\$422.99	209.70%

Total for All Businesses	\$5,521.60	\$5,998.03	8.63%	\$5,381.33	\$4,496.49	-16.44%	\$4,966.69	\$5,351.07	7.74%	\$4,075.69	\$3,909.84	-4.07%	\$4,442.73	\$4,054.89	-8.73%	\$5,113.45	\$4,252.87	-16.83%
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Mall Area/Northside

These numbers are preliminary. This report is subject to change.

Business	Oct-09	Oct-10	Oct %	Nov-09	Nov-10	Nov %	Dec-09	Dec-10	Dec %	Jan-10	Jan-11	Jan %	Feb-10	Feb-11	Feb %	Mar-10	Mar-11	Mar %
Applebee's Neighborhood Grill /Bar	\$825.60	\$1,054.30	27.70%	\$931.61	\$1,003.31	7.70%	\$1,439.26	\$1,372.23	-4.66%	\$998.88	\$1,061.45	6.26%	\$1,199.97	\$1,061.65	-11.53%	\$1,320.12	\$1,327.82	0.58%
Arby's #7745/Mall	\$617.57	\$577.79	-6.44%	\$550.33	\$566.76	2.99%	\$660.49	\$705.42	6.80%	\$493.55	\$585.12	18.55%	\$537.10	\$524.67	-2.31%	\$584.51	\$691.58	18.32%
Arkansas Music Pavilion, Inc.	\$0.00	\$371.00	100.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	0.00%
Barnes & Noble Super Stores	\$214.80	\$202.77	-5.60%	\$217.30	\$232.09	6.81%	\$421.51	\$473.68	12.38%	\$173.01	\$135.93	-21.43%	\$256.57	\$220.60	-14.02%	\$229.20	\$235.93	2.94%
Buffalo Wild Wings	\$1,626.94	\$1,796.57	10.43%	\$1,453.43	\$1,461.36	0.55%	\$1,494.37	\$1,669.92	11.75%	\$1,518.34	\$1,589.92	4.71%	\$1,504.18	\$1,477.98	-1.74%	\$1,573.58	\$1,561.94	-0.74%
Burger Krazy❑Bhi Krazy Enterprises Inc.	\$60.00	\$55.00	-8.33%	\$84.00	\$70.00	-16.67%	\$89.00	\$105.00	17.98%	\$50.00	\$49.00	-2.00%	\$56.00	\$54.00	-3.57%	\$60.00	\$58.00	-3.33%
Chick-Fil-A (NW Village)	\$2,945.67	\$3,106.79	5.47%	\$2,645.89	\$2,948.38	11.43%	\$2,988.29	\$3,342.64	11.86%	\$2,194.35	\$2,645.44	20.56%	\$2,488.01	\$2,393.35	-3.80%	\$2,853.21	\$3,163.48	10.87%
Chick-Fil-A (NWA Mall)	\$605.54	\$607.93	0.39%	\$624.17	\$689.78	10.51%	\$1,028.16	\$1,002.95	-2.45%	\$569.83	\$577.79	1.40%	\$617.62	\$579.16	-6.23%	\$655.23	\$663.52	1.27%
Chili's Restaurant #906❑Brinker's Arkansas, Inc.	\$1,994.80	\$2,091.47	4.85%	\$1,690.11	\$1,578.24	-6.62%	\$1,628.01	\$1,698.77	4.35%	\$2,031.40	\$2,128.05	4.76%	\$1,735.53	\$1,870.16	7.76%	\$1,758.93	\$1,696.28	-3.56%
Ci Ci's Pizza❑TJR Foods, Inc.	\$1,028.00	\$1,121.00	9.05%	\$1,029.00	\$1,097.00	6.61%	\$1,303.00	\$1,424.00	9.29%	\$984.00	\$1,080.00	9.76%	\$1,063.00	\$1,037.00	-2.45%	\$1,488.00	\$1,539.00	3.43%
Cold Stone Creamery	\$233.20	\$217.97	-6.53%	\$201.81	\$169.45	-16.03%	\$158.50	\$173.61	9.53%	\$174.49	\$181.97	4.29%	\$243.67	\$193.72	-20.50%	\$285.66	\$282.21	-1.21%
Colton's Steakhouse & Grill	\$761.00	\$812.00	6.70%	\$812.00	\$797.00	-1.85%	\$1,011.00	\$1,057.00	4.55%	\$863.00	\$804.00	-6.84%	\$950.00	\$950.00	0.00%	\$1,154.00	\$1,097.00	-4.94%
Courtyard by Marriott	\$2,293.08	\$2,982.05	30.05%	\$2,432.32	\$2,349.93	-3.39%	\$1,293.10	\$1,386.54	7.23%	\$1,338.95	\$1,187.31	-11.33%	\$2,538.61	\$2,907.38	14.53%	\$2,042.29	\$1,725.59	-15.51%
Dixie Cafe #113	\$1,087.00	\$1,217.00	11.96%	\$556.00	\$664.00	19.42%	\$561.00	\$598.00	6.60%	\$523.00	\$544.00	4.02%	\$529.00	\$527.00	-0.38%	\$637.00	\$652.00	2.35%
Edible Arrangements	\$140.00	\$138.25	-1.25%	\$122.69	\$136.41	11.18%	\$186.92	\$224.77	20.25%	\$106.07	\$120.89	13.97%	\$311.84	\$341.55	9.53%	\$166.75		-100.00%
Fairfield Inn❑Tharaldson Enterp.	\$936.33	\$1,136.94	21.43%	\$784.96	\$718.14	-8.51%	\$415.76	\$431.82	3.86%	\$500.63	\$674.45	34.72%	\$667.87	\$783.82	17.36%	\$864.62	\$674.24	-22.02%
Firehouse Subs - (Augustine)	\$358.00	\$392.00	9.50%	\$199.92	\$364.00	82.07%	\$355.00	\$412.00	16.06%	\$349.80	\$400.00	14.35%	\$383.05	\$349.00	-8.89%	\$374.00	\$431.00	15.24%
Gardner's Sno Biz	\$97.27	\$84.73	-12.89%	\$88.13	\$84.22	-4.44%	\$143.05	\$134.72	-5.82%	\$77.68	\$71.06	-8.52%	\$104.88	\$70.66	-32.63%	\$98.99	\$92.35	-6.71%
Golden Corral	\$2,553.26	\$2,593.99	1.60%	\$2,525.14	\$2,482.57	-1.69%	\$2,373.07	\$2,483.23	4.64%	\$2,139.14	\$2,309.84	7.98%	\$2,755.58	\$2,442.10	-11.38%	\$2,632.81	\$2,446.71	-7.07%
Great American Cookies (name changed to The Coo	\$345.59	\$361.17	4.51%	\$294.66	\$332.67	12.90%	\$487.55	\$513.24	5.27%	\$276.11		-100.00%	\$458.26		-100.00%	\$370.52		-100.00%
Hillbilly Holler❑d/b/a Lokomotion	\$9.00	\$13.00	44.44%	\$11.49	\$4.00	-65.19%	\$3.40	\$4.41	29.71%	\$11.00	\$6.00	-45.45%	\$71.00	\$8.00	-20.00%	\$15.35		-100.00%
Hooters of Fayetteville, Inc.	\$1,040.00	\$1,120.50	7.74%	\$865.00	\$822.64	-4.90%	\$938.00	\$938.04	0.00%	\$889.00	\$790.91	-11.03%	\$996.00	\$787.70	-20.91%	\$1,035.00	\$840.02	-18.84%
Jason's Deli	\$1,517.00	\$1,730.00	14.04%	\$1,401.00	\$1,447.00	3.28%	\$1,476.00	\$1,526.00	3.39%	\$1,340.00	\$1,520.00	13.43%	\$1,474.00	\$1,298.00	-11.94%	\$1,633.00	\$1,713.00	4.90%
Kobe Japanese Restaurant Inc.	\$498.00	\$502.00	0.80%	\$476.00	\$479.00	0.63%	\$601.00	\$547.00	-8.99%	\$581.00	\$553.00	-4.82%	\$647.00	\$496.00	-23.34%	\$572.00	\$530.00	-7.34%
Latte Da	\$63.27	\$51.22	-19.05%	\$44.82	\$63.08	40.74%	\$53.42	\$56.06	4.94%	\$53.60	\$35.77	-33.26%	\$61.21	\$33.60	-45.11%	\$76.77	\$47.54	-38.07%
Lenny's Sub Shop❑c/o SebmIt Inc.	\$319.00	\$371.00	16.30%	\$308.00	\$318.00	3.25%	\$323.00	\$342.00	5.88%	\$272.00	\$314.00	15.44%	\$311.00	\$272.00	-12.54%	\$331.00	\$375.00	13.29%
Logan's Roadhouse Restaurant	\$2,449.10	\$2,431.54	-0.72%	\$1,965.23	\$1,775.02	-9.68%	\$2,231.64	\$2,254.10	1.01%	\$2,593.94	\$2,572.48	-0.83%	\$2,473.46	\$2,096.33	-15.25%	\$2,286.59	\$2,001.17	-12.48%
Louie's Grill & Bar	\$1,231.82	\$1,295.81	5.19%	\$1,061.89	\$975.90	-8.10%	\$1,081.28	\$1,088.36	0.65%	\$1,196.84	\$1,085.23	-9.33%	\$1,086.50	\$917.85	-15.52%	\$1,181.28	\$968.26	-18.03%
Mariachi's Mexican Grill	\$164.00	\$121.53	-25.90%	\$159.00	\$96.20	-39.50%	\$52.00	\$123.85	138.17%	\$0.00	\$108.77	100.00%	\$0.00	\$115.42	100.00%	\$306.60	\$130.62	-57.40%
Marketplace Express & Burger Life	\$1,076.00	\$1,623.00	50.84%	\$1,069.00	\$1,437.00	34.42%	\$1,317.00	\$1,678.00	27.41%	\$998.00	\$1,312.00	31.46%	\$1,063.00	\$1,082.00	1.79%	\$1,142.00	\$1,298.00	13.66%
McAlister's Deli of NWA	\$1,005.00	\$1,108.00	10.25%	\$903.00	\$1,002.00	10.96%	\$991.00	\$1,120.00	13.02%	\$811.00	\$1,005.00	23.92%	\$970.00	\$843.00	-13.09%	\$1,016.00	\$1,076.00	5.91%
McDonald's Joyce # 13440-Joyce	\$2,367.00	\$2,374.00	0.30%	\$2,210.00	\$2,318.00	4.89%	\$2,372.00	\$2,365.00	-0.30%	\$1,912.00	\$1,965.00	2.77%	\$2,054.00	\$1,977.00	-3.75%	\$2,185.00	\$2,423.00	10.89%
Mellow Mushroom	\$1,069.00	\$1,127.00	5.43%	\$953.00	\$875.00	-8.18%	\$1,030.00	\$1,007.00	-2.23%	\$959.00	\$1,019.00	6.26%	\$959.00	\$890.00	-7.19%	\$1,020.00	\$1,176.00	15.29%
Mojitos Mexican Grill	\$730.00	\$938.00	28.49%	\$704.00	\$849.00	20.60%	\$827.00	\$973.00	17.65%	\$760.00	\$916.00	20.53%	\$832.00	\$840.00	0.96%	\$884.00	\$966.00	9.28%
Neighborhood News	\$87.00	\$105.00	20.69%	\$88.00	\$114.00	29.55%	\$129.00	\$179.00	38.76%	\$97.00	\$98.00	1.03%	\$100.00	\$116.00	16.00%	\$118.00	\$120.00	1.69%
Noodles Italian Kitchen	\$1,818.00	\$1,945.00	6.99%	\$1,824.00	\$1,702.00	-6.69%	\$2,061.00	\$2,212.00	7.33%	\$1,519.00	\$1,627.00	7.11%	\$1,811.00	\$1,640.00	-9.44%	\$1,747.00	\$1,730.00	-0.97%
OK China Buffet Inc.	\$507.08	\$489.14	-3.54%	\$489.34	\$454.64	-7.09%	\$567.06	\$545.44	-3.81%	\$508.02	\$517.50	1.87%	\$559.89	\$533.36	-4.74%	\$528.82	\$548.51	3.72%
Olive Garden Italian Restaurant #1590	\$2,634.96	\$2,808.75	6.60%	\$2,509.61	\$2,615.07	4.20%	\$3,723.08	\$3,907.96	4.97%	\$2,547.38	\$2,820.95	10.74%	\$3,332.47	\$2,917.07	-12.47%	\$3,462.90	\$3,545.60	2.39%
Panera Bread	\$1,625.67	\$1,729.85	6.41%	\$1,494.24	\$1,534.19	2.67%	\$1,537.34	\$1,660.77	8.03%	\$1,358.51	\$1,487.46	9.49%	\$1,476.62	\$1,258.54	-14.77%	\$1,558.09	\$1,514.04	-2.83%
Paradise Valley Athletic Club	\$15.47	\$28.88	86.68%	\$19.12	\$16.53	-13.55%	\$8.85	\$15.07	70.28%	\$8.17	\$9.74	19.22%	\$9.92	\$10.54	6.25%	\$21.97	\$18.91	-13.93%
Razorback Twelve Cinema❑Malco Theatres, Inc.	\$1,308.00	\$980.95	-25.00%	\$1,683.62	\$1,444.60	-14.20%	\$2,389.43	\$2,056.90	-13.92%	\$1,561.88	\$1,284.34	-17.77%	\$1,450.18	\$1,199.45	-17.29%	\$1,435.96	\$1,679.48	16.96%
Red Lobster #402❑GMRI, Inc.	\$2,115.21	\$2,163.49	2.28%	\$1,841.13	\$1,927.52	4.69%	\$2,748.69	\$2,891.08	5.18%	\$2,106.34	\$2,447.18	16.18%	\$2,954.28	\$2,636.62	-10.75%	\$3,093.40	\$3,183.63	2.92%
Red Robin Gourmet Burgers	\$1,450.98	\$1,757.37	21.12%	\$739.31	\$817.79	10.62%	\$760.00	\$850.91	11.96%	\$841.84	\$885.85	5.23%	\$837.30	\$859.08	2.60%	\$1,065.40	\$1,072.45	0.66%
Sbarro America, Inc. #596	\$296.28	\$352.03	18.82%	\$370.20	\$394.48	6.56%	\$626.91	\$622.99	-0.63%	\$301.93	\$319.04	5.67%	\$402.98	\$335.18	-16.82%	\$375.25	\$383.88	2.30%
SFNU 88 Arkansas, LLC	\$388.41	\$495.15	27.48%	\$355.60	\$502.39	41.28%	\$520.73	\$817.39	56.97%	\$512.15	\$433.25	-15.41%	\$405.15	\$472.04	16.51%	\$422.12	\$505.10	19.66%
Shogun Japanese Steak & Sushi	\$1,806.00	\$2,186.00	21.04%	\$1,735.00	\$1,989.00	14.64%	\$2,504.00	\$2,608.00	4.15%	\$1,819.00	\$2,095.00	15.17%	\$2,440.00	\$2,159.00	-11.52%	\$2,153.00	\$2,272.00	5.53%
Sleep Inn❑Tharaldson Enterp.	\$525.01	\$752.55	43.34%	\$426.54	\$320.62	-24.83%	\$324.13	\$263.61	-18.67%	\$351.19	\$319.40	-9.05%	\$406.31	\$501.02	23.31%	\$453.07	\$366.64	-19.08%
Sonic Drive In - Johnson	\$722.00	\$733.50	1.59%	\$685.50	\$657.00	-4.16%	\$691.00	\$705.50	2.10%	\$554.00	\$606.50	9.48%	\$624.00	\$559.00	-10.42%	\$721.50	\$818.00	13.37%
Starbucks Coffee #10483	\$1,006.79	\$941.09	-6.53%	\$1,007.45	\$1,143.60	13.51%	\$1,421.55	\$1,504.48	5.83%	\$1,002.38	\$980.57	-2.18%	\$894.41	\$885.68	-0.98%	\$1,161.78	\$1,241.98	6.90%
Steak N Shake	\$777.74	\$992.42	27.60%	\$850.38	\$894.24	5.16%	\$988.09	\$1,143.75	15.75%	\$768.47	\$1,056.44	37.47%	\$926.80	\$984.30	6.20%	\$923.57	\$1,118.05	21.06%
Subway #4-Wedington	\$148.00	\$164.00	10.81%	\$148.00	\$178.00	20.27%	\$152.00	\$167.00	9.87%	\$147.00	\$166.00	12.93%	\$156.00	\$117.00	-25.00%	\$210.00	\$242.00	15.24%
Subway #6-Shiloh/Mall	\$192.00	\$187.00	-2.60%	\$199.00	\$269.00	35.18%	\$363.00	\$321.00	-11.57%	\$207.00	\$221.00	6.76%	\$183.00	\$242.00	32.24%	\$266.00	\$338.00	27.07%
Subway #7-Mall Ave.	\$238.00	\$271.00	13.87%	\$270.00	\$316.00	17.04%	\$354.00	\$294.00	-16.95%	\$251.00	\$269.00	7.17%	\$287.00	\$306.00	6.62%	\$358.00	\$384.00	7.26%
Taco Bell #339/Joyce	\$825.52	\$891.36	7.98%	\$816.82	\$846.85	3.68%	\$875.76	\$942.47	7.62%	\$699.99	\$726.92	3.85%	\$758.32	\$644.48	-15.01%	\$837.21	\$817.64	-2.34%
Taco Bell #581/Mall	\$340.30	\$326.69	-4.00%	\$330.29	\$346.30	4.85%	\$507.42	\$481.28	-5.15%	\$301.16	\$293.75	-2.46%	\$351.80	\$280.99	-20.13%	\$334.63	\$332.45	-0.65%

Taco Bueno #8001	\$763.09	\$766.17	0.40%	\$722.58	\$729.11	0.90%	\$828.16	\$870.07	5.06%	\$610.43	\$708.99	16.15%	\$644.83	\$599.97	-6.96%	\$726.15	\$740.87	2.03%
Target	\$138.03	\$122.97	-10.91%	\$150.00	\$145.16	-3.23%	\$241.02	\$223.13	-7.42%	\$113.55	\$111.27	-2.01%	\$141.07	\$120.99	-14.23%	\$185.65	\$165.45	-10.88%
The Cookie Place, Inc. (was Great American Cookie)											\$323.46	100.00%		\$428.93	100.00%		\$396.02	100.00%
Wal-Mart #359 Mall Ave	\$951.98	\$985.53	3.52%	\$900.37	\$968.95	7.62%	\$960.35	\$1,093.23	13.84%	\$806.18	\$918.09	13.88%	\$788.82	\$793.04	0.53%	\$817.30	\$939.06	14.90%
Grand Total	\$52,943.36	\$57,903.21	9.37%	\$49,031.00	\$50,534.19	3.07%	\$56,616.35	\$59,609.39	5.29%	\$46,733.18	\$50,076.08	7.15%	\$53,280.06	\$50,040.98	-6.08%	\$55,810.78	\$56,357.02	0.98%

Mall Area/Northside

(These businesses are either new, closed, or have not submitted the latest report.)

Business	Oct-09	Oct-10	Oct %	Nov-09	Nov-10	Nov %	Dec-09	Dec-10	Dec %	Jan-10	Jan-11	Jan %	Feb-10	Feb-11	Feb %	Mar-10	Mar-11	Mar %
Boi De Ouro, Inc.	\$203.00	\$139.00	-31.53%	\$156.00	\$69.00	-55.77%	\$290.00	\$158.00	-45.52%	\$158.00	\$53.00	-66.46%	\$272.00		-100.00%	\$184.00		-100.00%
Dippin Dots		\$84.00	100.00%		\$77.00	100.00%	\$98.00	\$125.00	27.55%	\$66.00	\$79.00	19.70%	\$92.00	\$95.00	3.26%	\$107.00	\$106.00	-0.93%
El Chico Restaurant #232	\$475.71		-100.00%	\$490.24		-100.00%			0.00%			0.00%			0.00%			0.00%
Frullati Enterprises, Inc.	\$229.18		-100.00%	\$252.00		-100.00%	\$75.00		-100.00%	\$150.00		-100.00%	\$25.00		-100.00%			0.00%
Grub's Uptown			0.00%			0.00%			0.00%			0.00%		\$1,002.82	100.00%		\$1,886.00	100.00%
HuHot Mongolian Grill c/o Sirius Hospitality, LLC			0.00%			0.00%			0.00%		\$797.00	100.00%		\$1,312.00	100.00%		\$1,344.00	100.00%
Northern Exposure			0.00%			0.00%	\$0.00		0.00%	\$0.00	\$438.00	100.00%			0.00%			0.00%
Patron Mexican Grill c/o Masquitán, Inc.	\$312.00		-100.00%	\$508.20		-100.00%	\$256.00		-100.00%	\$305.00		-100.00%	\$245.00		-100.00%	\$342.00		-100.00%
Quiznos Sub - Joyce Blvd. (Closed)	\$94.27	\$110.45	17.16%	\$97.53	\$103.97	6.60%	\$91.24	\$128.98	41.36%	\$88.90		-100.00%	\$102.09		-100.00%	\$137.28		-100.00%
Slim Chicken's #8 NEW			0.00%			0.00%			0.00%			0.00%			0.00%			0.00%
TGI Fridays	\$1,398.00		-100.00%	\$1,387.00		-100.00%			0.00%			0.00%			0.00%			0.00%
Grand Total	\$2,712.16	\$333.45	-87.71%	\$2,890.97	\$249.97	-91.35%	\$810.24	\$411.98	-49.15%	\$767.90	\$1,367.00	78.02%	\$736.09	\$2,409.82	227.38%	\$770.28	\$3,336.00	333.09%
Total All Businesses	\$55,655.52	\$58,236.66	4.64%	\$51,921.97	\$50,784.16	-2.19%	\$57,426.59	\$60,021.37	4.52%	\$47,501.08	\$51,443.08	8.30%	\$54,016.15	\$52,450.80	-2.90%	\$56,581.06	\$59,693.02	5.50%

West Side

These numbers are preliminary. This report is subject to change.

Business	Oct-09	Oct-10	Oct %	Nov-09	Nov-10	Nov %	Dec-09	Dec-10	Dec %	Jan-10	Jan-11	Jan %	Feb-10	Feb-11	Feb %	Mar-10	Mar-11	Mar %
112 Drive In Theatre	\$25.00	\$23.00	-8.00%	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	0.00%		\$0.00	0.00%	\$0.00	\$0.00	0.00%	\$8.18	\$0.00	-100.00%
3 Spoons Yogurt of Fayetteville, LLC			0.00%			0.00%		\$86.90	100.00%		\$130.59	100.00%		\$119.82	100.00%		\$150.13	100.00%
Bariola's Pizza (was Guido's Pizza)			0.00%			0.00%		\$298.60	100.00%		\$262.00	100.00%		\$232.25	100.00%		\$233.00	100.00%
Betty Jo's Korner	\$7.00	\$4.00	-42.86%	\$5.00	\$3.00	-40.00%	\$5.00	\$2.00	-60.00%	\$4.00	\$2.00	-50.00%	\$7.00	\$2.00	-71.43%	\$4.00	\$2.00	-50.00%
Boars Nest BBQ	\$67.00	\$541.00	707.46%	\$228.00	\$502.00	120.18%	\$214.50	\$371.00	72.96%	\$383.50	\$361.00	-5.87%	\$489.50	\$334.00	-31.77%	\$423.00		-100.00%
By Pass Mini MartDVJ Enterprises, Inc.	\$85.05	\$78.04	-8.24%	\$61.08	\$65.01	6.43%	\$61.38	\$58.39	-4.87%	\$47.67	\$53.01	11.20%	\$49.63	\$43.67	-12.01%	\$59.70	\$60.58	1.47%
Catfish Hole #3	\$1,950.71	\$2,147.00	10.06%	\$1,633.71	\$1,747.46	6.96%	\$1,558.14	\$1,930.30	23.88%	\$1,412.34	\$1,723.37	22.02%	\$1,986.00	\$1,775.05	-10.62%	\$1,806.69	\$2,236.40	23.78%
Chubber Sr.'s Chili Dog Palace			0.00%		\$0.00	0.00%		\$2.27	100.00%		\$2.79	100.00%		\$3.98	100.00%		\$0.98	100.00%
Comfort Inn - FayettevilleGrewl Properties, LLC	\$875.00	\$917.00	4.80%	\$521.00	\$480.00	-7.87%	\$233.00	\$293.00	25.75%	\$300.00	\$202.00	-32.67%	\$435.00	\$291.00	-33.10%	\$571.00	\$220.00	-61.47%
Country Inn Suites	\$629.00	\$864.00	37.36%	\$499.00	\$393.00	-21.24%	\$213.00	\$167.00	-21.60%	\$303.00	\$258.00	-14.85%	\$327.00	\$448.00	37.00%	\$595.35	\$559.00	-6.11%
Domino's Pizza/Garland	\$528.00	\$1,434.00	171.59%	\$944.00	\$705.00	-25.32%	\$619.00	\$618.00	-0.16%	\$729.00	\$711.00	-2.47%	\$731.00	\$797.00	9.03%	\$620.00	\$699.00	12.74%
Elenita's Mexican Café-Lindell Ave.	\$115.41	\$128.91	11.70%	\$153.26	\$151.44	-1.19%	\$156.36	\$134.78	-13.80%	\$125.65	\$115.15	-8.36%	\$111.36	\$115.48	3.70%	\$143.02	\$151.80	6.14%
Event Group Catering Division, Inc./Gregg	\$378.08	\$275.83	-27.04%	\$209.44	\$220.75	5.40%	\$398.53	\$304.09	-23.70%	\$55.88	\$70.90	26.88%	\$27.21	\$221.28	713.23%	\$189.53	\$89.14	-52.97%
Fast Trax #4	\$1.89	\$1.23	-34.92%	\$1.77	\$0.25	-85.88%	\$0.89		-100.00%	\$1.04		-100.00%	\$1.15		-100.00%	\$0.75		-100.00%
Flash Market, Inc. #189/Wedington	\$30.56	\$24.82	-18.78%	\$29.62	\$21.98	-25.79%	\$31.90	\$25.25	-20.85%	\$23.48	\$18.38	-21.72%	\$20.22	\$15.48	-23.44%	\$21.34	\$18.77	-12.04%
Green Submarine (The)		\$98.27	100.00%		\$103.27	100.00%	\$0.00	\$126.28	100.00%	\$0.00	\$135.19	100.00%	\$0.00	\$152.65	100.00%	\$0.00	\$271.37	100.00%
Guido's Pizza II (name changed to Bariola's)	\$346.00	\$418.50	20.95%	\$362.00	\$358.00	-1.10%	\$339.00	\$298.60	-11.92%	\$348.70		-100.00%	\$280.00		-100.00%	\$363.00		-100.00%
Gusano's Chicago Style Pizzeria	\$703.64	\$814.21	15.71%	\$642.91	\$699.98	8.88%	\$604.63	\$763.91	26.34%	\$694.33	\$747.90	7.72%	\$687.66	\$698.45	1.57%	\$686.15	\$771.40	12.42%
Hog's Breath Eatery	\$39.23	\$37.97	-3.21%	\$40.02	\$39.54	-1.20%	\$37.50	\$37.83	0.88%	\$41.10	\$38.21	-7.03%	\$48.07	\$36.72	-23.61%	\$39.29	\$41.20	4.86%
Holiday Inn ExpressPMK Investment, Inc.	\$1,535.00	\$1,909.50	24.40%	\$1,116.00	\$1,064.00	-4.66%	\$654.00	\$782.00	19.57%	\$869.00	\$867.00	-0.23%	\$1,137.00	\$986.00	-13.28%	\$1,373.00	\$1,278.00	-6.92%
Homewood Suites	\$1,239.00	\$2,013.00	62.47%	\$811.00	\$1,182.00	45.75%	\$485.00	\$811.00	67.22%	\$617.00	\$986.00	59.81%	\$857.00	\$1,121.00	30.81%	\$1,241.00	\$1,293.00	4.19%
Hunan Manor	\$706.00	\$694.00	-1.70%	\$669.00	\$716.00	7.03%	\$646.00	\$786.75	21.79%	\$627.00	\$734.00	17.07%	\$710.00	\$733.00	3.24%	\$706.00	\$791.00	12.04%
International House of Pancakes	\$1,082.00	\$1,302.00	20.33%	\$1,187.00	\$1,333.00	12.30%	\$1,311.00	\$1,477.00	12.66%	\$1,084.00	\$1,160.00	7.01%	\$1,235.00	\$1,241.00	0.49%	\$1,584.00	\$1,629.00	2.84%
JJ's Grill-N-Chill	\$1,223.00	\$1,261.00	3.11%	\$1,033.00	\$902.00	-12.68%	\$949.00	\$984.00	3.69%	\$931.00	\$970.00	4.19%	\$931.00	\$1,003.00	7.73%	\$1,056.00	\$1,096.00	3.79%
Kwikit Food Store, Inc. (Closed)	\$2.23		-100.00%	\$1.97		-100.00%	\$1.90		-100.00%	\$1.30		-100.00%	\$1.34		-100.00%	\$1.00		-100.00%
Links at Fayetteville	\$43.00	\$151.00	251.16%	\$28.00	\$24.00	-14.29%	\$0.00	\$6.00	100.00%	\$4.00	\$2.00	-50.00%	\$6.00	\$0.00	-100.00%	\$8.00	\$5.00	-37.50%
Links Golf & Country Club	\$3.68	\$5.53	50.27%	\$2.75	\$2.19	-20.36%	\$1.48	\$1.57	6.08%	\$1.87	\$2.11	12.83%	\$1.22	\$2.65	117.21%	\$5.06	\$4.47	-11.66%
Lucky Luke's BBQ	\$205.42	\$281.40	36.99%	\$191.60	\$216.83	13.17%	\$177.19	\$292.18	64.90%	\$188.40	\$260.65	38.35%	\$176.87	\$270.07	52.69%	\$269.83		-100.00%
Lyn D's Cajun Gypsy Café	\$64.44	\$23.23	-63.95%	\$34.96	\$19.51	-44.19%	\$65.46	\$23.10	-64.71%	\$45.66	\$21.53	-52.85%	\$71.73	\$16.06	-77.61%	\$72.81	\$34.00	-53.30%
McDonald's Wedington #23781	\$1,984.00	\$2,005.00	1.06%	\$1,707.00	\$1,719.00	0.70%	\$1,613.00	\$1,720.00	6.63%	\$1,471.00	\$1,597.00	8.57%	\$1,594.00	\$1,639.00	2.82%	\$1,716.00	\$1,976.00	15.15%
MoJo's Pints & Pieso/o Go Fast, LLC		\$283.74	100.00%		\$254.31	100.00%	\$0.00	\$207.97	100.00%	\$0.00	\$229.57	100.00%	\$0.00	\$227.44	100.00%	\$85.22	\$311.51	265.54%
Mordours Pizza	\$0.00	\$25.88	100.00%	\$0.00	\$33.47	100.00%	\$0.00	\$43.32	100.00%	\$0.00	\$47.97	100.00%	\$0.00	\$45.78	100.00%	\$0.00		0.00%
Mr. Burger #1 R&R Ent.	\$498.00	\$487.00	-2.21%	\$384.00	\$401.00	4.43%	\$351.00	\$470.00	33.90%	\$331.00	\$395.00	19.34%	\$389.00	\$410.00	5.40%	\$407.00	\$596.00	46.44%
North Street Mini Mart	\$25.09	\$27.02	7.69%	\$23.50	\$20.38	-13.28%	\$20.63	\$19.51	-5.43%	\$18.00	\$20.39	13.28%	\$17.92	\$17.38	-3.01%	\$21.80	\$23.20	6.42%
Pizza Hut #2601/Leverett	\$447.28	\$934.39	108.90%	\$357.91	\$556.27	55.42%	\$342.09	\$476.10	39.17%	\$531.76	\$614.44	15.55%	\$479.88	\$599.81	24.99%	\$397.67	\$489.23	23.02%
Restaurant on the Corner (ROTC)	\$134.00	\$202.89	51.41%	\$137.50	\$145.68	5.95%	\$112.20	\$179.12	59.64%	\$0.00	\$147.76	100.00%	\$0.00	\$143.97	100.00%	\$84.00	\$192.45	129.11%
Royal Donut Company	\$84.00	\$38.87	-53.73%	\$79.00	\$44.16	-44.10%	\$81.00	\$43.09	-46.80%	\$61.00	\$38.83	-36.34%	\$68.55	\$63.08	-7.98%	\$58.75	\$56.76	-3.39%
Sam's Club #8209	\$1,306.73	\$1,708.72	30.76%	\$1,472.24	\$1,798.57	22.17%	\$1,527.50	\$2,022.19	32.39%	\$968.84	\$1,400.25	44.53%	\$1,167.21	\$1,304.77	11.79%	\$1,216.43	\$1,572.00	29.23%
Sonic Drive-In #4-Colorado	\$1,207.00	\$1,259.00	4.31%	\$1,127.00	\$1,071.00	-4.97%	\$1,011.00	\$1,057.00	4.55%	\$890.00	\$1,002.00	12.58%	\$1,000.00	\$1,001.00	0.10%	\$1,154.00	\$1,340.00	16.12%
Subway #4-Wedington	\$280.00	\$475.00	69.64%	\$284.00	\$542.00	90.85%	\$306.00	\$422.00	37.91%	\$280.00	\$423.00	51.07%	\$300.00	\$512.00	70.67%	\$447.00	\$663.00	48.32%
Sunrise Café	\$163.76	\$109.23	-33.30%	\$158.64	\$118.33	-25.41%	\$138.16	\$98.70	-28.56%	\$114.05	\$93.50	-18.02%	\$142.04	\$148.02	4.21%	\$148.61	\$109.32	-26.44%
Super Chicken (Closed)			0.00%			0.00%	\$37.24		-100.00%	\$24.66		-100.00%	\$51.45		-100.00%	\$55.19		-100.00%
T3Kila Mexican Restaurant			0.00%			0.00%			0.00%			0.00%			0.00%		\$21.60	100.00%
Taco Bell #340/Colorado	\$1,250.53	\$1,362.93	8.99%	\$1,165.77	\$1,167.35	0.14%	\$1,103.99	\$1,160.83	5.15%	\$1,040.64	\$1,088.06	4.56%	\$1,089.71	\$997.18	-8.49%	\$1,193.79	\$1,171.60	-1.86%
Taqueria Guanajuato			0.00%			0.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%	\$37.80		-100.00%
The Perk II	\$104.00	\$131.00	25.96%	\$99.00	\$110.00	11.11%	\$101.15	\$98.00	-3.11%	\$93.45	\$95.00	1.66%	\$99.00	\$93.00	-6.06%	\$102.00	\$118.00	15.69%
The Pratt Place Inn Restaurant & Lounge, Inc.	\$121.00	\$196.00	61.98%	\$202.00	\$188.00	-6.93%	\$45.00	\$7.00	-84.44%	\$88.00	\$19.00	-78.41%	\$63.00	\$39.00	-38.10%	\$63.00	\$34.00	-46.03%
The Taco Shack Inc	\$152.00	\$137.00	-9.87%	\$133.00	\$145.00	9.02%	\$121.00	\$128.00	5.79%	\$123.00	\$140.00	13.82%	\$139.00	\$124.00	-10.79%	\$144.00	\$168.00	16.67%
Tony C's Bar & Grill	\$89.08	\$78.21	-12.20%	\$84.98	\$81.65	-3.92%	\$83.98	\$62.96	-25.03%	\$83.74	\$83.75	0.01%	\$99.37	\$89.66	-9.77%	\$91.43	\$103.42	13.11%
Grand Total	\$19,731.81	\$24,910.32	26.24%	\$17,821.63	\$19,346.38	8.56%	\$15,758.80	\$18,897.59	19.92%	\$14,958.06	\$17,270.30	15.46%	\$17,028.09	\$18,114.70	6.38%	\$19,271.39	\$20,581.33	6.80%

Martin Luther King

These numbers are preliminary. This report is subject to change.

Business	Oct-09	Oct-10	Oct %	Nov-09	Nov-10	Nov %	Dec-09	Dec-10	Dec %	Jan-10	Jan-11	Jan %	Feb-10	Feb-11	Feb %	Mar-10	Mar-11	Mar %
Arby's #6675-Hwy 62	\$800.05	\$795.35	-0.59%	\$700.31	\$749.22	6.98%	\$669.51	\$751.16	12.20%	\$641.69	\$724.04	12.83%	\$750.73	\$738.10	-1.68%	\$809.50	\$881.23	8.86%
Best Western Winsor Suites	\$774.00	\$1,066.00	37.73%	\$629.00	\$687.00	9.22%	\$401.00	\$532.00	32.67%	\$436.00	\$609.00	39.68%	\$572.00	\$640.00	11.89%	\$706.00	\$845.00	19.69%
Braum's-West #235	\$547.10	\$588.33	7.54%	\$587.41	\$534.38	-9.03%	\$446.54	\$522.04	16.91%	\$438.16	\$515.23	17.59%	\$504.58	\$517.65	2.59%	\$582.67	\$652.61	12.00%
Brenda's Drive In	\$131.00	\$133.82	2.15%	\$111.00	\$105.74	-4.74%	\$90.76	\$95.05	4.73%	\$74.46	\$84.48	13.46%	\$100.28	\$61.00	-39.17%	\$122.62	\$150.10	22.41%
Burger King-Hwy 62-#10614	\$944.00	\$851.00	-9.85%	\$942.00	\$738.00	-21.66%	\$877.00	\$804.00	-8.32%	\$797.81	\$738.00	-7.50%	\$895.00	\$726.00	-18.88%	\$925.00	\$849.00	-8.22%
Burrito Loco (was La San Marquena)											\$95.00	100.00%		\$85.00	100.00%		\$73.00	100.00%
Candlewood Suites	\$905.20	\$1,025.04	13.24%	\$642.51	\$477.50	-25.68%	\$272.69	\$247.53	-9.23%	\$442.15	\$404.33	-8.55%	\$670.08	\$657.88	-1.82%	\$684.18	\$620.81	-9.26%
Charlie's Chicken	\$477.00	\$518.00	8.60%	\$496.00	\$410.00	-17.34%	\$386.00	\$438.00	13.47%	\$380.00	\$393.00	3.42%	\$460.00	\$387.00	-15.87%	\$525.00	\$477.00	-9.14%
Chick-Fil-A (Razorback Road)	\$2,388.97	\$2,569.95	7.58%	\$2,087.09	\$2,359.89	13.07%	\$1,931.37	\$2,275.13	17.80%	\$1,783.08	\$2,096.44	17.57%	\$2,107.22	\$2,097.54	-0.46%	\$2,277.62	\$2,564.40	12.59%
Clarion Inn	\$1,770.00	\$2,257.81	27.56%	\$1,246.00	\$1,120.33	-10.09%	\$909.91	\$852.15	-6.35%	\$1,041.66	\$866.21	-16.84%	\$1,602.51	\$1,276.59	-20.34%	\$1,460.92	\$1,145.75	-21.57%
Denny's #7016□DenArk, Inc.	\$848.00	\$874.10	3.08%	\$880.00	\$850.72	-3.33%	\$914.00	\$852.43	-6.74%	\$708.69	\$647.81	-8.59%	\$870.54	\$774.29	-11.06%	\$1,127.67	\$1,030.05	-8.66%
Firehouse Subs (6th Street)	\$450.00	\$509.00	13.11%	\$243.68	\$402.00	64.97%	\$407.00	\$409.00	0.49%	\$512.60	\$435.00	-15.14%	\$582.30	\$456.00	-21.69%	\$519.00	\$467.00	-10.02%
Flash Market, Inc. #194/MLK	\$25.98	\$24.23	-6.74%	\$23.99	\$22.35	-6.84%	\$22.31	\$20.60	-7.66%	\$17.03	\$16.30	-4.29%	\$15.66	\$16.35	4.41%	\$20.42	\$20.01	-2.01%
Hampton Inn□Generations, Inc.	\$2,075.00	\$2,359.00	13.69%	\$1,464.00	\$1,445.00	-1.30%	\$883.00	\$1,014.00	14.84%	\$1,136.00	\$1,077.00	-5.19%	\$1,446.00	\$1,448.00	0.14%	\$1,769.00	\$1,470.00	-16.90%
Hwy 62 Event Center	\$35.22	\$52.21	48.24%	\$30.83	\$19.38	-37.14%	\$43.28	\$0.00	-100.00%	\$0.00	\$0.00	0.00%	\$11.66	\$0.00	-100.00%	\$12.53	\$0.00	-100.00%
Inta Juice	\$212.60	\$160.53	-24.49%	\$121.79	\$132.31	8.64%	\$88.56	\$123.71	39.69%	\$118.08	\$110.06	-6.79%	\$120.56	\$125.30	3.93%	\$180.76	\$178.65	-1.17%
J.D. China Corporation	\$454.00	\$434.00	-4.41%	\$422.00	\$432.00	2.37%	\$431.00	\$423.00	-1.86%	\$421.00	\$437.00	3.80%	\$481.00	\$430.00	-10.60%	\$465.00	\$509.00	9.46%
Jim's Razorbk Pizza 6th St.-Jim Reaves (O	\$455.00	\$422.00	-7.25%	\$388.00	\$347.00	-10.57%	\$404.00	\$385.00	-4.70%	\$405.00	\$393.00	-2.96%	\$421.00	\$404.00	-4.04%	\$443.00	\$402.00	-9.26%
KFC #142 - 6th Street	\$580.05	\$596.57	2.85%	\$509.29	\$517.88	1.69%	\$505.09	\$533.72	5.67%	\$499.90	\$492.96	-1.39%	\$571.09	\$522.53	-8.50%	\$626.72	\$647.83	3.37%
La San Marquena (name change to Burrito	\$58.00	\$77.00	32.76%	\$47.00	\$89.00	89.36%	\$49.00	\$82.00	67.35%	\$50.00		-100.00%	\$65.00		-100.00%	\$86.00		-100.00%
McDonald's #10937-MLK Blvd.	\$2,077.00	\$2,050.00	-1.30%	\$1,794.00	\$1,746.00	-2.68%	\$1,646.00	\$1,656.00	0.61%	\$1,549.00	\$1,573.00	1.55%	\$1,761.00	\$1,738.00	-1.31%	\$1,850.00	\$1,947.00	5.24%
McDonald's/Walmart #15491-MLK	\$397.00	\$386.00	-2.77%	\$370.00	\$364.00	-1.62%	\$429.00	\$393.00	-8.39%	\$360.00	\$329.00	-8.61%	\$364.00	\$369.00	1.37%	\$365.00	\$355.00	-2.74%
Mexico Viejo	\$1,325.00	\$1,422.00	7.32%	\$1,282.00	\$1,221.00	-4.76%	\$1,304.00	\$1,227.00	-5.90%	\$1,225.00	\$1,274.00	4.00%	\$1,264.00	\$1,345.00	6.41%	\$1,348.00	\$1,412.00	4.75%
Pavilion Buffet, Inc.	\$402.61	\$389.41	-3.28%	\$368.10	\$349.64	-5.01%	\$397.63	\$387.99	-2.42%	\$397.13	\$353.84	-10.90%	\$394.82	\$400.43	1.42%	\$411.71	\$407.41	-1.04%
Pho Quyen Vietnamese Restaurant	\$152.00	\$153.00	0.66%	\$142.10	\$120.75	-15.02%	\$156.80	\$235.33	50.08%	\$138.60	\$230.43	66.26%	\$148.50	\$216.00	45.45%	\$138.73	\$227.91	64.28%
Popeye's Chicken & Biscuit	\$1,085.00	\$1,175.00	8.29%	\$995.00	\$1,131.00	13.67%	\$860.00	\$1,003.00	16.63%	\$812.00	\$933.00	14.90%	\$981.00	\$907.00	-7.54%	\$1,002.00	\$1,104.00	10.18%
Quality Inn-Krupali Hospitality Inc.	\$152.00	\$319.00	109.87%	\$140.00	\$76.00	-45.71%	\$59.00	\$59.00	0.00%	\$58.00	\$52.00	-10.34%	\$52.00	\$61.00	17.31%	\$86.00	\$62.00	-27.91%
Red Roof Inn Krushiker Hospitality Gr	\$661.00	\$883.00	33.59%	\$477.00	\$390.00	-18.24%	\$365.00	\$283.00	-22.47%	\$321.00	\$312.50	-2.65%	\$439.00	\$419.00	-4.56%	\$472.00	\$409.00	-13.35%
Regency 7 Motel	\$201.62	\$250.48	24.23%	\$185.31	\$128.34	-30.74%	\$128.40	\$121.07	-5.71%	\$144.05	\$115.54	-19.79%	\$139.06	\$130.59	-6.09%	\$188.06	\$174.19	-7.38%
Ruby Tuesday	\$1,082.35	\$931.13	-13.97%	\$876.75	\$788.90	-10.02%	\$841.17	\$806.10	-4.17%	\$1,094.81	\$1,052.73	-3.84%	\$1,118.04	\$932.12	-16.63%	\$1,205.77	\$1,081.58	-10.30%
Sonic Drive-In #2-MLK Blvd.	\$1,320.00	\$1,432.00	8.48%	\$1,193.00	\$1,180.00	-1.09%	\$996.00	\$1,047.00	5.12%	\$936.00	\$992.00	5.98%	\$1,140.00	\$1,101.00	-3.42%	\$1,291.00	\$1,441.00	11.62%
Southern View II	\$170.54	\$192.74	13.02%	\$190.28	\$171.48	-9.88%	\$111.37	\$159.59	43.30%	\$162.73	\$193.79	19.09%	\$149.30	\$184.50	23.58%	\$137.03	\$165.52	20.79%
Subway #3-MLK Blvd.	\$539.00	\$581.00	7.79%	\$554.00	\$676.00	22.02%	\$531.00	\$464.00	-12.62%	\$526.00	\$500.00	-4.94%	\$655.00	\$676.00	3.21%	\$866.00	\$849.00	-1.96%
Super 8 Motel (Supertel Hospitality)	\$593.08	\$699.38	17.92%	\$429.08	\$366.61	-14.56%	\$242.25	\$283.26	16.93%	\$280.79	\$295.87	5.37%	\$373.38	\$438.68	17.49%	\$486.48	\$447.05	-8.11%
Taco Bell #533/Hwy 62	\$1,732.96	\$1,874.31	8.16%	\$1,531.11	\$1,613.34	5.37%	\$1,399.51	\$1,511.89	8.03%	\$1,394.23	\$1,397.50	0.23%	\$1,545.17	\$1,411.62	-8.64%	\$1,618.16	\$1,556.14	-3.83%
Taiwan Chinese Restaurant	\$146.67	\$148.37	1.16%	\$143.29	\$143.76	0.33%	\$135.09	\$126.43	-6.41%	\$129.63	\$145.78	12.46%	\$156.87	\$137.15	-12.57%	\$145.74	\$152.81	4.85%
Value Place	\$164.00	\$357.00	117.68%	\$80.00	\$172.00	115.00%	\$175.00	\$192.81	10.18%	\$135.69	\$250.00	84.24%	\$254.00	\$230.00	-9.45%	\$372.00	\$102.00	-72.58%
Waffle House	\$481.69	\$494.22	2.60%	\$445.02	\$332.80	-25.22%	\$383.54	\$408.03	6.39%	\$778.08	\$826.29	6.20%	\$437.20	\$490.88	12.28%	\$410.02	\$403.26	-1.65%
Wal-Mart #144	\$1,079.43	\$1,125.73	4.29%	\$1,042.13	\$997.54	-4.28%	\$950.80	\$1,084.85	14.10%	\$830.42	\$943.43	13.61%	\$861.59	\$934.98	8.52%	\$860.96	\$968.73	12.52%
Wendy's #29-W 6th	\$1,139.00	\$1,169.00	2.63%	\$1,010.00	\$1,096.00	8.51%	\$1,055.00	\$1,145.00	8.53%	\$996.00	\$1,044.00	4.82%	\$1,049.00	\$1,009.00	-3.81%	\$1,088.00	\$1,150.00	5.70%
Ye Olde King Pizza	\$283.27	\$362.47	27.96%	\$257.28	\$295.84	14.99%	\$255.79	\$321.31	25.61%	\$251.02	\$295.96	17.90%	\$238.32	\$279.19	17.15%	\$264.56	\$339.59	28.36%
Zaxby's	\$699.93	\$791.03	13.02%	\$625.20	\$682.94	9.24%	\$508.95	\$640.95	25.94%	\$588.64	\$719.12	22.17%	\$705.67	\$647.00	-8.31%	\$668.97	\$884.09	32.16%
Grand Total	\$29,816.32	\$32,500.21	9.00%	\$25,702.55	\$25,483.64	-0.85%	\$22,663.32	\$23,917.13	5.53%	\$23,012.13	\$23,964.64	4.14%	\$26,474.13	\$25,421.37	-3.98%	\$28,619.80	\$28,622.72	0.01%

Martin Luther King

(These businesses are either new, closed, or have not submitted the latest report.)

Business	Oct-09	Oct-10	Oct %	Nov-09	Nov-10	Nov %	Dec-09	Dec-10	Dec %	Jan-10	Jan-11	Jan %	Feb-10	Feb-11	Feb %	Mar-10	Mar-11	Mar %
Billy's Pool Hall		\$38.00	100.00%		\$24.00	100.00%		\$33.00	100.00%		\$24.00	100.00%		\$20.00	100.00%		\$48.00	100.00%
Drifters, The Club		\$20.00	100.00%		\$17.00	100.00%	\$0.00	\$18.00	100.00%	\$0.00	\$13.00	100.00%	\$30.84	\$0.00	-100.00%	\$25.11		-100.00%
Razorback Daylight Donuts		\$107.00	100.00%		\$121.45	100.00%	\$0.00	\$86.00	100.00%	\$0.00	\$77.00	100.00%	\$0.00	\$83.00	100.00%	\$0.00	\$107.00	100.00%
Razor's Edge LLC		\$302.41	100.00%		\$288.75	100.00%	\$0.00	\$287.70	100.00%	\$0.00	\$292.00	100.00%	\$0.00	\$283.80	100.00%	\$0.00	\$319.10	100.00%
Razor's Reef Grill & Cantina	\$73.43		-100.00%	\$43.38		-100.00%			0.00%			0.00%			0.00%			0.00%
Silver Joes Coffee	\$0.00	\$3.21	100.00%	\$0.00	\$44.19	100.00%		\$42.73	100.00%		\$42.25	100.00%		\$28.86	100.00%			0.00%
Grand Total	\$73.43	\$470.62	540.91%	\$43.38	\$495.39	1041.98%	\$0.00	\$467.43	100.00%	\$0.00	\$448.25	100.00%	\$30.84	\$415.66	1247.80%	\$25.11	\$474.10	1788.09%

Total All Businesses

\$29,889.75	\$32,970.83	10.31%	\$25,745.93	\$25,979.03	0.91%	\$22,663.32	\$24,384.56	7.59%	\$23,012.13	\$24,412.89	6.09%	\$26,504.97	\$25,837.03	-2.52%	\$28,644.91	\$29,096.82	1.58%
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College/Gregg

These numbers are preliminary. This report is subject to change.

Business	Oct-09	Oct-10	Oct %	Nov-09	Nov-10	Nov %	Dec-09	Dec-10	Dec %	Jan-10	Jan-11	Jan %	Feb-10	Feb-11	Feb %	Mar-10	Mar-11	Mar %
A. Q. Chicken☐Bradley Industries, Inc.	\$1,150.00	\$1,209.00	5.13%	\$1,010.00	\$1,147.00	13.56%	\$902.00	\$1,021.00	13.19%	\$780.00	\$856.00	9.74%	\$972.00	\$755.00	-22.33%	\$949.00	\$957.00	0.84%
Al's Fast Trax	\$5.00	\$10.00	100.00%	\$5.00	\$7.00	40.00%	\$5.00	\$6.00	20.00%	\$5.00	\$5.00	0.00%	\$5.00	\$5.00	0.00%	\$6.00	\$7.00	16.67%
American Multi Cinema, Inc.☐DbA: Fiesta Square 16	\$243.93	\$183.70	-24.69%	\$361.64	\$253.15	-30.00%	\$414.39	\$348.31	-15.95%	\$281.85	\$258.23	-8.38%	\$269.60	\$221.79	-17.73%	\$283.29	\$299.15	5.60%
Andy's Frozen Custard	\$316.00	\$349.00	10.44%	\$286.00	\$237.00	-17.13%	\$186.00	\$191.00	2.69%	\$218.00	\$222.00	1.83%	\$251.00	\$207.00	-17.53%	\$323.00	\$330.00	2.17%
Art's Place-College	\$107.00	\$123.00	14.95%	\$107.00	\$100.00	-6.54%	\$110.00	\$127.00	15.45%	\$112.00	\$116.00	3.57%	\$121.00	\$98.00	-19.01%	\$114.00	\$119.00	4.39%
Atlanta Bread Company☐Arkansas Bread Company	\$1,762.64	\$762.59	-56.74%	\$1,508.14	\$748.02	-50.40%	\$811.79	\$832.20	2.51%	\$633.84	\$769.72	21.44%	\$654.00	\$628.51	-3.90%	\$796.23	\$754.29	-5.27%
Baba Boudan's Espresso Bar	\$107.00	\$114.47	6.98%	\$101.00	\$115.00	13.86%	\$124.00	\$141.00	13.71%	\$85.00	\$104.00	22.35%	\$93.00	\$86.00	-7.53%	\$101.00	\$122.38	21.17%
Backyard Burgers	\$461.13	\$400.88	-13.07%	\$424.86	\$315.95	-25.63%	\$409.72	\$361.53	-11.76%	\$349.70	\$351.76	0.59%	\$415.06	\$332.97	-19.78%	\$461.06	\$410.93	-10.87%
Braum's-North #232	\$490.41	\$547.36	11.61%	\$507.32	\$486.24	-4.16%	\$392.98	\$491.69	25.12%	\$485.55	\$485.55	23.04%	\$428.04	\$471.64	10.19%	\$517.73	\$630.73	21.83%
Burger King-N College-#1982	\$725.00	\$670.00	-7.59%	\$677.00	\$580.00	-14.33%	\$684.00	\$671.00	-1.90%	\$594.00	\$626.00	5.39%	\$622.00	\$636.00	2.25%	\$668.00	\$730.00	9.28%
Cafe Rue Orleans	\$255.00	\$282.07	10.62%	\$212.93	\$171.47	-19.47%	\$217.00	\$207.90	-4.19%	\$195.27	\$231.80	18.71%	\$354.82	\$257.10	-27.54%	\$247.25	\$308.17	24.64%
Chief Motel☐Gandhi, Inc.	\$117.00	\$159.00	35.90%	\$98.00	\$41.00	-58.16%	\$54.00	\$108.00	100.00%	\$50.00	\$55.00	10.00%	\$73.00	\$63.00	-13.70%	\$44.00	\$49.00	11.36%
Chuck-E-Cheese's☐CEC Entertainment, Inc.	\$215.91	\$431.49	99.85%	\$202.35	\$413.77	104.48%	\$304.64	\$516.93	69.69%	\$218.99	\$525.19	139.82%	\$366.34	\$569.83	55.55%	\$356.70	\$675.16	89.28%
Chuck's Cake Shoppe	\$94.73	\$85.59	-9.65%	\$68.58	\$73.31	6.90%	\$98.11	\$103.24	5.23%	\$50.82	\$57.01	12.18%	\$85.23	\$57.67	-32.34%	\$73.72	\$74.29	0.77%
Days Inn☐J.M.U., Inc.	\$804.00	\$1,265.00	57.34%	\$623.00	\$452.00	-27.45%	\$286.00	\$358.00	25.17%	\$273.00	\$385.00	41.03%	\$413.00	\$515.00	24.70%	\$490.00	\$499.00	1.84%
East Buffet	\$278.05	\$299.17	7.60%	\$250.61	\$267.73	6.83%	\$256.71	\$306.37	19.34%	\$254.86	\$280.16	9.93%	\$295.86	\$284.30	-3.91%	\$290.30	\$306.90	5.72%
El Tejano Mexican Food	\$325.24	\$338.31	4.02%	\$281.82	\$308.86	9.59%	\$315.92	\$324.90	2.84%	\$257.13	\$302.67	17.71%	\$311.76	\$266.42	-14.54%	\$314.42	\$315.19	0.24%
Flying Burrito Company #2 College	\$621.00	\$663.00	6.76%	\$595.00	\$565.00	-5.04%	\$622.00	\$655.00	5.31%	\$551.00	\$588.00	6.72%	\$597.00	\$530.00	-11.22%	\$652.00	\$701.00	7.52%
Foghorns	\$257.00	\$339.00	31.91%	\$233.00	\$203.00	-12.88%	\$174.00	\$194.00	11.49%	\$200.00	\$184.00	-8.00%	\$174.00	\$180.00	3.45%	\$243.00	\$228.00	-6.17%
Formosa	\$236.93	\$210.52	-11.15%	\$228.63	\$196.50	-14.05%	\$237.75	\$210.56	-11.44%	\$201.46	\$219.71	9.06%	\$237.04	\$195.96	-17.33%	\$227.00	\$233.77	2.98%
Hastings - Hardback Café	\$84.47	\$84.37	-0.12%	\$79.60	\$85.74	7.71%	\$102.28	\$104.94	2.60%	\$84.25	\$88.23	4.72%	\$88.14	\$84.69	-3.91%	\$93.09	\$104.07	11.80%
Herman's Ribhouse☐Barnes, Inc.	\$793.00	\$866.00	9.21%	\$614.00	\$441.00	-28.18%	\$447.00	\$476.00	6.49%	\$463.00	\$514.00	11.02%	\$631.00	\$612.00	-3.01%	\$589.00	\$587.00	-0.34%
Hiway Inn Motel	\$37.38	\$40.11	7.30%	\$26.20	\$20.59	-21.41%	\$21.39	\$19.82	-7.34%	\$17.43	\$33.22	90.59%	\$26.06	\$27.14	4.14%	\$24.11	\$18.39	-23.72%
Jim's Razorbk Pizza Gregg St.(Waselues)	\$297.00	\$237.00	-20.20%	\$223.00	\$193.00	-13.45%	\$216.00	\$215.00	-0.46%	\$217.00	\$203.00	-6.45%	\$206.00	\$204.00	-0.97%	\$218.00	\$208.00	-4.59%
Kentucky Fried Chicken-N College	\$549.00	\$526.00	-4.19%	\$496.00	\$440.00	-11.29%	\$504.00	\$482.00	-4.37%	\$425.00	\$419.00	-1.41%	\$514.00	\$416.00	-19.07%	\$542.00	\$535.00	-1.29%
La Huerta Mexican Jalisco Group, Inc.	\$1,063.00	\$898.00	-15.52%	\$990.00	\$820.00	-17.17%	\$1,071.00	\$866.00	-19.14%	\$870.00	\$905.00	4.02%	\$943.00	\$925.00	-1.91%	\$931.00	\$965.00	3.65%
Maggie Moo's	\$152.00	\$188.00	23.68%	\$142.00	\$111.00	-21.83%	\$91.00	\$95.00	4.40%	\$110.00	\$114.00	3.64%	\$137.00	\$114.00	-16.79%	\$172.00	\$195.00	13.37%
Marvin's IGA #221/College	\$34.55	\$90.69	162.49%	\$34.73	\$53.56	54.22%	\$34.74	\$57.58	65.75%	\$32.68	\$52.24	59.85%	\$28.86	\$67.83	135.03%	\$32.26	\$57.83	79.26%
Maudie's Seafood Market	\$4.47	\$0.00	-100.00%	\$0.70	\$0.52	-25.71%	\$2.18	\$0.48	-77.98%	\$0.00	\$0.54	100.00%	\$3.93	\$0.00	-100.00%	\$4.66	\$57.35	1130.69%
McDonald's #1363-College	\$1,374.00	\$1,415.00	2.98%	\$1,147.00	\$1,143.00	-0.35%	\$1,153.00	\$1,155.00	0.17%	\$998.00	\$481.00	-51.80%	\$1,122.00	\$0.00	-100.00%	\$1,235.00	\$0.00	-100.00%
Mermaids	\$554.00	\$697.00	25.81%	\$472.00	\$651.00	37.92%	\$671.00	\$753.00	12.22%	\$426.00	\$512.00	20.19%	\$630.00	\$537.00	-14.76%	\$649.00	\$644.00	-0.77%
Mong Dynasty #2	\$159.00	\$143.00	-10.06%	\$130.00	\$130.00	0.00%	\$148.00	\$160.00	8.11%	\$134.00	\$138.00	2.99%	\$130.00	\$122.00	-6.15%	\$149.00	\$146.00	-2.01%
Motel 6 Operating L.P.	\$627.56	\$695.32	10.80%	\$490.39	\$362.59	-26.06%	\$361.03	\$369.85	2.44%	\$394.96	\$338.28	-14.35%	\$419.69	\$422.30	0.62%	\$510.20	\$478.52	-6.21%
On The Mark	\$302.00	\$282.00	-6.62%	\$359.00	\$254.00	-29.25%	\$203.00	\$257.00	26.60%	\$239.00	\$249.00	4.18%	\$230.00	\$204.00	-11.30%	\$219.00	\$199.00	-9.13%
Ozark Lanes Café	\$137.00	\$175.00	27.74%	\$122.00	\$164.00	34.43%	\$141.00	\$178.00	26.24%	\$161.00	\$191.00	18.63%	\$193.00	\$176.00	-8.81%	\$172.00	\$207.00	20.35%
Ozark Natural Foods	\$543.27	\$516.85	-4.86%	\$510.25	\$485.55	-4.84%	\$455.30	\$479.17	5.24%	\$428.25	\$479.79	12.04%	\$461.00	\$419.90	-8.92%	\$583.35	\$641.45	9.96%
Papa John's Pizza	\$835.00	\$636.00	-23.83%	\$757.00	\$504.00	-33.42%	\$625.00	\$556.96	-10.89%	\$683.00	\$648.34	-5.07%	\$657.00	\$664.72	1.18%	\$624.00	\$543.30	-12.93%
Pesto Cafe	\$954.00	\$890.00	-6.71%	\$852.00	\$759.00	-10.92%	\$1,023.75	\$904.00	-11.70%	\$816.00	\$796.95	-2.33%	\$952.35	\$754.00	-20.83%	\$853.65	\$781.00	-8.51%
Pizza Hut #2603/College	\$475.59	\$573.12	20.51%	\$420.64	\$463.11	10.10%	\$389.07	\$509.65	30.99%	\$536.99	\$626.66	16.70%	\$490.51	\$522.50	6.52%	\$438.60	\$488.24	11.32%
Racha Restaurant	\$33.00	\$31.00	-6.06%	\$26.00	\$17.00	-34.62%	\$27.00	\$16.00	-40.74%	\$24.00	\$15.00	-37.50%	\$26.00	\$15.00	-42.31%	\$30.00	\$14.00	-53.33%
Richard's Country Meat Mkt.	\$88.53	\$92.94	4.98%	\$123.48	\$148.29	20.09%	\$118.53	\$123.61	4.29%	\$55.98	\$64.14	14.58%	\$66.47	\$65.15	-1.99%	\$86.46	\$106.56	23.25%
Rick's Bakery	\$1,727.00	\$2,366.00	37.00%	\$1,777.00	\$1,940.00	9.17%	\$2,060.00	\$2,097.00	1.80%	\$1,381.00	\$1,611.00	16.65%	\$2,151.00	\$1,833.00	-14.78%	\$2,114.00	\$2,160.00	2.18%
Sassy's Red House	\$405.00	\$740.00	82.72%	\$386.00	\$382.00	-1.04%	\$292.00	\$434.00	48.63%	\$332.00	\$508.00	53.01%	\$399.00	\$523.00	31.08%	\$482.00	\$617.00	28.01%
Savor Restaurant, LLC	\$596.00	\$482.00	-19.13%	\$442.00	\$741.00	67.65%	\$899.00	\$1,080.00	20.13%	\$501.00	\$688.00	37.33%	\$932.00	\$779.00	-16.42%	\$638.00	\$588.00	-7.84%
Schlotzsky's Deli☐c/o Midwest Sandwich Co.	\$560.00	\$590.00	5.36%	\$514.00	\$495.00	-3.70%	\$533.00	\$554.00	3.94%	\$446.00	\$491.00	10.09%	\$503.00	\$374.00	-25.65%	\$547.00	\$433.00	-20.84%
Shake's Frozen Custard, Inc-N. College	\$336.00	\$374.00	11.31%	\$311.00	\$255.00	-18.01%	\$196.00	\$232.00	18.37%	\$213.00	\$231.00	8.45%	\$248.00	\$218.00	-12.10%	\$312.00	\$347.00	11.22%
Slim Chicken's	\$1,018.09	\$1,074.21	5.51%	\$916.29	\$884.03	-3.52%	\$883.25	\$847.76	-4.02%	\$884.07	\$852.20	-3.60%	\$895.22	\$854.09	-4.59%	\$911.75	\$1,023.30	12.23%
Sonic Drive-In #6-College	\$884.00	\$938.00	6.11%	\$810.00	\$792.00	-2.22%	\$799.00	\$819.00	2.50%	\$662.00	\$752.00	13.60%	\$771.00	\$729.00	-5.45%	\$895.00	\$1,063.00	18.77%
Stone Mill Bread & Flour Co.	\$437.00	\$471.00	7.78%	\$400.00	\$426.00	6.50%	\$389.00	\$425.00	9.25%	\$337.00	\$386.00	14.54%	\$370.00	\$337.00	-8.92%	\$438.00	\$479.00	9.36%
Subway #1-Township	\$301.00	\$360.00	19.60%	\$318.00	\$392.00	23.27%	\$307.00	\$281.00	-8.47%	\$272.00	\$268.00	-1.47%	\$301.00	\$324.00	7.64%	\$431.00	\$446.00	3.48%
Taco Bell #503/N College	\$743.26	\$820.67	10.41%	\$671.06	\$692.58	3.21%	\$638.25	\$693.78	8.70%	\$585.44	\$641.81	9.63%	\$674.47	\$564.65	-16.28%	\$697.18	\$715.83	2.68%
Tangiers Mediterranean Food & Café	\$42.88	\$76.04	77.33%	\$27.64	\$53.46	93.42%	\$28.65	\$76.24	166.11%	\$34.05	\$56.93	67.20%	\$52.48	\$57.61	9.78%	\$57.72		-100.00%
Thai Diner	\$325.00	\$304.00	-6.46%	\$291.00	\$264.00	-9.28%	\$319.00	\$357.50	12.07%	\$296.00	\$346.00	16.89%	\$363.00	\$312.00	-14.05%	\$358.00	\$365.00	1.96%
Tim's Pizza - North	\$409.00	\$403.11	-1.44%	\$342.00	\$362.25	5.92%	\$397.00	\$404.00	1.76%	\$341.00	\$321.00	-5.87%	\$356.40		-100.00%	\$402.10		-100.00%
Twin Arch Motel	\$17.00	\$31.00	82.35%	\$24.00	\$22.00	-8.33%	\$20.00	\$16.00	-20.00%	\$18.00	\$22.00	22.22%	\$19.00	\$11.00	-42.11%	\$21.00		-100.00%
Village Inn☐Hospitality Specialists	\$1,086.00	\$1,178.00	8.47%	\$1,186.00	\$1,348.00	13.66%	\$1,084.00	\$1,331.00	22.79%	\$940.00	\$1,116.00	18.72%	\$1,038.00	\$1,027.00	-1.06%	\$1,120.00	\$1,218.00	8.75%

Wendy's #40-N College	\$670.00	\$750.00	11.94%	\$600.00	\$691.00	15.17%	\$698.00	\$815.00	16.76%	\$594.00	\$761.00	28.11%	\$639.00	\$680.00	6.42%	\$686.00	\$896.00	30.61%
White Oak Station #14-Gregg	\$71.02	\$57.88	-18.50%	\$62.63	\$54.04	-13.72%	\$60.77	\$51.58	-15.12%	\$51.84	\$46.10	-11.07%	\$54.59	\$40.91	-25.06%	\$63.20	\$54.97	-13.02%
Whole Hog Café	\$840.82	\$1,003.35	19.33%	\$728.75	\$744.08	2.10%	\$818.00	\$844.28	3.21%	\$623.31	\$634.34	1.77%	\$709.69	\$676.28	-4.71%	\$799.23	\$915.85	14.59%
Grand Total	\$28,139.86	\$29,539.81	4.97%	\$25,605.24	\$24,467.39	-4.44%	\$24,833.20	\$26,313.83	5.96%	\$21,334.81	\$23,224.57	8.86%	\$25,171.61	\$22,054.96	-12.38%	\$26,287.26	\$26,049.62	-0.90%

College/Gregg

(These businesses are either new, closed, or have not submitted the latest report.)

Business	Oct-09	Oct-10	Oct %	Nov-09	Nov-10	Nov %	Dec-09	Dec-10	Dec %	Jan-10	Jan-11	Jan %	Feb-10	Feb-11	Feb %	Mar-10	Mar-11	Mar %
Antoinette's		\$3.64	100.00%		\$5.29	100.00%	\$0.00	\$2.02	100.00%		\$0.94	100.00%		\$3.24	100.00%			0.00%
Arby's #1461-N. College (Closed)	\$324.78	\$303.99	-6.40%	\$292.66	\$296.22	1.22%	\$304.89	\$43.96	-85.58%	\$273.80	\$0.00	-100.00%	\$310.27		-100.00%	\$350.03		-100.00%
Cheers	\$30.02		-100.00%	\$30.01		-100.00%	\$33.11		-100.00%	\$31.19		-100.00%	\$38.62		-100.00%	\$31.09		-100.00%
Crossover Daylight Donuts, Inc.	\$0.00	\$183.65	100.00%	\$68.50	\$165.06	140.96%	\$151.50	\$158.99	4.94%	\$112.24	\$136.29	21.43%	\$124.70	\$107.57	-13.74%	\$150.77	\$152.53	1.17%
Einstein Bros Bagels			0.00%			0.00%			0.00%			0.00%			0.00%			0.00%
Frozen Tung	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%
Hot Rod Mike's Bar & Grille	\$134.00	\$37.00	-72.39%	\$106.00		-100.00%	\$111.00		-100.00%	\$101.00		-100.00%	\$117.00		-100.00%	\$119.00		-100.00%
Joe's Bistro	\$0.00		0.00%	\$0.00		0.00%			0.00%			0.00%			0.00%			0.00%
Lean Green Gourmet LLC		\$198.82	100.00%		\$142.49	100.00%	\$0.00	\$127.04	100.00%	\$0.00	\$145.87	100.00%	\$17.81	\$147.71	729.37%	\$164.65		-100.00%
Mama Carmen's Global Café			0.00%			0.00%	\$0.00		0.00%	\$0.00		0.00%		\$0.00	0.00%		\$150.00	100.00%
Morrison Management Specialists		\$28.53	100.00%		\$31.36	100.00%		\$20.37	100.00%		\$19.22	100.00%		\$19.94	100.00%		\$26.84	100.00%
Nibbles Academy of Cooking		\$16.17	100.00%		\$14.55	100.00%	\$0.00	\$45.82	100.00%	\$0.00	\$96.84	100.00%	\$7.58	\$203.15	2580.08%	\$22.89	\$192.01	738.84%
Pho Saigon Vietnamese & Chinese Cuisine	\$56.00	\$71.00	26.79%	\$58.00	\$64.00	10.34%	\$62.00	\$57.00	-8.06%	\$64.00		-100.00%	\$76.00		-100.00%	\$82.00		-100.00%
Rena's Original Coney Island		\$103.00	100.00%		\$73.20	100.00%	\$0.00	\$55.00	100.00%	\$0.00	\$63.00	100.00%		\$46.79	100.00%		\$53.43	100.00%
Rufino's		\$177.74	100.00%		\$151.15	100.00%	\$0.00	\$166.80	100.00%	\$0.00	\$159.44	100.00%	\$0.00	\$162.01	100.00%	\$159.00		-100.00%
Siebert Inc. DBA Shave the Planet	\$0.00		0.00%	\$17.11		-100.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00	\$4.19	100.00%
Starlight Skatium		\$52.00	100.00%		\$53.00	100.00%	\$19.00	\$53.00	178.95%	\$83.00	\$71.00	-14.46%	\$88.00	\$61.00	-30.68%	\$83.00	\$73.00	-12.05%
Subway #8-Sycamore/College			0.00%		\$149.00	100.00%		\$166.00	100.00%		\$159.00	100.00%		\$206.00	100.00%		\$261.00	100.00%
Tiamo Italian Restaurant	\$0.00	\$133.00	100.00%	\$0.00	\$87.00	100.00%	\$66.00	\$122.00	84.85%	\$178.00	\$110.00	-38.20%	\$203.00	\$103.00	-49.26%	\$212.00		-100.00%
Valero Superstop	\$15.79		-100.00%	\$0.00		0.00%			0.00%			0.00%			0.00%			0.00%
Wilma's Restaurant	\$108.00		-100.00%	\$79.00		-100.00%	\$47.00		-100.00%	\$57.00		-100.00%	\$77.00		-100.00%	\$79.00		-100.00%
Grand Total	\$668.59	\$1,308.54	95.72%	\$651.28	\$1,232.32	89.22%	\$794.50	\$1,018.00	28.13%	\$900.23	\$961.60	6.82%	\$1,059.98	\$1,060.41	0.04%	\$1,453.43	\$913.00	-37.18%
Total All Businesses	\$28,808.45	\$30,848.35	7.08%	\$26,256.52	\$25,699.71	-2.12%	\$25,627.70	\$27,331.83	6.65%	\$22,235.04	\$24,186.17	8.78%	\$26,231.59	\$23,115.37	-11.88%	\$27,740.69	\$26,962.62	-2.80%

South Side

These numbers are preliminary. This report is subject to change.

Business	Oct-09	Oct-10	Oct %	Nov-09	Nov-10	Nov %	Dec-09	Dec-10	Dec %	Jan-10	Jan-11	Jan %	Feb-10	Feb-11	Feb %	Mar-10	Mar-11	Mar %
A Fare To Remember	\$88.00	\$64.00	-27.27%	\$30.00	\$113.00	276.67%	\$14.53	\$254.00	1648.11%	\$172.00	\$77.00	-55.23%	\$104.00	\$92.00	-11.54%	\$69.30	\$84.00	21.21%
Brick House Kitchen	\$95.00	\$100.00	5.26%	\$45.00	\$93.00	106.67%	\$81.00	\$142.00	75.31%	\$27.00	\$80.00	196.30%	\$29.00	\$81.00	179.31%	\$69.00	\$138.00	100.00%
El Amanecer Market	\$11.99	\$11.57	-3.50%	\$15.95	\$13.07	-18.06%	\$13.15	\$12.25	-6.84%	\$12.98	\$13.55	4.39%	\$11.99	\$14.02	16.93%	\$12.22	\$13.65	11.70%
El Camino Real Mexican Restaurant	\$138.69	\$141.75	2.21%	\$131.56	\$118.41	-10.00%	\$125.00	\$123.17	-1.46%	\$111.63	\$116.39	4.26%	\$126.95	\$101.78	-19.83%	\$140.09	\$137.77	-1.66%
Fast Trax #9	\$4.48	\$2.90	-35.27%	\$3.28	\$2.38	-27.44%	\$3.19	\$2.05	-35.74%	\$2.48	\$2.11	-14.92%	\$1.33	\$1.87	40.60%	\$2.26	\$2.69	19.03%
Fayetteville Country Club	\$335.00	\$379.00	13.13%	\$173.00	\$284.00	64.16%	\$321.00	\$425.00	32.40%	\$165.00	\$218.00	32.12%	\$205.00	\$202.00	-1.46%	\$277.00	\$227.50	-17.87%
Foghorns (2nd location)	\$651.00	\$712.00	9.37%	\$546.00	\$477.00	-12.64%	\$390.00	\$407.00	4.36%	\$563.00	\$490.00	-12.97%	\$591.00	\$549.00	-7.11%	\$661.00	\$536.00	-18.91%
Geraldi's of Fayetteville	\$387.40	\$394.81	1.91%	\$408.68	\$337.16	-17.50%	\$364.17	\$350.79	-3.67%	\$348.64	\$349.64	0.29%	\$385.50	\$355.57	-7.76%	\$375.00	\$410.31	9.42%
Greenhouse Grille	\$704.88	\$834.87	18.44%	\$691.72	\$696.19	0.65%	\$668.90	\$842.90	26.01%	\$607.38	\$732.40	20.58%	\$802.30	\$769.60	-4.08%	\$728.92	\$988.24	35.58%
La Hacienda Mexican Restaurant #2		\$431.00	100.00%		\$293.00	100.00%	\$267.00	\$294.00	10.11%	\$272.00	\$356.00	30.88%	\$386.00	\$403.00	4.40%	\$501.00	\$438.00	-12.57%
Mama Dean's Soul Food Kitchen	\$162.80	\$151.50	-6.94%	\$191.10	\$125.37	-34.40%	\$191.76	\$127.53	-33.49%	\$167.83	\$113.38	-32.44%	\$128.24		-100.00%	\$165.09		-100.00%
Marvin's IGA #220/School	\$62.23	\$81.24	30.55%	\$56.51	\$65.81	16.46%	\$56.51	\$75.41	33.45%	\$52.44	\$66.82	27.42%	\$61.35	\$56.24	-8.33%	\$62.51	\$78.43	25.47%
Mezza Luna, Inc.	\$79.87	\$62.50	-21.75%	\$80.84	\$54.24	-32.90%	\$63.11	\$53.00	-16.02%	\$68.18	\$46.59	-31.67%	\$103.13	\$53.41	-48.21%	\$60.41		-100.00%
Ozark Mountain Foods, Inc.		\$16.34	100.00%		\$31.65	100.00%	\$0.00	\$27.32	100.00%	\$0.00	\$15.06	100.00%	\$0.00	\$7.00	100.00%	\$0.00	\$9.01	100.00%
Pizza Hut #2602 NPC International, Inc.	\$665.22	\$784.45	17.92%	\$559.89	\$573.54	2.44%	\$537.38	\$677.77	26.12%	\$811.19	\$848.31	4.58%	\$730.60	\$762.20	4.33%	\$650.38	\$689.13	5.96%
Pops Old Time Bar B Que	\$83.78	\$86.02	2.67%	\$72.57	\$59.16	-18.48%	\$82.22	\$70.01	-14.85%	\$65.30	\$59.58	-8.76%	\$92.88	\$55.87	-39.85%	\$78.00	\$89.77	15.09%
Rick's Iron Skillet	\$235.63	\$262.33	11.33%	\$206.51	\$211.93	2.62%	\$185.07	\$204.52	10.51%	\$195.95	\$170.55	-12.96%	\$205.97	\$174.40	-15.33%	\$215.10	\$206.23	-4.12%
Salathai Restaurant	\$50.17	\$61.78	23.14%	\$43.62	\$48.77	11.81%	\$0.00	\$86.37	100.00%	\$0.00	\$85.00	100.00%	\$0.00	\$70.00	100.00%	\$0.00	\$116.00	100.00%
Salty Dog			0.00%			0.00%			0.00%			0.00%			0.00%			0.00%
Shelton-Tucker Post #27 (American Legion)/Curtis	\$45.00	\$37.50	-16.67%	\$0.00	\$32.50	100.00%	\$31.00	\$37.00	19.35%	\$39.90	\$35.20	-11.78%	\$45.00	\$31.50	-30.00%	\$42.00		-100.00%
Staybridge Suites	\$1,649.52	\$2,469.72	49.72%	\$1,322.91	\$1,095.75	-17.17%	\$723.83	\$978.62	35.20%	\$1,062.57	\$1,136.75	6.98%	\$1,329.30	\$1,395.77	5.00%	\$1,519.92	\$1,396.21	-8.14%
Thep Thai Restaurant	\$221.00	\$227.00	2.71%	\$220.00	\$236.00	7.27%	\$243.00	\$309.00	27.16%	\$198.00	\$220.00	11.11%	\$201.00	\$204.00	1.49%	\$272.00		-100.00%
Trailside Café & Tea Room (on Center Street)	\$77.02	\$80.40	4.39%	\$68.03	\$64.15	-5.70%	\$81.16	\$99.29	22.34%	\$56.14	\$76.63	36.50%	\$69.42	\$72.76	4.81%	\$94.70	\$127.16	34.28%
Wes' Bar-B-Que (Burger Plus)	\$52.13	\$53.02	1.71%	\$50.21	\$52.11	3.78%	\$50.22	\$53.11	5.75%	\$52.12	\$50.03	-4.01%	\$53.81	\$42.30	-21.39%	\$56.84	\$55.62	-2.15%
Zeenat Fazal LLC dba Zauq			0.00%			0.00%	\$0.00		0.00%	\$103.00		-100.00%	\$118.26		-100.00%	\$108.91		-100.00%
Grand Total	\$5,800.81	\$7,445.70	28.36%	\$4,917.38	\$5,078.19	3.27%	\$4,493.20	\$5,652.11	25.79%	\$5,154.73	\$5,358.99	3.96%	\$5,782.03	\$5,495.29	-4.96%	\$6,161.65	\$5,743.72	-6.78%

East Side

These numbers are preliminary. This report is subject to change.

Business	Oct-09	Oct-10	Oct %	Nov-09	Nov-10	Nov %	Dec-09	Dec-10	Dec %	Jan-10	Jan-11	Jan %	Feb-10	Feb-11	Feb %	Mar-10	Mar-11	Mar %
BPOE Elks Lodge #1987	\$140.00	\$130.00	-7.14%	\$110.00	\$110.00	0.00%	\$130.00	\$125.00	-3.85%	\$131.00	\$113.00	-13.74%	\$166.00	\$102.00	-38.55%	\$135.00	\$135.00	0.00%
Cable Car Pizza	\$120.75	\$130.44	8.02%	\$115.50	\$101.94	-11.74%	\$105.37	\$110.91	5.26%	\$97.16	\$110.91	14.15%	\$95.48	\$103.25	8.14%	\$99.85		-100.00%
Camille's Sidewalk Café	\$115.77		-100.00%	\$83.45		-100.00%			0.00%			0.00%			0.00%			0.00%
China Café	\$125.77	\$148.09	17.75%	\$115.34	\$141.92	23.04%	\$141.93	\$177.93	25.36%	\$121.04	\$124.39	2.77%	\$127.50	\$123.38	-3.23%	\$143.33	\$158.75	10.76%
Crossover Corner	\$15.13	\$13.69	-9.52%	\$14.26	\$14.08	-1.26%	\$12.66	\$13.43	6.08%	\$9.78	\$10.94	11.86%	\$11.01	\$8.00	-27.34%	\$11.97	\$7.16	-40.18%
Delta Soul		\$433.34	100.00%		\$204.27	100.00%	\$0.00	\$285.04	100.00%	\$0.00	\$209.17	100.00%	\$0.00	\$170.55	100.00%	\$0.00	\$230.10	100.00%
El Sol Mexican Restaurant	\$50.00	\$52.00	4.00%	\$46.00	\$55.00	19.57%	\$49.00	\$50.00	2.04%	\$61.00	\$53.00	-13.11%	\$49.00	\$58.00	18.37%	\$48.00	\$52.18	8.71%
Fast Break	\$3.19	\$1.65	-48.28%	\$2.58	\$1.54	-40.31%	\$3.49	\$1.07	-69.34%	\$3.44	\$1.02	-70.35%	\$3.17	\$0.89	-71.92%	\$1.12	\$1.03	-8.04%
Fitness 4 Less														\$2.00	100.00%		\$3.00	100.00%
Flash Market, Inc. #188/Huntsville	\$68.32	\$85.27	24.81%	\$65.92	\$71.60	8.62%	\$63.63	\$69.33	8.96%	\$54.17	\$61.55	13.62%	\$60.27	\$55.09	-8.59%	\$75.50	\$76.71	1.60%
Jim's Razorbk Pizza (Crossover/Joyce)□JAW Foods	\$223.00	\$185.00	-17.04%	\$190.00	\$162.00	-14.74%	\$203.00	\$168.00	-17.24%	\$182.00	\$166.00	-8.79%	\$167.00	\$158.00	-5.39%	\$182.00	\$173.00	-4.95%
La Hacienda Mexican Restaurant	\$1,046.00	\$806.00	-22.94%	\$1,054.00	\$656.00	-37.76%	\$757.00	\$780.00	3.04%	\$727.00	\$739.00	1.65%	\$770.00	\$724.00	-5.97%	\$837.00	\$856.00	2.27%
La Huerta Mexican El-Valle, Inc.	\$593.00	\$661.00	11.47%	\$602.00	\$522.00	-13.29%	\$605.00	\$572.00	-5.45%	\$502.00	\$552.00	9.96%	\$535.00	\$553.00	3.36%	\$587.00	\$641.00	9.20%
Madame Wu's	\$127.00	\$92.46	-27.20%	\$139.17	\$96.88	-30.39%	\$145.81	\$109.38	-24.98%	\$143.25	\$91.04	-36.45%	\$136.35	\$88.57	-35.04%	\$106.53	\$90.82	-14.75%
McDonald's-Crossover #18891	\$1,663.00	\$1,674.00	0.66%	\$1,471.00	\$1,383.00	-5.98%	\$1,494.00	\$1,439.00	-3.68%	\$1,270.00	\$1,323.00	4.17%	\$1,342.00	\$1,232.00	-8.20%	\$1,464.00	\$1,610.00	9.97%
Meiji Japanese Cuisine		\$321.00	100.00%		\$276.00	100.00%	\$0.00	\$270.00	100.00%	\$0.00	\$270.00	100.00%	\$0.00	\$281.00	100.00%	\$0.00	\$318.00	100.00%
Mission Fitness, Inc.	\$3.00	\$4.00	33.33%	\$4.00	\$4.00	0.00%	\$4.00		-100.00%	\$3.00		-100.00%	\$3.00		-100.00%	\$3.00		-100.00%
North Forty	\$24.00	\$23.00	-4.17%	\$20.00	\$0.00	-100.00%	\$19.00	\$15.00	-21.05%	\$0.00	\$0.00	0.00%	\$10.00	\$0.00	-100.00%	\$0.00	\$0.00	0.00%
Primo Pasta House & Pizzeria		\$716.16	100.00%		\$564.00	100.00%	\$0.00	\$646.00	100.00%	\$0.00	\$569.00	100.00%	\$0.00	\$545.74	100.00%	\$284.00	\$570.63	100.93%
Rolling Pin Cafe, LLC	\$244.00	\$247.00	1.23%	\$229.00	\$235.00	2.62%	\$231.00	\$246.00	6.49%	\$191.00	\$223.00	16.75%	\$208.00	\$232.00	11.54%	\$252.00	\$320.00	26.98%
Sonic Drive-In #3-Crossover	\$825.00	\$876.00	6.18%	\$767.00	\$732.00	-4.56%	\$729.00	\$764.00	4.80%	\$604.00	\$689.00	14.07%	\$638.00	\$592.00	-7.21%	\$768.00	\$878.00	14.32%
Spiedini Italian Grill		\$366.04	100.00%		\$214.37	100.00%	\$0.00	\$306.66	100.00%	\$0.00	\$186.17	100.00%	\$0.00		0.00%	\$0.00	\$177.85	100.00%
Stonebridge Meadows Golf Club	\$42.00	\$86.00	104.76%	\$34.00	\$26.79	-21.21%	\$5.00	\$12.00	140.00%	\$5.00	\$14.00	180.00%	\$6.00	\$14.00	133.33%	\$33.00	\$50.00	51.52%
Subway #2-Crossover	\$299.00	\$347.00	16.05%	\$327.00	\$402.00	22.94%	\$349.00	\$312.00	-10.60%	\$289.00	\$306.00	5.88%	\$316.00	\$322.00	1.90%	\$471.00	\$479.00	1.70%
Taco Bell #586/Crossover	\$820.13	\$912.39	11.25%	\$759.60	\$772.63	1.72%	\$736.77	\$813.31	10.39%	\$653.16	\$700.55	7.26%	\$701.59	\$579.47	-17.41%	\$809.72	\$781.09	-3.54%
Tim's Pizza-East	\$601.00	\$611.00	1.66%	\$547.00	\$503.00	-8.04%	\$584.00	\$586.00	0.34%	\$548.00	\$524.00	-4.38%	\$523.00	\$468.00	-10.52%	\$541.00	\$525.00	-2.96%
Wal-Mart #2745 Neighborhood Market	\$255.95	\$366.26	43.10%	\$255.66	\$362.87	41.93%	\$257.29	\$379.36	47.44%	\$257.47	\$378.13	46.86%	\$246.18	\$324.71	31.90%	\$213.17	\$348.43	63.45%
White Oak Station #12-Crossover	\$53.22	\$58.54	10.00%	\$51.94	\$49.62	-4.47%	\$47.50	\$53.50	12.63%	\$38.99	\$45.94	17.83%	\$41.92	\$40.14	-4.25%	\$48.42	\$51.16	5.66%
White Oak Station #37	\$243.07	\$222.70	-8.38%	\$218.33	\$207.10	-5.14%	\$221.24	\$194.00	-12.31%	\$151.00	\$162.41	7.56%	\$168.00	\$134.30	-20.06%	\$122.77	\$203.17	65.49%
Wingstop	\$230.00	\$236.00	2.61%	\$193.00	\$187.00	-3.11%	\$230.00	\$192.00	-16.52%	\$197.00	\$199.00	1.02%	\$219.00	\$179.00	-18.26%	\$197.00	\$205.00	4.06%
Grand Total	\$7,931.30	\$9,806.03	23.64%	\$7,415.75	\$8,056.61	8.64%	\$7,124.69	\$8,690.92	21.98%	\$6,239.46	\$7,822.22	25.37%	\$6,543.47	\$7,091.09	8.37%	\$7,434.38	\$8,942.08	20.28%

Caterers/Mobile Units/Seasonal

These numbers are preliminary. This report is subject to change.

Business	Oct-09	Oct-10	Oct %	Nov-09	Nov-10	Nov %	Dec-09	Dec-10	Dec %	Jan-10	Jan-11	Jan %	Feb-10	Feb-11	Feb %	Mar-10	Mar-11	Mar %
Bulldogs Hot Dog Cart		\$7.40	100.00%		\$0.00	0.00%	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	0.00%		\$0.00	0.00%		\$0.00	0.00%
Catering Concepts	\$178.61	\$168.92	-5.43%	\$48.50	\$77.61	60.02%	\$117.57	\$121.76	3.56%	\$92.89	\$24.87	-73.23%	\$79.28	\$75.90	-4.26%	\$55.67		-100.00%
Catering Unlimited	\$375.00	\$344.00	-8.27%	\$299.00	\$309.00	3.34%	\$208.00	\$247.00	18.75%	\$92.00	\$196.00	113.04%	\$203.00	\$151.00	-25.62%	\$225.00	\$67.00	-70.22%
Chicken George		\$6.00	100.00%			0.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%
Creative Cuisine c/o Stephen W. Hobel	\$9.25	\$9.17	-0.86%	\$13.96	\$0.00	-100.00%	\$13.76	\$11.30	-17.88%	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	0.00%	\$9.36	\$4.41	-52.88%
Creative Kitchens, Inc.	\$14.00	\$44.00	214.29%	\$31.00	\$42.00	35.48%	\$27.00	\$46.00	70.37%	\$35.00	\$68.00	94.29%	\$28.00	\$18.00	-35.71%	\$14.00	\$10.00	-28.57%
Danti, Gianpaolo (Closed)	\$5.39	\$6.05	12.24%	\$3.24	\$4.90	51.23%	\$0.48		-100.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%
Delicious Delights			0.00%			0.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%
Gameday Suite Supply	\$9.04	\$19.97	120.91%	\$29.28	\$3.14	-89.28%	\$2.35	\$1.32	-43.83%	\$0.00	\$0.00	0.00%	\$0.00	\$1.96	100.00%	\$7.05	\$0.00	-100.00%
Healthygreeks Catering	\$0.00	\$5.99	100.00%	\$0.00	\$1.22	100.00%	\$0.00	\$5.05	100.00%	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	0.00%	\$1.58	\$148.44	9294.94%
Hog Brats		\$3.43	100.00%		\$18.00	100.00%		\$5.75	100.00%		\$8.18	100.00%		\$17.65	100.00%			0.00%
Iceman Cometh	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%			0.00%			0.00%
King Kat	\$25.00	\$26.00	4.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%			0.00%			0.00%
Kruton's Inc.		\$75.95	100.00%		\$109.30	100.00%	\$15.82		-100.00%	\$38.70		-100.00%	\$25.46		-100.00%	\$14.26	\$89.14	525.11%
Leslie's Catering	\$0.00	\$5.71	100.00%	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	0.00%	\$1.77	\$3.34	88.70%	\$0.00	\$4.83	100.00%	\$0.00	\$7.58	100.00%
Missy's Fish, Chicken, & River Fries		\$1.63	100.00%			0.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%
Natural State Catering	\$13.45	\$7.64	-43.20%	\$2.99	\$5.26	75.92%	\$0.00	\$6.62	100.00%	\$1.68	\$1.45	-13.69%	\$5.95	\$0.62	-89.58%	\$18.32	\$2.49	-86.41%
Ozark Mountain Nut Roasters	\$37.54	\$134.70	258.82%	\$71.32	\$170.69	139.33%	\$196.80	\$166.22	-15.54%	\$23.78	\$31.31	31.67%	\$72.49	\$87.14	20.21%	\$50.86	\$48.92	-3.81%
Parlor Dogs		\$0.00	0.00%		\$0.00	0.00%	\$0.00	\$0.00	0.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%
Pat's Kitchen	\$86.00	\$338.00	293.02%	\$104.00	\$87.00	-16.35%	\$14.00	\$34.00	142.86%	\$16.00	\$20.00	25.00%	\$20.00	\$26.00	30.00%	\$5.00	\$20.00	300.00%
Pfeffer's Catering	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%			0.00%			0.00%
Porky Chicks BBQ & Catering	\$12.21	\$214.00	1652.66%	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%	\$20.37	\$18.75	-7.95%
Simply Scrumptious, LLC	\$35.97	\$18.38	-48.90%	\$39.99	\$22.21	-44.46%	\$37.52	\$41.10	9.54%	\$17.59	\$11.60	-34.05%	\$0.00	\$8.00	100.00%	\$0.00	\$16.76	100.00%
Snow Tsunami			0.00%			0.00%	\$0.00		0.00%	\$0.00		0.00%			0.00%			0.00%
Southern Hospitality Management Company	\$0.00	\$25.91	100.00%	\$0.00	\$29.24	100.00%	\$0.00	\$19.10	100.00%	\$0.00	\$29.33	100.00%	\$0.00	\$0.00	0.00%	\$9.15		-100.00%
Spring Street Grill, Inc./Spring Street	\$113.96	\$118.11	3.64%	\$133.76	\$119.80	-10.44%	\$115.17	\$197.09	71.13%	\$116.88	\$59.89	-48.76%	\$81.64	\$86.81	6.33%	\$152.22	\$154.29	1.36%
Susan Ang SE Asia Catering	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%
Table 5	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	0.00%	\$0.00		0.00%	\$0.00	\$0.00	0.00%
The Bar B Q Place	\$0.00	\$17.00	100.00%	\$0.00	\$9.00	100.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%
Tropical Sno c/o Southern Ice Dealer	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%
Tun's of Fun c/o Joe's Snack Shack	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00		0.00%	\$0.00	\$0.00	0.00%
Grand Total	\$915.42	\$1,597.96	74.56%	\$777.04	\$1,008.37	29.77%	\$748.47	\$902.31	20.55%	\$436.29	\$453.97	4.05%	\$515.82	\$477.91	-7.35%	\$582.84	\$587.78	0.85%

Multiple Locations

These numbers are preliminary. This report is subject to change.

Business	Oct-09	Oct-10	Oct %	Nov-09	Nov-10	Nov %	Dec-09	Dec-10	Dec %	Jan-10	Jan-11	Jan %	Feb-10	Feb-11	Feb %	Mar-10	Mar-11	Mar %
Arsaga's Espresso Café	\$737.11	\$715.55	-2.92%	\$646.31	\$664.27	2.78%	\$704.48	\$704.63	0.02%	\$593.23	\$620.60	4.61%	\$597.93	\$564.60	-5.57%	\$643.91	\$692.44	7.54%
Arsaga's Espresso Café	\$490.00	\$476.00	-2.86%	\$385.00	\$443.00	15.06%	\$324.00	\$322.00	-0.62%	\$334.00	\$320.00	-4.19%	\$399.00	\$328.00	-17.79%	\$427.00	\$444.00	3.98%
Cliffs III & II Apartments	\$46.00	\$74.50	61.96%	\$42.00	\$0.00	-100.00%	\$14.00	\$0.00	-100.00%	\$6.00	\$4.06	-32.33%	\$8.00	\$0.00	-100.00%	\$2.00	\$0.00	-100.00%
Eureka Pizza	\$1,196.07	\$1,377.00	15.13%	\$1,182.99	\$1,182.00	-0.08%	\$1,184.81	\$1,199.00	1.20%	\$1,108.00	\$1,192.00	7.58%	\$1,169.01	\$1,157.00	-1.03%	\$1,098.00	\$1,355.00	23.41%
E-Z Mart Store Inc.	\$364.70	\$388.23	6.45%	\$335.62	\$333.33	-0.68%	\$338.08	\$345.47	2.19%	\$304.88	\$300.15	-1.55%	\$311.63	\$259.44	-16.75%	\$354.25	\$335.48	-5.30%
Hardee's #1042062/1042072 c/o FSO	\$1,077.09	\$1,176.28	9.21%	\$1,028.75	\$1,072.17	4.22%	\$1,048.14	\$1,116.78	6.55%	\$892.53	\$1,020.17	14.30%	\$1,038.51	\$1,002.97	-3.42%	\$1,084.45	\$1,255.43	15.77%
Harp's Deli's c/o Harp's Food Stores, Inc.	\$1,270.76	\$1,460.23	14.91%	\$1,722.80	\$1,302.30	-24.41%	\$1,353.85	\$1,186.71	-12.35%	\$1,273.51	\$1,256.98	-1.30%	\$1,201.18	\$1,107.14	-7.83%	\$1,186.97	\$1,172.05	-1.26%
Jammin Java	\$63.17	\$62.46	-1.12%	\$73.15	\$76.50	4.58%	\$92.54	\$77.49	-16.26%	\$52.76	\$46.76	-11.37%	\$71.97	\$57.83	-19.65%	\$58.44	\$68.44	17.11%
Lindsey Management Co.	\$0.00	\$37.39	100.00%	\$5.85	\$4.90	-16.24%	\$2.25		-100.00%	\$22.54	\$0.00	-100.00%	\$0.00	\$0.73	100.00%	\$0.00	\$0.00	0.00%
Penguin Ed's Barbeque	\$2,242.00	\$2,734.00	21.94%	\$2,145.00	\$2,053.00	-4.29%	\$2,110.00	\$2,296.00	8.82%	\$1,735.00	\$1,897.00	9.34%	\$2,020.00	\$1,892.00	-6.34%	\$2,212.00	\$2,545.00	15.05%
Tropical Smoothie Café c/o Five Girls & a Guy LLC	\$239.00	\$604.00	152.72%	\$302.00	\$419.00	38.74%	\$221.00	\$410.00	85.52%	\$273.00	\$420.00	53.85%	\$306.00	\$331.00	8.17%	\$386.00	\$442.00	14.51%
Grand Total	\$7,725.90	\$9,105.64	17.86%	\$7,869.47	\$7,550.47	-4.05%	\$7,393.15	\$7,658.08	3.58%	\$6,595.45	\$7,077.72	7.31%	\$7,123.23	\$6,700.71	-5.93%	\$7,453.02	\$8,309.84	11.50%



City Council AGENDA Session Date:
May 17, 2011

City Council Agenda Memo

To: Mayor and Members of the City Council

From: Don Marr, Chief of Staff 

Thru: Mayor Jordan

Date: 5/4/2011

Subject: Purchase Offers for One East Center Building (Offer One East Center LLC Ted Belden Managing Partner)

Recommendation:

The City Administration requests the City Council evaluate and provide feedback and direction on whether to have staff spend time reviewing and assessing information, cost estimates and preparing a future agenda item which would be a recommendation of whether or not to consider the offer to purchase additional City office space. The location of offered property includes One East Center Building as outlined in the attached offer.

Discussion:

The City was approached by the owners (One East Center LLC, Managing Member Ted Belden) offering to sell to the City of Fayetteville; at a special discounted price(provided only to the City of Fayetteville) for the purchase of One East Center Building to be used by the City for City purposes. Mr. Belden has offered special owner financing with no money down and a 5 year financing term at very low interest rates (details of the offer are attached in this packet). Mr. Belden has offered owner financing to try and make the proposal more appealing at this difficult time in our economy.

The offer is for the City to purchase 72,680 square ft within One East Center for \$4.5 Million excluding the top floors condos. Even in view of the current uncertain economic times, the Administration feels that this offer is so enticing that it should be brought forward to the full City Council to consider whether the City is interested in pursuing the purchase.

After this offer was written about within the Northwest Arkansas Times Newspaper, the Mayor received two additional offers from potential owners of buildings located near the Current City Hall downtown buildings. Both of these individuals were contacted and given the same opportunity as Mr. Belden to present their information and/or offers to the full City Council during the agenda presentation and both of these individuals chose not to pursue that option. One individual cited concerns over existing tenant anxiety if the discussions began, and the other individual did not give any reason why they chose not to pursue the same opportunity to present. Therefore today, the Council has before them, One East Center, and all of the information presented to City Staff by Mr. Belden in preparation of the discussion.



East Square Plaza



old buildings lie



Advantages of pursuing this transaction

- Existing city administration building needs to be remodeled.
- City is in need of more space.
- The building can be redeveloped to meet the needs of city for today and tomorrow.
- Security can be added to control access to offices and residential areas.
- No new building would have to be built.
- It is an architectural significant building with grand public spaces.
- The location on the Fayetteville Square is prominent.
- The price of \$61.92 a square foot (in five years) is 4-5 times below what it would cost to build.
- Owner is willing to finance transaction for 5 years and maybe longer.
- Building can continue to be used to promote the creative economy.
- An option can be granted to purchase the third floor office space.

Disadvantages of pursuing this transaction

- Existing financial resources would have to be used or new sources would have to be found.
- The building is shared with other owners.
- The tax paid to the city and county will be reduced, but higher than they were in 2005.

Financial Highlights

Purchase Price

Purchase price in 5 years - \$4,500,000 (\$61.92 a foot). I would finance the purchase price for 5 years at below market rates.

If purchased and not financed -\$4,285,000 (\$58.96 a square foot)

This price does not include the third floor space or Units 140 and 150 on the first floor. Units 140 & 150 are not owned by One East Center but they are available for sale. If the city also wants to buy the non- residential space on the third floor I would consider selling it or giving an option to the city to purchase it.

Operating Costs

In 2010 Operating costs of the building were – \$303,000

In 2011 we project operating costs to be – \$308,000

These costs exclude commercial building costs such as management fees, leasing commissions, legal / accounting fees, real estate taxes and parking lot rent. Since the transaction being proposed is selling a portion of the building, only the pro-rata portion of the buildings operating costs would be the responsibility of the city.

Taxes

Tax paid on the property in 2005 - \$47,344

Tax to be paid on the Property in 2010 - \$90,933

Taxes on third floor space - \$55,210 (Residential Taxes \$47,985)

Summary of Terms

January 13, 2011

The purpose of this Term Sheet (**Term Sheet**) is to summarize our discussions regarding the potential acquisition of the building located at One East Center, Fayetteville, AR (**One East Center**) by The City of Fayetteville, Arkansas (**City**) or an entity to be formed by the City of Fayetteville (the **Buyer**). Except as stated in the last paragraph of this letter, this proposal is not intended as, and does not constitute, a binding agreement, or an agreement to enter into a binding agreement, but is merely intended to specify some of the proposed terms and conditions of the transaction discussed below. No one shall have any legal obligations with respect to the proposed transaction, unless and until all of the terms and conditions of the proposed transaction have been negotiated, agreed to by all parties and set forth in a definitive agreement that has been signed and delivered by all parties.

1. The Parties

Buyer: City of Fayetteville, Arkansas (**City**) or an entity to be formed by the City of Fayetteville, Arkansas (the **Buyer**).

Seller: One East Center LLC (the **Seller**)

2. Purchase of Building and Land

Buyer is interested in purchasing the majority of the property, including the building and land located at One East Center. It is understood that the parties will collectively work to affect the transfer of all existing leases, contracts and other third party relationships from Seller to Buyer.

3. Proposed Closing

Buyer projects that the transaction would be completed on or before July 1, 2011.

4. Purchase Price and Other Consideration

Buyer will consider purchasing the Business for \$4.5 million.

Consideration to Seller

- a. Cash at Closing:
- b. Note Payable to Seller
- Total Consideration

None
\$4,500,000
\$4,500,000

Building Premises to be Purchased: Buyer would purchase 72,680 square feet from the total 105, 922 square footage of One East Center. The purchase will include essentially all space in the basement, 1st floor and 2nd floor of One East Center. The 3rd floor office space and residential condominiums representing 33,242 square feet would be retained by the Seller or the individuals who currently own the condominiums. See *Exhibit A* for a breakdown of the total square footage sold and retained from the Master Deed for One East Center.

The price paid for the premises purchased would be \$61.92 per square foot.

Seller Note Financing: Buyer would issue Seller a note in the principal amount of \$4,500,000 at closing which becomes due and payable in 5 years from the date of closing. The note would bear interest at the following rates which would be payable monthly:

- Year 1 1.00%
- Year 2 2.00%
- Year 3 3.00%
- Year 4 4.00%
- Year 5 5.00%

Building Management and Operating Expenses: Buyer would be the responsible party for management of the building premises. Buyer and Seller agree to allocate general operating expenses in a reasonable manner generally based on a pro-rata ownership of square feet.

5. Conditions to Closing

- A. Buyer has obtained all necessary financing and legislative approvals from all government groups, including the Fayetteville City Council.
- B. Seller has obtained revised terms from One East Center's current mortgage lender, Bank of Fayetteville, which are acceptable to Seller.
- C. Buyer will be granted full access to One East Center's records, operations and professionals (accountants and lawyers) to complete the due diligence investigation and to obtain its internal approvals. The Buyer's due diligence review must be completed to Buyer's sole satisfaction.
- D. The Buyer, Seller and the Seller's owners shall have negotiated mutually acceptable definitive transaction agreements containing representations and warranties, covenants, and indemnification provisions typical for transactions such as that contemplated hereby.
- E. One East Center will be operated in the ordinary course through the closing. There shall have occurred no material change in the condition of One East Center from what has been reported to the Buyer by Seller. Seller will immediately notify and disclose all knowledge any proposed significant developments or potential changes to the building.
- F. Buyer and Seller will work cooperatively to obtain transaction approval from all required third parties.

Please execute in the space provided if you agree to the terms outlined above. If you accept this proposal, we hereby agree that for a period of 75 days from the date of this proposal, Buyer will have the exclusive right to negotiate with Seller for the purchase of One East Center, and neither Seller nor its shareholders nor anyone acting on their behalf will enter into any discussions or negotiations with anyone else, or solicit or entertain any inquiries or proposals from anyone else, which relate to the sale of the One East Center (or any material portion thereof). Upon receipt of the executed copy of this Summary of Terms, Buyer will initiate complete due diligence and issue a definitive purchase agreement to acquire One East Center. Please send your response to Ted Belden of One East Center, LLC at (501) 580-3762. If you have any questions or comments, please contact Ted Belden at (501) 580-3762. This Summary of Terms will expire at 5:00 pm EST on March 31, 2011.

Ted Belden



Date: January 13, 2011

Managing Member
One East Center, LLC

Date _____

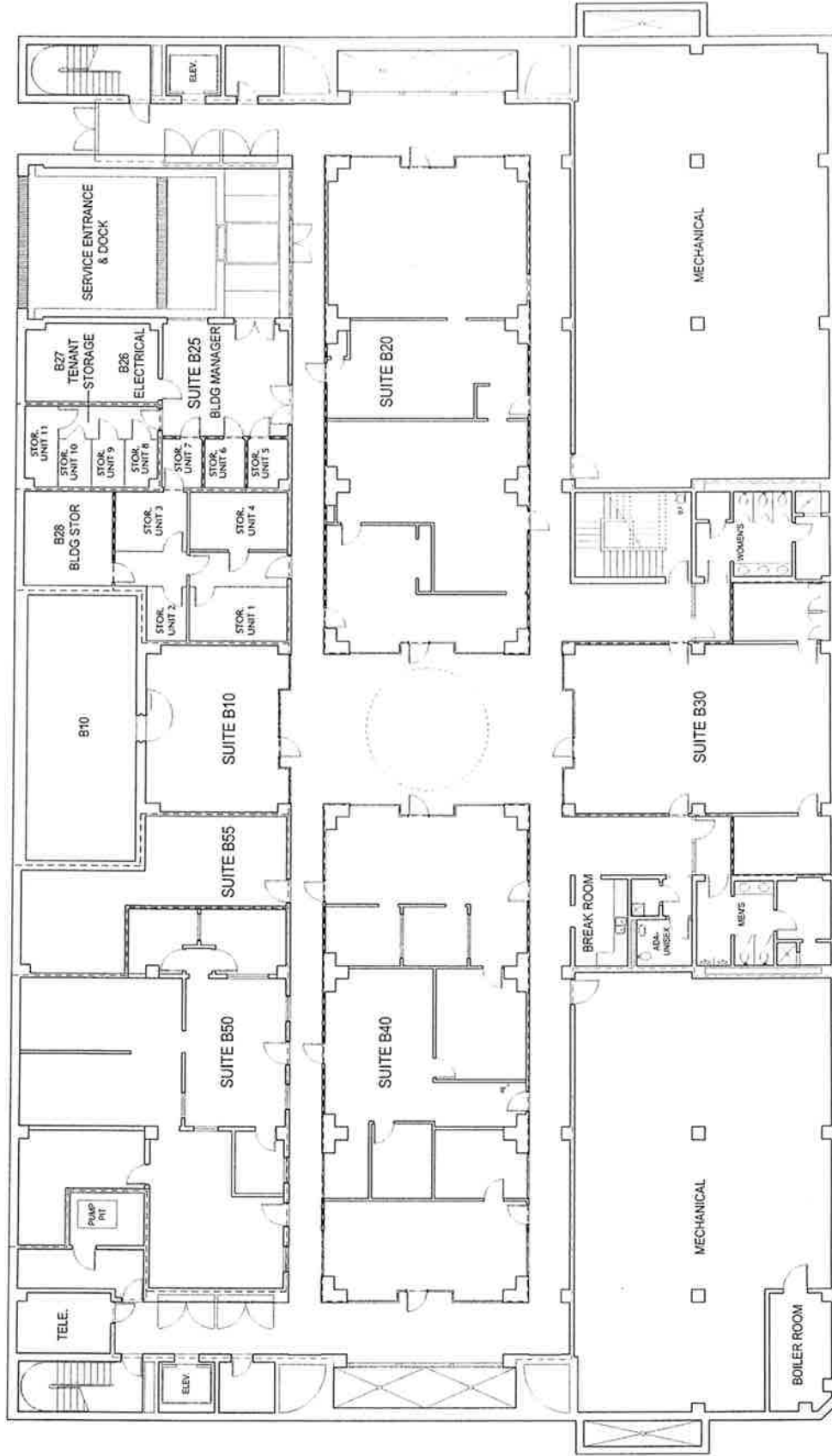
Mayor Lioneld Jordan
City of Fayetteville, Arkansas

Confidential

EXHIBIT A

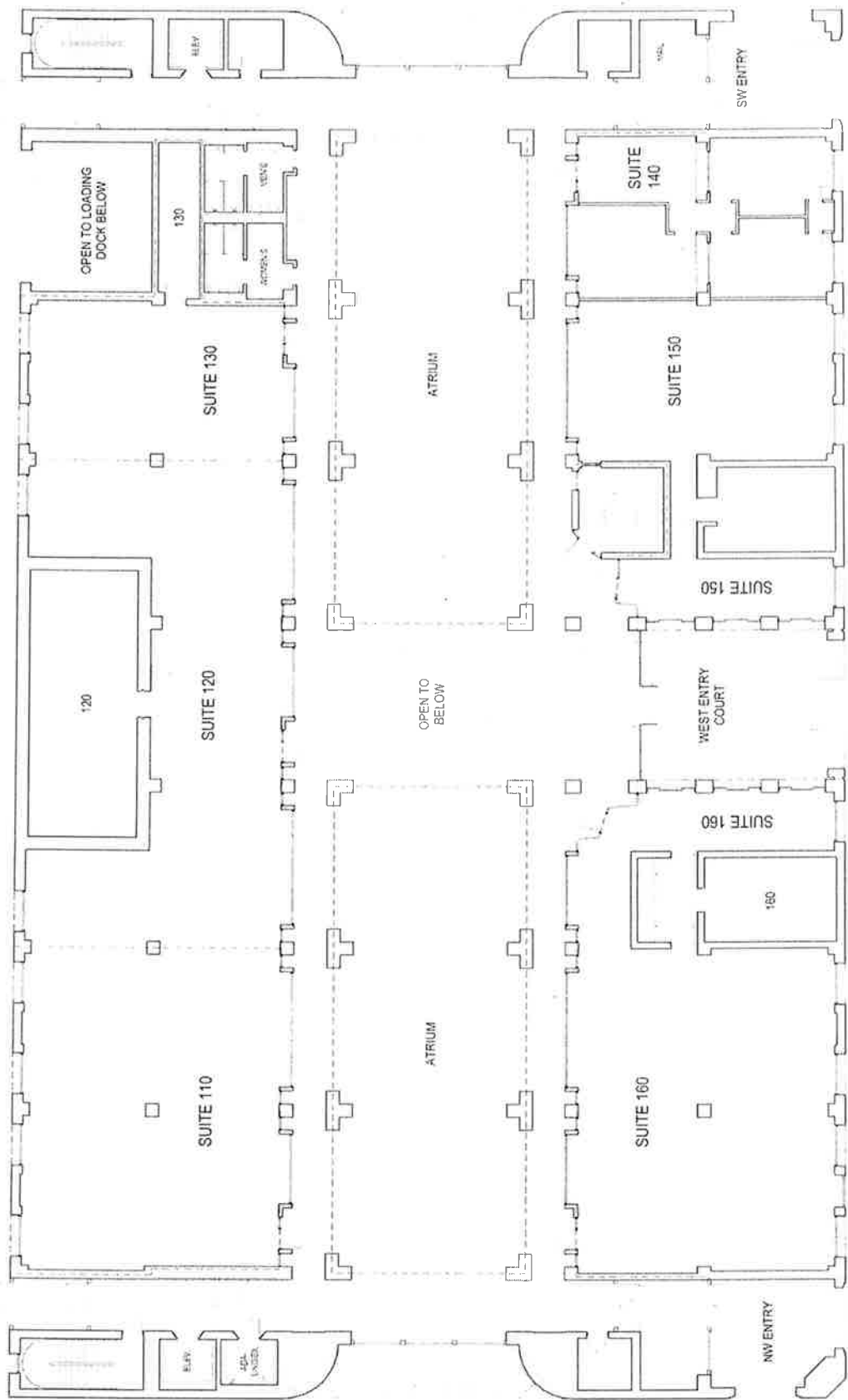
One East Center Square Footage

<u>Total Building Square Footage:</u>		<u>Square Feet Retained by seller</u>		<u>Total Sq Feet Purchased by Buyer</u>	
Office / retail- for lease	45,605	3rd Floor office	5,542		40,063
Retail - Corazan space	2,909	Retail - Corazan space	2,909		-
Residential	14,955	3rd Floor residential	14,955		-
Limited commercial common	17,851	3rd Floor ltd commercial com	1,915		15,936
Unlimited commercial common	18,274	3rd Floor Unltd commercial com	1,593		16,681
Limited residential common	3,216	Limited residential common'	3,216		-
Unlimited residential common	<u>3,112</u>	Unlimited residential common	<u>3,112</u>		-
Total	105,922	Total	33,242	Total	72,680



TOTAL AREA FOR BASEMENT
26,577 SQ. FT.

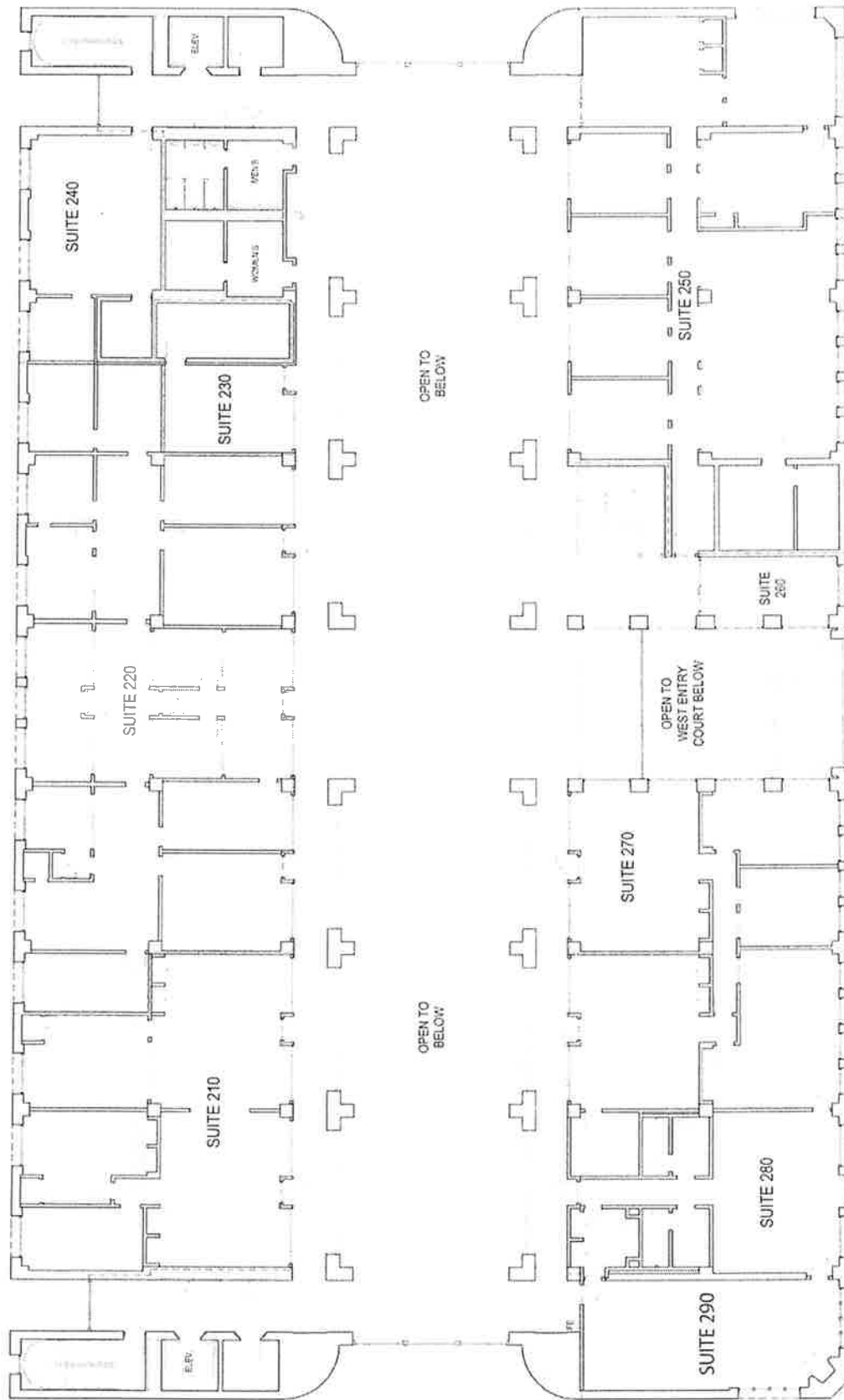
N  BASEMENT FLOOR PLAN | 1/16" = 1' @ 11x17



TOTAL AREA FOR FIRST FLOOR
25,884 sq. ft.

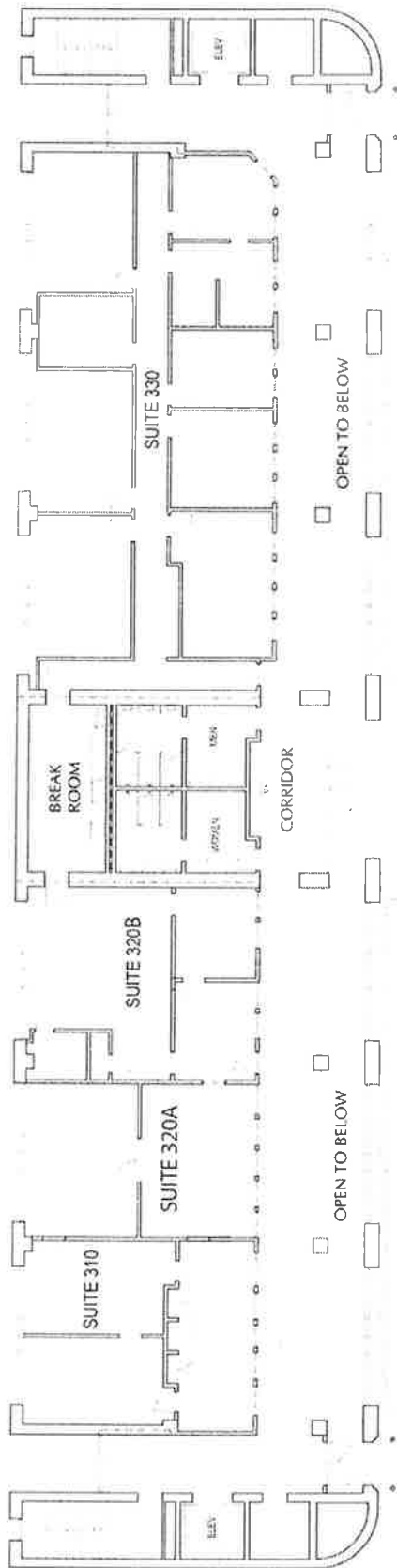
1" = 1' @ 11x17





TOTAL AREA FOR SECOND FLOOR
21,458 sq. ft.

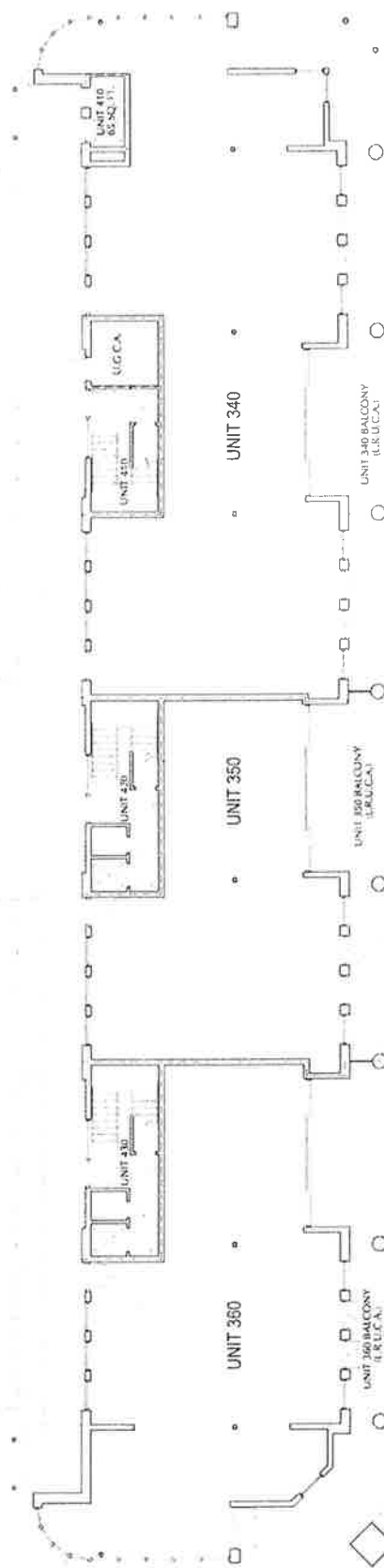
⊕ SECOND FLOOR PLAN | 1/16" = 1' @ 11x17



SKYLIGHT

ROOF TERRACE
L.R.C.A.

SKYLIGHT



TOTAL AREA FOR THIRD FLOOR
21,194 sq. ft.

THIRD FLOOR PLAN | 1/16" = 1' @ 11x17



EAST SQUARE PLAZA
ADDITIONS TO THE OPERATING STATEMENT
CASH BALANCE
DECEMBER 31, 2010

11/30/10	CASH BALANCE	\$	15,863.83	
12/06/10	OWNER CONTRIBUTION		42,500.00	
12/22/10	OWNER CONTRIBUTION		175,000.00	
12/24/10	OWNER CONTRIBUTION		45,000.00	
12/29/10	OWNER WITHDRAWAL		(20,000.00)	
12/31/10	MONTHLY CASH FLOW		<u>(221,644.57)</u>	
12/31/10	CASH BALANCE			<u>\$ 36,719.26</u>
11/30/10	SECURITY DEPOSIT CASH BALANCE		<u>8,603.83</u>	
12/31/10	SECURITY DEPOSIT CASH BALANCE			<u>8,603.83</u>
12/31/10	TOTAL CASH BALANCE			<u><u>\$ 45,323.09</u></u>

East Square Plaza (2090)

Income Statement

Period = Dec 2010

Book = Cash

	Period to Date	%	Year to Date	%
INCOME				
Office Rent	13,208.31	0.00	185,633.73	0.00
Parking Income	3,140.77	0.00	3,220.77	0.00
Condo Rent	2,000.00	0.00	24,000.00	0.00
Operating Cost Adjustment	0.00	0.00	20,576.98	0.00
Forfeited Security Deposits	0.00	0.00	750.00	0.00
Miscellaneous Income	0.00	0.00	9,975.14	0.00
Event Revenue	0.00	0.00	11,392.49	0.00
GROSS OPERATING INCOME	18,349.08	0.00	255,549.11	0.00
GENERAL EXPENSES				
Alarm System	384.41	0.00	6,402.16	0.00
Grounds Maintenance	0.00	0.00	500.00	0.00
Pest Extermination	0.00	0.00	1,522.96	0.00
Signage	0.00	0.00	182.44	0.00
Outside Contractor	6,241.89	0.00	86,370.95	0.00
Auto Expense Reimbursement	0.00	0.00	177.24	0.00
Condominium Expenses	333.74	0.00	7,054.96	0.00
Parking Maintenance	0.00	0.00	128,172.96	0.00
Roof Maintenance	0.00	0.00	1,357.00	0.00
Supplies	98.60	0.00	540.29	0.00
Plumbing Repairs	0.00	0.00	462.50	0.00
TOTAL GENERAL EXPENSES	7,058.64	0.00	232,743.46	0.00
JANITORIAL EXPENSES				
Janitorial Contract	1,800.44	0.00	22,063.40	0.00
Supplies	880.61	0.00	3,096.72	0.00
Trash Removal	433.69	0.00	4,770.59	0.00
Window Cleaning	0.00	0.00	724.73	0.00
TOTAL JANITORIAL EXPENSES	3,114.74	0.00	30,655.44	0.00
HVAC				
Outside Contractor	2,073.85	0.00	20,067.14	0.00
Energy Management	0.00	0.00	4,239.48	0.00
TOTAL HVAC EXPENSES	2,073.85	0.00	24,306.62	0.00
ELEVATOR				
Elevator Contract	2,685.80	0.00	13,488.34	0.00
Inspections/Maintenance	0.00	0.00	1,744.15	0.00
Telephone	143.68	0.00	1,140.22	0.00
TOTAL ELEVATOR EXPENSES	2,829.48	0.00	16,372.71	0.00
ELECTRICAL				
Supplies	508.41	0.00	3,297.89	0.00
TOTAL ELECTRICAL EXPENSES	508.41	0.00	3,297.89	0.00
UTILITIES				
Water	729.16	0.00	12,430.81	0.00
Electricity	5,132.59	0.00	86,584.60	0.00

East Square Plaza (2090)

Income Statement

Period = Dec 2010

Book = Cash

	Period to Date	%	Year to Date	%
Gas	741.42	0.00	21,866.95	0.00
TOTAL UTILITIES	6,603.17	0.00	120,882.36	0.00
ADMINISTRATIVE				
Management Fee	2,000.00	0.00	24,000.00	0.00
Legal Services	1,156.25	0.00	6,962.75	0.00
Leasing Fees	0.00	0.00	10,813.16	0.00
Accounting Fees	0.00	0.00	1,750.00	0.00
Other Professional Fees	0.00	0.00	398.50	0.00
Postage	0.00	0.00	57.28	0.00
Bank Service Charges	2.34	0.00	315.92	0.00
TOTAL ADMIN. EXPENSE	3,158.59	0.00	44,297.61	0.00
FIXED CHARGES				
Insurance	0.00	0.00	10,251.00	0.00
Real Estate Taxes	172,641.37	0.00	172,641.37	0.00
Bus./Personal Prop. Taxes	0.00	0.00	150.00	0.00
TOTAL FIXED CHARGES	172,641.37	0.00	183,042.37	0.00
TOTAL OPERATING EXPENSES	197,988.25	0.00	655,598.46	0.00
NET OPERATING INCOME	-179,639.17	0.00	-400,049.35	0.00
OTHER CHARGES				
Mortgage - Principal	14,252.00	0.00	124,349.25	0.00
Mortgage - Interest	27,753.40	0.00	308,900.92	0.00
Tenant Improvements	0.00	0.00	82,928.68	0.00
Life Safety	0.00	0.00	30,000.00	0.00
Sales Tax Rebate	0.00	0.00	-36.25	0.00
TOTAL OTHER CHARGES	42,005.40	0.00	546,142.60	0.00
NET FOR DISTRIBUTION	-221,644.57	0.00	-946,191.95	0.00

General Ledger (Cash)
East Square Plaza - (2090)
Months: Dec 2010

Control Refer

1010-0000

2090	12/1/2010 12/10	(t209oldb) Old Buildings, LLC	R-129159	NO COPY	1,207.50		15,661.83	
2090	12/1/2010 12/10	(t209robe) Robert Estes	R-127781	none	139.04		17,210.37	:Prog Gen prepaym
2090	12/1/2010 12/10	(t209robe) Robert Estes	R-127781	none		139.04	17,071.33	:Prog Gen prepaym
2090	12/2/2010 12/10	(t209robe) Robert Estes	R-128434	12054	159.04		17,230.37	
2090	12/2/2010 12/10	(t209robe) Robert Estes	R-128434	12054	588.96		17,819.33	
2090	12/2/2010 12/10	(swele) SOUTHWESTERN ELECTRIC K-222916		20901210		63.47	17,755.86	10/7-11/5
2090	12/2/2010 12/10	(swele) SOUTHWESTERN ELECTRIC K-222917		20901210		5,069.12	12,686.74	10/7-11/5
2090	12/2/2010 12/10	(t209demx) DeMx Architecture, PA	R-128433	2222	861.33		13,548.07	
2090	12/2/2010 12/10	(t209advn) Advisor Alliance Financial	R-128432	2503	1,200.00		14,748.07	
2090	12/2/2010 12/10	(t209lane) Peter & Bobbie Lane	R-128435	7738	2,000.00		16,748.07	
2090	12/2/2010 12/10	(t209culp) Culpit Financial, LLC	R-128431	8878	1,416.25		18,164.32	
2090	12/6/2010 12/10	BANK OF FAYETTEVILLE	J-52399			30,958.02	(12,793.70)	12/10 Note Paymen
2090	12/6/2010 12/10	BANK OF FAYETTEVILLE	J-52400			11,047.38	(23,841.08)	12/10 note payment
2090	12/6/2010 12/10	() Old Building, LLC	R-129161	EFT	42,500.00		18,658.92	
2090	12/8/2010 12/10	() Parking Systems of Ameri	R-129160	1222	3,140.77		21,799.69	Parking income
2090	12/8/2010 12/10	(arkwe) ARKANSAS WESTERN GAS K-220286		1450		741.42	21,058.27	10/26-11/23
2090	12/8/2010 12/10	(arkwe) ARKANSAS WESTERN GAS K-220287		1450		228.75	20,829.52	10/26-11/23
2090	12/9/2010 12/10	(citfay) CITY OF FAYETTEVILLE UT K-222957		20901210		433.69	20,395.83	10/14-11/10
2090	12/9/2010 12/10	(citfay) CITY OF FAYETTEVILLE UT K-222957		20901210		729.16	19,666.67	10/14-11/10
2090	12/21/2010 12/10	(acmej) ACME JANITOR & CHEM K-221584		1452		203.86	19,462.81	MID NOVEMBER SU
2090	12/21/2010 12/10	(acmej) ACME JANITOR & CHEM K-221585		1452		156.10	19,306.71	END OF OCT SUPPL
2090	12/21/2010 12/10	(acmej) ACME JANITOR & CHEM K-221586		1452		377.88	18,928.83	SEPT SUPPLIES
2090	12/21/2010 12/10	(acmej) ACME JANITOR & CHEM K-221587		1452		142.77	18,786.06	OCTOBER JANITOR
2090	12/21/2010 12/10	(attne) AT&T	K-221582	1453		223.32	18,562.74	12/3-1/2
2090	12/21/2010 12/10	(attne) AT&T	K-221583	1453		74.44	18,488.30	12/3-1/2
2090	12/21/2010 12/10	(comsol) COMMERCIAL PROPERTY K-221579		1454		2,073.85	16,414.45	HVAC-NOV10
2090	12/21/2010 12/10	(comsol) COMMERCIAL PROPERTY K-221580		1454		2,941.89	13,472.56	40857
2090	12/21/2010 12/10	(comsol) COMMERCIAL PROPERTY K-221581		1454		3,300.00	10,172.56	40887
2090	12/21/2010 12/10	(dunk) DUNK FIRE & SECURITY K-221575		1455		161.09	10,011.47	RESET PULL STATIC
2090	12/21/2010 12/10	(myersk) KATHERINE M. MYERS, P K-221576		1456		1,156.25	8,855.22	10/15-12/12
2090	12/21/2010 12/10	(seyll) SEYLLER ELECTRIC, INC K-221577		1457		60.96	8,794.26	
2090	12/21/2010 12/10	(seyll) SEYLLER ELECTRIC, INC K-221578		1457		447.45	8,346.81	
2090	12/21/2010 12/10	(sharps) SHARP'S LOCK AND ALARI K-221573		1458		15.84	8,330.97	MASTER KEYS
2090	12/21/2010 12/10	(sharps) SHARP'S LOCK AND ALARI K-221574		1458		82.76	8,248.21	REKEYS/KEYS
2090	12/21/2010 12/10	(swele) SOUTHWESTERN ELECTRIC K-221588		1459		45.46	8,202.75	11/5-12/8
2090	12/21/2010 12/10	(swele) SOUTHWESTERN ELECTRIC K-221589		1459		59.53	8,143.22	11/5-12/8
2090	12/22/2010 12/10	X-fer from Old Building, LLC	J-52463		175,000.00		183,143.22	X-fer from Old Build
2090	12/23/2010 12/10	(commi) COMMISSIONER OF STAT K-221895		1460		34,360.12	148,783.10	765-24740-000
2090	12/23/2010 12/10	(commi) COMMISSIONER OF STAT K-221896		1461		8,220.55	140,562.55	765-24739-000
2090	12/23/2010 12/10	(commi) COMMISSIONER OF STAT K-221897		1462		7,135.31	133,427.24	765-24738-000
2090	12/23/2010 12/10	(commi) COMMISSIONER OF STAT K-221898		1463		8,220.55	125,206.69	765-24737-000
2090	12/23/2010 12/10	(commi) COMMISSIONER OF STAT K-221899		1464		22,130.31	103,076.38	765-24736-000
2090	12/23/2010 12/10	(commi) COMMISSIONER OF STAT K-221900		1465		4,104.22	98,972.16	765-24745-000
2090	12/23/2010 12/10	(commi) COMMISSIONER OF STAT K-221901		1466		14,049.06	84,923.10	765-24744-000
2090	12/23/2010 12/10	(commi) COMMISSIONER OF STAT K-221902		1467		7,839.51	77,083.59	765-24743-000
2090	12/23/2010 12/10	(commi) COMMISSIONER OF STAT K-221903		1468		3,389.72	73,693.87	765-24751-000
2090	12/23/2010 12/10	(commi) COMMISSIONER OF STAT K-221904		1469		12,111.40	61,582.47	765-24752-000
2090	12/23/2010 12/10	(commi) COMMISSIONER OF STAT K-221905		1470		16,187.01	45,395.46	765-24749-000
2090	12/23/2010 12/10	(commi) COMMISSIONER OF STAT K-221906		1471		6,609.07	38,786.39	765-24750-000
2090	12/23/2010 12/10	(commi) COMMISSIONER OF STAT K-221907		1472		1,044.99	37,741.40	765-24748-000
2090	12/23/2010 12/10	(commi) COMMISSIONER OF STAT K-221909		1473		13,599.35	24,142.05	765-24747-000
2090	12/23/2010 12/10	(commi) COMMISSIONER OF STAT K-221911		1474		10,746.82	13,395.23	765-24742-000
2090	12/23/2010 12/10	(commi) COMMISSIONER OF STAT K-221913		1475		2,893.38	10,501.85	765-24746-000
2090	12/24/2010 12/10	() Old Building, LLC	R-129507	XFER	45,000.00		55,501.85	
2090	12/27/2010 12/10	(t209bank) Bank of America, N.A.	R-129508	EFT	3,300.46		58,802.31	
2090	12/27/2010 12/10	(t209bank) Bank of America, N.A.	R-129508	EFT	4,474.77		63,277.08	
2090	12/28/2010 12/10	(attne) AT&T	K-222965	20901210		69.24	63,207.84	11/25-12/24
2090	12/29/2010 12/10	Owner transfer	J-53292			20,000.00	43,207.84	Owner transfer
2090	12/30/2010 12/10	(dfrp01) COLLIER'S INTERNATIONAL K-222495		1476		2,000.00	41,207.84	12/10 FEE
2090	12/31/2010 12/10	Service chrg	J-53376			2.34	41,205.50	Service chrg
2090	12/31/2010 12/10	(offdet) OFFICE DETAIL INC	K-222848	1477		1,800.44	39,405.06	40887
2090	12/31/2010 12/10	(otlse) OTIS ELEVATOR CO., INC.	K-222847	1478		2,685.80	36,719.26	1/1/11-3/31/11
NetChange							0.00	

1020-0000

Cash - Security Deposits
NetChange = 0.00

0.00 = Beginning
0.00 = Ending

2510-0000

Security Deposits
NetChange = 0.00

(0.00) = Beginning
(0.00) = Ending

3410-0000

2090 12/6/2010 12/10 () Old Building, LLC R-129161 EFT 42,500.00

(1,725,010.80)
(1,767,510.80)

General Ledger (Cash)
East Square Plaza - (2090)
Months: Dec 2010

Property	Date	Period	Description						
2090	12/22/2010	12/10	Owner contribution	J-53434		175,000.00	(1,942,510.80)	Reclass owner cont	
2090	12/24/2010	12/10	() Old Building, LLC	R-129507	XFER	45,000.00	(1,987,510.80)		
			NetChange= 0.00				(1,987,510.80)		
3420-0000							33,000.00		
2090	12/22/2010	12/10	X-fer from Old Building, LLC	J-52463		175,000.00	(1,987,510.80)	X-fer from Old Build	
2090	12/22/2010	12/10	Owner contribution	J-53434		175,000.00	33,000.00	Reclass owner cont	
2090	12/24/2010	12/10	Owner transfer	J-53292		20,000.00	53,000.00	Owner transfer	
			NetChange= 0.00				33,000.00		
3500-0000			Retained Earnings				955,014.59	= Begn	
			NetChange= 0.00				955,014.59	= Endin	
3501-0000			Prior Year Retained Earnings				(3,415.00)	= Begn	
			NetChange= 0.00				(3,415.00)	= Endin	
4220-0000							(172,425.42)		
2090	12/1/2010	12/10	(t209oldb) Old Buildings, LLC	R-129159	NO COPY	1,207.50	(172,632.92)		
2090	12/1/2010	12/10	(t209robe) Robert Estes	R-127781	none	139.04	(173,493.88)	:Prog Gen prepaym	
2090	12/1/2010	12/10	(t209robe) Robert Estes	R-127781	none	139.04	(173,632.92)	:Prog Gen prepaym	
2090	12/2/2010	12/10	(t209robe) Robert Estes	R-128434	12054	159.04	(173,791.96)		
2090	12/2/2010	12/10	(t209robe) Robert Estes	R-128434	12054	588.96	(174,380.92)		
2090	12/2/2010	12/10	(t209demx) DeMx Architecture, PA	R-128433	2222	861.33	(175,242.25)		
2090	12/2/2010	12/10	(t209advl) Advisor Alliance Financial	R-128432	2503	1,200.00	(176,442.25)		
2090	12/2/2010	12/10	(t209culp) Culpit Financial, LLC	R-128431	8878	1,416.25	(177,858.50)		
2090	12/27/2010	12/10	(t209bank) Bank of America, N.A.	R-129508	EFT	3,300.46	(181,158.96)		
2090	12/27/2010	12/10	(t209bank) Bank of America, N.A.	R-129508	EFT	4,174.77	(185,633.73)		
			NetChange= 0.00				(185,633.73)		
4223-0000							(3,220.77)		
2090	12/8/2010	12/10	() Parking Systems of Ameri	R-129160	1222	3,140.77	(3,220.77)	Parking income	
			NetChange= 0.00				(3,220.77)	= Endin	
4228-0000			Carida Rent				(24,000.00)		
2090	12/2/2010	12/10	(t209dane) Peter S. Seebus Lane	R-128435	7738	2,000.00	(24,000.00)		
			NetChange= -2,000.00				(24,000.00)		
4231-0000			Operating Cost Adjustment				(20,576.98)	= Begn	
			NetChange= 0.00				(20,576.98)	= Endin	
4248-0000			Forfeited Security Deposits				(750.00)	= Begn	
			NetChange= 0.00				(750.00)	= Endin	
4255-0000			Residual Income				(9,975.14)	= Begn	
			NetChange= 0.00				(9,975.14)	= Endin	
4290-0000			Event Revenue				(11,392.49)	= Begn	
			NetChange= 0.00				(11,392.49)	= Endin	
7216-0000							6,241.07		
2090	12/21/2010	12/10	(attn) AT&T	K-221582	1453	223.32	6,241.07	12/3-1/2	
2090	12/21/2010	12/10	(dunk) DUNK FIRE & SECURITY	K-221575	1455	161.09	6,402.16	RESET PULL STATI	
			NetChange= 0.00				6,402.16		
7217-0000			Grounds Maintenance				500.00	= Begn	
			NetChange= 0.00				500.00	= Endin	
7218-0000			Post Extension				1,572.95	= Begn	
			NetChange= 0.00				1,572.95	= Endin	
7219-0000			Signage				182.44	= Begn	
			NetChange= 0.00				182.44	= Endin	
7221-0000							83,070.95		
2090	12/21/2010	12/10	(comsol) COMMERCIAL PROPERTY	K-221580	1454	2,941.89	83,070.95	40857	
2090	12/21/2010	12/10	(comsol) COMMERCIAL PROPERTY	K-221581	1454	3,409.01	86,370.95	40887	
			NetChange= 0.00				86,370.95		
7228-0000			Airport Expense Reimbursement				177.24	= Begn	
			NetChange= 0.00				177.24	= Endin	
7230-0000							6,949.97		
2090	12/8/2010	12/10	(arkwe) ARKANSAS WESTERN GAS	K-220287	1450	228.75	6,949.97	10/26-11/23	
2090	12/21/2010	12/10	(swelc) SOUTHWESTERN ELECTRIC	K-221588	1459	45.46	6,995.43	11/5-12/8	

General Ledger (Cash)
East Square Plaza - (2090)
Months: Dec 2010

Property	Date	Period	Description	Control	Debit		
2090	12/21/2010	12/10	(swela) SOUTHWESTERN ELECTRIC K-221589	1459	59.53	7,054.96	11/5-12/8
			NetChange= 59.53			7,054.96	
7235-0000			Packing Maintenance			128,172.96	= Beginning
			NetChange= 0.00			128,172.96	= Ending
7259-0000			Roof Maintenance			1,357.00	= Beginning
			NetChange= 0.00			1,357.00	= Ending
7251-0000						87.77	
2090	12/21/2010	12/10	(sharps) SHARP'S LOCK AND ALARM K-221573	1458	15.84	457.53	MASTER KEYS
2090	12/21/2010	12/10	(sharps) SHARP'S LOCK AND ALARM K-221574	1458	82.76	540.29	REKEYS/KEYS
			NetChange= 98.60			540.29	
7254-0000			Plumbing Repairs			462.50	= Beginning
			NetChange= 0.00			462.50	= Ending
7288-0000			Janitorial Contract			20,263.40	= Beginning
2090	12/31/2010	12/10	COMMIT OFFICE OF TALL ON K-222848	1477	1,800.44	22,063.40	40057
			NetChange= 1,800.44			22,063.40	= Ending
7289-0000						2,419.97	
2090	12/21/2010	12/10	(acmej) ACME JANITOR & CHEMIC K-221584	1452	203.86	2,419.97	MID NOVEMBER SU
2090	12/21/2010	12/10	(acmej) ACME JANITOR & CHEMIC K-221585	1452	156.10	2,576.07	END OF OCT SUPPL
2090	12/21/2010	12/10	(acmej) ACME JANITOR & CHEMIC K-221586	1452	377.88	2,953.95	SEPT SUPPLIES
2090	12/21/2010	12/10	(acmej) ACME JANITOR & CHEMIC K-221587	1452	142.77	3,096.72	OCTOBER JANITOR
			NetChange= 680.61			3,096.72	
7290-0000						4,770.59	= Beginning
2090	12/29/2010	12/10	(city) CITY OF FAYETTEVILLE UT K-222957	20901210	433.69	4,770.59	10/14-11/10
			NetChange= 433.69			4,770.59	= Ending
7291-0000			Window Cleaning			724.73	= Beginning
			NetChange= 0.00			724.73	= Ending
7366-0000			Outside Contractors			17,592.29	= Beginning
2090	12/21/2010	12/10	(summe) COMMERCIAL PROPERTY K-221579	1454	2,073.85	20,667.14	4VAL 30/10
			NetChange= 2,073.85			20,667.14	= Ending
7370-0000			Energy Management			4,239.40	= Beginning
			NetChange= 0.00			4,239.40	= Ending
7400-0000						10,802.59	= Beginning
2090	12/21/2010	12/10	(otis) OTIS ELEVATOR CO. INC. K-222847	1478	2,685.80	13,488.39	11/11-12/11
			NetChange= 2,685.80			13,488.39	= Ending
7401-0000			Inspections/Maintenance			1,744.15	= Beginning
			NetChange= 0.00			1,744.15	= Ending
7402-0000			Telephone				= Beginning
2090	12/21/2010	12/10	(attne) AT&T K-221583	1453	74.44	1,070.98	12/4-1/2
2090	12/28/2010	12/10	(attne) AT&T K-222965	20901210	69.24	1,140.22	11/15-12/24
			NetChange= 143.68			1,140.22	= Ending
7451-0000						2,850.44	
2090	12/21/2010	12/10	(seyll) SEYLLER ELECTRIC, INC K-221577	1457	60.96	2,850.44	
2090	12/21/2010	12/10	(seyll) SEYLLER ELECTRIC, INC K-221578	1457	447.45	3,297.89	
			NetChange= 508.41			3,297.89	
7488-0000			Water			11,701.65	= Beginning
2090	12/29/2010	12/10	(city) CITY OF FAYETTEVILLE UT K-222957	20901210	729.16	12,430.81	10/14-11/10
			NetChange= 729.16			12,430.81	= Ending
7489-0000			Electricity			84,515.48	10/7-11/5
2090	12/21/2010	12/10	(swela) SOUTHWESTERN ELECTRIC K-222916	20901210	63.47	84,515.48	10/7-11/5
2090	12/21/2010	12/10	(swela) SOUTHWESTERN ELECTRIC K-222917	20901210	5,069.12	89,584.60	10/7-11/5
			NetChange= 5,132.59			89,584.60	
7490-0000			Gas			21,125.53	
2090	12/21/2010	12/10	(arkwe) ARKANSAS WESTERN GAS K-220286	1450	741.42	21,866.95	10/26-11/23
			NetChange= 741.42			21,866.95	= Ending
7550-0000						24,000.00	12/10 FEE
2090	12/30/2010	12/10	(dfpd1) COLLIER'S INTERNATIONAL K-222495	1476	2,000.00	24,000.00	12/10 FEE

**General Ledger (Cash)
East Square Plaza - (2090)
Months: Dec 2010**

Property	Date	Period	Description	Control	Refer	Debit	Credit	Balance	Remarks
			NetChange= 2,000.00					24,000.00	= Beginning
7551-0000									
2090	12/21/2010	12/10	(myersk) KATH-PRIVE M MYERS, P K-221576	1455		1,156.25		5,806.50	= Beginning
			NetChange= 1,156.25					5,806.25	= Ending
7552-0000									
			Leasing Fees					10,813.16	= Beginning
			NetChange= 0.00					10,813.16	= Ending
7553-0000									
			Accounting Fees					1,750.00	= Beginning
			NetChange= 0.00					1,750.00	= Ending
7554-0000									
			Other Professional Fees					390.50	= Beginning
			NetChange= 0.00					390.50	= Ending
7559-0000									
			Postage					57.25	= Beginning
			NetChange= 0.00					57.25	= Ending
7569-0000									
2090	12/31/2010	12/10	Service chrg	J-53376		2.34		111.58	= Beginning
			NetChange= 2.34					115.92	= Ending
7600-0000									
			Insurance					10,251.00	= Beginning
			NetChange= 0.00					10,251.00	= Ending
7610-0000									
2090	12/23/2010	12/10	(commi) COMMISSIONER OF STAT K-221895	1460		34,360.12		34,360.12	765-24740-000
2090	12/23/2010	12/10	(commi) COMMISSIONER OF STAT K-221896	1461		8,220.55		42,580.67	765-24739-000
2090	12/23/2010	12/10	(commi) COMMISSIONER OF STAT K-221897	1462		7,135.31		49,715.98	765-24738-000
2090	12/23/2010	12/10	(commi) COMMISSIONER OF STAT K-221898	1463		8,220.55		57,936.53	765-24737-000
2090	12/23/2010	12/10	(commi) COMMISSIONER OF STAT K-221899	1464		22,130.31		80,066.84	765-24736-000
2090	12/23/2010	12/10	(commi) COMMISSIONER OF STAT K-221900	1465		4,104.22		84,171.06	765-24745-000
2090	12/23/2010	12/10	(commi) COMMISSIONER OF STAT K-221901	1466		14,049.06		98,220.12	765-24744-000
2090	12/23/2010	12/10	(commi) COMMISSIONER OF STAT K-221902	1467		7,839.51		106,059.63	765-24743-000
2090	12/23/2010	12/10	(commi) COMMISSIONER OF STAT K-221903	1468		3,389.72		109,449.35	765-24751-000
2090	12/23/2010	12/10	(commi) COMMISSIONER OF STAT K-221904	1469		12,111.40		121,560.75	765-24752-000
2090	12/23/2010	12/10	(commi) COMMISSIONER OF STAT K-221905	1470		16,187.01		137,747.76	765-24749-000
2090	12/23/2010	12/10	(commi) COMMISSIONER OF STAT K-221906	1471		6,609.07		144,356.83	765-24750-000
2090	12/23/2010	12/10	(commi) COMMISSIONER OF STAT K-221907	1472		1,044.99		145,401.82	765-24748-000
2090	12/23/2010	12/10	(commi) COMMISSIONER OF STAT K-221909	1473		13,599.35		159,001.17	765-24747-000
2090	12/23/2010	12/10	(commi) COMMISSIONER OF STAT K-221911	1474		10,746.82		169,747.99	765-24742-000
2090	12/23/2010	12/10	(commi) COMMISSIONER OF STAT K-221913	1475		2,893.38		172,641.37	765-24746-000
			NetChange= 5,235.23					167,406.14	= Ending
7620-0000									
			Bus./Personal Prop. Taxes					150.00	= Beginning
			NetChange= 0.00					150.00	= Ending
7800-0000									
2090	12/6/2010	12/10	BANK OF FAYETTEVILLE	J-52399		10,510.17		120,607.42	12/10 Pnn-Ln #991
2090	12/6/2010	12/10	BANK OF FAYETTEVILLE	J-52400		3,741.83		124,349.25	12/10 Pnn-Ln #1450
			NetChange= 14,252.00					106,357.25	= Ending
7801-0000									
2090	12/6/2010	12/10	BANK OF FAYETTEVILLE	J-52399		20,447.85		281,147.52	12/10 Pnn-Ln #991
2090	12/6/2010	12/10	BANK OF FAYETTEVILLE	J-52400		7,305.55		301,545.37	12/10 Pnn-Ln #1450
			NetChange= 27,753.40					273,791.97	= Ending
7830-0000									
			Tenant Improvements					82,928.60	= Beginning
			NetChange= 0.00					82,928.60	= Ending
7870-0000									
			Life Safety					30,000.00	= Beginning
			NetChange= 0.00					30,000.00	= Ending
7900-0000									
			Sales Tax Refund					(36.25)	= Beginning
			NetChange= 0.00					(36.25)	= Ending
716,120.81							716,120.81		

Aged Receivables Report

Detail by Resident

Property: East Square Plaza (2090)

Trans Through: 12/2010

Age As of: 12/31/2010

Page 1

Unit	Resident	Charge Code	Total Unpaid Charges	0 - 30 days	31 - 60 days	61 - 90 days	Over 90 days	Prepayments	Balance
2090 - East Square Plaza									
140	t209cora	Theresa Gibbs - Corazon	5,718.52	1,174.00	4,544.52	0.00	0.00	0.00	5,718.52
160-170	t209nord	Nordlys Global, LLC (Holland)	35,596.95	5,180.25	5,180.25	0.00	25,236.45	0.00	35,596.95
200	t209robe	Robert Estes	0.00	0.00	0.00	0.00	0.00	-159.04	-159.04
250	t209bank	Bank of America, N.A.	0.00	0.00	0.00	0.00	0.00	-11,760.00	-11,760.00
280	t209gray	Grayrock Advisory Services (McFarland)	3,943.08	251.56	251.56	0.00	3,439.96	0.00	3,943.08
B-01	t209faye	Fayetteville Underground, Inc.	0.00	0.00	0.00	0.00	0.00	-2,027.54	-2,027.54
Total 2090			45,258.55	6,605.81	9,976.33	0.00	28,676.41	-13,946.58	31,311.97
Total			45,258.55	6,605.81	9,976.33	0.00	28,676.41	-13,946.58	31,311.97

*Handed out at the
City Council Meeting
5-17-2011*

FAYETTEVILLE, ARKANSAS

AIR QUALITY MONITORING STUDY

Mark J. Travers, PhD, MS

Lisa Vogl, BS

Department of Health Behavior



February 2011

EXECUTIVE SUMMARY

In January, 2011, indoor air quality was assessed in 28 bars in Fayetteville, Arkansas. Six locations were smoke-free and 22 locations permitted indoor smoking.

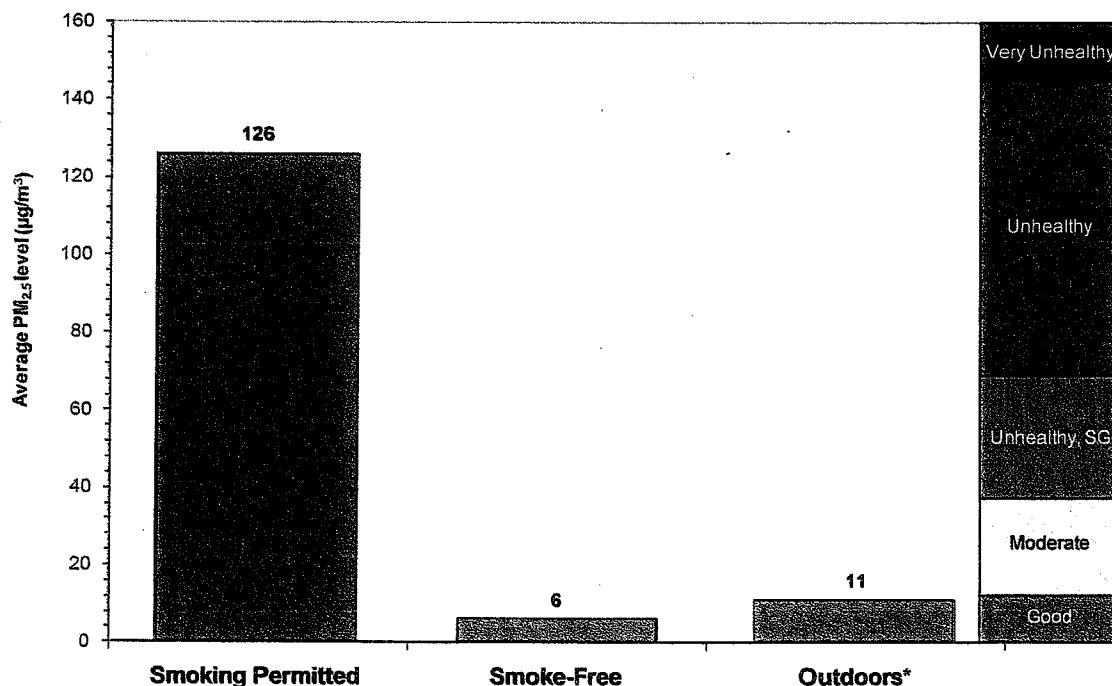
The concentration of fine particle air pollution, $PM_{2.5}$, was measured with a TSI SidePak AM510 Personal Aerosol Monitor. $PM_{2.5}$ is particulate matter in the air smaller than 2.5 microns in diameter. Particles of this size are released in significant amounts from burning cigarettes, are easily inhaled deep into the lungs, and cause a variety of adverse health effects including cardiovascular and respiratory morbidity and death.

Key findings of the study include:

- In the 22 locations with observed smoking, there were, on average, 2.6 cigarettes burning during the visits. This translates to an average of 0.40 burning cigarettes per 100 cubic meters of air in these places.
- In the 22 locations with observed indoor smoking the level of fine particle air pollution was unhealthy ($PM_{2.5} = 126 \mu\text{g}/\text{m}^3$). This level of particle air pollution is 12 times higher than outdoor air in Arkansas and 21 times higher than the smoke-free locations.
- Employees working full time in the locations with indoor smoking are exposed to levels of air pollution 2.5 times higher than safe annual levels established by the U.S. Environmental Protection Agency due to their occupational exposure to tobacco smoke pollution.

Figure 1.

Average Level of Indoor Air Pollution in Fayetteville Bars



* Used for comparison purposes. Based on the 2008 average $PM_{2.5}$ level from the EPA monitoring sites in Springdale, Arkansas (<http://www.epa.gov/air/data/>). The color-coded EPA Air Quality Index is also shown to demonstrate the magnitude of the measured particle levels

INTRODUCTION

Secondhand smoke (SHS) contains at least 250 chemicals that are known to be toxic or carcinogenic, and is itself a known human carcinogen,[1] responsible for an estimated 3,000 lung cancer deaths annually in *never smokers* in the U.S., as well as more than 35,000 deaths annually from coronary heart disease in *never smokers*, and respiratory infections, asthma, Sudden Infant Death Syndrome, and other illnesses in children.[2] Although population-based data show declining SHS exposure in the U.S. overall, SHS exposure remains a major public health concern that is entirely preventable.[3, 4] Because establishing smoke-free environments is the most effective method for reducing SHS exposure in public places,[5] Healthy People 2020 Objective TU-13 encourages all States, Territories, Tribes and the District of Columbia to establish laws on smoke-free indoor air that prohibit smoking in public places and worksites.[6]

Currently in the U.S., 28 states, Washington D.C., and Puerto Rico have passed strong smoke-free air laws that include restaurants and bars. The states are Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Rhode Island, Utah, Vermont, Washington, and Wisconsin. Well over 50% of the U.S. population is now protected from secondhand smoke in all public places.[7] Nine Canadian provinces and territories also have comprehensive smoke-free air laws in effect. Hundreds of cities and counties across the U.S. have also taken action, as have whole countries including Ireland, Scotland, Uruguay, Norway, New Zealand, Sweden, Italy, Spain, England and France.

In September of 2003, the Fayetteville City Council passed an ordinance that would prohibit smoking in most workplaces in city limits, including restaurants and their attached bars. On February 10, 2004 the voters in Fayetteville upheld the City Council's decision through a referendum. Bars and taverns in Fayetteville that only allow patrons above the age of 21 and do not serve food are exempt from the ordinance. The Arkansas Clean Indoor Air Act[8] went into effect in July 2006 and requires most workplaces and public places to be smokefree with the exception of bars and restaurants that prohibit at all times persons under the age of 21, businesses with 2 or less employees not open to the public, designated hotel rooms(<20%), and designated areas of long-term care facilities. So, currently in Fayetteville most workplaces and public places are smokefree although there are about 30 bars that are exempt from the clean indoor air legislation and permit indoor smoking.

The goal of this study was to determine the level of fine particle air pollution in Fayetteville bars where smoking was permitted and compare this to smoke-free locations. It is hypothesized that: 1) indoor particle air pollution levels will be significantly lower in locations where smoking is not allowed compared to locations where smoking is permitted; and, 2) across all venues sampled, the degree of indoor particle air pollution will be correlated with the amount of smoking.

METHODS

In January, 2011, indoor air quality and the presence of smoking were assessed in 28 restaurants and bars in Fayetteville, Arkansas. There were 6 locations with no observed smoking and 22 locations with observed smoking.

MEASUREMENT PROTOCOL

A minimum of 30 minutes was spent in each venue. The number of people inside the venue and the number of burning cigarettes were recorded every 15 minutes during sampling. These observations were averaged over the time inside the venue to determine the average number of people on the premises and the average number of burning cigarettes. Room dimensions were also determined using a combination of any or all of the following techniques; a sonic measuring device, counting of construction materials of a known size such as floor tiles, or estimation. Room volumes were calculated from these dimensions. The active smoker density was calculated by dividing the average number of burning cigarettes by the volume of the room in meters.

A TSI SidePak AM510 Personal Aerosol Monitor (TSI, Inc., St. Paul, MN) was used to sample and record the levels of respirable suspended particles in the air. The SidePak uses a built-in sampling pump to draw air through the device where the particulate matter in the air scatters the light from a laser. This portable light-scattering aerosol monitor was fitted with a 2.5 μm impactor in order to measure the concentration of particulate matter with a mass-median aerodynamic diameter less than or equal to 2.5 μm , or $\text{PM}_{2.5}$. Tobacco smoke particles are almost exclusively less than 2.5 μm with a mass-median diameter of 0.2 μm . [9] The Sidepak was used with a calibration factor setting of 0.32, suitable for secondhand smoke. [10, 11] In addition, the SidePak was zero-calibrated prior to each use by attaching a HEPA filter according to the manufacturer's specifications.

The equipment was set to a one-minute log interval, which averages the previous 60 one-second measurements. Sampling was discreet in order not to disturb the occupants' normal behavior. For each venue, the first and last minute of logged data were removed because they are averaged with outdoors

PM_{2.5} is the concentration of particulate matter in the air smaller than 2.5 microns in diameter. Particles of this size are released in significant amounts from burning cigarettes, are easily inhaled deep into the lungs, and are associated with pulmonary and cardiovascular disease and mortality.

TSI SIDEPAK AM510 PERSONAL AEROSOL MONITOR



and entryway air. The remaining data points were averaged to provide an average PM_{2.5} concentration within the venue.

STATISTICAL ANALYSES

The primary goal was to assess the difference in the average levels of PM_{2.5} between establishments allowing smoking and those that are smoke-free. Statistical significance is assessed using the Mann-Whitney test on the PM_{2.5} concentrations. The second hypothesis was tested by using all 28 sample visits and correlating the average smoker densities to the PM_{2.5} levels using the Spearman rank correlation coefficient (r_s). Descriptive statistics including the venue volume, number of patrons, and average smoker density (i.e., number of burning cigarettes) per 100 m³ are reported for each venue and averaged for all venues.

RESULTS

A summary of each location visited is shown in Table 1. The average PM_{2.5} level in the 22 locations permitting indoor smoking was 126 µg/m³ (Figure 1). The PM_{2.5} concentrations in places with smoking were significantly higher than smoke-free locations where the mean PM_{2.5} concentration was 6 µg/m³ (U=0.00, p<0.01, r=.71).

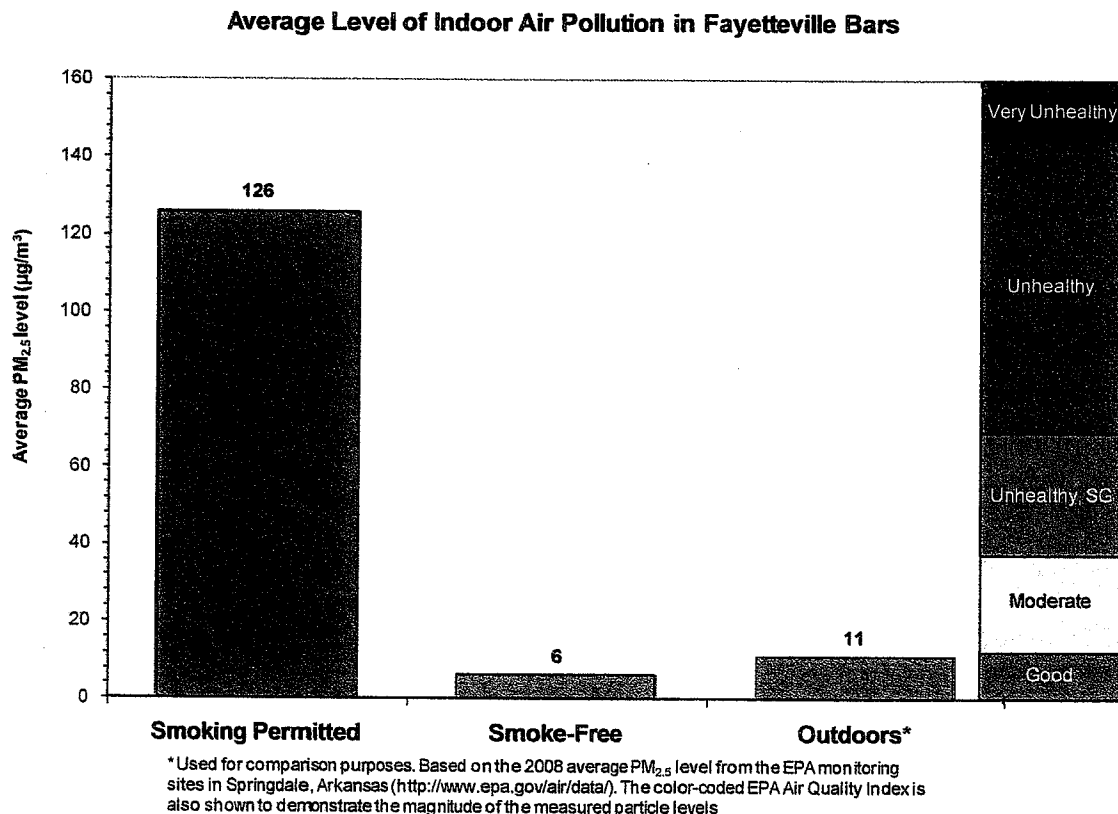
Table 1. Fine Particle Air Pollution in Arkansas Bars

Venue Number	Size (m ³)	Average # people	Average # burning cigs	Active smoker density*	Average PM _{2.5} level (µg/m ³)
Smoke-free					
1	292	4	0.0	0.00	8
2	321	12	0.0	0.00	7
3	504	17	0.0	0.00	3
4	170	3	0.0	0.00	7
5	510	13	0.0	0.00	4
6	1068	12	0.0	0.00	9
Average (n=6)	477	10	0.0	0.00	6
Smoking Permitted					
7	7785	14	3.0	0.04	39
8	272	20	4.3	1.59	396
9	1360	7	0.7	0.05	117
10	1632	7	0.7	0.04	168
11	517	6	1.3	0.26	262
12	255	14	2.3	0.92	86
13	1911	5	1.3	0.07	71
14	232	11	2.3	0.99	262
15	1481	8	1.3	0.09	44
16	726	23	4.0	0.55	160
17	1088	6	1.0	0.09	39
18	2869	20	2.0	0.07	136
19	2125	10	0.3	0.01	26
20	1247	13	3.7	0.30	158
21	1198	11	1.0	0.08	49
22	1405	23	4.7	0.33	71
23	3061	12	2.7	0.09	21
24	680	21	3.3	0.49	108
25	227	15	4.7	2.07	206
26	436	4	1.0	0.23	14
27	4897	47	6.5	0.13	100
28	1450	30	6.0	0.41	242
Average (n=22)	1675	15	2.6	0.40	126

*Average number of burning cigarettes per 100 cubic meters.

In the 22 locations with observed smoking the average number of burning cigarettes was 2.6 which corresponds to an average smoker density (ASD) of 0.40 burning cigarette per 100 m³. Looking at all 28 sample visits, PM_{2.5} levels are positively associated with the active smoker density indicating that the amount of indoor smoking may be the primary driver of the indoor particle pollution levels. This association was statistically significant ($r_s=0.78$, $p<0.01$).

Figure 1.



The real-time plots showing the level of indoor air pollution in each venue sampled is presented in Figures 2-5, starting on page 11. The real-time PM_{2.5} plots reveal the following results: 1) low background levels are observed outdoors; 2) high levels of indoor air pollution are observed in the venues where smoking was observed; and 3) peak exposure levels in some venues where smoking was observed reached levels far in excess of the average recorded level.

DISCUSSION

The EPA cited over 80 epidemiologic studies in creating a particulate air pollution standard in 1997.[12] The EPA has recently updated this standard and, in order to protect the public health, the EPA has set limits of $15 \mu\text{g}/\text{m}^3$ as the average annual level of $\text{PM}_{2.5}$ exposure and $35 \mu\text{g}/\text{m}^3$ for 24-hour exposure.[12] In order to compare the findings in this study with the annual EPA $\text{PM}_{2.5}$ exposure standard, it was assumed that a full-time employee in the locations sampled that allow smoking works 8 hours, 250 days a year, is exposed to $126 \mu\text{g}/\text{m}^3$ (the average level in the sites with smoking) on the job, and is exposed only to background particle levels of $11 \mu\text{g}/\text{m}^3$ during non-work times. For a full-time employee their average annual $\text{PM}_{2.5}$ exposure is $37 \mu\text{g}/\text{m}^3$. The EPA average annual $\text{PM}_{2.5}$ limit is exceeded by 2.5 times due to their occupational exposure. Based on the latest scientific evidence, the EPA staff currently proposes even lower $\text{PM}_{2.5}$ standards to adequately protect the public health,[13] making the high $\text{PM}_{2.5}$ exposures of people in smoking environments even more alarming.

Previous studies have evaluated air quality by measuring the change in levels of respirable suspended particles (RSP) between smokefree venues and those that permit smoking. Ott et al. did a study of a single tavern in California and showed an 82% average decrease in RSP levels after smoking was prohibited by a city ordinance.[14] Repace studied 8 hospitality venues, including one casino, in Delaware before and after a statewide prohibition of smoking in these types of venues and found that about 90% of the fine particle pollution could be attributed to tobacco smoke.[15] Similarly, in a study of 22 hospitality venues in Western New York, Travers et al. found a 90% reduction in RSP levels in bars and restaurants, an 84% reduction in large recreation venues such as bingo halls and bowling alleys, and a 58% reduction even in locations where only secondhand smoke from an adjacent room was observed at baseline.[16] A cross-sectional study of 53 hospitality venues in 7 major cities across the U.S. showed 82% less indoor air pollution in the locations subject to smokefree air laws, even though compliance with the laws was less than 100%.[17]

Other studies have directly assessed the effects SHS exposure has on human health. Rapid improvements in the respiratory health of bartenders were seen after a state smokefree workplace law was implemented in California[18]. Smokefree legislation in Scotland was associated with significant early improvements in symptoms, lung function, and systemic inflammation of all bar workers, while asthmatic bar workers also showed reduced airway inflammation and improved quality of life.[19] Farrelly et al. also showed a significant decrease in both salivary cotinine concentrations and sensory symptoms in hospitality workers after New York State's smokefree law prohibited smoking in their worksites.[20] A meta-analysis of the 8 published studies looking at the effects of smokefree air policies on heart attack admissions yielded an estimate of an immediate 19% reduction in heart attack admissions associated with these laws.[21] In its 2009 report, *Secondhand Smoke Exposure and Cardiovascular Effects: Making Sense of the Evidence*, the Institute of Medicine also concludes that secondhand-smoke exposure increases the risk of coronary heart disease and heart attacks and that clean indoor air laws reduce this risk. Given the prevalence of heart attacks, and the resultant deaths, clean indoor air laws can have a substantial impact on public health.[22]

The effects of passive smoking on the cardiovascular system in terms of increased platelet aggregation, endothelial dysfunction, increased arterial stiffness, increased atherosclerosis, increased oxidative stress and decreased antioxidant defense, inflammation, decreased energy production in the heart muscle, and a decrease in the parasympathetic output to the heart, are often nearly as large (averaging 80% to 90%) as chronic active smoking. Even brief exposures to SHS, of minutes to hours, are associated with many of these cardiovascular effects. The effects of secondhand smoke are substantial and rapid, explaining the relatively large health risks associated with secondhand smoke exposure that have been reported in epidemiological studies.[23]

The hazardous health effects of exposure to second-hand smoke are now well-documented and established in various independent research studies and numerous international reports. The body of scientific evidence is overwhelming: there is no doubt within the international scientific community that second-hand smoke causes heart disease, lung cancer, nasal sinus cancer, sudden infant death syndrome (SIDS), asthma and middle ear infections in children and various other respiratory illnesses. There is also evidence suggesting second-hand smoke exposure is also causally associated with stroke, low birthweight, spontaneous abortion, negative effects on the development of cognition and behavior, exacerbation of cystic fibrosis, cervical cancer and breast cancer. The health effects of secondhand smoke exposure are detailed in recent reports by the California Environmental Protection Agency[24] and the U.S. Surgeon General[25, 26].

CONCLUSIONS

This study demonstrates that employees and patrons in Fayetteville bars permitting indoor smoking are exposed to harmful levels of indoor air pollution resulting from indoor smoking. A comprehensive smoke-free air policy that prohibits indoor smoking in all indoor places is the only proven means to eliminate this exposure to toxic tobacco smoke pollution. This type of policy will result in improved quality of life and health outcomes for Fayetteville workers and residents.

ACKNOWLEDGMENTS

The study was funded by Northwest Arkansas Tobacco Free Coalition.

Support for Roswell Park Cancer Institute researchers was provided by the Flight Attendant Medical Research Institute.

Roswell Park Cancer Institute (RPCI) is America's first cancer center founded in 1898 by Dr. Roswell Park. RPCI is the only upstate New York facility to hold the National Cancer Center designation of "comprehensive cancer center" and to serve as a member of the prestigious National Comprehensive Cancer Network.

Over its long history, Roswell Park Cancer Institute has made fundamental contributions to reducing the cancer burden and has successfully maintained an exemplary leadership role in setting the national standards for cancer care, research and education.

The campus spans 25 acres in downtown Buffalo and consists of 15 buildings with about one million square feet of space. A new hospital building, completed in 1998, houses a comprehensive diagnostic and treatment center. In addition, the Institute built a new medical research complex and renovated existing education and research space to support its future growth and expansion.

For more information about Roswell Park and cancer in general, please contact the Cancer Call Center at 1-877-ASK-RPCI (1-877-275-7724).



Figure 2

Arkansas Air Quality Monitoring Study January, 2011

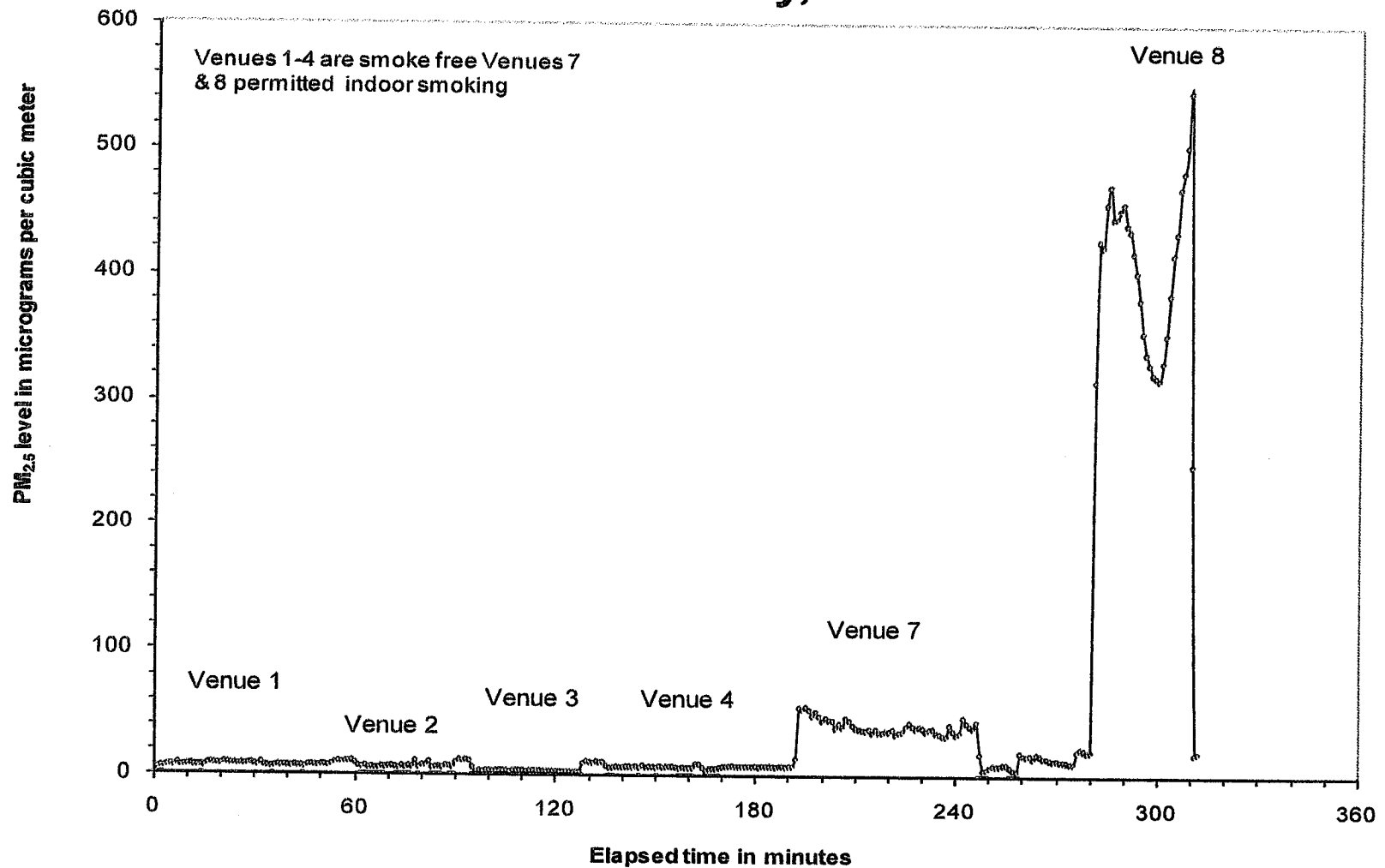


Figure 3 **Arkansas Air Quality Monitoring Study**
January, 2011

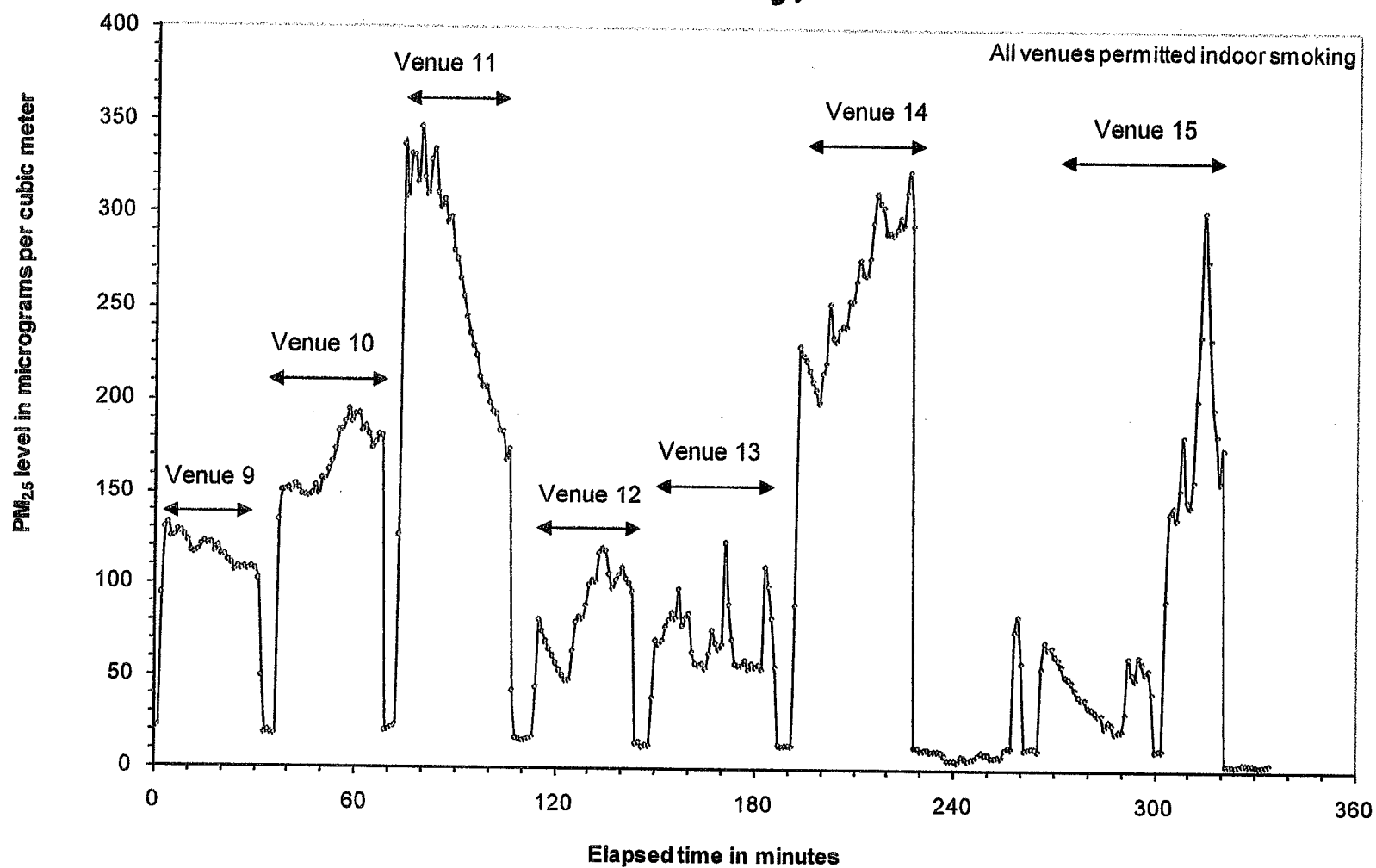


Figure 4

Arkansas Air Quality Monitoring Study January, 2011

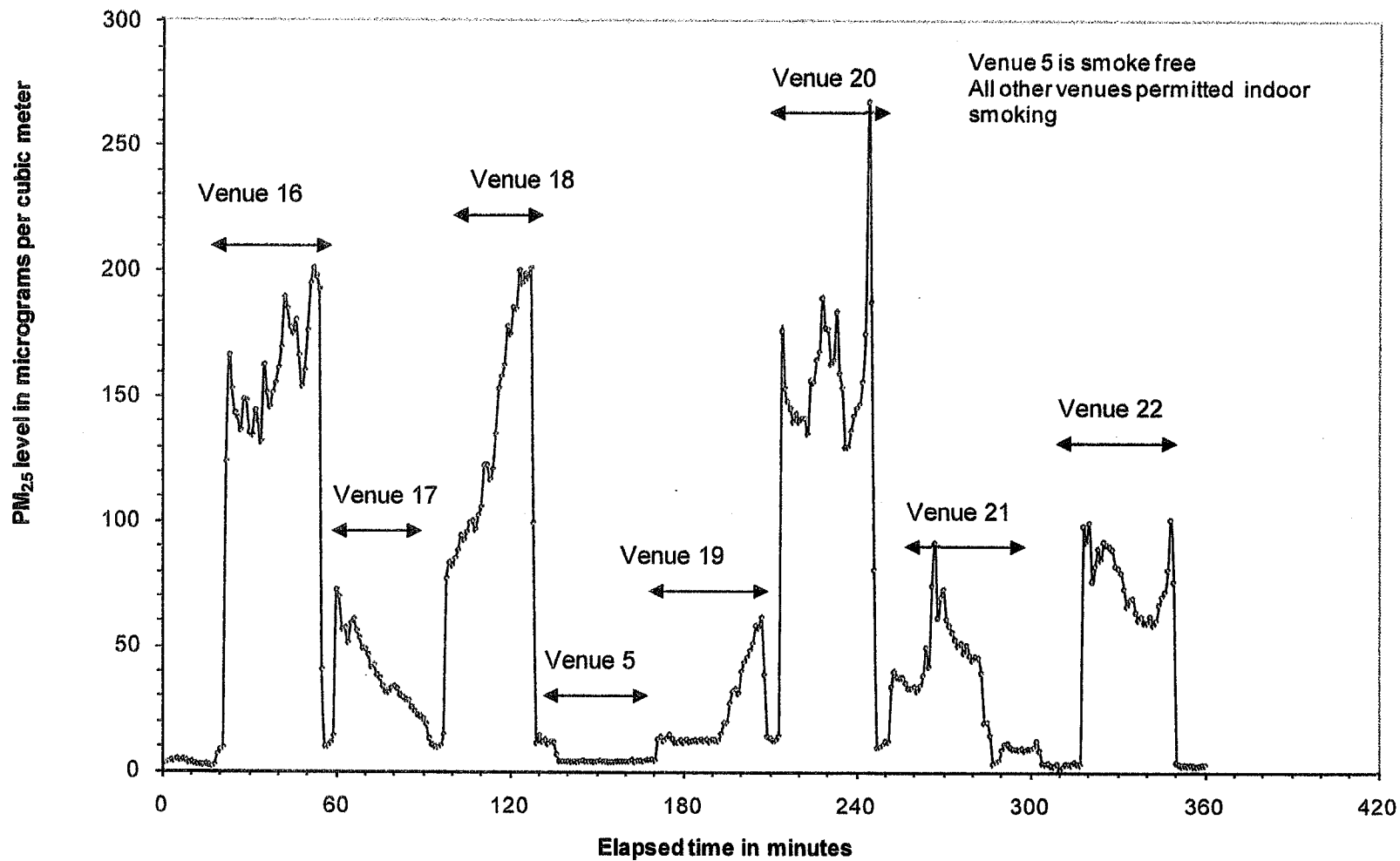
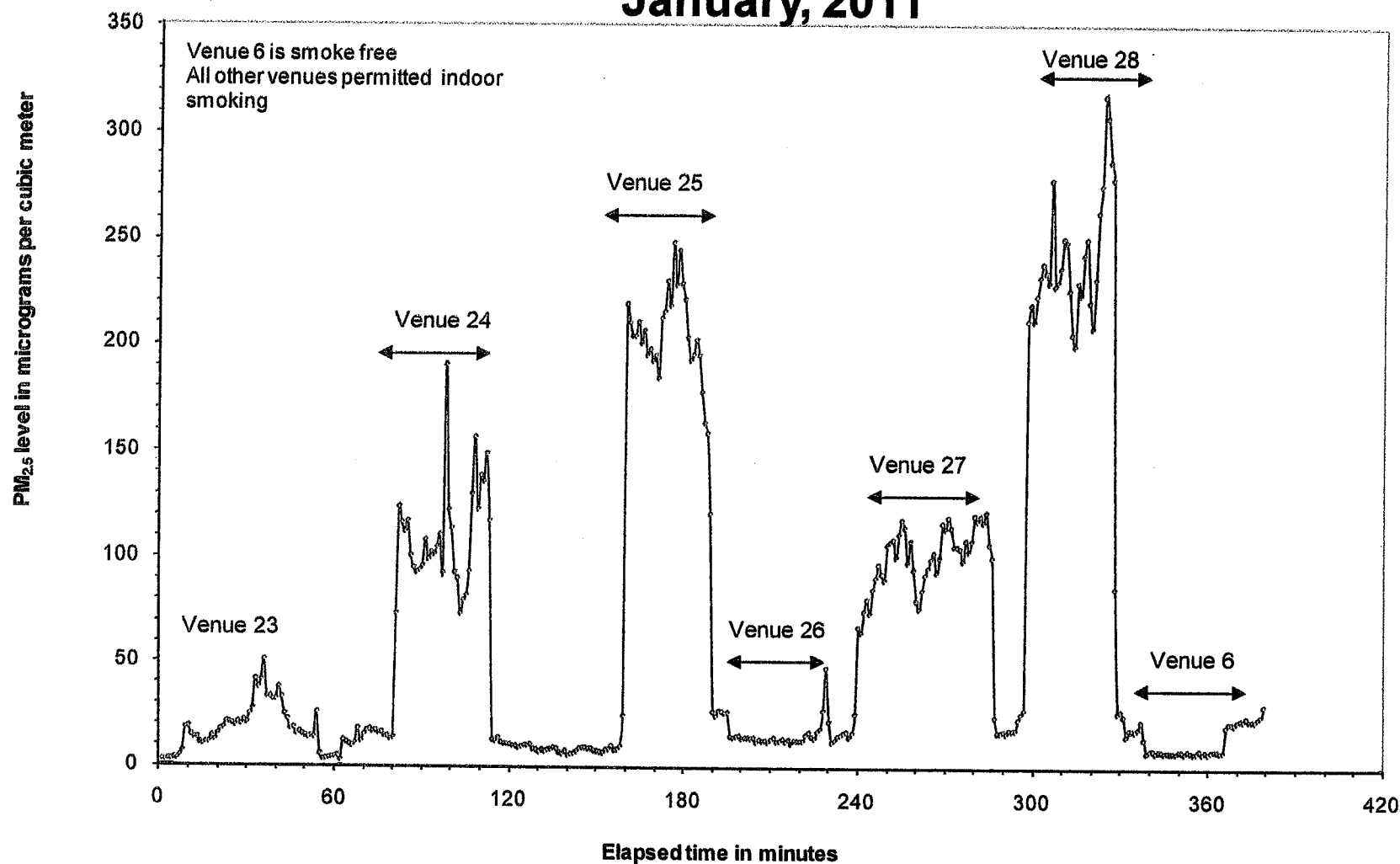


Figure 5 **Arkansas Air Quality Monitoring Study**
January, 2011



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CITY COUNCIL CITY FACILITIES TOURS
ALL TOURS ARE SCHEDULED FOR 4:30-6:00 p.m.

April 18	Animal Shelter and Ribbon-cutting of new Puppy Nursery
May 2	Fayetteville Executive Airport—Drake Field
May 16	Noland Wastewater Treatment Plant and Biosolids Management Site
June 6	Westside Wastewater Treatment Plant and Woolsey Prairie
June 20	Fayetteville Television Center
July 18	Solid Waste and Recycling
August 1	Parks, Fleet, Transportation Complex
August 15	Water/Sewer Facility, Tanks, and Pump Stations

I CAN CHOOSE

If you are against the proposed smoking ban in Fayetteville's bars let your voice be heard.

If you believe that informed adults can make their own decisions, if you believe this is an issue of personal rights being taken away, if you believe that others should not be making decisions in your name that will affect your personal rights than it is time to let your voice be heard.

Please meet at JR's on Block Street at 5:00p.m. on Tuesday, May 17th in preparation for the City Council meeting taking place at 6:00p.m. that night.

If you value the people's right to choose we need your participation.

Those who have the ability to act have the responsibility to act.

OPPOSE THE AMENDMENT FOR SMOKING IN BARS

1. Tonya Lipari
2. Gary D. Hagele
3. Tom Galt
4. Paul Hahn
5. Charles J. Norton
6. Jason Watson
7. Tom McWalter
8. Tyler Krieger
9. Caleb Ledbetter
10. Dore Roberts
11. Jon Linderman
12. ~~Joseph J. Lipari~~
13. ~~Joseph J. Lipari~~
14. ~~Joseph J. Lipari~~
15. Cathy Benton Kane
16. ~~Brian Hahn~~
17. ~~Ellen Jones~~
18. ~~Raymond Johnson~~
19. ~~Raymond Johnson~~
20. ~~Steve Hawks~~
21. ~~Tom Chiswell~~
22. ~~Steve Zibell~~
23. ~~Mary E. Miller~~
24. ~~Cornelia P. Miller~~
25. ~~Bella Smith~~
26. ~~Agnes May~~
27. ~~Connie Glass~~
28. ~~Sarah Kaines~~
29. ~~Mike Brund~~
30. ~~Rick Ramping~~
31. ~~Darryl D. Hahn~~
32. ~~May A. Hahn~~
33. ~~Mike Hahn~~
34. ~~Reggie R. Hahn~~
35. ~~Mike Hahn~~
36. ~~Lindsey Jeffers~~
37. ~~Laura Whitfield~~
38. ~~Tom Reddy~~
39. ~~Annie Jones~~

40. ~~Rick J. Barr~~
41. ~~John J. Barr~~
42. KALE OGLE
43. ~~Landra K. Allen~~
44. ~~Rocky L. Wells~~
45. ~~Smith L. Brown~~
46. ~~Jimmy Brown~~
47. ~~Mike Johnson~~
48. ~~John B. Hahn~~
49. ~~Abner Meadows~~
50. ~~Wayne Meadows~~
51. ~~Gabby Meadows~~
52. ~~Kathy Spencer~~
53. ~~Michael Kelley~~
54. ~~Carl J. Jones~~
55. ~~Carl J. Jones~~
56. ~~Mike Hahn~~
57. ~~Daggy B. Hahn~~
58. ~~Sherman G. Hahn~~
59. ~~Tom W. Taylor~~
60. ~~Dan Jones~~
61. ~~Steve Hahn~~
62. ~~Roger Hahn~~
63. ~~Jim Hahn~~
64. ~~Lee Marshall~~
65. ~~Tom Hahn~~
66. ~~Louie Hahn~~
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**OPPOSE THE AMENDMENT
FOR SMOKING IN BARS**

1. Ken Ray
2. Billie
3. Karen
4. Karen
5. K.A. Koles
6. Pat McBay
7. Barry Wayne
8. Barry
9. Nestle Wendler
10. Christina Wilkerson
11. Tom Rupp
12. Charm Funder
13. Randall & Estel
14. John Clark
15. John Clark
16. Doreen O'Neil
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18. John Clark
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OPPOSE THE AMENDMENT FOR SMOKING IN BARS

1. ~~P. V.~~
2. ~~Ann Lind~~
3. ~~Stacy Calhoun~~
4. ~~Scott D. Long~~
5. ~~Barry R. Ricks~~
6. ~~Brian Squibbs~~
7. ~~W. M. J. Strickland~~
8. ~~W. M. J. Strickland~~
9. ~~J. A. Howard~~
10. ~~Christy Dasher~~
11. ~~Shawn D. Long~~
12. ~~Stan D. Long~~
13. ~~Brian Newman~~
14. ~~W. M. J. Strickland~~
15. ~~J. A. Howard~~
16. ~~Pat Aguiar~~
17. ~~Shawn D. Long~~
18. ~~Shawn D. Long~~
19. ~~Shawn D. Long~~
20. ~~Stephanie Holcomb~~
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28. ~~William K. Watson~~
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34. ~~Shawn D. Long~~
35. ~~Michele W. Beck~~
36. ~~Thomas McFarlane~~
37. ~~William E. Whitehill~~
38. ~~Julian Bejarano~~
39. ~~Pat Stearns~~

40. ~~Scott Phipps~~
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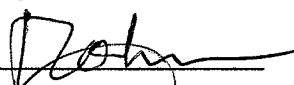
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Name	Address	Signature
Matthew Barton	204 N. Duncan Apt B	Matthew Barton
Ashley Barton	204 N. Duncan Ave B	Ashley Barton
Kurt Kinnard	3980 W. Wedington #10	Kurt Kinnard
Martha Lopez	1086 Washington St	Martha Lopez
Shirley Lopez	1086 Washington St	Shirley Lopez
Amanda Arner	2200 Colten Cir Fayetteville AR 72701	Amanda Arner
Kayla Kelley	2870 Colten Cir Fayetteville AR	Kayla Kelley
Cone Turner	225 Thompson Apt D Fay Ar. 72701	Cone Turner
Cheryl Wahl	416 W. Dickson St.	Cheryl Wahl
Sarah Narga	313 W. Dickson	Sarah Narga

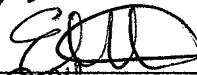
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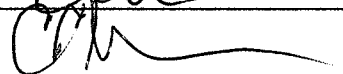
Name	Address	Signature
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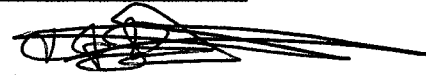
Kate Cochran	14416 Wallin Mtn Rd	
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Thomas Cochran	14416 Wallin Mtn Rd	
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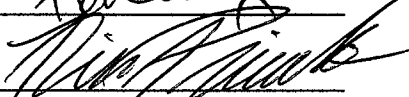
Kim Lorch	4668 Tumbleweed	
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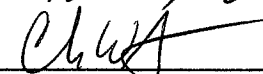
Erica Hayes	1050 W. Center #1	
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CRAIG NELSON	1900 N GARLAND #20	
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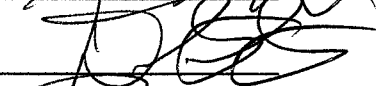
72703 CEDAR BURNETTE	1356 CARDINAL DR.	
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Kate Knox	1788 N. Levereett	
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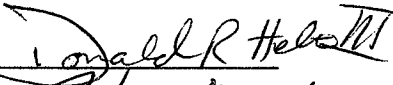
Nick Piana	667 N. Meadowlands Dr.	
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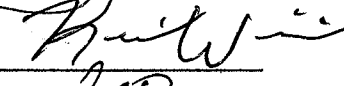
Charlie Willett	10371 Morning Sun Dr.	
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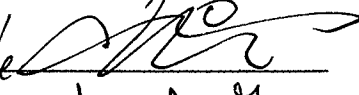
Mark Sutherland	644 West Dickson	
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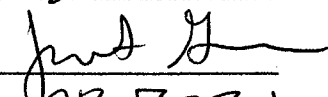
Dillon Coins	525 Vandeventer	
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Nick Corcoran	915 N Lindell	
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Donald Helt	1299 Fieldstone Fayetteville	
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Kellin Williams	9446 Reed Cove Alexander	
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Corey McLean	748 Liberty Dr. Fayetteville	
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JANET GLADNER	160-2 S HILL FAY. 72701	
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Alison Tussey	109 N. School Ave, Fay, AR 72701	
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Eric Wooden	2609 N. Old Warr Rd. Fay, AR 72703	
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Name

Address

Signature

Matt Warden 50 Sugar Maple Ln. Matt Warden

Michael Lewis 618 W. Maple Michael Lewis

Ariel Segal 133 E. Conner St. Ariel Segal

TRUDY BEND 1432 S. DUNCAN AVE Trudy Bend

Jay Segal 48 Queensborough Dr. Jay Segal

Mica Szabo 1432 S Duncan Ave Mica Szabo

Rhonda Dwyer Rhonda Dwyer

Shannon Yewmans 152 N. Double Springs Shannon Yewmans

Breigh Verby 100 Tarnaline Way Apt 6 Breigh Verby

MICA R. DELOZZIER 8688 Astoria Ln Fayetteville, AR 72704 Mica R. DeLozier

SCOTT CARPENTER " Scott Carpenter

[Signature]

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Name	Address	Signature
Wesley Holt	911 E. Township	[Signature]
Chris Klump	2549 N. Azalea	[Signature]
Kimberly Idom	1241 S Holland Dr Fayetteville AR 72704	[Signature]
Jayna Smith	1241 S. Holland Dr. FAY 72704	[Signature]
Mike Rutledge	34 Maxwell St Farrington 72730	[Signature]
Elizabeth Rutledge	34 Maxwell St. Farrington 72730	[Signature]
DERICK HARTBERGER	685 N. LEVERETT APT. 5 FAY, AR 72701	[Signature]
Emily Buckingham	757 Paris Ave. Fay, AR 72701	[Signature]
CHRISTOPHER BOYLLS	950 CLEVELAND FAY, AR 72701	[Signature]
Carolee Lewis	2493 W. ORLANDO DR APT 6	[Signature]
Drew Douglas	204 W. Meadows St Fayetteville AR 72701	[Signature]
Amanda Hagwood	514 Tennyson Fayetteville, AR 72704	[Signature]
Marsh, Daniel	1386 Knollcrest cr. Fayetteville, AR 72704	[Signature]
Petra Davis	1386 Knollcrest cr. Fayetteville, AR 72704	[Signature]
Ryan Pickett	974 W Hyles Fayetteville 72701	[Signature]

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Name	Address	Signature
Caroline Heinzenman	929 N. Whitman Ave B-2	Caroline Heinzenman
Natalie Sherman	3515 Fredricksburg Cir. Fayetteville, AR 72703	Natalie Sherman
Stephanie Coleman	1744 N. Greenvalley, Fayetteville, 72703	Steph Coleman
Carolyn Eiler	801 W. Davis Fayetteville, AR 72703	Carolyn Eiler
Stefan Palmer	851 Davis Fayetteville, AR 72703	Stefan Palmer
Wade Ogle	3804 Woodside 72704	Wade Ogle

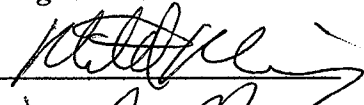
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Name

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Signature

Mitchell Mearry 3687 Township

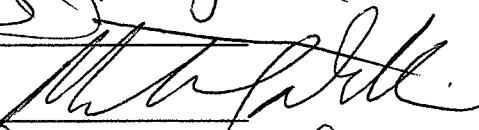


Cori Mearry 3687 Township



~~Donna Wright 1645 N. Broadway~~

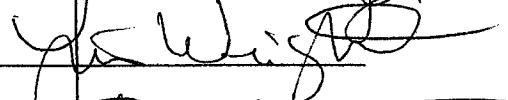
Phil Wright 1096 E. Broadview



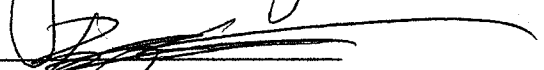
Courtney Lane

Courtney Lane

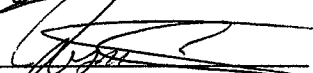
Iris Wright



Ben Everett 1597 W Cannondale

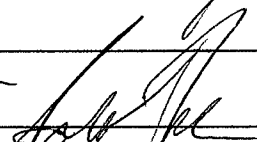


Tason Curton 2733 W Dove Dr.

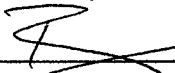


~~Teddy Black 5887 Shalock~~

Jay Black 5887 Shalock



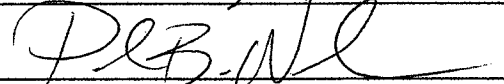
Brian Orville



Chris Orville

Chris Orville

Paul Wood



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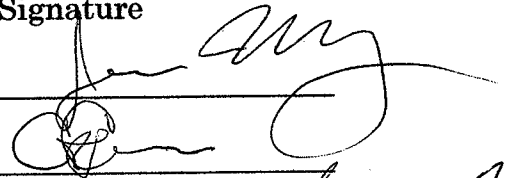
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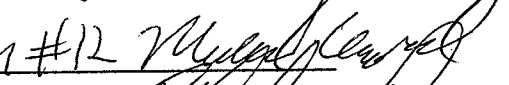
James Murphy

149 30 E-Mem



CASON CROSS

1390 Wedington #12



Malcolm Campbell

1390 Wedington #12



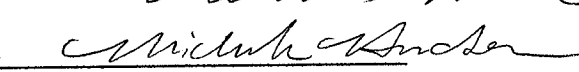
Hector Fonseca

620 Sweet Ave



Michelle Hudson

728 Trust St.



Willard Wurst

(Willard Wurst) 17090 Wed Farm Rd. West Fork, AR

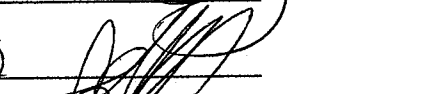
COREY D. GILBERT

614 W. CLEVELAND #12 72701



Jeff Hellingsover

3931 Abby Ln Apt. 200



Janie Norris

834 W. 12th Presentation



David Edwards

1555 N MLK Blvd

David Edwards

Matthew Spivey

310 South Street

Irene Pritchard

321 N Gregg Ave

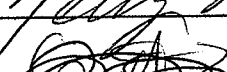
Joelyn Smith

367 N Gregg Ave

Mary Watson

725 W Stone St #3 Fayetteville

72701 Merry Watson



Baker Suter

15 N 1/2 Moss Apt 9



~~WILLIAM (WILLIAM) D. VOYLES~~

~~WILLIAM (WILLIAM) D. VOYLES~~

~~WILLIAM (WILLIAM) D. VOYLES~~

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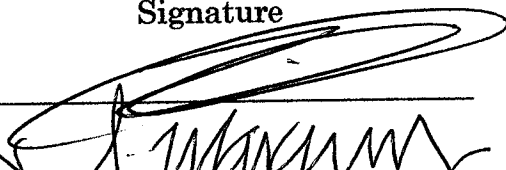
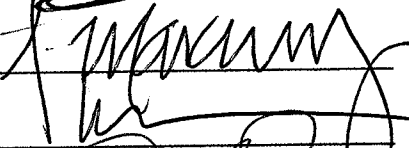
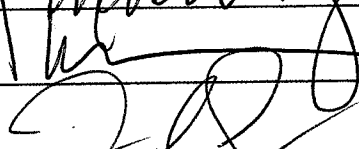
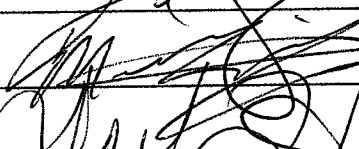
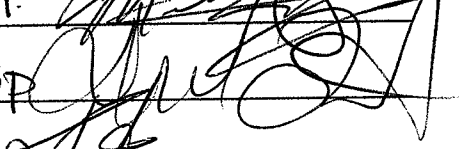
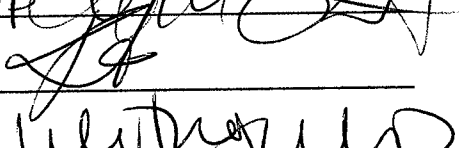
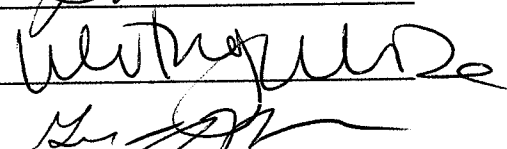
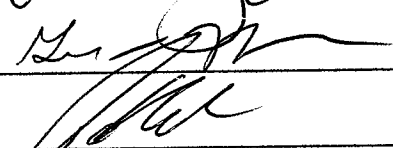
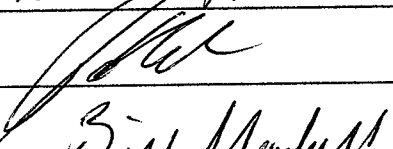
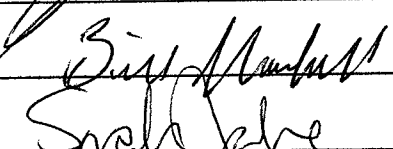
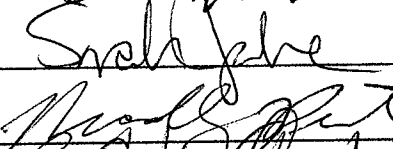
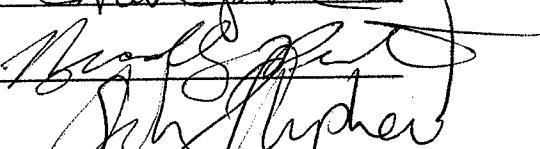
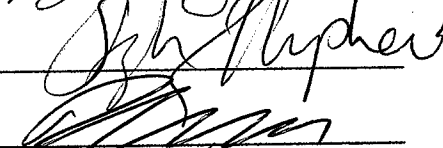
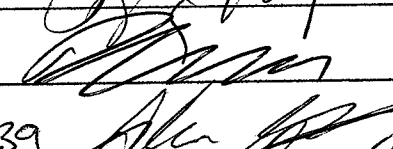
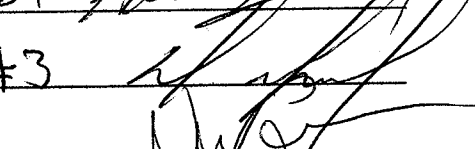
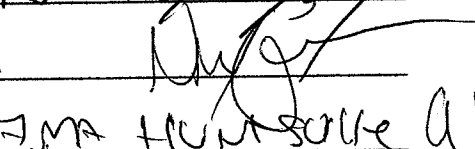
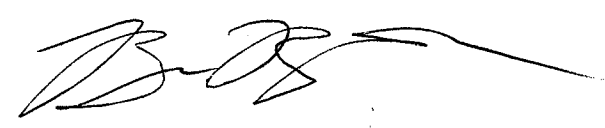
Name

Address

Signature

<i>[Signature]</i>	924 N. Escott Ave	<i>[Signature]</i>
William Hoyer	415 East 13 th	<i>[Signature]</i>
Summer Collier	15 Shocust	<i>[Signature]</i>
Thomas E. Egel	30 W Greenwoods	<i>[Signature]</i>
<i>[Signature]</i>	35 Carl in Kitcher	<i>[Signature]</i>
Eric Friar	342 Combs	<i>[Signature]</i>
<i>[Signature]</i>	16235 Wagonway 72787	<i>[Signature]</i>
Dye Aay	2676 Cedar Ave	<i>[Signature]</i> 72764
Tom Alexander	510 Prairie St.	<i>[Signature]</i>
Seth Franz	4246 W. Patrick St.	<i>[Signature]</i>
John M Bogart	in school apt 1004	<i>[Signature]</i>
Jesse Ben	533 E Lowell	<i>[Signature]</i>
Kayla Nabors	320 E. Redbud Ln.	<i>[Signature]</i>
Shane Wilk	775 U. Sycamore	<i>[Signature]</i>
<i>[Signature]</i>	614 ^{#12} Cleveland	FAYETTEVILLE AR. 72701
David Smith	2567 GORDON LONG DR #5	Fayetteville, AR 72703
Daniel Adams	665 Madison	5125
Alexandrea Nazarali	4223 HWY 10	Elkins 72727
MESAN WARREN	194 N. Duncan	72761

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Name	Address	Signature
Krystal King	204 N Duncan Apt A	
LIZ MASCHING	628 W. DICKSON	
KEELY MICHAEL	126 S Locust #4	
Jarrod Wiggins,	1985 East Huntsville	
Mark Harshfield	2537 N Surtees Pl.	
Amanda Frantz	496 N. Coral Canyon Loop	
Naren Hughes	4355 Chaparral	
Whitney White	11	
Grace Hughes	1906 Ridgecrest st	
Jeff Bell	4323 W Patrick	
Bill Mandrell	370 Arkansas Ave.	
Sarah Tabor	632 Vandeventer	
BRADLEY PRATER	2022 USA Lane	
Stephanie Shepherd	857 W. Fairview	
David Allen	122 W. Meador #3	
Andrew Nelson	1500 N. Laverett Ave #139	
Dan Daniel	219 W. Church Ave #3	
Nicholas Corso	239 N. Church Ave #1	
BRIAN REYNOLDS	RT4 Box 207 MA Huntsville AR	

Name	Address	Signature
Zachary Warren	3550 E Huntsville Rd.	Zachary Warren
Zack Smith	2496 N. Wilderness Ln. Fayetteville, 72703	Zack Smith

Address Fayetteville, AR 72708 Signature

3550 E Huntsville Rd

Zachary Warner

2496 N. Wilderness Ln. Fayetteville, 72703

Zach Smith

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Max A Leichter

Name

BEER keg

Place of Business

10 yrs. Owner

Years of Service

50 EAST Township

Address

E-mail (optional)

Max A Leichter

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Angela Leichner

Name

The Beer Keg

Place of Business

Owner - 10 yrs

Years of Service

50 E. Township

Address

angela.leichner@att.net

E-mail (optional)

Angela Leichner

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Mark D. Wright

Name

ON THE MARK

Place of Business

~~26 yrs~~ 26 yrs. ^{LJ'S} ^{US PIZZA} Hugo's & on the mark

Years of Service

2588 N Gregg Fay AR 72703

Address

onthe mark@arkansas.net

E-mail (optional)

Mel N We

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

JANET GLADNER

Printed name

BREWSKI'S

Place of business

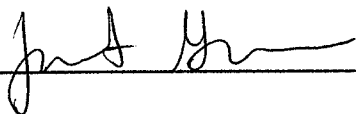
2

Years of service

408 W DICKSON

Address

E-mail (optional)



Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Manna Keene

Name

ON the Mark

Place of Business

two years

Years of Service

1223 N. Sang Avenue

Address

E-mail (optional)

Manna Keene

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Creed Holladay

Name

On The Mark

Place of Business

Nine years

Years of Service

1232 S. Dunn Ave Fayetteville AR, 72701

Address

E-mail (optional)

And The Mark

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

BLAKE M'KEE

Name

ON THE MARK

Place of Business

TWO years

Years of Service

2470 JEREMIAH LN, FAYETTEVILLE

Address

E-mail (optional)

Blake M'Kee

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Mariah Person

Name

On the Mark

Place of Business

Six years

Years of Service

2470 Jeremiah Ln

Address

E-mail (optional)

Mark Person

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

JOSEPH PIERSON

Name

ON THE MARK

Place of Business

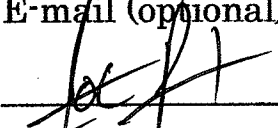
5

Years of Service

24 TO N. JEREMIAH

Address

E-mail (optional)


Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

JASON SHOPE

Name

ON THE MARK

Place of Business

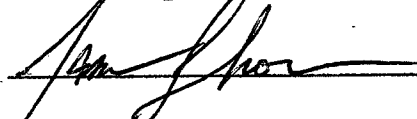
Seven Years

Years of Service

12474 Fords Rock Landing Howell, AR.

Address

E-mail (optional)



Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Alison Tussey

Printed name

JP's Lightbulb Club & Mickey Finn's

Place of business

7.5 & 1 year

Years of service

109 N. School Ave, Fayetteville, AR 72701

Address

alitus@gmail.com

E-mail (optional)

A. Tussey

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Cameron J Clark

Printed name

You know? UNO!

Place of business

212

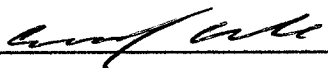
Years of service

120 N Florene

Address

sealtyme13@yahoo.com

E-mail (optional)



Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

KENNETH WILSON

Printed name

Green Room

Place of business

1

Years of service

Address

E-mail (optional)

Kenneth Wilson

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

TREY FINCHER

Name

BREWSKIS

Place of Business

OVER 5 YEARS

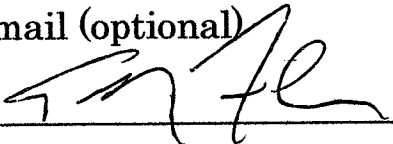
Years of Service

612 N WALNUT AVE

Address

trexfincher1013@yahoo.com

E-mail (optional)



Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

LOGAN SHORT

Name

BREWSKI'S

Place of Business

1.

Years of Service

THE LINKS

Address

E-mail (optional)

Logan Short

Signature

Noah

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

NOAH Gyles

Printed name

Uno Uno's

Place of business

1 month

Years of service

1526 N OAKLAND AVE
FAYETTEVILLE AR.

Address

NOAGYLES@GMAIL.COM

E-mail (optional)

Noah Gyles

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

RICHARD THOMPSON

Name

KINGFISH

Place of Business

14 MONTHS

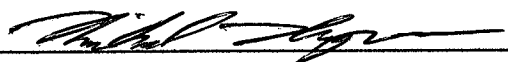
Years of Service

1611 N. DAWN, FAYETTEVILLE, AR 72703

Address

—

E-mail (optional)



Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Ken Sasman

Name

King fish

Place of Business

1yr

Years of Service

4246 Patrick St

Address

Water Logged 72@aol.com

E-mail (optional)

Ken Sasman

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Brandon Burke

Name

Mickey Finns Irish Pub

Place of Business

3 years 5 month

Years of Service

Address

TankSyb@gmail.com

E-mail (optional)

Brandon Burke

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Cody Ryan Wright

Name

Mickey Finns

Place of Business

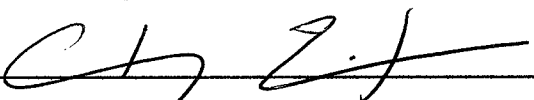
3

Years of Service

908 N 2nd Stilwell OK

Address

E-mail (optional)



Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Margaret A. Chahal

Name

Busters / Joses

Place of Business

4

Years of Service

1128 N Broadway Dr

Address

Maggie_Chahal@yahoo.com

E-mail (optional)

M. A. Chahal

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Michael Cheval

Name

Busters

Place of Business

3 monts

Years of Service

5486 Carey Way, Springdale, AR 72764

Address

E-mail (optional)

Michael Cheval

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

R. Jill Scott

Name

You know. 'Unos'

Place of Business

5

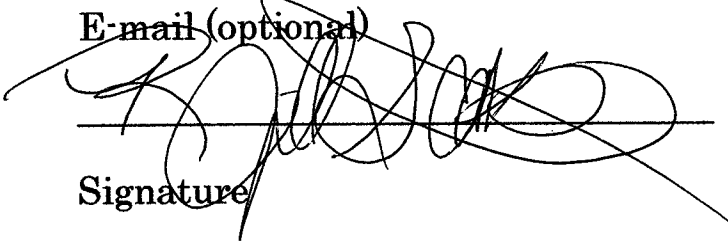
Years of Service

118 Florence St. Fox, 72704

Address

Rjscott@uark.edu

E-mail (optional)



Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

SPENCER HASTINGS

Name

JR'S NIGHTBULB CLUB

Place of Business

Z

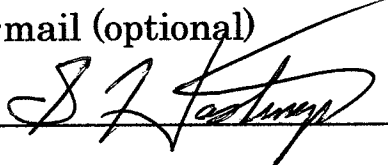
Years of Service

239 N CHURCH #1 FAY... 72701

Address

SHASTING1888@GMAIL.COM

E-mail (optional)



Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Jessica Beil

Name

Buster Belly's 3 Kingfish

Place of Business

2425 3 14R

Years of Service

121-1 Bales St. Fayetteville 72701

Address

jessicaannbeil@gmail.com

E-mail (optional)

[Signature]

Signature

Dude!

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

John McMillan

Name

Hogwe

Place of Business

2

Years of Service

Dickson 2766 P Boxwood 72703

Address

—

E-mail (optional)

John McMillan

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

PATRICK LARNEY

Name

BREWSKE'S

Place of Business

6

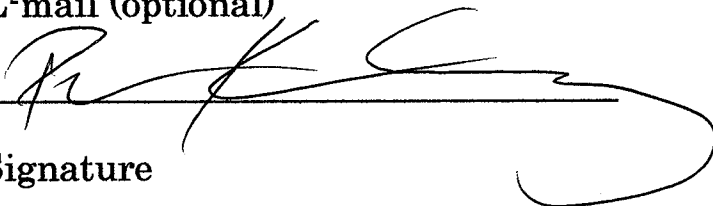
Years of Service

12 E. SYCAMORE ST.

Address

Cornastics @ yahoo

E-mail (optional)



Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Joseph L Blavescianas

Name

Rogers R.E.C.

Place of Business

One Year

Years of Service

65 S. Duncan Apt. 10

Address

E-mail (optional)

Joseph Blavescianas

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Kurt Currie

Printed name

Ryleigh's Boon Boon Room

Place of business

1

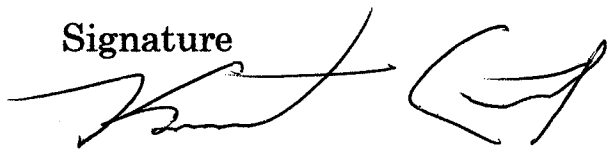
Years of service

48 E. Sout St, Fayetteville Ar. 72701

Address

E-mail (optional)

Signature



I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Stefan Tank

Name

Fans

Place of Business

2

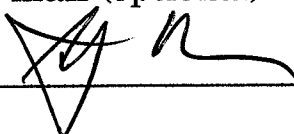
Years of Service

644 W. Dickson Suite 1

Address

N/A

E-mail (optional)



Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Laci Embrey

Printed name

Kingfish

Place of business

1

Years of service

3407 W. Chevaux Dr. Fay. Ar. 72704

Address

E-mail (optional)

Laci Embrey

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

HOLLIS HATCH

Printed name

KING FISH

Place of business

1

Years of service

4246 W PATRICK RAYE HEVILLE 72704

Address

E-mail (optional)

Hollis Hatch

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Chelsea Simmons

Name

Shatz

Place of Business

1

Years of Service

996 Daisy Lane Fayetteville AR 72704

Address

E-mail (optional)

Chelsea Simmons

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Brice Alexander

Printed name

Mickey Firms / Jose's / Kingfish / Piano Bar /
414 / Stir /

Place of business

11

Years of service

318 W Spring St

Address

E-mail (optional)

Re afe

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

SHAWN GRAY

Printed name

21st AMENDMENT

Place of business

6mc

Years of service

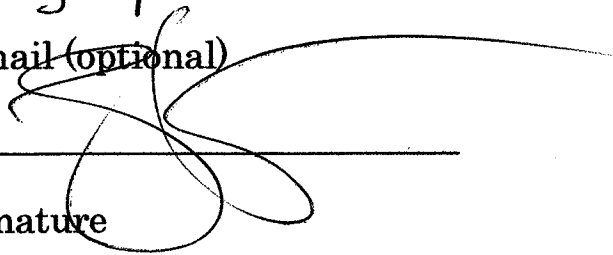
PO BOX 1684

Address

~~SPRING~~

E-mail (optional)

Signature



I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Wayne Slaughter

Printed name

Brewski's

Place of business

4

Years of service

408 W Dickson

Address

ironwayne9@excite.com

E-mail (optional)



Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Garrett Gunderson

Printed name

Brewskis + Firms

Place of business

5 year + 1 year

Years of service

610 Walnut Fwy 72701

Address

E-mail (optional)

[Signature]

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Taylor Nash

Printed name

21st Amendment

Place of business

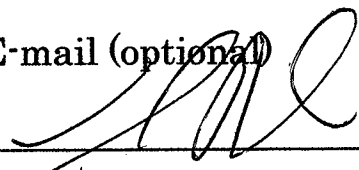
1

Years of service

~~PO BOX~~ 2729 N. Stanton

Address

E-mail (optional)



Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

CHRIS SELLERS

Printed name

KINGFISH + ABOUT 7 OTHER BARS

Place of business

17

Years of service

715 BUCKLE FLY 72703

Address

grimsellers@yahoo.com

E-mail (optional)

Ch-Sell

Signature

By THE WAY I AM A NON-SMOKER.

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

George Shatwell

Printed name

Ryleighs

Place of business

6 months

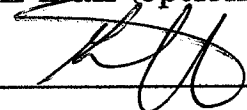
Years of service

11 Arnold Lane Bella Vista, AR 72715

Address

george.shatwell@gmail.com

E-mail (optional)



Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Amanda McVay

Printed name

Kingfish

Place of business

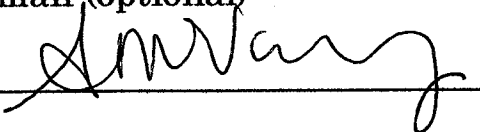
1

Years of service

122 W. Meadow St

Address

E-mail (optional)



Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Charlie Rausch

Printed name

Brewski's

Place of business

412

Years of service

408 W. Dickson

Address

E-mail (optional)

Charlie Rausch

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

DAVID K. OTTEN

Printed name

BREWSKI'S

Place of business

.5

Years of service

207 N. Church Ave #7

Address

dave.otten@gmail.com

E-mail (optional)

David K. Otten

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Chris Hartsell

Printed name

Buster Belly's

Place of business

4

Years of service

~~1525~~ 1525 N. Garland

Address

E-mail (optional)

Chris Hartsell

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

David Brissett

Printed name

Buster's

Place of business

6

Years of service

122 W. Meadow st. Apt #1

Address

~~6~~

E-mail (optional)

1/Brissett

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

ADAM COLE TREMPER

Printed name

BUSTER BEWY'S

Place of business

5

Years of service

109 N. School Ave #5

Address

Adam Cole Tremp

E-mail (optional)

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

MATT PETERSON

Name

21ST AMSDMST

Place of Business

2

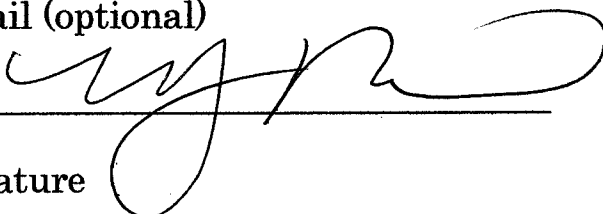
Years of Service

~~992~~ 1717 N. WALNUT AVE. FAY 72701

Address

mjpete1@gmail.com

E-mail (optional)



Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Michael Wade

Name Art's Bar & Grill

Place of Business

7 years

Years of Service

2530 College Ave

Address

E-mail (optional)

Michael Wade

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Phillip Hallare

Name

Mickey Finns

Place of Business

4

Years of Service

2644 Westminster Dr
~~2644 Westminster Dr~~ ~~644 West Dike~~

Address

E-mail (optional)

Phillip Hallare

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Tera Norrid

Name

Club Tangerine

Place of Business

1

Years of Service

5628 W Legacy St. Fay 72704

Address

~~teranorrid~~ teranorrid@gmail.com

E-mail (optional)

Tera Norrid

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

BOBBY CRAFT

Printed name

TAYLOR & ALK

Place of business

TAYLOR 15

Years of service

15 102 N. Block

Address

B CRAFT @ Cox. Nct

E-mail (optional)

Bob

Signature

[Signature]

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

ASHLEY REID

Printed name

KINGFISH

Place of business

1 year 2 months

Years of service

262 N. SCHOOL AVE

Address

ASHEREID@GMAIL.COM

E-mail (optional)

Ashley Reid

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Sarah Brown

Printed name

Buster Belly's

Place of business

2

Years of service

122 W. Meadow St. Apt. 1 Fayetteville, AR

Address

Sarah.Brown062@gmail.com

E-mail (optional)

Sarah Brown

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Jason McGill

Name

Buster Belly's

Place of Business

14

Years of Service

775 S. Government Fayetteville AR

Address

E-mail (optional)

[Signature]

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Wes Mouser

Name

Buster Belly's

Place of Business

2

Years of Service

1628 N. Broadview Dr Fayetteville AR 72703

Address

Wes Mouser

E-mail (optional)

Wes Mouser

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

TYRONIE LEAKE

Name

ROQUE

Place of Business

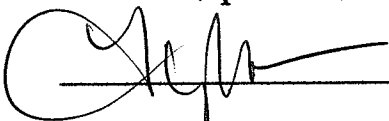
ALOT - 5 ish

Years of Service

12 E. SUPAMORE

Address

E-mail (optional)



Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

James Pittman

Name

Roger's Rec

Place of Business

3

Years of Service

605 W. Dickson Fayetteville, AR 72701

Address

E-mail (optional)

James Pittman

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Matt Marshall

Name

Mickey Sims

Place of Business

3

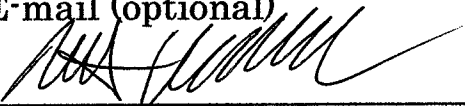
Years of Service

121 Miles st. Fayetteville

Address

mpj.marshall@gmail.com

E-mail (optional)



Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Timothy Reid

Printed name

Brewski's Draft Emporium

Place of business

2

Years of service

565 Evergreen Lane, Fayetteville, AR 72703

Address

Tereid@cox.net

E-mail (optional)

Tim Reid

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Hailey Watts

Name

Mickey Finn's Irish Pub

Place of Business

6 years

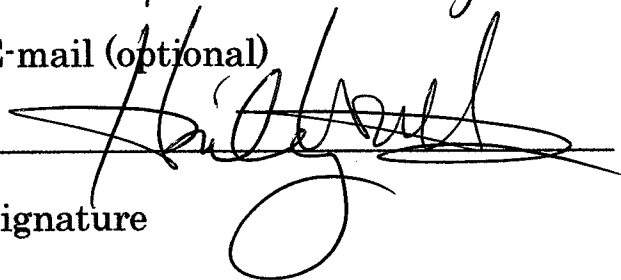
Years of Service

522 W. Maple #8 Fay, Ar 72701

Address

Hailey.Watts77@gmail.com

E-mail (optional)



Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Chris Abel

Name

Stir

Place of Business

4 years

Years of Service

PO Box 8994 Fayetteville, Ark 72703

Address

E-mail (optional)

Chall

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Raymond D Cincione

Name

Shotz 414 W. Dickson

Place of Business

8

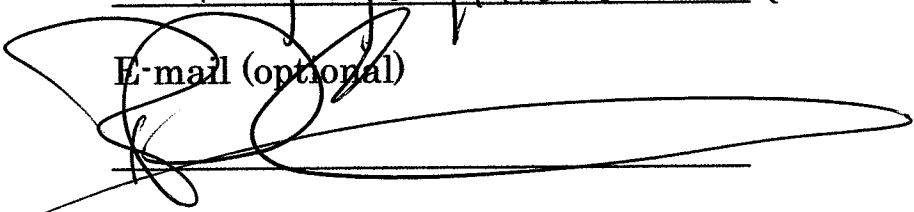
Years of Service

15 North Locust Ave #8

Address

Stingrayray44@yahoo.com

E-mail (optional)


Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

MARYGLEN LONG

Name

STIR

Place of Business

I

Years of Service

2142 N. TULL AVE FAYETTEVILLE, AR

Address

E-mail (optional)

Mary Glen Long

Signature

Jenn

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Jennifer Genece Yancey

Printed name

You know?? Um!!

Place of business

2 months

Years of service

3210 S. Thompson Springdale, AR

Address

E-mail (optional)

Jennifer Yancey

Signature

ADAM

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Adam Keith Hetch

Printed name

You know?? Uno!!

Place of business

1

Years of service

120 N. Florence St. Fayetteville, AR 72705

Address

E-mail (optional)

Adam K. Hetch

Signature

I choose to work in a smoking establishment where I am knowingly exposed to second hand smoke and any potential health risks it might pose. I choose to work in this environment because I am an adult and capable of making my own decisions.

Cole Keene

Name

Stir

Place of Business

3 yrs +

Years of Service

414 W. Dickson

Address

E-mail (optional)

ColKeene

Signature