Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Boudreaux
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
December 6, 2011

A meeting of the Fayetteville City Council will be held on December 6, 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 – Paul Becker**

Agenda Additions:

A. Consent:

1. Approval of the November 15, 2011 City Council meeting minutes. **APPROVED**

2. **Animal Services Division Donation:** A resolution approving a budget adjustment in the amount of $20,000.00 representing donation revenue to the Animal Services Division by the estate of Susannah A. Porter and expressing gratitude for the bequest.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 204-11

3. **Premier Lighting Group:** A resolution to award a bid for 37 LED light fixtures and poles from Premier Lighting Group in the amount of $70,661.00.

   THIS ITEM WAS REMOVED FROM CONSENT AND TABLED TO THE DECEMBER 20, 2011 CITY COUNCIL MEETING.

4. **KME Renegade Pumper Fire Truck:** A resolution to approve a budget adjustment to reflect $28,550.00 for revenue received because of the sale of a 1997 KME Renegade Pumper Fire Truck.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 205-11

5. **State and Federal Forfeiture Revenue:** A resolution approving a budget adjustment to recognize state and federal forfeiture revenue and to approve expenditures therefrom, in the amount of $372,107.00.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 206-11

6. **Fayetteville Police Department Donation Revenue:** A resolution approving a budget adjustment in the amount of $235.00 to recognize donation revenue to the Fayetteville Police Department in support of general recognition and officer service awards.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 207-11

7. **Mullins Branch Stream Restoration Task Order No. 3:** A resolution to approve Task Order No. 3, Mullins Branch Stream Restoration to the August 3, 2010 Memorandum of Understanding between the City and the Watershed Conservation Resource Center and to approve a Memorandum of Understanding between the City, University and Resource Center for the project which will cost the City $25,000.00.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 208-11

8. **Richard L. Watson Settlement Agreement:** A resolution approving a settlement agreement with Richard L. Watson, concerning condemnation litigation filed as part of the Cato Springs Road Improvement Project, in the total amount of $9,000.00.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 209-11

9. **FEMA Reimbursement:** A resolution to approve the attached budget adjustment to reimburse city divisions for expenditures caused by the spring flood and reimbursed by FEMA and/or the State of Arkansas.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 210-11

10. **Midtown Alley:** A resolution to name the alley that runs from Dickson Street south toward Center Street between School Avenue and Locust Avenue for 911 purposes "Midtown Alley."

    THIS ITEM WAS REMOVED FROM CONSENT AND TABLED TO THE DECEMBER 20, 2011 CITY COUNCIL MEETING.

11. **Pick-It Construction, Inc.:** A resolution to approve a contract between the City of Fayetteville and Pick-It Construction, Inc. in the amount of not-to-exceed $111,054.00 for construction of dugouts and bleacher covers at Walker Park and to approve a budget adjustment of $16,419.00.

    P**ASSED AND SHALL BE RECORDED AS RESOLUTION NO. 211-11**

B. Unfinished Business:

1. **2012 Annual Budget and Work Program:** A resolution adopting the 2012 Annual Budget and Work Program. ***This resolution was tabled at the November 15, 2011 City Council meeting to the December 6, 2011 City Council meeting.***

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 212-11

2. **ADM 11-3782 Cottage House Development:** An ordinance to enact §164.22 Cottage Housing Development into the Unified Development Code, to amend §162.01 to add (RR) Unit 44 Cottage Housing Development and to amend Chapter 161 Zoning District to authorize Cottage Housing Developments as a right in multi-family residential districts and as a conditional use in single family residential districts. ***This ordinance was left on the Second Reading at the November 15, 2011 City Council meeting.***
   Left on the Second Reading

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5462

C. Public Hearing:

1. **Green Cab Company:** A resolution to approve a certificate of Public Convenience and Necessity for the Green Cab Company to operate within the City of Fayetteville.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 213-11

D. New Business:

1. **Amend §94.05 Use of Fireworks:** An ordinance to Amend §94.05 Use of Fireworks of the Fayetteville Code by amending (F) to replace "First Night" with "Last Night".

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5463

2. **RZN 11-3960 (1730 N. Old Wire Road) Appeal:** An ordinance rezoning that property described in rezoning petition RZN 11-3960, for approximately 8.60 acres, located at 1730 North Old Wire Road from RSF-4, Residential Single-Family, 4 units per acre to NC, Neighborhood Conservation, subject to a Bill of Assurance.

   THIS ITEM WAS LEFT ON THE SECOND READING.

3. **Hilton Garden Inn Tree Preservation Area Modification:** A resolution to vacate about one-tenth of an acre of a tree preservation easement to be mitigated by the planting of 29 large species trees and developing the lot utilizing low impact development standards.

   TABLED TO THE DECEMBER 20, 2011 CITY COUNCIL MEETING.

4. **Bellafont Gardens Tree Preservation Area Modification:** A resolution to approve a modification of the tree preservation area in the Bellafont Gardens development to shift about one-half acre of tree preservation area from Lot 1 to Lot 4.

   TABLED TO THE DECEMBER 20, 2011 CITY COUNCIL MEETING

5. **ADM 11-3994 (Forest Hills R-PZD Amendment No. 1):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2793 Forest Hills to revise the concept plan and zoning criteria for Planning Area Three, reducing the number of dwelling units from 354 units to 240 units.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5464

6. **Repeal and Replace §34.27 Sale of Municipally Owned Real Property:** An ordinance to repeal §34.27 of the Code of Fayetteville and to enact a replacement §34.27 Sale of Municipally Owned Real Property of the Code of Fayetteville and to enact an emergency clause.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5465

7. **Springdale Water and Sewer Commission Easement:** A resolution to approve the sale of a permanent water/sewer easement of 0.383 acres and a temporary construction easement adjoining the permanent water/sewer easement along Highway 265 to the Springdale Water and Sewer Commission for $3,000.00.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 214-11

8. **Amend Chapter 92:** An ordinance amending Section 92.01 Definitions, repealing and replacing Section 92.20 Annual License and Tag, amending Section 92.24 Redemption of Animals, repealing Section 92.33 Animal Hobbyist Permit of Chapter 92: Animals of the Code of Fayetteville to remove animal licensing requirements and enact animal microchipping requirements, and providing for an effective date.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5466

9. **Amend §50.40 Rates for Services:** An ordinance to amend §50.40 Rates for Services of the Fayetteville Code by enacting a new subsection (B)(6) to charge $.95 per month per multi-family unit for recycling services when offered.

   THIS ITEM WAS LEFT ON THE FIRST READING.

10. **Northwest Arkansas Economic Development District:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Northwest Arkansas Economic Development District in the amount of $53,350.00 to provide public recreation services for the senior citizens of Fayetteville for 2012.

    PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5467

11. **Fayetteville Youth Center, Inc.:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Fayetteville Youth Center, Inc. in the amount of $205,350.00 to provide public recreation services for the youth and citizens of Fayetteville for 2012.

    PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5468

Announcements:

Adjournment: 11:01 p.m.

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

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

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

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

(c) Old business and new business.

(i) Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aides in a City Council meeting as part of their presentation.

(ii) Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

(d) Courtesy and respect. All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

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.

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

City Council Meeting: **December 6, 2011** **Adjourn:** 11:01

Subject:	**Roll**				
	Lewis	✓			
	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	absent			
	Ferrell	✓			
	Adams	✓			
	Mayor Jordan	✓			

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

City Council Meeting: **December 6, 2011**

Subject:	**Consent**				
Motion To:		Approve			
Motion By:		Adams			
Seconded:		Boudreaux			
Minutes approved	**Lewis**	✓			
	Gray	✓			
	Boudreaux	✓			
removed	**Kinion**	✓			
Premier lighting & pulled Midtown alley for discussion	**Petty**	✓			
	Tennant	absent			
	Ferrell	✓			
	Adams	✓			
204-11 thru 210-11	**Mayor Jordan**				

7-0

Subject:	Premier lighting - Removed from the Consent for discussion & Tabled				
Motion To:		Table			
Motion By:		Ferrell			
Seconded:		Gray			
Tabled to Dec 20th	**Lewis**	✓			
	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	absent			
	Ferrell	✓			
	Adams	✓			
	Mayor Jordan				

7-0

City Council Meeting: **December 6, 2011**

Subject:	Midtown Alley - Removed from Consent for discussion & tabled				
Motion To:		Amend Name "Dream Alley"	Table		
Motion By:		Petty	Boudreaux		
Seconds:		Kinion	Ferrell		
	Lewis		✓		
	Gray		✓		
	Boudreaux	vote was not taken	✓		
Table to Dec 20, 2011 City Council mtg.	**Kinion**		no		
	Petty		no		
	Tennant	absent	absent		
	Ferrell		✓		
	Adams		✓		
	Mayor Jordan				

5-2

Subject:	Pick It Construction - Removed from Consent for discussion				
Motion To:		Amend change dollar amount	Pass	Pass	
Motion By:		Boudreaux		took a second vote to confirm	
Seconded:		Petty			
	Lewis	✓	✓	✓	
	Gray	✓	✓	✓	
	Boudreaux	✓	✓	✓	
211-11 passed	**Kinion**	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	absent	absent	absent	
	Ferrell	✓	✓	✓	
	Adams	✓	✓	✓	
	Mayor Jordan				
		7-0	7-0	7-0	

City Council Meeting: **December 6, 2011**

Subject:	**2012 Annual Budget and Work Program**				
Motion To:		Pass			
Motion By:		Boudreaux			
Seconded:		Gray			
B. 1 Unfinished Business	**Lewis**	✓			
	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
passed	**Tennant**	absent			
	Ferrell	no			
212-11	**Adams**	✓			
	Mayor Jordan				

6-1

Subject:	**ADM 11-3782 Cottage House Development**				
Motion To:		3rd Read	Pass		
Motion By:		Boudreaux			
Seconded:		Gray			
B. 2 Unfinished Business	**Lewis**	✓	✓		
	Gray	✓	✓		
	Boudreaux	✓	✓		
	Kinion	✓	✓		
passed	**Petty**	absent during vote	✓		
	Tennant	absent	absent		
5462 *	**Ferrell**	✓	✓		
	Adams	✓	✓		
	Mayor Jordan				

6-0 7-0

City Council Meeting: **December 6, 2011**

Subject:	**Green Cab Company**				
Motion To:		Public Hearing was opened			
Motion By:					
Seconded:		Public Hearing was conducted			
C. 1 Public Hearing	**Lewis**				
	Gray	Public Hearing was closed			
	Boudreaux				
	Kinion				
	Petty				
	Tennant				
	Ferrell				
	Adams				
	Mayor Jordan				

Subject:	Green Cab Co.				
Motion To:		Pass			
Motion By:		Lewis			
Seconded:		Boudreaux			
passed 213-11	**Lewis**	✓			
	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	absent			
	Ferrell	✓			
	Adams	✓			
	Mayor Jordan				

7-0

City Council Meeting: **December 6, 2011**

Subject:	**Amend §94.05 Use of Fireworks**				
Motion To:		Amend name change	2nd Read	3rd Read	Pass
Motion By:		Boudreaux	Gray	Gray	
Seconded:		Petty	Lewis	Petty	
D. 1 New Business	**Lewis**	✓	✓	✓	✓
	Gray	✓	✓	✓	✓
	Boudreaux	✓	✓	✓	✓
	Kinion	✓	✓	✓	✓
	Petty	✓	✓	✓	✓
passed 5463	**Tennant**	absent	absent	absent	absent
	Ferrell	✓	absent-during vote	✓	✓
	Adams	✓	✓	✓	✓
	Mayor Jordan				
		7-0	6-0	7-0	7-0

Subject:	**RZN 11-3960 (1730 N. Old Wire Road) Appeal**				
Motion To:		2nd Read			
Motion By:		Gray			
Seconded:		Ferrell			
D. 2 New Business	**Lewis**	✓			
	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
Left on Second Reading	**Tennant**	absent			
	Ferrell	✓			
	Adams	✓			
	Mayor Jordan				
		7-0			

City Council Meeting: **December 6, 2011**

Subject:	**Hilton Garden Inn Tree Preservation Area Modification**				
Motion To:		Table			
Motion By:		Lewis			
Seconded:		Adams			
D. 3 New Business	**Lewis**	✓			
	Gray	✓			
	Boudreaux	no			
	Kinion	no			
	Petty	✓			
Table to Dec. 2011	**Tennant**	absent			
	Ferrell	✓			
	Adams	✓			
Tabled	**Mayor Jordan**				

5-2

Subject:	**Bellafont Gardens Tree Preservation Area Modification**				
Motion To:		Amend No parking in lot 1	Table		
Motion By:		Lewis	Ferrell		
Seconded:		Adams	Boudreaux		
D. 4 New Business	**Lewis**	✓	✓		
	Gray	✓	✓		
	Boudreaux	✓	✓		
	Kinion	✓	✓		
	Petty	✓	✓		
Tabled to [illegible]	**Tennant**	absent	absent		
	Ferrell	✓	✓		
	Adams	✓	✓		
Tabled	**Mayor Jordan**				

7-0 7-0

City Council Meeting: **December 6, 2011**

Subject:	**ADM 11-3994 (Forest Hills R-PZD Amendment No. 1)**				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Ferrell	Adams		
Seconded:		Petty	Petty		
D. 5	**Lewis**	✓	✓	✓	
New	**Gray**	✓	✓	✓	
Business	**Boudreaux**	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
5464	**Tennant**	absent	absent	absent	
	Ferrell	✓	✓	✓	
passed	**Adams**	✓	✓	✓	
	Mayor Jordan				
		7-0	7-0	7-0	

Subject:	**Repeal and Replace §34.27 Sale of Municipally Owned Real Property**				
Motion To:		amend 34.27 new (HB)	2nd Read	3rd Read	Pass
Motion By:		Boudreaux	Ferrell	Bond	
Seconded:		Ferrell	Gray	Lewis	
D. 6	**Lewis**	✓	✓	✓	✓
New	**Gray**	✓	✓	✓	✓
Business	**Boudreaux**	✓	✓	✓	✓
	Kinion	✓	✓	✓	✓
5465	**Petty**	✓	✓	✓	✓
	Tennant	absent	absent	absent	absent
passed	**Ferrell**	✓	✓	✓	✓
	Adams	✓	✓	✓	✓
	Mayor Jordan				
will be sent back to Bd. review after Planning & Zoning		7-0	7-0	7-0	7-0

City Council Meeting: **December 6, 2011**

Subject:	Repeals Reduce 3420 Sale of Municipally Owned Real Property				
Motion To:		Emergency Clause			
Motion By:		Ferrell			
Seconded:		Petty			
p.le	**Lewis**	✓			
	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	absent			
	Ferrell	✓			
	Adams	✓			
	Mayor Jordan				

7-0

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

City Council Meeting: **December 6, 2011**

Subject:	**Springdale Water and Sewer Commission Easement**				
Motion To:		Amend	Pass		
Motion By:		Kinion			
Seconded:		Lewis			
D. 7 New Business	**Lewis**	✓	✓		
	Gray	✓	✓		
	Boudreaux	✓	✓		
	Kinion	✓	✓		
	Petty	absent during vote	✓		
	Tennant	absent	absent		
passed	**Ferrell**	✓	✓		
	Adams	✓	✓		
2/4-11	**Mayor Jordan**				
		6-0	7-0		

Subject:	**Amend Chapter 92**				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Petty	Boudreaux		
Seconded:		Boudreaux	Gray		
D. 8 New Business	**Lewis**	✓	✓	✓	
	Gray	✓	✓	✓	
	Boudreaux	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
5466	**Tennant**	absent	absent	absent	
passed	**Ferrell**	✓	✓	✓	
	Adams	✓	✓	✓	
	Mayor Jordan				
		7-0	7-0	7-0	

City Council Meeting: **December 6, 2011**

Subject:	**Amend §50.40 Rates for Services**				
Motion To:					
Motion By:					
Seconded:					
D. 9 New Business	**Lewis**				
	Gray				
	Boudreaux				
	Kinion				
	Petty				
	Tennant				
	Ferrell				
	Adams				
	Mayor Jordan				

left on first reading

Subject:	**Northwest Arkansas Economic Development District**				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Gray	Gray		
Seconded:		Lewis	Boudreaux		
D. 10 New Business	**Lewis**	✓	✓	✓	
	Gray	✓	✓	✓	
	Boudreaux	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	absent/abstain	✓	✓	
	Tennant	absent	absent	absent	
	Ferrell	✓	✓	✓	
	Adams	✓	✓	✓	
	Mayor Jordan				
		6-0	7-0	7-0	

passed

5467

City Council Meeting: **December 6, 2011**

Subject:	**Fayetteville Youth Center, Inc**				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Ferrell	Adams		
Seconded:		Boudreaux	Boudreaux		
D. 11 New Business	**Lewis**	✓	✓	✓	
	Gray	✓	✓	✓	
	Boudreaux	✓	✓	✓	
	Kinion	✓	✓	✓	
Passed	**Petty**	✓	✓	✓	
	Tennant	absent	absent	absent	
5468	**Ferrell**	✓	✓	✓	
	Adams	✓	✓	✓	
	Mayor Jordan				
		7-0	7-0	7-0	

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

Fayetteville
ARKANSAS
www.accessfayetteville.org

Departmental Correspondence

LEGAL DEPARTMENT

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: **Mayor Jordan**

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

DATE: **December 7, 2011**

RE: **Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of December 6, 2011**

1. **Animal Services Division Donation:** A resolution approving a budget adjustment in the amount of $20,000.00 representing donation revenue to the Animal Services Division by the estate of Susannah A. Porter and expressing gratitude for the bequest.

2. **KME Renegade Pumper Fire Truck:** A resolution to approve a budget adjustment to reflect $28,550.00 for revenue received because of the sale of a 1997 KME Renegade Pumper Fire Truck.

3. **State and Federal Forfeiture Revenue:** A resolution approving a budget adjustment to recognize State and Federal forfeiture revenue and to approve expenditures therefrom, in the amount of $372,107.00.

4. **Fayetteville Police Department Donation Revenue:** A resolution approving a budget adjustment in the amount of $235.00 to recognize donation revenue to the Fayetteville police Department in support of general recognition and officer service awards.

5. **Mullins Branch Stream Restoration Task Order No. 3:** A resolution to approve Task Order #3, Mullins Branch Stream Restoration to the August 2, 2010 Memorandum of Understanding between the City and the Watershed Conservation Resource Center and to approve a Memorandum of Understanding between the City, University and Resource Center for the project which will cost the City $25,000.00.

6. **Richard Watson Settlement Agreement:** A resolution approving a Settlement Agreement with Richard L. Watson, concerning Condemnation litigation filed as part of the Cato Springs Road Improvement Project, in the total amount of $9,000.00

7. **FEMA Reimbursement:** A resolution to approve the attached budget adjustment to reimburse City Divisions for expenditures caused by the Spring Flood and reimbursed by FEMA and/or the State of Arkansas.

8. **Pick-It Construction, Inc.:** A resolution to approve a contract between the City of Fayetteville and Pick-It Construction, Inc. in the amount of not-to-exceed $112,353.00 for construction of dugouts and bleacher covers at Walker Park and to approve a budget adjustment of $16,419.00.

9. **2012 Annual Budget and Work Program:** A resolution adopting the 2012 Annual Budget and Work Program.

10. **Green Cab Company:** A resolution to approve a Certificate of Public Convenience and Necessity for the Green Cab Company to operate within the City of Fayetteville.

11. **Amend §94.05 Use of Fireworks:** An ordinance to amend §94.05 **Use of Fireworks** of the Fayetteville Code by amending (F) to replace "First Night Fayetteville: with "Creative Economy Action Group, Inc. d/b/a Last Night Fayetteville."

12. **Amend §34. 27 Sale of Municipally Owned Real Property:** An ordinance to amend §34.27 **Sale of Municipally Owned Real Property** of the Code of Fayetteville by enacting a new (H)(5) to exempt the sale of Water/Sewer Utility Easements and to enact an emergency clause.

13. **Springdale Water and Sewer Commission Easement:** A resolution to approve the sale of a permanent water/sewer easement of 0.383 acres and a temporary construction easement adjoining the permanent water/sewer easement along Highway 265 to the Springdale Water and Sewer Commission for $3,000.00.

14. **Amend Chapter 92:** An ordinance amending §92.01 **Definitions**, repealing and replacing §92,20 **Annual License and Tag**, amending §92.04 Redemption of Animals, **repealing §92.33** Animal Hobbyist Permit of Chapter 92: **Animals** of the Code of Fayetteville to remove animal licensing requirements and enact animal microchipping requirements.

15. NWA Economic Development District: An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville and the Northwest Arkansas Economic Development District in the amount of $53,350.00 to provide public recreation services for the senior citizens of Fayetteville for 2012.

16. Fayetteville Youth Center: An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville and the Fayetteville Youth Center, Inc. in the amount of $205,350.00 to provide public recreation services for the youth and citizens of Fayetteville for 2012.

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Boudreaux
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
December 6, 2011

A meeting of the Fayetteville City Council will be held on December 6, 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 – Paul Becker**

Agenda Additions:

A. Consent:

1. Approval of the November 15, 2011 City Council meeting minutes.

2. **Animal Services Division Donation:** A resolution approving a budget adjustment in the amount of $20,000.00 representing donation revenue to the Animal Services Division by the estate of Susannah A. Porter and expressing gratitude for the bequest.

3. **Premier Lighting Group:** A resolution to award a bid for 37 LED light fixtures and poles from Premier Lighting Group in the amount of $70,661.00.

4. **KME Renegade Pumper Fire Truck:** A resolution to approve a budget adjustment to reflect $28,550.00 for revenue received because of the sale of a 1997 KME Renegade Pumper Fire Truck.

5. **State and Federal Forfeiture Revenue:** A resolution approving a budget adjustment to recognize state and federal forfeiture revenue and to approve expenditures therefrom, in the amount of $372,107.00.

6. **Fayetteville Police Department Donation Revenue:** A resolution approving a budget adjustment in the amount of $235.00 to recognize donation revenue to the Fayetteville Police Department in support of general recognition and officer service awards.

7. **Mullins Branch Stream Restoration Task Order No. 3:** A resolution to approve Task Order No. 3, Mullins Branch Stream Restoration to the August 3, 2010 Memorandum of Understanding between the City and the Watershed Conservation Resource Center and to approve a Memorandum of Understanding between the City, University and Resource Center for the project which will cost the City $25,000.00.

8. **Richard L. Watson Settlement Agreement:** A resolution approving a settlement agreement with Richard L. Watson, concerning condemnation litigation filed as part of the Cato Springs Road Improvement Project, in the total amount of $9,000.00.

9. **FEMA Reimbursement:** A resolution to approve the attached budget adjustment to reimburse city divisions for expenditures caused by the spring flood and reimbursed by FEMA and/or the State of Arkansas.

10. **Midtown Alley:** A resolution to name the alley that runs from Dickson Street south toward Center Street between School Avenue and Locust Avenue for 911 purposes "Midtown Alley."

11. **Pick-It Construction, Inc.:** A resolution to approve a contract between the City of Fayetteville and Pick-It Construction, Inc. in the amount of not-to-exceed $111,054.00 for construction of dugouts and bleacher covers at Walker Park and to approve a budget adjustment of $16,419.00.

B. Unfinished Business:

1. **2012 Annual Budget and Work Program:** A resolution adopting the 2012 Annual Budget and Work Program. ***This resolution was tabled at the November 15, 2011 City Council meeting to the December 6, 2011 City Council meeting.***

2. **ADM 11-3782 Cottage House Development:** An ordinance to enact §164.22 Cottage Housing Development into the Unified Development Code, to amend §162.01 to add (RR) Unit 44 Cottage Housing Development and to amend Chapter 161 Zoning District to authorize Cottage Housing Developments as a right in multi-family residential districts and as a conditional use in single family residential districts. ***This ordinance was left on the Second Reading at the November 15, 2011 City Council meeting.***

Left on the Second Reading

C. Public Hearing:

1. **Green Cab Company:** A resolution to approve a certificate of Public Convenience and Necessity for the Green Cab Company to operate within the City of Fayetteville.

D. New Business:

1. **Amend §94.05 Use of Fireworks:** An ordinance to Amend §94.05 Use of Fireworks of the Fayetteville Code by amending (F) to replace "First Night" with "Last Night".

2. **RZN 11-3960 (1730 N. Old Wire Road) Appeal:** An ordinance rezoning that property described in rezoning petition RZN 11-3960, for approximately 8.60 acres, located at 1730 North Old Wire Road from RSF-4, Residential Single-Family, 4 units per acre to NC, Neighborhood Conservation, subject to a Bill of Assurance.

3. **Hilton Garden Inn Tree Preservation Area Modification:** A resolution to vacate about one-tenth of an acre of a tree preservation easement to be mitigated by the planting of 29 large species trees and developing the lot utilizing low impact development standards.

4. **Bellafont Gardens Tree Preservation Area Modification:** A resolution to approve a modification of the tree preservation area in the Bellafont Gardens development to shift about one-half acre of tree preservation area from Lot 1 to Lot 4.

5. **ADM 11-3994 (Forest Hills R-PZD Amendment No. 1):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2793 Forest Hills to revise the concept plan and zoning criteria for Planning Area Three, reducing the number of dwelling units from 354 units to 240 units.

6. **Repeal and Replace §34.27 Sale of Municipally Owned Real Property:** An ordinance to repeal §34.27 of the Code of Fayetteville and to enact a replacement §34.27 Sale of Municipally Owned Real Property of the Code of Fayetteville and to enact an emergency clause.

7. **Springdale Water and Sewer Commission Easement:** A resolution to approve the sale of a permanent water/sewer easement of 0.383 acres and a temporary construction easement adjoining the permanent water/sewer easement along Highway 265 to the Springdale Water and Sewer Commission for $3,000.00.

8. **Amend Chapter 92:** An ordinance amending Section 92.01 Definitions, repealing and replacing Section 92.20 Annual License and Tag, amending Section 92.24 Redemption of Animals, repealing Section 92.33 Animal Hobbyist Permit of Chapter 92: Animals of the Code of Fayetteville to remove animal licensing requirements and enact animal microchipping requirements, and providing for an effective date.

9. **Amend §50.40 Rates for Services:** An ordinance to amend §50.40 Rates for Services of the Fayetteville Code by enacting a new subsection (B)(6) to charge $.95 per month per multi-family unit for recycling services when offered.

10. **Northwest Arkansas Economic Development District:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Northwest Arkansas Economic Development District in the amount of $53,350.00 to provide public recreation services for the senior citizens of Fayetteville for 2012.

11. **Fayetteville Youth Center, Inc.:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Fayetteville Youth Center, Inc. in the amount of $205,350.00 to provide public recreation services for the youth and citizens of Fayetteville for 2012.

Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

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

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

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

(c) Old business and new business.

(i) Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aides in a City Council meeting as part of their presentation.

(ii) Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

(d) Courtesy and respect. All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

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.

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

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

12/6/2011
City Council Meeting Date
Agenda Items Only

Terry Gulley	Transportation Services	Transportation
Submitted By	**Division**	**Department**

Action Required:

A resolution to award a bid for 37 LED light fixtures and poles from Premier Lighting Group in the amount of $70,661.

Cost of this request	Category / Project Budget	Program Category / Project Name
$ 22,000.00	$ 460,713.00	Energy Effic/Conserv Block Grant
$ 48,661.00	$ 1,280,727.00	Trail Development

Account Number	Funds Used to Date	Program / Project Category Name
2240.9240.5342.99	$ 435,694.00	Energy Block Grant
4470.9470.5814.05	$ 588,709.00	Trail Improvements

Project Number	Remaining Balance	Fund Name
09011	$ 25,019.00	Energy Block Grant
02016	$ 717,037.00	Sales Tax Cap Imp

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Terry L Gulley — Department Director — 11-29-11 Date

Kit Williams — City Attorney — 11-29-11 Date

Paul A. Becker — Finance and Internal Services Director — 11-29-2011 Date

Don Marr — Chief of Staff — 11-29-11 Date

Lioneld Jordan — Mayor — 11/29/11 Date

Previous Ordinance or Resolution # 104-10

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office 11-29-11 P03:35 RCVD Kim G.

Received in Mayor's Office

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Director TGR

Date: November 28, 2011

Subject: U of A Farm Trail – LED Lights

DESCRIPTION:

Using Sales Tax Capital Improvement funds from the Trail Development project, the City is set to purchase 37 LED lights and poles at a cost of $70,661 using Resolution 104-10 (Bid #10-40). This price includes the cost of lights and poles along with freight charges and applicable taxes. The lights will be installed on the newly constructed section of the U of A Farm Trail.

A portion of the total cost will be funded from the Energy Efficiency and Conservation Block Grant as part of the American Recovery and Reinvestment Act (ARRA). This will complete the City of Fayetteville's $724,900 Energy Efficiency and Conservation Block Grant program. Projects from the grant included the following:

- Energy Retrofit of Police Department, Water & Sewer Operations, Fire Stations #1, #4 and #6
- 160 LED lights along trails and sidewalks
- Greenhouse Gas Emissions Inventory for municipal operations
- 6.8 kilowatt solar photovoltaic system on District Court Building
- Community Revolving Loan Fund retrofitting three non-profit facilities in Fayetteville

The City also received over $27,000 in energy rebates from the Arkansas Energy Office and Southwestern Electric Power Company as a result of the energy projects from this grant.

RESOLUTION NO. _____

A RESOLUTION TO AWARD A BID FOR 37 LED LIGHT FIXTURES AND POLES FROM PREMIER LIGHTING GROUP IN THE AMOUNT OF $70,661.00

WHEREAS, Premier Lighting Group was the low bidder in Bid #10-40 for Trail Lighting Equipment and has already supplied 33 LED light fixtures and poles which have been installed on the Scull Creek Trail pursuant to such bid; and

WHEREAS, the new U of A Farm Trail, which will connect to the Scull Creek Trail from the underpass at Mount Comfort and I-540, needs 37 LED light fixtures and poles; and

WHEREAS, the City needs to expend the remainder of the energy conversation funds it received from the American Recovery at Reinvestment Act which will help pay for this project.

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 and awards the bid from Premier Lighting Group pursuant to Bid #10-40 to purchase an additional thirty-seven (37) LED light fixtures and poles for the University of Arkansas Farm Trail in the amount of $70,661.00.

PASSED and **APPROVED** this 6th day of December, 2011.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

City Of Fayetteville

Requisition No.:

Date: 11/29/2011

A. 3
Premier Lighting Group
Page 4 of 10

P.O Number:

Expected Delivery Date:

Vendor #: 19545	Vendor Name: Premier Lighting Group Inc	Mail Yes:____ No: X	
Address: 8040 B Counts Massie Rd		Fob Point:	Taxable Yes: X No:____
Quotes Attached Yes: X No:____			
City: North Little Rock	State: AR	Zip Code: 72113	Ship to code: 104
Divison Head Approval:			
Requester: John Nelson		Requester's Employee #: 1003	Extension: 492

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	LED Light Fixtures and Poles	1	LOT	$22,000.00	$22,000.00	2240.9240.5342.99	09011.0030		
2	LED Light Fixtures and Poles	1	LOT	$39,938.00	$39,938.00	4470.9470.5814.05	02016.1104		
3	Freight	1	LOT	$2,740.00	$2,740.00	4470.9470.5814.05	02016.1104		
4	Res. No. 104-10; Bid No. 10-40								
5									
6									
7									
8									
9									
10									

Special Instructions:

Subtotal:	$64,678.00
Tax:	$5,982.72
Total:	$70,660.72

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____

Finance & Internal Services Director: _____ Budget Manager: _____ IT Manager: _____

Dispatch Manager: _____ Utilities Manager: _____ Other: _____

Date: Nov 3, 2011 Quote: PLGSPR11-3572

PREMIER LIGHTING GROUP

Breakout Summary

Premier Lighting Group
8040 B Counts Massie RD
North Little Rock AR 72113
Phone: (501) 753-6599
Quoter: Justin Long

Project CITY OF FAYETTEVILLE - ADDITIONAL TRAIL
Location
Quote PLGSPR11-3572-4

To:
CITY OF FAYETTEVILLE
113 WEST MOUNTAIN
FAYETTEVILLE AR 72701

For
Bid Date Nov 3, 2011
Expires Dec 3, 2011

Manufacturer	Amount	FreightAllowance	Min Billing
ALLIANCE COMPOSITES, I	$14,356.00	Plus Freight	
AMERLUX EXTERIOR	$47,582.00	$2,000.00	
Total	**$61,938.00**		

Notes:
TAX NOT INCLUDED

Terms and conditions of sale:
PLEASE INCLUDE QUOTE # WITH ALL REMITTANCE.

Date: Nov 3, 2011 Quote: PLGSPR11-3572-4

PREMIER LIGHTING GROUP

Quote Breakout

Premier Lighting Group
8040 B Counts Massie RD
North Little Rock AR 72113
Phone: (501) 753-6599
Quoter: Justin Long [(501) 753-6599x216]

Project CITY OF FAYETTEVILLE - ADDITIONAL TRAIL
Location
Quote PLGSPR11-3572-4

To:
CITY OF FAYETTEVILLE
113 WEST MOUNTAIN
FAYETTEVILLE AR 72701

For
Bid Date Nov 3, 2011
Expires Dec 3, 2011

AMERLUX EXTERIOR

QTY	Type	MFG	Part	Price	UQ	ExtPrice
37		AMERLUX	PT40/D142-RFS22/LED-HS-BX4-5.0K-6.5L-100W/BLK/ FAYETTEVILLE	$1,286.00		$47,582.00

Total	**$47,582.00**
Freight Allowance	$2,000.00
Min Billing	

Terms: see last page for terms and conditions of sale

Date: Nov 3, 2011 Quote: PLGSPR11-3572-4

PREMIER LIGHTING GROUP

Quote Breakout

Premier Lighting Group
8040 B Counts Massie RD
North Little Rock AR 72113
Phone: (501) 753-6599
Quoter: Justin Long [(501) 753-6599x216]

Project CITY OF FAYETTEVILLE - ADDITIONAL TRAIL
Location
Quote PLGSPR11-3572-4

To:
CITY OF FAYETTEVILLE
113 WEST MOUNTAIN
FAYETTEVILLE AR 72701

For
Bid Date Nov 3, 2011
Expires Dec 3, 2011

ALLIANCE COMPOSITES, INC.

QTY	Type	MFG	Part	Price	UQ	ExtPrice
37		ACI	DS15ASDS-JXB	$388.00		$14,356.00

Total **$14,356.00**
Freight Allowance Plus Freight
Min Billing

740.00

Terms: see last page for terms and conditions of sale

John Nelson - Re: Premier Lighting Group

From: John Coleman
To: Nelson, John
Date: 11/29/2011 10:19 AM
Subject: Re: Premier Lighting Group

$20 per pole for 37 poles. Just got a voice mail from the sales rep w/ Premier.

John

>>> On 11/29/2011 at 9:17 AM, in message <4ED4A33B.E65C.0097.0@ci.fayetteville.ar.us>, John Nelson wrote:

> The draft resolution says 'in the amount of $61,938', but that amount doesn't include freight or taxes. The quote from Alliance says 'Plus Freight'. Any idea what that amount is?
>
> John Nelson
> Transportation Services
>
> City of Fayetteville
> 113 W. Mountain St.
> Fayetteville, AR 72701
> 479.444.3492 - Phone
> 479.444.3490 - Fax
> TDD (Telecommunications Device for the Deaf): (479) 521-1316
> www.accessfayetteville.org
>
> >>> John Coleman 11/29/2011 9:10 AM >>>
> It's all come from Premier on past purchases. Thanks John.
>
> >>> On 11/29/2011 at 9:01 AM, in message <4ED49F5B.E65C.0097.0@ci.fayetteville.ar.us>, John Nelson wrote:
>
> > John and/or Peggy,
> >
> > I'm working on the purchase requisition to accompany your agenda item for the LED lights and poles for the U of A Farm Trail. Will the billing all come from Premier Lighting Group or do individual purchase orders need to be issued to Alliance Composites and Amerlux Exterior?
> >
> > Thanks!
> >
> > John Nelson
> > Transportation Services
> >
> > City of Fayetteville
> > 113 W. Mountain St.
> > Fayetteville, AR 72701
> > 479.444.3492 - Phone
> > 479.444.3490 - Fax
> > TDD (Telecommunications Device for the Deaf): (479) 521-1316
> > www.accessfayetteville.org

Fayetteville
ARKANSAS

BID: 10-40
DATE: 05/21/10
2:00 PM
CITY OF FAYETTEVILLE

Bid 10-40, Trail Lighting Equipment Re-Bid

Item	Description	Quantity	*CMT*		*Dynamic Lighting Solutions*	
			Price Each	Total Price	Price Each	Total Price
1	Lighting Fixture (Arm, fixture, & LED)	33	--	--	$1,286.00	$42,438.00
	Manufacturer		No Bid		Dynamic	
	Model				PT40/D142-RFS22/PA/LED/BLK	
2	Fiberglass Pole	33	$475.00	$15,675.00	$388.00	$12,804.00
	Manufacturer		CMT		Alliance Composites	
	Model		LFY(S)B12-T-3-T400X4.5-S		DS15ASDS-JXB	
	TOTAL BID PRICE:		$15,675.00		$55,242.00	

			Price Each	Total Price	Price Each	Total Price
D1	**Deductive Alternate #1** (amount to be subtracted from line item #1)	33	No Bid		$736.00	$24,288.00

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

CERTIFIED: P Vice — **P. VICE, PURCH MGR**

WITNESS

05/21/10 — **DATE**

RESOLUTION NO. 104-10

A RESOLUTION AWARDING BID #10-40 AND APPROVING THE PURCHASE OF THIRTY-THREE (33) LED LIGHT FIXTURES AND POLES IN THE AMOUNT OF $60,351.89 FROM DYNAMIC LIGHTING SOLUTIONS FOR INSTALLATION ON SCULL CREEK TRAIL BETWEEN NORTH STREET AND MAPLE AVENUE

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #10-40 and approves the purchase of thirty-three (33) LED light fixtures and poles in the amount of $60,351.89 from Dynamic Lighting Solutions for installation on Scull Creek Trail between North Street and Maple Avenue.

PASSED and **APPROVED** this 15th day of June, 2010.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

CITY CLERK/TREASURER CITY OF FAYETTEVILLE ARKANSAS WASHINGTON COUNTY

MEMORANDUM OF UNDERSTANDING

Between

Watershed Conservation Resource Center

and

University of Arkansas

and

City of Fayetteville

This Memorandum of Understanding (MOU) is entered into and executed on the date indicated below the signature block, by and between the Watershed Conservation Resource Center hereinafter referred to as WCRC, an Arkansas nonprofit corporation located at 380 N. Rock Street, Fayetteville, Arkansas, 72701, and the following project participants, Board of Trustees of the University of Arkansas, acting for and on behalf of the University of Arkansas, Fayetteville, hereinafter referred to as U OF A and the City of Fayetteville hereinafter referred to as CITY OF FAYETTEVILLE.

A. PURPOSE

The purpose of this MOU is to establish a general framework for cooperation between the WCRC, U OF A, and the CITY OF FAYETTEVILLE to work together to conduct the 319 project entitled, "Mullins Branch Stream Restoration Project." The WCRC, the 319 award recipient, in partnership with the U OF A and CITY OF FAYETTEVILLE, will work to achieve the common goal of restoring an unstable section of Mullins Branch to a morphologically stable form utilizing a natural channel design approach. The stream flows through the U OF A campus and the restoration project will help to reduce sediment and nutrient loads that ultimately are received by the West Fork White River (WFWR) and Beaver Lake. The project location is highly visible and will provide educational opportunities. Using innovative techniques, the completed restoration will address accelerated streambank erosion, while improving water quality and enhancing aquatic and terrestrial habitat and maintaining a sustainable, natural hydrology. Such cooperation will serve the parties' mutual interest. The project description, schedule of activities, budget, and roles and responsibilities of the WCRC, U OF A, and the CITY OF FAYETTEVILLE can be found in the attached work plan.

B. STATEMENT OF MUTUAL INTERESTS AND BENEFITS

Mullins Branch, located on the campus of the University of Arkansas in Fayetteville, AR was identified for restoration as part of a nutrient reduction plan developed by Geosyntec Consultants for the City of Fayetteville. The plan, which was developed with stakeholder input, identified several priorities to be pursued that would reduce phosphorus loads to streams within the Beaver Lake watershed. In addition to sediment and nutrient load reduction potential, the site was considered an excellent location to demonstrate green infrastructure techniques due to the high visibility of the site. It is conservatively estimated that over 100,000 individuals pass through the project site annually.

Mullins Branch is an urban stream and its watershed area ranges from 0.5mi^2 at the upper end of the project area to 1 mi^{2}at the lower end and drains part of the University Campus and the City of Fayetteville. This urban stream restoration project will use innovative approaches to address streambank erosion, while restoring the aquatic and terrestrial habitat and maintaining a sustainable, natural hydrology. Increased numbers of roads, parking lots, rooftops, and other impervious surfaces over the past 50 years have contributed to changes in watershed hydrology. These impervious areas have resulted in additional runoff during rainfall events, which has intensified the magnitude and increased the frequency of high flow events in the stream. Also, sediment production from upland erosion processes has decreased due to increased impervious surfaces. Both of these conditions have resulted in urban stream instability and Mullins Branch is showing the effects of these watershed changes through channel enlargement along with accelerated streambank erosion at the proposed project site. Cross-sectional area of stream systems have been documented to enlarge 4 to 12 times as a result of watershed land cover changes (Harvey and Watson 1986).

As an environmentally innovative project, approaches to manage water resources in a more sustainable way will be demonstrated. Traditional approaches to addressing channel enlargement in urbanizing areas often include treatments such as, channelization and lining with concrete, use of rip-rap, and enclosure of the tributary stream into a culvert system. These treatments may address a singular concern, such as, reducing the amount of sediment produced at the site level, but they are expensive, do not improve aesthetics, decrease biodiversity, are not sustainable, and generally move the imbalance between stream flow and sediment transport to downstream property owners. For this project, a natural channel design will be implemented, which is a progressive approach that will resolve the effects associated with channel enlargement, while improving water quality and achieving many other socially and ecologically beneficial objectives as previously described.

The WCRC strives to protect, conserve, and restore natural resources by utilizing the watershed approach, environmental outreach, and providing planning and technical assistance to landowners, communities, and government. Implementing a natural channel design demonstration project on a section of stream on the U OF A campus and within the Fayetteville city limits helps the U OF A to meet their goals of implementing sustainable projects and providing hands-on education opportunities in the areas of sustainability, water quality, and watershed management. The project helps the CITY OF FAYETTEVILLE to meet multiple local and regional objectives relating to stream channel instability, water quality, and ecological services. This project is of benefit to both the U OF A and CITY OF FAYETTEVILLE because the effort will demonstrate sustainable methods to improving urban streams that lead to both aquatic and terrestrial habitat restoration, improved water quality, reduced streambank erosion, and improve aesthetics of the stream within the city limits of Fayetteville. This effort will also help to promote the use of sustainable alternatives to traditional channel modifications in urbanizing areas.

The project will help to demonstrate a stream restoration that will enhance the local ecosystem within an urban environment. Benefits of the project include:

- The restoration design will help to dissipate energy from storm water runoff, thereby, reducing streambank erosion. The water quality of Mullins Branch will be improved by

reducing sediment and nutrient annual loads from the project site by over 80%, thus reducing sediment and nutrient loads within the West Fork White River and Beaver Lake watersheds.

- The buffer improvements along the stream will enhance the infiltration of rain water, help to remove pollutants, and reduce storm water runoff.
- The stream restoration will result in improved riffle-pool bed features, which will help to increase water retention and aeration resulting in better assimilation of nutrients.
- The channel will be restored to a natural hydrology and channel enlargement will be reduced resulting in enhanced aquatic and terrestrial habitat.
- The aesthetics of the area will be improved.
- The site will provide education opportunities for alternative design methods to address urban stream erosion with a focus on ecological restoration, enhancement, and sustainability.
- The project will promote concepts of Green Infrastructure such as stream restoration using natural channel design techniques through interpretive signage and conducting field tours.

In consideration of the above premises, the parties agree as follows:

C. THE WCRC:

1. Shall provide project coordination among participants, management and engineering.
2. Shall coordinate and carry-out activities, including obtaining any necessary federal and state approvals, associated with the project as outlined in the attached work plan as Tasks 1-7. This includes developing construction drawings and associated bid documents to procure an experienced construction contractor to construct the stream restoration. The WCRC will follow applicable state and federal procurement procedures and will select the contractor. The WCRC will provide construction oversight and pay the contractor through the 319 grant as shown in the attached workplan. These construction costs do not include needed infrastructure activities associated with the project area.
3. Shall provide a method for the U OF A and CITY OF FAYETTEVILLE to document their activities and show matching funds.
4. Shall procure and maintain, during the life of this agreement, the following insurance and shall furnish the University with certificates evidencing such insurance to be in effect:
    - Workers Compensation as required by the State of Arkansas.
    - Comprehensive General Liability with no less than $1,000,000 each occurrence for bodily injury, contractual liability, and property damage liability.
    - Comprehensive Automobile Liability with no less than $1,000,000 combined single limit.
5. The 319 grant awarded to the WCRC provides $240,000 as shown in the attached workplan.

D. THE U OF A SHALL:

1. Coordinate all activities within the U OF A Divisions and Departments and between the U OF A , CITY OF FAYETTEVILLE and WCRC
2. Provide assistance to the WCRC in locating all utility lines, potential construction materials, and any other items related to the U OF A property and the construction of the stream restoration.
3. Be responsible for providing in-kind matching funds of $200,000 as described in the project budget (appendix 4, page 18) of the attached work plan, and may, in its sole

discretion, agree to provide additional in-kind matching funds based on the final design approved by the U OF A.

4. Shall provide review and input into the final restoration design, and shall have final approval over the restoration design.
5. Provide documentation of all project activities and associated matching funds.
6. Recognize that their participation is an integral component in carrying out a successful project that will result in improved water quality and habitat restoration. This agreement indicates the U OF A's good faith intent to fulfill their agreed upon roles as outlined in the attached work plan to the successful completion of the project.

E. THE CITY OF FAYETTEVILLE:

1. Shall coordinate all activities within the City of Fayetteville Divisions and Departments and between the CITY OF FAYETTEVILLE, U OF A, and WCRC.
2. Shall contribute to the grant recipient, the WCRC, a sum not to exceed $25,000 as cash matching funds outlined in the budget section of the attached work plan (appendix 3, page 17).
3. Shall provide review and input into the final restoration design.
4. Shall provide documentation of all project activities and associated matching funds.
5. Recognizes that their participation is an integral component in carrying out a successful project that will result in improved water quality and habitat restoration. This agreement indicates the CITY OF FAYETTEVILLE's good faith intent to fulfill their agreed upon roles as outlined in the attached workplan to the successful completion of the project.

E. IT IS MUTUALLY AGREED AND UNDERSTOOD BY ALL PARTIES THAT:

1. FREEDOM OF INFORMATION ACT (FOIA). This MOU and related contractual documents are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to U OF A or the CITY OF FAYETTEVILLE, the WCRC will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. § 25-19-101 et. seq.) Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance. Any information furnished to the WCRC under this instrument is subject to the Freedom of Information Act (5 U.S.C. 552).

2. MODIFICATION. Modifications within the scope of the instrument shall be made by mutual consent of the parties. Changes, modifications, or amendments in scope, price or fees to this agreement shall not be allowed without a prior formal contract amendment approved by an authorized representative with signature authority on behalf of the U OF A and the Mayor and/or the City Council in advance of the change in scope, cost or fees.

3. PARTICIPATION IN SIMILAR ACTIVITIES. This instrument in no way restricts the WCRC or the CITY OF FAYETTEVILLE from participating in similar activities with other public or private agencies, organizations, and individuals.

4. COMMENCEMENT/EXPIRATION DATE. The instrument is executed as of the date of the last signature and is effective for the life of the project.

5. PRINCIPAL CONTACT. The principal contacts for this instrument are:

Sandi Formica, Executive Director
Watershed Conservation Resource Center
380 West Rock Street
Fayetteville, AR 72701
Office Phone: 479-444-1916
Cell Phone: 501-352-5252
Office Fax: 928-396-2546
E-mail: formica@watershedconservation.org

John Coleman, P.E., Sustainability Director
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701
Phone: 479-575-8272
Fax: 479-575-8202
E-mail: jcoleman@ci.fayetteville.ar.us

Sarah Wrede, P.E., Staff Engineer
City of Fayetteville
Phone: 479-575-8206
E-mail: swrede@ci.fayetteville.ar.us

Kyle Cook, Construction Coordinator
University of Arkansas
Phone: 479-575-8472
E-mail: kbcook@uark.edu

6. NONDISCRIMINATION. During the performance of this agreement, all parties will abide by the terms of Executive Order 11246 on nondiscrimination and will not discriminate against any person because of age, race, color, religion, sex, national origin, or disability.

7. INDEPENDENT PARTIES. The relationship of the parties to this MOU is that of independent contractors, and nothing in this MOU should be construed to create any agency, joint venture, or partnership relationship among the parties.

8. ARKANSAS LAW. This MOU shall be construed and enforced in accordance with the laws of the State of Arkansas.

9. COUNTERPARTS. This MOU may be executed concurrently in one or more counterparts, each of which shall be an original, but all of which together shall constitute one and the same instrument, notwithstanding that all the parties are not signatory to the original or same counterpart.

Sandi J. Formica, Executive Director
Watershed Conservation Resource Center

11/30/11
Date

Donald O. Pederson,
Vice Chancellor for Finance and Administration
University of Arkansas

11/29/11
Date

Lioneld Jordan, Mayor
City of Fayetteville

Date

Added at Agenda Session 11-29-11 Consent

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

12/6/2011
City Council Meeting Date
Agenda Items Only

Byron Humphry	Park Maintenance	Parks and Recreation
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid #11-67 and approval of a contract with Pick-It Construction, Inc. in the amount of $102,139 with a 10% project contingency of $10,214 for a total project cost of $112,353 for the Construction of Dugouts and Bleacher Covers at Walker Park and approval of a budget adjustment in the amount of $16,419 from Parks Development Funds.

$ 112,353.00	$ 116,419.00	Contract Servs/Walker Park Baseball
Cost of this request	Category / Project Budget	Program Category / Project Name
2250.9255.5315.00	$ 4,066.00	Parks Development / Contract Srvs
Account Number	Funds Used to Date	Program / Project Category Name
11024.1101	$ 112,353.00	Parks Development Capital
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [X]

Connie Johnston — Department Director — 11-18-11 Date

City Attorney — Nov 21, 2011 Date

Marsha Hartwell — Finance and Internal Services Director — 11/21/11 Date

Chief of Staff — 11/21/11 Date

Lioneld Jordan — Mayor — 11/23/11 Date

Previous Ordinance or Resolution # 132-11

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office 11-18-11 P03:52 IN Kim G.

Received in Mayor's Office ENTERED 11/21/11

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council

Thru: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director

From: Byron Humphry, Maintenance Superintendent

Date: November 18, 2011

Subject: **Bid #11-67, Construction of Walker Park Dugouts and Bleacher Covers**
Agenda Request for December 6, 2011 Meeting

PROPOSAL:

The Fayetteville Youth Baseball Board of Directors has requested improvements to the Baseball Complex at Walker Park for many years. The Baseball Complex was built by volunteers starting in 1960. It is an old facility that needs improvements to serve the baseball community until the Regional Park's Baseball Complex is built.

On August 2, 2011, the City Council passed Resolution Number 132-11 to approve a budget adjustment in the amount of $100,000 to be used to fund Walker Park Baseball Improvements. Parks and Recreation staff have worked with Fayetteville Youth Baseball (FYBB) to develop a list of priority projects including construction of new dugout areas with benches and the addition of bleacher safety/shade structures. These improvements will help Fayetteville to attract more tournaments, but more importantly will serve youth ages 5 to 12 who love to play the game of baseball. Currently there are 855 youth playing baseball at Walker Park. In addition, there are 11 competitive teams who utilize the fields. Improvements are planned to be completed by March 2012, in time for the spring baseball season.

The project was advertised for bid on October 19 and 26, and bids were opened on November 4, 2011. Two vendors including Pick-It Construction, Inc. and Heckathorn Construction Company, Inc. submitted bids. Pick-It Construction, Inc. was the low bid in the amount of $ 111,054, after taking all deductive alternatives. (See attached bid tabulation sheet.)

Because the low bid was $111,054 and only $95,000 was certified, Parks staff negotiated with Pick-It Construction to change the scope of work in order to reduce the contract price. A change order in the amount of $8,915 was agreed upon and is submitted in conjunction with this agreement. The contract price with Change Order No. 1 will be $102,139.

If approved, the project is anticipated to begin in December 2011 and be completed by March 2012.

RECOMMENDATION:

A resolution awarding Bid #11-67 and approval of a contract with Pick-It Construction, Inc. in the amount of $102,139 with a 10% project contingency of $10,214 for a total project cost of $112,353 for the Construction of Dugouts and Bleacher Covers at Walker Park and approval of a budget adjustment in the amount of $16,419 from Parks Development Funds.

BUDGET IMPACT:

This project is funded with Park Development Funds. Total project cost including a 10% project contingency is $112,353.

Attachments:
Staff Review Form
Bid Tabulation Sheet
Pick-It Construction, Inc. Bid Submittal
Agreement Signed by Contractor
Purchase Requisition
Budget Adjustment
Pick-It Construction Change Order No. 1 Cost Estimate
Change Order No. 1

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A CONTRACT BETWEEN THE CITY OF FAYETTEVILLE AND PICK-IT CONSTRUCTION, INC. IN THE AMOUNT OF NOT-TO-EXCEED $111,054.00 FOR CONSTRUCTION OF DUGOUTS AND BLEACHER COVERS AT WALKER PARK AND TO APPROVE A BUDGET ADJUSTMENT OF $16,419.00

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the attached contract between the City of Fayetteville and Pick-It Construction, Inc in the amount of not-to-exceed $11,054.00 for construction of dugouts and bleacher covers at Walker Park, authorizes Mayor Jordan to sign this contract and approves a budget adjustment of $16,419.00.

PASSED and **APPROVED** this 6th day of December, 2011.

APPROVED: ATTEST:

By: _____ By: _____
LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

City of Fayetteville
Bid 11-67, Construction – Walker Park Dugouts and Bleacher Covers
Agreement – Between City of Fayetteville and Contractor

This agreement is dated as of the _____ day of _____ in the year of 2011 by and between the City of Fayetteville, Arkansas (hereinafter called CITY OF FAYETTEVILLE) and Pick-It Construction, Inc. (herein after called CONTRACTOR). CITY OF FAYETTEVILLE and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

1. CONTRACTOR at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per Bid 11-67 as stated in Pick-It Construction, Inc. bid proposal, and in accordance with specifications attached hereto and made a part hereof under Bid 11-67, all included herein as if spelled out word for word.

2. The CITY OF FAYETTEVILLE shall pay CONTRACTOR based on their bid proposal in an amount not to exceed $111,054.00 (bid price includes taking all three deductive alternates totaling $32,850.00). Payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after receipt of invoice.

3. The Contract documents which comprise the contract between the CITY OF FAYETTEVILLE and CONTRACTOR consist of this Contract and the following documents attached hereto, and made a part hereof:

   A. Bid form identified as Invitation to Bid 11-67 with the specifications and conditions typed thereon.

   B. CONTRACTOR's bid proposal.

   C. The Notice to Prospective Bidders and the Bid Tabulation.

4. These Contract documents constitute the entire agreement between the CITY OF FAYETTEVILLE and CONTRACTOR and may be modified only by a duly executed written instrument signed by the CITY OF FAYETTEVILLE and CONTRACTOR.

5. CONTRACTOR shall not assign its duties under the terms of this agreement.

6. CONTRACTOR agrees to hold the CITY OF FAYETTEVILLE harmless and indemnify the CITY OF FAYETTEVILLE, against any and all claims for property damage, personal injury or death, arising from CONTRACTOR's performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.

7. Contract Time: The Work shall be substantially completed within 45 consecutive calendar days after the date when the Contract Time commences to run and shall be completed and ready for final payment within 60 consecutive calendar days after the date when the Contract Time commences to run.

8. Liquidated Damages: CITY OF FAYETTEVILLE and CONTRACTOR recognize that time is of the essence of the Agreement and that CITY OF FAYETTEVILLE will suffer financial loss if the Work is not completed within the times specified in paragraph 7 above, plus and extensions thereof allowed in accordance with the General Terms and Conditions. They also recognize the delays, expense and difficulties involved in proving the actual loss suffered by CITY OF FAYETTEVILLE if the Work is not completed on time. Accordingly, instead of requiring any such proof, CITY OF FAYETTEVILLE and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty) CONTRACTOR shall pay CITY OF FAYETTEVILLE Two hundred and fifty dollars ($250.00) for each day that expires after the time specified in paragraph 7 above for Substantial Completion until the Work

is substantially complete. After Substantial Completion, if CONTRACTOR shall neglect, refuse or fail to complete the remaining Work within the time specified in paragraph 7 above for completion and readiness for final payment or any proper extension thereof granted by CITY OF FAYETTEVILLE, CONTRACTOR shall pay CITY OF FAYETTEVILLE Two hundred and fifty dollars ($250.00) for each day that expires after the time specified above for completion and readiness for final payment.

9. The CONTRACTOR shall be entitled to payment of ninety-five percent (95%) of the earned progress payments when due, with the CITY OF FAYETTEVILLE retaining five percent (5%) to assure faithful performance of the contract.

10. CONTRACTOR shall furnish a certificate of insurance addressed to the CITY OF FAYETTEVILLE, showing that he carries the following insurance which shall be maintained throughout the term of the Contract. Any work sublet, the CONTRACTOR shall require the subcontractor similarly to provide worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, CONTRACTOR shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

Workmen's Compensation	Statutory Amount
Comprehensive General & Automobile Insurance	
Bodily Injury Liability	$500,000 for each person injured. $1,000,000 for each accident.
Property Damage Liability	$1,000,000 aggregate.

The premiums for all insurance and the bond required herein shall be paid by CONTRACTOR.

11. CONTRACTOR to furnish proof of licensure as required by all local and state agencies.

12. This contract may be terminated by the CITY OF FAYETTEVILLE or CONTRACTOR within 10 days written notice.

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

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

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

WITNESS OUR HANDS THIS_____DAY OF _____, 2011.

CONTRACTOR

By: _____

NATHAN OGDEN, PRESIDENT
Printed Contractor Name & Title

ATTEST:

_____
Company Secretary

10024 N. Campbell Road
Business Address

Fayetteville, AR 72701
City, State & Zip Code

Date Signed: November 17, 2011

CITY OF FAYETTEVILLE, ARKANSAS

_____
LIONELD JORDAN, Mayor

ATTEST:

_____
Sondra Smith, City Clerk

Date Signed: _____

Fayetteville
ARKANSAS

BID: 11-67
DATE: 11/04/11
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 11-67, Construction - Walker Park Dugouts and Bleacher Covers

BIDDER				TOTAL COST
1 Heckathorn Construction Company, Inc.				$225,023.00
	Deductive Alternative 1	$	20,190.00	
	Deductive Alternative 2	$	10,095.00	
	Deductive Alternative 3	$	20,190.00	
		Total Less Deductives		$174,548.00
2 Pick-it Construction, Inc.				$143,904.00
	Deductive Alternative 1	$	13,140.00	
	Deductive Alternative 2	$	6,570.00	
	Deductive Alternative 3	$	13,140.00	
		Total Less Deductives		$111,054.00

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

CERTIFIED: P Vice — P. VICE, PURCH MGR

Julie Paladino — WITNESS

11/04/2011 — DATE

Contract Name: Drake Field Security Improvements

Bid Number 11-67

BID TO:

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

BID FROM:

Bidder: PICK-IT CONSTRUCTION, INC.
10024 N. CAMPBELL RD.
FAYETTEVILLE, AR 72701

Article 1 – Intent:

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

Article 2 – Terms & Conditions:

A. Bidder accepts all of the terms and conditions of the Invitation to Bid and Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 180 days after the day of Bid opening. Bidder will sign and deliver the required number of counterparts of the Agreement with the Bonds and other documents required by the Bidding Requirements within 15 calendar days after the date of City's Notice of Award.

Article 3 – Bidder's Representation:

In submitting this Bid, Bidder represents, as more fully set forth in the Agreement, that:

A. Bidder has examined and carefully studied the Bid Documents, and the following Addenda, receipt of all which is hereby acknowledged:

Number	Date
1	10/28/11
2	11/2/11

B. Bidder has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.

C. Bidder is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.

D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and (2) reports and drawings of a Hazardous Environmental Condition, if any, at the Site. Bidder acknowledges that such reports and drawings are not Contract Documents and may not be complete for Bidder's purposes. Bidder acknowledges that the City and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Bid Documents with respect to Underground Facilities at or contiguous to the Site.

E. Bidder has obtained and carefully studied (or assumes responsibility for having done so) all such additional or supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance, or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder and safety precautions and programs incident thereto.

F. Bidder does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performing and furnishing of the Work in accordance with the times, price, and other terms and conditions of the Bid Documents.

G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to Work for which this Bid is submitted as indicated in the Bid Documents.

H. Bidder has correlated the information known to Bidder, information and observations obtained from visits to the Site, reports, and drawings identified in the Bid Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Bid Documents.

I. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to Bidder.

J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performing and furnishing the Work for which this Bid is submitted.

K. This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm, or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization, or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham bid; Bidder has not solicited or induced any person, firm, or a corporation to refrain from bidding; and Bidder has not sought by collusion to obtain for himself any advantage over any other Bidder or over the City of Fayetteville.

This form continues on the next page.

Article 4 – Bid Price:

Bidder will complete the Work in accordance with the Contract Documents for the following prices listed below:

Bid Form: Bid 11-67, Construction - Walker Park Dugouts and Bleacher Covers							
FIELD #	**Line Item**	**Description**	**Price Per Each**		**Quantity**		**TOTAL**
1	A	Dugout	$ 6,345 –	x	2	=	$ 12,690 –
	B	Bleacher Cover	N/A	x	N/A	=	N/A
2	A	Dugout	$ 6,345 –	x	2	=	$ 12,690 –
	B	Bleacher Cover	N/A	x	N/A	=	N/A
3	A	Dugout	$ 6,345	x	2	=	$ 12,690 –
	B	Bleacher Cover	$ 6,570 –	x	2	=	$ 13,140
4	A	Dugout	$ 6,345	x	2	=	$ 12,690 –
	B	Bleacher Cover	$ 6,570 –	x	2	=	$ 13,140 –
5	A	Dugout	$ 6,345 –	x	2	=	$ 12,690 –
	B	Bleacher Cover	$ 6,570 –	x	2	=	$ 13,140
6	A	Dugout	N/A	x	N/A	=	N/A
	B	Bleacher Cover	$ 6,570 –	x	1	=	$ 6,570 –
7	A	Dugout	$ 6,345 –	x	2	=	$ 12,690 –
	B	Bleacher Cover	N/A	x	N/A	=	N/A
8	A	Dugout	N/A	x	N/A	=	N/A
	B	Bleacher Cover	$ 6,570 –	x	2	=	$ 13,140 –
N/A: Other	9	Mobilization (Shall not exceed 5% of total bid)	$ 5,756 –	x	1	=	$ 5,756 –
	10	Insurance and Bonds	$ 2,878 –	x	1	=	$ 2,878 –
						TOTAL	$ 143,904 –

This form continues on the next page.

DEDUCTIVE ALTERNATES (Required for ALL BIDS):
Each deductive alternate should match the same line item in the bid form above

FIELD #	Line Item	Description	Price Per Each		Quantity		TOTAL TO DEDUCT
8	B	**DEDUCTIVE ALTERNATE #1:** Price to SUBTRACT from the total base bid to remove bleacher covers this contract - Field 8. This should match Line item 8B	$ 6,570—	x	2	=	$ 13,140—
6	B	**DEDUCTIVE ALTERNATE #2:** Price to SUBTRACT from the total base bid to remove bleacher covers this contract - Field 6. This should match Line item 6B	$ 6,570—	x	1	=	$ 6,570—
3	B	**DEDUCTIVE ALTERNATE #3:** Price to SUBTRACT from the total base bid to remove bleacher covers this contract - Field 3. This should match Line item 3B	$ 6,570—	x	2	=	$ 13,140—

****NOTICE: BIDDERS ARE REQUIRED TO PROVIDE PRICING FOR ALL LINE ITEMS. FAILURE TO PROVIDE DEDUCTIVE ALTERNATE PRICING CAN RESULT IN YOUR BID BEING REJECTED.**

**THE CITY WILL AWARD THIS CONTRACT TO THE LOWEST QUALIFIED RESPONSIVE RESPONSIBLE BIDDER BASED ON THE LUMP SUM BID AS LONG AS SUCH BID FALLS WITHIN THE AMOUNT OF FUNDS CERTIFIED FOR THE PROJECT (PLUS 25%).

IN THE EVENT NO BID FALLS WITHIN THE AMOUNT OF FUNDS CERTIFIED FOR THE PROJCET, PLUS 25%, THE CITY WILL UTILIZE THE DEDUCTIVE ALTERNATES IN ORDER UNTIL BIDS CAN BE COMPARED WITHIN THE AMOUNT CERTIFIED, PLUS 25%.

IN THE EVENT ALL DEDUCTIVE ALTERNATES ARE SUBTRACTED AND NO BID FALLS WITHIN THE AMOUNT CERTIFIED, PLUS 25%, ALL BIDS WILL BE REJECTED.

This form continues on the next page.

Article 5 – Contract Times:

A. Bidder agrees that the Work will be substantially completed and completed and ready for final payment within the number of calendar days indicated in the Agreement.

B. Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the times specified in the Agreement.

Article 6 – Bid Content:

The following documents are attached to and made a condition of this Bid:

A. Required Bid security in the form of a certified or bank cashier's check or a Bid Bond and in the amount of 5% BID BOND

_____ Dollars ($_____).

B. A tabulation of Subcontractors and other persons and organizations required to be identified in this Bid.

Sub-contractor name: F & R CONSTRUCTION Percent of work: 6 %

Sub-contractor name: FENCECO, INC. Percent of work: 28 %

Sub-contractor name: ALL STAR BLEACHERS Percent of work: 9 %

Sub-contractor name: _____ Percent of work: _____%

Sub-contractor name: _____ Percent of work: _____%

Article 7 – Bid Communications:

Communications concerning this Bid shall be addressed to the Bidder as follows:

PICK-IT CONSTRUCTION, INC.
10024 N. CAMPBELL RD.
FAYETTEVILLE, AR 72701
Phone No. (479) 973-5109
E-Mail: doug@pickitconstruction.com
FAX No. (479) 571-3672

Article 8 – Bid Signature:

If Bidder is:

An Individual

Name (type or printed): _____

By: _____(SEAL)

(Individual's Signature)

Doing business as: _____

Business address: _____

_____

Phone No.: _____ FAX No.: _____

A Partnership

Partnership Name: _____(SEAL)

By: _____

(Signature of general partner – attach evidence of authority to sign)

Name (type or printed): _____

Business address: _____

_____

Phone No.: _____ FAX No.: _____

A Corporation

Corporation Name: PICK-IT CONSTRUCTION, INC. (SEAL)

State of Incorporation: ARKANSAS

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

GENERAL CONTRACTOR

By: _____

(Signature – attach evidence of authority to sign)

Name (type or printed): _____

Title: _____

(CORPORATE SEAL)

Attest: _____

(Signature of Corporate Secretary)

Business address: _____

_____

Phone No.: _____ FAX No.: _____

END OF DOCUMENT 00400

City of Fayetteville
Bid 11-67, Construction – Walker Park Dugouts and Bleacher Covers
Vendor References

The following information is required from all Bidders so all bids may be reviewed and properly evaluated. All bidders are required to have performed at least four (4) contracts of similar scope within the past five (5) years.

COMPANY NAME: PICK-IT CONSTRUCTION, INC.

BUSINESS ADDRESS: 10024 N. CAMPBELL RD. FAYETTEVILLE, AR 72701

NUMBER OF YEARS IN BUSINESS: 9 yrs HOW LONG IN PRESENT LOCATION: 7 yrs

TOTAL NUMBER OF CURRENT EMPLOYEES: 5 FULL TIME 2 PART TIME

NUMBER OF EMPLOYEES YOU PLAN TO USE TO SERVICE THIS CONTRACT: 4 FULL TIME 2 PART TIME

PLEASE LIST LOCAL COMMERCIAL AND/OR GOVERNMENTAL REFERENCES THAT YOU HAVE PREVIOUSLY PERFORMED SIMILAR CONTRACT SERVICES FOR WITHIN THE PAST THREE (3) YEARS (All fields must be completed):

1. FARMINGTON PUBLIC SCHOOLS
COMPANY NAME
Farmington, AR 72730
CITY, STATE, ZIP
REGGIE HIGGS
CONTACT PERSON
(479) 267-6017
TELEPHONE
FAX NUMBER
E-MAIL ADDRESS

2. SEARCY COUNTY SCHOOL DISTRICT
COMPANY NAME
Marshall, AR 72650
CITY, STATE, ZIP
ANDREW VINING
CONTACT PERSON
(870) 448-3011
TELEPHONE
FAX NUMBER
E-MAIL ADDRESS

3. ARKANSAS ATHLETES OUTREACH
COMPANY NAME
Fayetteville, AR 72701
CITY, STATE, ZIP
BRAD FRIESS
CONTACT PERSON
(479) 442-9979
TELEPHONE
FAX NUMBER
E-MAIL ADDRESS

4. PRAIRIE GROVE PUBLIC SCHOOLS
COMPANY NAME
Prairie Grove, AR 72753
CITY, STATE, ZIP
SHANE McMULLEN
CONTACT PERSON
(479) 387-7373
TELEPHONE
FAX NUMBER
E-MAIL ADDRESS

City of Fayetteville
Bid 11-67, Construction – Walker Park Dugouts and Bleacher Covers
Debarment Certification Form – **THIS FORM SHOULD BE SUBITTED WITH ALL BIDS**

As A BIDDER on this project, you are required to provide debarment/suspension certification indicating that you are in compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.

Debarment:
Federal Executive Order (E.O.) 12549 "Debarment and Suspension" requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.

Your signature certifies that neither you nor your principal is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

Questions regarding this form should be directed to the City of Fayetteville Purchasing Division.

NAME: NATHAN OGDEN, PRESIDENT
COMPANY: PICK-IT CONSTRUCTION, INC.
PHYSICAL ADDRESS: 10024 N. CAMPBELL RD. FAYETTEVILLE, AR 72701
MAILING ADDRESS: SAME AS ABOVE
PHONE: (479) 973-5109 FAX: (479) 571-3672
EMAIL: nathan@pickitconstruction.com
SIGNATURE:
DATE: 11/2/11

NOTICE:

***CAUSE:** Debarment by an agency pursuant to FAR 9.406-2, GPO Instructions 110.11A, or PS Publication 41, for one or more of the following causes (a) conviction of or civil judgment for fraud violation of antitrust laws, embezzlement, theft, forgery, bribery, false statements, or other offenses indicating a lack of business integrity; (b) violation of the terms of a Government contract, such as a willful failure to perform in accordance with its terms or a history of failure to perform; or (c) any other cause of a serious and compelling nature affecting responsibility. (See Code N- Debarment pursuant to FAR 9.406 2(b)(2) Drug Free Workplace Act of 1988.)*

***TREATMENT:** Contractors are excluded from receiving contracts, and agencies shall not solicit offers from, award contracts to renew or otherwise extend the duration of current contracts, or consent to subcontracts with these contractors, unless the City determines that there is a compelling reason for such action. Government prime contractors, when required by the terms of their contract, shall not enter into any subcontract equal to or in excess of $25,000 with a contractor that is debarred, suspended, or proposed for debarment, unless there is a compelling reason to do so. Debarments are for a specified term as determined by the debarring agency and as indicated in the listing.*

City of Fayetteville
Bid 11-67, Construction – Walker Park Dugouts and Bleacher Covers
Statement of Disclosure – To Be Submitted With ALL Bids

This page does not count towards page limitations set forth in this request for proposal or bid.

Proposer must disclose any possible conflict of interest with the City of Fayetteville, including, but not limited to, any relationship with any City of Fayetteville employee. Your response must disclose if a known relationship exists between any principal or employee of your firm and any City of Fayetteville employee or elected City of Fayetteville official.

If, to your knowledge, no relationship exists, this should also be stated in your response. Failure to disclose such a relationship may result in cancellation of a purchase and/or contract as a result of your response. This form must be completed and returned in order for your bid/proposal to be eligible for consideration.

PLEASE CHECK ONE OF THE FOLLOWING TWO OPTIONS, AS IT APPROPRIATELY APPLIES TO YOUR FIRM:

✓ 1.) NO KNOWN RELATIONSHIP EXISTS

_____ 2.) RELATIONSHIP EXISTS (Please explain)

_____

_____

_____

PLEASE FILL OUT THE SECTION BELOW AND SUBMIT THIS FORM WITH YOUR BID OR PROPOSAL:

1.) I, as an officer of this organization, or per the attached letter of authorization, am duly authorized to certify the information provided herein are accurate and true; and

2.) My organization shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment.

NATHAN OGDEN
Printed Name

, PRESIDENT
Signature

11/2/11
Date

U.S. Specialty Insurance Company

BID BOND

Bond No. 1112011

KNOW ALL MEN BY THESE PRESENTS, that we, Pick It Construction, Inc. as Principal (hereinafter called the "Principal"), and U.S. Specialty Insurance Company (hereinafter called the "Surety"), are held and firmly bound unto City of Fayetteville, Arkansas hereinafter called the "Obligee"), in the sum of 5% MAB of the amount of the bid described below but not to exceed Five Percent of Maximum Amount Bid for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns firmly by these presents.

WHEREAS, the Principal has submitted a bid to Obligee Walker Park Dugouts & Bleacher Covers, Fayetteville, AR

NOW, THEREFORE, If the contract be timely awarded to the Principal and the Principal shall enter into a contract with the Obligee in accordance with the terms of such bid or, in the event of the failure of the Principal to enter into such a contract, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and the next low bid received by the Obligee for the work covered by Principal's bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

PROVIDED, HOWEVER, neither Principal nor Surety shall be bound hereunder unless Obligee prior to execution of the final contract shall furnish evidence in a manner and form acceptable to Principal and Surety that financing has been firmly committed to cover the entire cost of the project.

SIGNED, sealed and dated this 27th day of October, 2011

Pick It Construction, Inc.

Principal

By

Title PRESIDENT

U. S. Specialty Insurance Company

By

Gail A. Barraza
Attorney-in-Fact

POWER OF ATTORNEY

AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY
UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY

KNOW ALL MEN BY THESE PRESENTS: That American Contractors Indemnity Company, a California corporation, Texas Bonding Company, an assumed name of American Contractors Indemnity Company, a California corporation, United States Surety Company, a Maryland corporation and U.S. Specialty Insurance Company, a Texas corporation (collectively, the "Companies"), do by these presents make, constitute and appoint:

Mason T. Grashot, Gail A. Barraza or Ami L. Ashmore of Little Rock, Arkansas

its true and lawful Attorney(s)-in-fact, each in their separate capacity if more than one is named above, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver **any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include riders, amendments, and consents of surety, providing the bond penalty does not exceed** *****Three Million***** **Dollars ($ **3,000,000.00**).

This Power of Attorney shall expire without further action on March 18, 2015. This Power of Attorney is granted under and by authority of the following resolutions adopted by the Boards of Directors of the Companies:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, The Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 31st day of March, 2011.

AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY
UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY

Corporate Seals

By: _____
Daniel P. Aguilar, Vice President

State of California
County of Los Angeles SS:

On this 31st day of March, 2011, before me, Deborah Reese, a notary public, personally appeared Daniel P. Aguilar, Vice President of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal.

Signature Deborah Reese (Seal)

DEBORAH REESE
Commission # 1926048
Notary Public - California
Los Angeles County
My Comm. Expires Mar 18, 2015

I, Jeannie J. Kim, Assistant Secretary of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Los Angeles, California this 27 day of October 2011.

Corporate Seals

Bond No. 1112011
Agency No. 0217

Jeannie J. Kim, Assistant Secretary

PICK-IT CONSTRUCTION, INC.

an Arkansas Corporation

MINUTES OF THE ORGANIZATIONAL MEETING OF THE MEMBERS

The first meeting of the Board of Directors of this corporation was held at Fayetteville, Arkansas on August 21, 2003 pursuant to a Waiver of Notice of that meeting signed by all the members.

Members present: Nathan Loren Ogden

Members absent:

Others present:

Nathan Loren Ogden acted as chairman pro tempore of the meeting, and as secretary and recorded the minutes. The chairman pro tempore confirmed that a quorum of members was present.

The chairman pro tempore directed that the Waiver of Notice of this meeting be attached to the minutes and made a part thereof by reference as Exhibit A.

The following matters were discussed and acted upon at this meeting:

1. **Election of Officers.** The chairman pro tempore announced that the election of officers and a permanent chairman of the board, as provided by the bylaws of the corporation, was in order, and the meeting then proceeded to such. After discussion and nominations, upon motion duly made, seconded and unanimously carried, it was

RESOLVED: The following persons are elected to the offices set forth opposite their respective names:

Office	Name
President	Nathan Loren Ogden
Vice-President	Nathan Loren Ogden
Treasurer	Nathan Loren Ogden
Secretary	Nathan Loren Ogden

Thereupon, Nathan Loren Ogden assumed permanent chairmanship of the meeting.

2. **Articles of Incorporation and Bylaws.** The Articles of Incorporation and the bylaws of the corporation, which had been read by the members and considered, section by section, after which, on motion duly made, seconded and unanimously passed, it was

RESOLVED: The Articles of Incorporation and bylaws for this corporation are adopted as

Project Request Form

Project Request:

Project Number : 11024 (will be assigned by Budget)
Project Title : Walker Park Baseball Improvements
Project Status : Active
Project Manager : Connie Edmonston
Project Group : Project
Project Type : Parks & Recreation Improvements
Fiscal Start Mo./ Year : Nov-11

Sub Project Request:

Sub Project Number : 1
Sub Project Title : Walker Park Baseball Improvements
Sub Project Status : Active
Sub Project Manager : Connie Edmonston
Grant (Y/N) : No

General Ledger Accounts Assigned:
2250.0925.4999.00

Sub Project Request:

Sub Project Number :
Sub Project Title :
Sub Project Status :
Sub Project Manager :
Grant (Y/N) :

General Ledger Accounts Assigned:

Is this item going to Council? Yes If yes, please specify date: 12/6/2011
Is a budget adjustment needed? Yes

Tracie Martin
Requested By

Entered By

JOURNAL ENTRIES

Date 18-Nov-11

Journal Entry Number

Prepared by: **Tracie Martin**

Account Name	Account Number Fund	Dept	Sub Dept	Base	Detail	Amount DEBIT	CREDIT	Project	Sub Proj	Transfer Due to/from
Due from other funds	2250			0100	00	1,189.30				1010
Misc Park Revenues	2250	0925		4999	00		1,189.30	11024	1101	
Parks Donations	1010	0001		4815	00	1,189.30		03051	1	
Due to other funds	1010			1400	00		1,189.30			0925
Reclass misc revenues from Donations										
						2,378.60	2,378.60			

COPY

Entered:

Accounting Supervisor

Journal Entry Number 0

Bid 11-67, Construction of Walker Park Dugouts and Bleacher Covers
Change Order #1
Cost Estimate

November 17, 2011

ITEM#	DESCRIPTION	UNIT	EST. QTY.	EST. UNIT PRICE	ESTIMATE
1	Replace redwood fascia boards with treated boards that match rafter boards	L.S.	1	($2,272.00)	($2,272.00)
2	Delete requirement to paint treated boards	L.S.	1	($3,700.00)	($3,700.00)
3	Delete plywood soffit	L.S.	1	($2,943.60)	($2,943.60)
		TOTAL			**($8,915.60)**

Respectfully submitted,

Firm Name: Pick-It Construction, Inc.

By: _____

Date: 11/17/11

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
PARKS AND RECREATION DEPARTMENT
113 West Mountain
Fayetteville, AR 72701
P (479) 444-3471 F (479) 521-7714

CHANGE ORDER NO. 1 Cost Plus X Pre-Agreed Unit Price X

Project Name and Number: Bid 11-67, Construction of Walker Park Dugouts and Bleacher Covers

Name of Contractor: Pick-It Construction, Inc.

Address of Contractor: 10024 N. Campbell Rd., Fayetteville, AR 72701

Date of Contract: December 6, 2011

Original Contract Sum:	$ 143,904.00
Total Amount of Deductive Alternates (#1, #2 and #3):	$ -32,850.00
Total Amount of All Previous Approved Change Orders:	$ 0.00
Contract Sum prior to this Change Order:	$ 111,054.00
Contract Sum Decrease this Change Order:	$ -8,915.00
New Contract Sum including this Change Order:	$ 102,139.00

Subject and Reason for this Change Order: Staff is requesting several changes to the existing specifications that will reduce overall construction costs while maintaining a quality, low maintenance product. Requested changes include: 1) Replacement of the redwood fascia boards with treated boards; 2) Deletion of requirement to paint treated boards; and 3) Deletion of plywood soffit.

Additional Time Requested: 0 Calendar Days

Dated this 6th day of December, 2011

CITY OF FAYETTEVILLE

Parks & Recreation Department

By: Byron Humphry
Byron Humphry,
Park Maintenance Superintendent

CITY OF FAYETTEVILLE

By: _____
Mayor Lioneld Jordan

ATTEST:

_____

Pick-It Construction, Inc.
Contractor

By: _____

Title: PRESIDENT

ATTEST: M Thomas

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Division: Parks & Recreation Department: Parks & Recreation	Request Date	Adjustment Number
2011		11/17/2011	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

A budget adjustment in the amount of $16,419 to add funding in the Walker Park Baseball Project and to recognize $1,189 in miscellaneous revenues from removal of old bleachers.

Byron Humphry BH Division Head	11/17/2011 Date	Prepared By:	Tracie Martin *tmartin*
		Reference:	
Budget Director	Date	Budget & Research Use Only	
Connie Edmonston C.E. Department Director	11/17/2011 Date	Type: A B C D E P	
Marsha Hertwede Finance Director	11/21/11 Date	General Ledger Date	
Don Marr Chief of Staff	11/21/11 Date	Posted to General Ledger	Initial / Date
Lionel Jordan Mayor	11/23/11 Date	Checked / Verified	Initial / Date

		Increase / (Decrease) Expense	Increase / (Decrease) Revenue	Project.Sub Number
TOTAL BUDGET ADJUSTMENT		1,189	1,189	
Contract services	2250.9255.5315.00	16,419		11024 . 1101
Park improvements	2250.9255.5806.00	(15,230)		02002 . 1
Miscellaneous revenue	2250.0925.4999.00		1,189	07019 . 1
				.
				.

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

All purchases under $2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)

All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

Requisition No.:

Date: **11/15/2011**

P.O Number:

Expected Delivery Date:

Vendor #: **16068**

Vendor Name: **Pick-It Construction, Inc**

Mail Yes:__ No:____

Address: **10024 N. Campbell Rd.**

Fob Point:

Taxable Yes:__ No:____

Quotes Attached Yes:_Bid Tab__ No:_____

City: **Fayetteville**

State: **AR**

Zip Code: **72701**

Ship to code:

Divison Head Approval:

Requester: **Byron Humphry, Maintenance Superintendent**

Requester's Employee #: **2557**

Extension: **368**

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	**Construction of Walker Park Dugouts and Bleacher Covers - Bid 11-67**	**1**	**1**	**LS**	**$102,139.00**	**2250.9255.5315.00**	**11024.1101**		
2					**$0.00**				
3					**$0.00**				
4					**$0.00**				
5					**$0.00**				
6					**$0.00**				
7					**$0.00**				
8					**$0.00**				
9					**$0.00**				
10					**$0.00**				
*	Shipping/Handling		Lot		**$0.00**				

Special Instructions:

Tax is included in the bid price.

Subtotal: **$102,139.00**

Tax:

Total: **$102,139.00**

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

IT Manager: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____

Revised 1/3/2008

Fayetteville
ARKANSAS

Office of the City Clerk Treasurer
113 West Mountain
Fayetteville, AR 72701
Phone: (479) 575-8323
Fax: (479) 718-7695
city_clerk@ci.fayetteville.ar.us

www.accessfayetteville.org

November 23, 2011

Green Cab Company
Underwood Plaza
609 West Dickson Street Suite 112
Fayetteville, AR 72701

RE: Public Hearing
Certificate of Public Convenience and Necessity
Green Cab Company

Dear Applicant,

Notice is hereby given that a Public Hearing will be held on December 6, 2011 regarding an application for a Certificate of Public Convenience and Necessity for the following proposed Fayetteville Taxi Cab Company:

Green Cab Company

The Public Hearing will be on the City Council Agenda for the December 6, 2011 City Council meeting. The meeting will begin at 6:00 p.m. in Room 219 of the City Administration Building, 113 West Mountain, Fayetteville, AR.

Attached are the following documents:

City Code Chapter 117.30
Green Cab Company Agenda Item
City Council Tentative Agenda for December 6, 2011

Sincerely yours,

Sondra E. Smith

Sondra E. Smith
City Clerk Treasurer

Fayetteville
ARKANSAS

www.accessfayetteville.org

Office of the City Clerk Treasurer
113 West Mountain
Fayetteville, AR 72701
Phone: (479) 575-8323
Fax: (479) 718-7695
city_clerk@ci.fayetteville.ar.us

November 23, 2011

RE: Public Hearing
Certificate of Public Convenience and Necessity
Green Cab Company

Dear Taxi or Pedicab Owner:

Notice is hereby given that a Public Hearing will be held on December 6, 2011 regarding an application for a Certificate of Public Convenience and Necessity for the following proposed Fayetteville Taxi Cab Company:

Green Cab Company

The Public Hearing will be on the City Council Agenda for the December 6, 2011 City Council meeting. The meeting will begin at 6:00 p.m. in Room 219 of the City Administration Building, 113 West Mountain, Fayetteville, AR.

Attached are the following documents:

City Code Chapter 117
Green Cab Company Agenda Item
City Council Tentative Agenda for December 6, 2011

Sincerely yours,

Sondra E. Smith

Sondra E. Smith
City Clerk Treasurer

Main Street Pedal Cab
James & Nina Mason
P.O. Box 7646
Springdale, AR 72766

Fayetteville Pedicab Company
Jason Sexton
303 S. Gregg
Fayetteville, AR 72701

Downunder Taxi
Jason Campbell
5100 C Razorback
Bethel Heights, AR 72764

Dynasty Cab Company
Brice Curry
1428 North College
Fayetteville, AR 72703

NWA Taxi
Joe Washington
997 Happy Trails Drive
Rogers, AR 72756

Sondra Smith - Active Cab Conmpanies

From: William Brown
To: Sondra Smith
Date: 11/22/2011 2:18 PM
Subject: Active Cab Conmpanies

Only Dynasty, NWA Taxi and Down Under Taxi are actively operating right now. I guess they are the only ones you will need to notify about the public hearing on the most current proposal.

William Brown
Administrative Captain
Fayetteville Police Department
FBINA 222
(479) 587-3500 - Office
(479) 587-3522 - FAX
(479) 521-1316 - T.D.D. Telecommunications Device for the Deaf

FAYETTEVILLE

CITY OF FAYETTEVILLE, ARKANSAS POLICE DEPARTMENT

TO: **City Council Alderman**

FROM: **Deputy Chief Mike Reynolds**

DATE: **November 30, 2011**

SUBJECT: **Taxicabs**

Last night at the Agenda Session, Alderman Ferrell requested a summary of taxicab companies possessing certificates of Public Convenience and Necessity in our city. This information, along with pedicab companies, is listed below for your review:

Company Name	Date of Council Resolution	# of allotted vehicles	# of vehicles permitted 2011	# of drivers permitted 2011
Dynasty Taxi	April 5, 2005	2 to 10	10	31
Down Under Taxi	February 3, 2009	10	3	17
NWA Taxi	July 3, 2007	5 to 15	3	20
Fayetteville Pedicabs	August 17, 2010	8	4	6
Main Street Pedicabs	August 17, 2010	4	0	0

Should you have any questions, please feel free to contact me at (479) 587-3500 or mreynolds@ci.fayetteville.ar.us. Thanks.

Added at Agenda Session 11-29-11
NB #1

AGENDA REQUEST

FOR: COUNCIL MEETING OF DECEMBER 6, 2011

FROM:

MATTHEW PETTY, ALDERMAN
MAYOR JORDAN

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend §94.05 **Use Of Fireworks** Of The Fayetteville Code By Amending (F) To Replace "First Night" With "Last Night"

APPROVED FOR AGENDA:

Matthew Petty
Alderman

11-29-2011
Date

City Attorney
(as to form)

11-29-2011
Date

Mayor

11/29/11
Date

From: Matthew Petty - Fayetteville Ward 2 <citycouncil@matthewpetty.org>
To: Kit Williams <kwilliams@ci.fayetteville.ar.us>
Date: 11/29/2011 11:45 AM
Subject: Last Night Fayetteville

Hi Kit - I got this message from the organizer for the New Year's celebration on the square. If she needs help, I'll sponsor the ordinance change. Her message is below; can you advise?

Hi Matt!

I really need your help with a city matter...Last Night Fayetteville was awarded $$ from the Fayetteville A&P to have a fireworks show from the Town Center. There's a problem with the ordinance, however - it lists First Night Fayetteville as the exclusive organization to do the show, and we need to change that to CEAG. I spoke with Mark Stevens, assistant fire marshal, who said we have to have an alderman petition Kit Williams to have this ordinance changed. We need to move on this ASAP - is this something you can help us out on??? It's ordinance #94.05, section F.

Please let me know!

THANKS!
Lauren

-M

Fayetteville
ARKANSAS
www.accessfayetteville.org

Departmental Correspondence

LEGAL DEPARTMENT

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: **Mayor Jordan**
City Council

CC: **David Dayringer**, Fire Chief
Don Marr, Chief of Staff
Sondra Smith, City Clerk

FROM: **Kit Williams**, City Attorney

DATE: **November 30, 2011**

RE: **Ordinance to change group allowed to conduct public display of fireworks on New Years Eve goes into effect when passed**

Prior to Act 1552 of 2005 approved on April 5, 2005 (and effective immediately because of its emergency clause) all ordinances would not go into effect until at least 30 days after passage unless they contained an emergency clause. Act 1552 did not change this effective date "for ordinances of a general or permanent nature ...." A.C.A. §14-55-203 (c)(1)(A).

The Act did change the "effective date of an ordinance that is not of a general or permanent nature ... (to) the date of passage ...." A.C.A. §14-55-203 (c)(2). Changing only the designated group that will be allowed to conduct a fireworks display on New Years Eve is certainly of a **specific** rather than a **general** nature. This ordinance only affects a single group's ability to conduct a public fireworks display on a single day of the year. It does not affect nor is it applicable to the public at large nor to any time except New Years Eve. Thus, I believe that it is fair to give this ordinance immediate effect so that a fireworks permit may be issued by the Fire Marshall if Creative Economy Action Group, Inc. d/b/a Last Night Fayetteville complies with the remaining unchanged parts of the City Code.

The ordinances waiving competitive bidding and awarding contracts for the Fayetteville Senior Center and the Fayetteville Boys and Girls Club would be effective immediately upon passage for the same reason.

I did amend the code amendment to designate the nonprofit corporation, Creative Economy Action Group, Inc. d/b/a Last Night Fayetteville, rather than just Last Night Fayetteville. Attached is the amended version. Please amend the ordinance **before** I read it during the meeting so it will be absolutely clear which group is being authorized to apply for a public display of fireworks permit.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §94.05 **USE OF FIREWORKS** OF THE FAYETTEVILLE CODE BY AMENDING (F) TO REPLACE "FIRST NIGHT FAYETTEVILLE" WITH "CREATIVE ECONOMY ACTION GROUP, INC. D/B/A LAST NIGHT FAYETTEVILLE"

WHEREAS, First Night Fayetteville has for years been permitted to conduct an annual fireworks display in Fayetteville on December 31st; and

WHEREAS, "Creative Economy Action Group, Inc. d/b/a Last Night Fayetteville" has now replaced First Night Fayetteville and seeks to continue this traditional New Years fireworks display celebration.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §94.05 **Use of Fireworks** of the Fayetteville Code by amending (F) to change the name of the organization permitted to conduct the annual New Years Eve public fireworks display from "First Night Fayetteville" to "Creative Economy Action Group, Inc. d/b/a Last Night Fayetteville."

PASSED and **APPROVED** this 6th day of December, 2011.

APPROVED: ATTEST:

By: _____ By: _____
LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

Only change

it immediately, and if such person shall refuse, neglect or fail to do so, any organized fire suppression force may summarily abate the nuisance thus constituted by controlling or extinguishing the fire, and the cost thereof may be recovered from such person by civil action.
(Code 1965, §9-13; Ord. No. 1379, 12-9-63; Code 1991, §94.03)

Cross reference(s)--Penalty, §94.99.

94.05 Use Of Fireworks

(A) *Consumer fireworks.* Fireworks which are not prohibited under state or federal law and which are considered consumer fireworks as defined by federal law and regulations may lawfully be discharged within Fayetteville only as prescribed below:

(1) Fireworks may only be discharged upon private property with the consent of the property owner and between the hours of 10:00 a.m. until 10:00 p.m. on July 1st, 2nd, and 3rd and from 10:00 a.m. until 11:00 p.m. on July 4th and at no other time or date.

(2) If any person less than the age of 16 years is present, an adult (at least 21 years of age) must supervise the discharge of all fireworks.

(3) No skyrockets or aerial fireworks attached to a stick may be discharged.

(B) *Public display of fireworks.* Public displays of fireworks may be allowed upon the application and granting of a public fireworks display permit by the Mayor or his designee subject to the following conditions:

(1) An applicant must possess a valid state fireworks permit and comply with all applicable state and federal laws and regulations and requirements of NFPA 1123 to apply for a Fayetteville public fireworks display permit.

(2) Public fireworks display permits may be issued for the dates allowed pursuant to subsections (D), (E), and (F) below, and for the hours of 10:00 a.m. through 11:00 p.m. on July 1st, 2nd, 3rd, and 4th.

(3) Public fireworks display permits may be issued as a part of any special event permit issued by the City.

(C) The fire chief or mayor shall be authorized to declare an emergency and prohibit all use of fireworks upon a determination that such use would create a fire hazard due to dry conditions.

(D) The fire chief or mayor shall be authorized to approve an alternate date for any lawful public display which is canceled due to adverse weather conditions or pursuant to §94.04(E).

(E) It shall also be lawful for the University of Arkansas to conduct the annual "Fireworks Night" to celebrate and congratulate the Razorback Baseball Team at its last home game of the year in or near Baum Baseball Stadium. Said fireworks display shall comply with all applicable regulations and laws of the State of Arkansas.

(F) It shall be lawful for First Night Fayetteville to conduct an annual public fireworks display to celebrate New Year's if approved by the Fayetteville Fire Marshall and if in full compliance with all applicable regulations and laws of the State of Arkansas.

(Code 1965, §9-9.1; Ord. No. 1705, 10-6-69; Ord. No. 1807, 8-2-71; Ord. No. 2156, 10-21-75; Ord. No. 3359, 6-7-88; Ord. No. 3553, 6-18-91; Ord. No. 3706, §1, 6-1-93, Ord. No. 4195, 10-19-99; Ord. No. 4308, 4-17-01; Code 1991, §94.04; Ord. 5096, 12-27-07; Ord. 5320, 5-18-10; Ord. 5329, 6-1-10)

Cross reference(s)--Penalty, §94.99.

State law reference(s)--Public displays excepted, A.C.A. §20-22-702; Power of municipalities unaffected, A.C.A. §20-22-704; Violation of subchapter, A.C.A. §20-22-705; Possession, sale and use unlawful-Exceptions, A.C.A. §20-22-708.

94.06 Flammable And Combustible Liquids; Liquefied Petroleum Gases

(A) *Adoption of NFPA 30 and NFPA 30A.*

(1) The requirements contained in this section shall be applicable to all aboveground tanks used for the outside storage and dispensing of flammable and Class II combustible liquids within the city. Such installations shall comply with the applicable requirements of National Fire Association Protection Standard (NFPA) 30-1993 and NFPA 30A-1993, except as modified herein. Refineries that comply with NFPA 30 and the applicable sections of the *Standard Fire Prevention Code* adopted by the city shall be exempt from this section.

(B) *Definitions.*

(1) In addition to the definitions contained in NFPA 30 and NFPA 30A, the following definition shall apply:

Premises: A parcel of land, which may include one or more contiguous platted lots, occupied or intended for

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §94.05 **USE OF FIREWORKS** OF THE FAYETTEVILLE CODE BY AMENDING (F) TO REPLACE "FIRST NIGHT" WITH "LAST NIGHT"

WHEREAS, First Night Fayetteville has for years been permitted to conduct an annual fireworks display in Fayetteville on December 31st; and

WHEREAS, "Last Night Fayetteville" has now replaced First Night Fayetteville and seeks to continue this traditional New Years fireworks display celebration.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §94.05 **Use of Fireworks** of the Fayetteville Code by amending (F) to change the name of the organization permitted to conduct the annual New Years Eve public fireworks display from "First Night Fayetteville" to "Last Night Fayetteville."

PASSED and **APPROVED** this 6th day of December, 2011.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

RECEIVED
NOV 23 2011
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

November 17, 2011

Bobby Ferrell
Fayetteville City Council
2413 Twin Oaks Court
Fayetteville, AR 72703

Justin Tennant
Fayetteville City Council
113 W. Mountain
Fayetteville, AR 72701

Sondra Smith
Fayetteville City Clerk
113 W. Mountain
Fayetteville, AR 72701

Dear Councilmen Ferrell and Tennant:

I am writing in reference to the proposed rezoning request for 1730 N. Old Wire Road – parcel number 765-13432-000.

My wife and I oppose plans by W-Bar Investments LLC (hereinafter referred to as "Developer") to build a new development and add a new street connection from their proposed development to Charlee Street. We live at 1616 N. Charlee and would be negatively impacted by the Developer's proposed development and street connection which would open Charlee Street as a thru street for traffic traveling on Mission Boulevard and Old Wire Road not to mention the traffic generated from the new homes slated for the development.

Last month we sent you letters stating our opposition to the developer's plans. Our original reasons for opposing this development remain true since the developer has made no attempt to modify his plan or address our concerns. In summary, we feel that the proposed development's plan to construct 50 homes on 8.5 acres does not match surrounding neighborhoods. The developers are requesting to rezone to neighborhood conservation, but the definition of neighborhood conservation says it should be compatible with surrounding neighborhoods. The density of this new development is not compatible with the surrounding neighborhoods.

Additionally, the proposed development would require opening Charlee Street to thru traffic, which would negatively impact the safety of our children and reduce the value of our home. Our daughters are blessed to be able to use our street to ride their bikes and play with other kids in the neighborhood. Adding thru-traffic and an additional fifty homes will end this practice as the vehicles utilizing the street will skyrocket. Also please consider that Charlee Street serves as a drop off and pick up location for children attending Root and for children catching the bus to McNair. Adding thru-traffic to this street will make the street less safe for these kids.

The developer states in their application that the proposed rezoning "will not appreciably increase traffic danger, congestion, or the load on the existing schools." This claim is absolutely false. How can adding fifty houses and all of the accompanying traffic not have a negative impact on danger, congestion and load on existing schools. We ask that you oppose the developer's rezoning request and encourage them to rework their plan to better fit with the surrounding neighborhoods.

Thank you for your consideration.

Regards,

Michael and Lara Lindsey

Michael and Lara Lindsey
1616 N. Charlee

City Clerk - Fwd: Rezoning of property located off of Old Wire Road (RZN 11-3960)

From: <kadams546@aol.com>
To: <city_clerk@ci.fayetteville.ar.us>
Date: 11/30/2011 9:04 PM
Subject: Fwd: Rezoning of property located off of Old Wire Road (RZN 11-3960)

Can you please confirm receipt of this message. I originally sent to an e-mail that I was given that did not have Fayetteville spelled out.

Please read the message below.

Thanks you!

Kyle and Johneese Adams

-----Original Message-----
From: kadams546 <kadams546@aol.com>
To: city_clerk <city_clerk@ci.fay.ar.us>
Sent: Thu, Nov 17, 2011 7:13 pm
Subject: Fwd: Rezoning of property located off of Old Wire Road (RZN 11-3960)

We want to be sure that this information is given to Justin Tennant, Bobby Ferrell and also to the City Council members that will be voting on this re-zoning issue.

We have emailed directly to the e-mail address for Justin that we were given but I don't have confirmation that he has received.

Can you please confirm receipt of our letter and that it will be forwarded to the proper individuals.

Thank you for your assistance,

Kyle and Johneese Adams
1630 Charlee Avenue
Fayetteville, AR 72703

-----Original Message-----
From: kadams546 <kadams546@aol.com>
To: ward3_pos1 <ward3_pos1@ci.fay.ar.us>
Cc: ward3_pos1 <ward3_pos1@ci.fayetteville.ar.us>
Sent: Mon, Nov 14, 2011 10:16 pm
Subject: Rezoning of property located off of Old Wire Road (RZN 11-3960)

Justin,

This is Kyle and Johneese Adams. We would like for you to carefully review the re-zoning case noted above as we are very concerned for the safety and preservaton of our neighborhood.

We have lived on Charlee Avenue here in Fayetteville for 18 years. During that time, we have raised our family in a nice, quiet, family oriented neighborhood. Our street has had very little change in ownership over the years. Our neighbors have all chosen to live here for such a long time due to the qualities we have noted above.

This re-zoning request is asking that land northeast of our neighborhood be re-zoned from a RSF-4 status to NC which is Neighborhood Conservation. Conserving or preservation of a neighborhood is not what the

developers are attempting to do with the property. They are wanting to build 50 smaller homes on a 8.66 acre tract of land. This will not conform in any way to the surrounding neighborhoods, which are all currently zoned RSF-4. This will not be condusive to families purchasing these homes, but will lend it size and price to residents being tenants in rental properties should these properties not be sold. With this desity of homes, comes the number of drivers/cars that will flow into and out of this development by way of Charlee Avenue and surrounding streets such as Ramsey and Ash.

From what we understand at this time, the homes will be much smaller in square footage in order to make the most out of the land. The density will not be comparable to the surrounding sites. The homes will be set to the front of the lots, not in traditional home style setting as the surrounding developments. There will also be rear street entry to garages. With this rezoning, would come the traffic **flow** from Mission Avenue northeast through Charlee Avenue in order to connect with Old Wire Road. We don't know if you have to travel on Mission avenue in the morning or the afternoon during the school hours. If you exit our neighborhood, you best be turning to the right to head downtown. Turning left is not a **safe** or wise decision anytime, but especially at peak times of the day. Our concern is with this flow of traffic, our neighborhood was not designed for this flow. Also, at the entrance to Charlee Avenue, there is an arch to how our road exits to Mission. There is little visibility for access onto Mission and at excessive speeds, traffic flowing onto Charlee from Mission is dangerous. When entering Charlee, there has to be a wide turn in order to enter the neighborhood and cars cross into the far lane which can be into oncoming cars exiting the neighborhood. This is hard to describe and put into words, and we would invite you to actually drive into and out of our street onto Mission to experience this for yourself, especially at those peak times for school and work.

We do feel that this re-zoning will create and appreciably increase **traffic danger and congestion**! We also believe it will alter the population density thereby undesirably increasing the load on public services including our schools (Root), water and sewer facilities. It is not consistent with current land use that surrounds it and thus has a negative impact on our homes.

Thank you so much for your time in hearing us on this matter. We will be in attendance at the December 6th council meeting and we hope that you will see why we ask that you vote against this request.

Kyle and Johneese Adams
1630 Charlee Avenue
Fayetteville, AR

Home Phone: 521-7879
Cell Phone: 871-3287
e-mail : kadams546@aol.com

City Clerk - Fwd: Rezoning 11-3960 1730 N. Old Wire Road

From: Jana Burton <burt100@cox.net>
To: "city_clerk@ci.fayetteville.ar.us" <city_clerk@ci.fayetteville.ar.us>
Date: 11/30/2011 10:42 PM
Subject: Fwd: Rezoning 11-3960 1730 N. Old Wire Road

Please note that this was originally sent on November 18, 2011 to a different e-mail address.

Jana Burton
Sent from my iPhone

Begin forwarded message:

From: <burt100@cox.net>
Date: November 18, 2011 5:03:55 PM CST
To: city_clerk@ci.fay.ar.us, ward3_pos1@ci.fayetteville.ar.us, ward3_pos2@ci.fayetteville.ar.us
Subject: Rezoning 11-3960 1730 N. Old Wire Road

Dear Fayetteville City Council,

I am writing to let you know that I am opposed to the proposed rezoning of the property at 1730 N. Old Wire Road. I have been a resident homeowner on Charlee Avenue for 19 years and I strongly believe that rezoning this property to Neighborhood Conservation status would cause serious problems for Charlee and surrounding streets and neighborhoods. Some of my concerns are:

Safety - Charlee Avenue empties on to Mission Ave. at an off set to Root Elementary School. Charlee is located between two crosswalks where children cross twice daily before and after school with Crossing Guards and it is also a school bus stop every morning and afternoon. Mission is a highway. The 100 or more extra cars going on and off Charlee at peak times will only make for a more dangerous situation for our citizens and their children. I would like to know when the last time a traffic count was done at that intersection. It seems to me that it would be safer for the exit to be connected to Old Wire where there is no school. Even during non-peak hours it is very difficult to turn left from Charlee onto Mission and there have been accidents at the corner.

Density - I believe that the houses built on this property (if any) should be the same type as the homes that are already existing on the streets surrounding this area. The current zoning for all surrounding streets is for single family homes and I strongly believe that it should stay that way and not be changed to something that is not in keeping with the long and current pattern of our neighborhood zoning.

Possible Flooding - The homes on the west side of Charlee near the creek that runs behind their home will be placed at an increased risk of flooding if this proposed re-zoning is passed. I know of at least one home on Charlee that is partially in the flood plain.

I hope that you take these reasons and my concerns and opinion into thoughtful

consideration and vote against the re-zoning 11-3960 1730 N. Old Wire Road. Thank you.

Sincerely,

Jana Burton
1702 Charlee Ave.
Fayetteville, AR 72703

New Ordinance
Handed out at
Agenda Session
11-29-11.

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL §34.27 OF THE CODE OF FAYETTEVILLE AND TO ENACT A REPLACEMENT §34.27 **SALE OF MUNICIPALLY OWNED REAL PROPERTY** OF THE CODE OF FAYETTEVILLE AND TO ENACT AN EMERGENCY CLAUSE

WHEREAS, §34.27 of the Code of Fayetteville was enacted on January 2, 2002 in an attempt to ensure that the citizens of Fayetteville would receive the highest possible amount of money for a parcel of City property if the City Council determined to sell such City property because it no longer served a municipal purpose; and

WHEREAS, the number of notices, publications, appraisals, City Council hearings and public bidding process made this selling process so cumbersome, long and expensive that the ordinance was amended by the City Council in 2002, 2004 and 2005 to provide numerous exemptions from §34.27's requirements for various types of land sales; and

WHEREAS, in the decade of its existence, the full process specified in §34.27 for the sale of City property to a private entity has occurred only once, took months to accomplish and resulted in only a single bidder who purchased the property at the minimum set price for the City land; and

WHEREAS, state law specifically authorizes that only the City Council can sell City land by passing a Resolution or can exchange land with another city by passing an Ordinance, thus ensuring that the City Council will always have the final say in any proposed City land sale or exchange.

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 §34.27 of the Code of Fayetteville and enacts a replacement §34.27 **Sale of Municipally Owned Real Property** of the Code of Fayetteville as shown below:

"§**34.27 Sale of Municipally Owned Real Property**

(A) The City may sell real property only after the City Council has passed a Resolution expressly authorizing such sale. The City Council shall determine whether the property should be rezoned prior to its sale.

(B) Such City Council Resolution shall contain a specific finding by the City Council that the subject real property is no longer needed for municipal purposes.

(C) Public Notice shall be given not less than fifteen (15) days before the City Council may consider a Resolution to approve a sale of City real property (except rights of way or easements for public utilities) by the following means:

(1) First class mail to all adjacent property owners; and

(2) Prominently displayed signs announcing that the City Council is considering the sale of the real property at the City Council Meeting with the appropriate date and time of the meeting.

(D) The City may exchange real and personal property with other cities or Washington County only after authorization by ordinance passed by the City Council. The City Council through such ordinance may place limits on the uses that will be allowed of such property as part of the exchange of property agreement."

Section 2: **Emergency Clause.** That the City Council of the City of Fayetteville, Arkansas hereby finds that this change in the manner in which the City Council can sell city property is essential in expediting the conveyance of a water and sewer easement to the Springdale Water and Sewer Commission in a timely manner and declares that this ordinance is necessary to preserve the public health and therefore an emergency is hereby declared to exist so that this ordinance shall be in full force and effect from the date of its passage and approval.

PASSED and **APPROVED** this 6th day of December, 2011.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

Handed out at Agenda Session 11-29-11

Fayetteville ARKANSAS
www.accessfayetteville.org

Amend Chapter 92

THE CITY OF FAYETTEVILLE, ARKANSAS
ANIMAL SERVICES PROGRAM
1640 S Armstrong Avenue
Fayetteville, AR 72701
Phone (479) 444-3456

Proposed Microchip Ordinance
Frequently Asked Questions

1. **Can a microchip track or find my pet on a map?**

No, the microchip is not a tracking device. Only the information you provide when you register the chip is provided to us when we call the microchip company. It is like an id tag that your pet cannot lose.

2. **Why is this important/beneficial for pet owners?**

If you lose your pet and someone finds it you want it to be as easy as possible for them to return the pet to you. A microchip is a form of identification that your pet cannot lose, unlike a collar or physical tag. It is standard practice at all animal shelters to scan stray pets for a microchip and most vet clinics will also do this as a courtesy to those who bring in strays to their clinic.

3. **Why is this important/beneficial for the City?**

Animal Services takes in over 5,000 pets a year and very few of them are actually homeless. Many of them have homes; we just don't have any way of returning them to their owner if there is no form of identification on the pet. Often people don't think to check with us when their pet goes missing. Having a pet chipped will make it much more efficient for us to return these pets to their homes. It will save the City time and money by keeping these owned pets out of our shelter or at the very least, reducing their length of stay tremendously.

4. **Why do I have to register and keep my contact info current with both the City and the microchip company?**

A microchip is only as good as the information connected with it. If the chip information is out of date, then it makes returning the pet very difficult, if not impossible. We want to keep the information in our software system as well as a backup in case a chip company was to go out of business. Also, storing the info on our system will eliminate the animal control officers having to call the chip company for the information; such calls can take anywhere from 2 minutes to over 10 minutes depending on the company's call volume.

5. **Why are the redemption fees changing?**

The pet licensing program provided strong incentive to have your pet spayed or neutered. A pet license for a sterilized pet was only $5 as compared to $75 for an un-sterilized pet. We wanted to target those pets that are directly contributing to the pet overpopulation issue in our community, i.e. those that are un-sterilized and running at large in the City. Redemption fees for sterilized pets will remain the same, but un-sterilized pets found running at large will be subject to higher fees with the option to have their pet sterilized at a low cost, which would then reduce the redemption fees to the same as a sterilized pet.

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Boudreaux
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

City of Fayetteville Arkansas
City Council Meeting Minutes
December 6, 2011

UNOFFICIAL

A meeting of the Fayetteville City Council was held on December 6, 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, Boudreaux, Kinion, Petty, Ferrell, Adams, Lewis, Mayor Jordan, City Attorney Kit Williams, Deputy City Clerk Lisa Branson, Staff, Press, and Audience.

Alderman Tennant was absent

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Jordan asked Ms. Hopper's History and Government class from Woodland Jr. High to stand and be recognized.

City Council Meeting Presentations, Reports and Discussion Items:

Quarterly Financial Report

Paul Becker, Finance Director gave the Quarterly Report for the 3rd Quarter.

Agenda Additions: None

Consent:

Mayor Jordan announced that Premier Lighting Group, Midtown Alley and the Pick-It Construction, Inc. resolutions were all going to be pulled from the Consent Agenda for further discussion.

Approval of the November 15, 2011 City Council meeting minutes.

Approved.

Animal Services Division Donation: A resolution approving a budget adjustment in the amount of $20,000.00 representing donation revenue to the Animal Services Division by the estate of Susannah A. Porter and expressing gratitude for the bequest.

Resolution 204-11 as recorded in the office of the City Clerk.

Premier Lighting Group: A resolution to award a bid for 37 LED light fixtures and poles from Premier Lighting Group in the amount of $70,661.00.

This item was removed from Consent for further discussion.

KME Renegade Pumper Fire Truck: A resolution to approve a budget adjustment to reflect $28,550.00 for revenue received because of the sale of a 1997 KME Renegade Pumper Fire Truck.

Resolution 205-11 as recorded in the office of the City Clerk.

State and Federal Forfeiture Revenue: A resolution approving a budget adjustment to recognize state and federal forfeiture revenue and to approve expenditures there from, in the amount of $372,107.00.

Resolution 206-11 as recorded in the office of the City Clerk.

Fayetteville Police Department Donation Revenue: A resolution approving a budget adjustment in the amount of $235.00 to recognize donation revenue to the Fayetteville Police Department in support of general recognition and officer service awards.

Resolution 207-11 as recorded in the office of the City Clerk.

Mullins Branch Stream Restoration Task Order No. 3: A resolution to approve Task Order No. 3, Mullins Branch Stream Restoration to the August 3, 2010 Memorandum of Understanding between the City and the Watershed Conservation Resource Center and to approve a Memorandum of Understanding between the City, University and Resource Center for the project which will cost the City $25,000.00.

Resolution 208-11 as recorded in the office of the City Clerk.

UNOFFICIAL

Richard L. Watson Settlement Agreement: A resolution approving a settlement agreement with Richard L. Watson, concerning condemnation litigation filed as part of the Cato Springs Road Improvement Project, in the total amount of $9,000.00.

Resolution 209-11 as recorded in the office of the City Clerk.

FEMA Reimbursement: A resolution to approve the attached budget adjustment to reimburse city divisions for expenditures caused by the spring flood and reimbursed by FEMA and/or the State of Arkansas.

Resolution 210-11 as recorded in the office of the City Clerk.

Midtown Alley: A resolution to name the alley that runs from Dickson Street south toward Center Street between School Avenue and Locust Avenue for 911 purposes "Midtown Alley."

This item was removed from Consent for further discussion.

Pick-It Construction, Inc.: A resolution to approve a contract between the City of Fayetteville and Pick-It Construction, Inc. in the amount of not-to-exceed $111,054.00 for construction of dugouts and bleacher covers at Walker Park and to approve a budget adjustment of $16,419.00.

This item was removed from Consent for further discussion.

Alderman Adams moved to approve the Consent Agenda with Premier Lighting Group, Midtown Alley, and Pick-It Construction, Inc. removed for discussion. Alderman Boudreaux seconded the motion. Upon roll call the motion passed 7-0. Alderman Tennant was absent.

<u>The following item was removed from the Consent Agenda for discussion:</u>

Premier Lighting Group: A resolution to award a bid for 37 LED light fixtures and poles from Premier Lighting Group in the amount of $70,661.00.

City Attorney Kit Williams: There were some technical bidding issues on this resolution. I recommend it be tabled.

Alderman Ferrell moved to table the resolution to the December 20, 2011 City Council Meeting. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Tennant was absent.

This resolution was tabled to the December 20, 2011 City Council Meeting.

<u>The following item were removed from the Consent Agenda for discussion:</u>

Midtown Alley: A resolution to name the alley that runs from Dickson Street south toward Center Street between School Avenue and Locust Avenue for 911 purposes "Midtown Alley."

UNOFFICIAL

City Attorney Kit Williams stated there were questions on whether or not this should be named Diagon Alley. It is possible that we can still use this under a Fair Use Doctrine but that is something that would be decided by a court. He cautioned the Council on using names that are trademarked.

Alderman Petty explained the reasons he wanted to name this alley Diagon Alley.

Alderman Petty moved to amend the name of the alley to "Diagon Alley." Alderman Kinion seconded the motion. No vote was taken.

Alderman Boudreaux asked Alderman Petty how many of the people, that you have listed, actually live on the alley.

Alderman Petty: I am not certain but I spoke with a few businesses and they preferred Diagon Alley over Midtown Alley as well.

Alderman Boudreaux: According to John Goddard the businesses would not change. They would remain on Dickson Street.

John Goddard, GIS Coordinator pointed out on the map the businesses that would be near the alley along with the residents. He stated the reason they are doing this is for 911 purposes.

Alderman Petty: They all knew their addressees would not change. They give directions using that alley and that is why they wanted to have a little influence on the decision.

Alderman Adams asked staff to explain how the name Midtown was reached.

Don Marr gave an explanation of why it was necessary to create a name for the alley and also described how they came up with the name for the alley.

John Goddard stated there are four property owners that have addresses that face the alley but are addressed on adjacent streets. He gave the background on naming streets.

Jason Harris, resident of 213 Locust expressed his concerns with the alley not being a designated street.

Alderman Lewis: What are the reasons behind alley versus street?

City Attorney Kit Williams: A lot of it has to do with right of way and what the actual use of an alley is as opposed to a street. An alley is not the same as a street it is smaller and pretty much for the private use of the people that adjoin it. Generally it does not handle two way traffic. It is not held to the same standards for upkeep and construction that streets are. This alley should not be considered a street, it is not a street, and has never been a street. We should not consider it a street because it will be in violation of many of our street standards.

Jeremy Pate: I concur with that.

UNOFFICIAL

Alderman Lewis: Tonight we are talking about the name. That is a much broader discussion about funding.

Mayor Jordan: The main purpose of this is that when we get an emergency call we will know where everyone is. This is about safety.

Alderman Ferrell spoke on his memories of Shipley Bakery that once was on this alley. He stated I think if people heard the name Shipley Lane they would know where it is. Would you consider naming it Shipley?

Alderman Petty: I think that is a fine idea. I just want to do what the people want.

Alderman Ferrell: If the people would have known ahead of time that Shipley was a viable alternative then perhaps we could have had a lot more citizens that liked that also.

Alderman Petty stated it may be sad to say but Harry Potter is probably better known than most Fayetteville history.

Mayor Jordan: John, have you ran Shipley through the committee?

John Goddard: I did and that would not be a problem.

Alderman Petty read comments that were received from citizens.

Alderman Boudreaux: I do not think there is a real emergency on this. I wonder if we could discuss this again with the people that live down there.

City Attorney Kit Williams: A motion to table would be in order.

A discussion followed on the street designation process.

Alderman Petty stated my understanding of the comments we heard tonight was that the name of this alley doesn't matter; it's just the fact that it is overlooked.

Alderman Boudreaux: After it has a name that will be easier.

Alderman Lewis: I would like to hear from the committee. I need to know what it takes to look into that and address the different perspectives.

John Goddard: The committee has approved two names: Midtown and Diagon.

Alderman Boudreaux: But they did not discuss Shipley which has been brought up by a Council member.

Alderman Lewis: It seems a little confusing to call something in this area Midtown. I would appreciate some other ideas.

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Alderman Boudreaux moved to table the resolution to the December 20, 2011 City Council Meeting. Alderman Ferrell seconded the motion. Upon roll call the motion passed 5-2. Aldermen Lewis, Gray, Boudreaux, Ferrell and Adams voting yes. Aldermen Kinion and Petty voting no.

This resolution was tabled to the December 20, 2011 City Council Meeting.

<u>The following item was removed from the Consent Agenda for discussion:</u>

Pick-It Construction, Inc.: A resolution to approve a contract between the City of Fayetteville and Pick-It Construction, Inc. in the amount of not-to-exceed $111,054.00 for construction of dugouts and bleacher covers at Walker Park and to approve a budget adjustment of $16,419.00.

City Attorney Kit Williams: There was a slight typo. The revised resolution is before you. Instead of $111,054.00 it is now $112,353.00 and the budget adjustment stays the same.

Alderman Boudreaux moved to amend the resolution to change the dollar amount to $112,353.00. Alderman Petty seconded the motion. Upon roll call the motion passed 7-0. Alderman Tennant was absent.

Mayor Jordan said shall the resolution pass. Upon roll call the resolution passed 7-0. Alderman Tennant was absent.

Don Marr stated that a vote needed to be taken to approve the resolution.

A discussion followed on whether or not a vote had already been taken.

A second vote was taken to approve the resolution. Upon roll call the resolution passed 7-0. Alderman Tennant was absent.

Resolution 211-11 as recorded in the office of the City Clerk.

<u>Unfinished Business:</u>

2012 Annual Budget and Work Program: A resolution adopting the 2012 Annual Budget and Work Program. ***This resolution was tabled at the November 15, 2011 City Council meeting to the December 6, 2011 City Council meeting.***

Alderman Boudreaux: We have heard plenty of discussion. I have not heard many concerns so I feel like we need to go ahead and pass this.

Alderman Boudreaux moved to approve the resolution. Alderman Gray seconded the motion.

Alderman Ferrell referenced a pervious resolution regarding a balanced budget and stressed its importance.

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Alderman Boudreaux stated we are not quite in the same situation we were with the reserves last year. I support this.

Alderman Ferrell: If I were doing it I would take it out of CIP and tell the department heads to bring me a balanced budget.

Paul Becker explained that one of the overriding guidelines was not to cut programs to the citizens. So if we cut anything in the operational fund then we are going to cut back programs. He explained the cuts they have already made.

Don Marr stated we do not take lightly the discussion on the use of reserves. He spoke on the positive things the Mayor has done for the budget thus far.

Mayor Jordan spoke on their efforts regarding the budget. He stated we have so much coming in and going out. We have to keep the service level the same yet balance the finances the best I know how. That is what I have tried to do.

Alderman Lewis asked what is the plus or minus when you take into consideration the fluctuation of fuel cost and other types of revenue that are cut from grants and so on.

Paul Becker: I would say plus or minus 3%. We are saying based on everything it is possible that we may need to go into reserves.

Mayor Jordan compared the 2009 budget to the current proposed budget and stated we are doing more with less.

Alderman Gray commended the Mayor and staff for the way they have been so frugal. She stated this is an excellent budget.

Debbie Beckerdite, resident of 1541 Starr Drive: I think trying to balance the budget is a great idea. It looks like you have done a wonderful job over the number of years. Paul Becker mentioned there would be a sales tax growth of more than one million dollars and then dipping into the reserve of about one half a million dollars, that is what the reserve is for, but if you are projecting an overage why go into the reserve. Employees should be glad to have a job and should be able to live without a raise. Materials for the library, parks, and drainage programs are like gravy things that could be waited on.

Mayor Jordan: So you would want to cut the drainage project.

Debbie Beckerdite: If it is something you have to prioritize yes.

Mayor Jordan: And cut the library.

Debbie Beckerdite: Not the library but materials for it. If there is some overage, we have a very high tax rate here, give it back to the citizens. Do not keep building a reserve, cut taxes.

Mayor Jordan: I want to make sure I am clear on this; you would want to cut materials for the library, cut the drainage programs, possibly cut taxes, and no raises for the workers.

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Debbie Beckerdite: Yes, if you had to do that.

Alderman Adams: This shortage we are talking about, is that 1.43%?

Paul Becker: That is correct, plus or minus. Last year we took one million dollars out of CIP and one half million dollars was approved out of reserves. That is why it is one half million dollars this year instead of one and one half million dollars.

Alderman Lewis: Tonight we are voting for moving forward with this budget.

City Attorney Kit Williams: You are appropriating that amount of money. That money can come from sales tax, millage, franchise fees and from reserves.

Alderman Lewis: It won't necessarily come out of reserves.

Mayor Jordan: That is correct.

Paul Becker: You are voting on $34.1 millions in expenditures**.**

Don Marr, Chief of Staff: You are authorizing the expenditure. We do not have to use it all.

Upon roll call the resolution passed 6-1. Alderman Lewis, Gray, Boudreaux, Kinion, Petty and Adams voting yes. Alderman Ferrell voting no. Alderman Tennant was absent.

Resolution 212-11 as recorded in the office of the City Clerk.

ADM 11-3782 Cottage House Development: An ordinance to enact §164.22 Cottage Housing Development into the Unified Development Code, to amend §162.01 to add (RR) Unit 44 Cottage Housing Development and to amend Chapter 161 Zoning District to authorize Cottage Housing Developments as a right in multi-family residential districts and as a conditional use in single family residential districts. ***This ordinance was left on the Second Reading at the November 15, 2011 City Council meeting.***

Alderman Boudreaux moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty was absent during the vote. Alderman Tennant was absent.

City Attorney Kit Williams read the ordinance.

Alderman Boudreaux: I wanted to hold this for another meeting but I have not heard any comments and it seems like a good thing to do, so I certainly support it.

Alderman Adams: This doesn't change anything on the number of unrelated occupants that can live in a home right?

Jeremy Pate: That is correct.

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Alderman Ferrell thanked Leif Olson and John Coleman for their work on this and stated this is a good ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Tennant was absent.

Ordinance 5462 as recorded in the office of the City Clerk.

Public Hearing:

Green Cab Company: A resolution to approve a certificate of Public Convenience and Necessity for the Green Cab Company to operate within the City of Fayetteville.

Mayor Jordan opened the Public Hearing to the public.

Mike Reynolds, Deputy Chief of Police gave a brief description of the resolution.

Bryce Curry, Owner of Dynasty Transportation expressed his concerns with adding another cab company to the City of Fayetteville and stated there is not a need for it. He spoke against the resolution.

Alderman Petty referenced a letter that was in the packet given to them by Mr. Curry. He asked Mr. Curry to elaborate on the letter.

Bryce Curry explained the letter from his lawyer and what it meant.

Sarah Sparks Diebold, resident of 2275 Blue Mesa Drive and an investor in Green Cab Company spoke on the good reputation of the company. She stated we want to create an easier means of mobility around the city in an affordable, clean, environmentally friendly, and professional manner.

Alderman Ferrell: Of the existing cab companies, one of them being Pedicabs, it would seem like there would be more competition between all the others than including pedicabs. Aren't the Pedicabs a little different?

Sarah Sparks Diebold: I would not categorize pedicabs within this group. My experience with pedicabs has been that they are very short runs within 3 to 4 blocks of the destination.

Alderman Lewis: You mentioned that you view yourselves as a transportation company. Can you expand on your vision?

Sarah Sparks Diebold explained the vision of the company.

Mayor Jordan closed the Public Hearing to the public.

City Attorney Kit Williams referenced the ordinance that defines the findings that the City Council is supposed to make when considering a cab company.

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Alderman Lewis: I have heard that there is still a need for a cab company.

Alderman Lewis moved to approve the resolution. Alderman Boudreaux seconded the motion.

City Attorney Kit Williams stated there are some blanks in the resolution. It is up to the City Council to supply a number of taxi cabs they are allowed to operate.

Sarah Sparks Diebold: We will initially start with four vehicles and our business plan is to expand and not to exceed 10 vehicles in the first three years.

City Attorney Kit Williams: We should say to operate as many as 10 and that would be the limit.

Alderman Adams: Are any of your cabs planned to be wheelchair accessible?

Sarah Sparks Diebold: We are looking into technology for wheelchair accessibility. We have not landed on one but our plan is to have wheelchair accessibility. We are also working on getting bike racks for some of the cabs.

Alderman Petty expressed his initial concerns. I guess I will just see how it all plays out later and vote for it tonight.

Upon roll call the resolution passed 7-0. Alderman Tennant was absent.

Resolution 213-11 as recorded in the office of the City Clerk.

New Business:

Amend §94.05 Use of Fireworks: An ordinance to Amend §94.05 Use of Fireworks of the Fayetteville Code by amending (F) to replace "First Night" with "Last Night".

City Attorney Kit Williams: There has been some discussion that the name needs to be changed from Last Night to Creative Economy Action Group Inc. DBA Last Night Fayetteville.

Alderman Boudreaux moved to amend the ordinance to change the name to "Creative Economy Action Group Inc. DBA Last Night Fayetteville." Alderman Petty seconded the motion. Upon roll call the motion passed 7-0. Alderman Tennant was absent.

City Attorney Kit Williams read the ordinance.

Alderman Petty gave a brief description of the ordinance. He thanked the A&P Commission for funding this and the members of the Creative Economy Action Group for their work on this, especially Lauren Embree for her hard work.

Mayor Jordan: I would agree and I think this is going to be very beneficial to the city

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Alderman Gray moved to suspend the rules and go to the second reading. Alderman Lewis seconded the motion. Upon roll call the motion passed 6-0. Alderman Ferrell was absent during the vote. Alderman Tennant was absent.

City Attorney Kit Williams read the ordinance.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Petty seconded the motion. Upon roll call the motion passed 7-0. Alderman Tennant was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Tennant was absent.

Ordinance 5463 as recorded in the office of the City Clerk.

RZN 11-3960 (1730 N. Old Wire Road) Appeal: An ordinance rezoning that property described in rezoning petition RZN 11-3960, for approximately 8.60 acres, located at 1730 North Old Wire Road from RSF-4, Residential Single-Family, 4 units per acre to NC, Neighborhood Conservation, subject to a Bill of Assurance.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Alderman Petty: Even if this zoning request is denied, if the developer were to build at RSF-4 would the streets still be required to be connected?

Jeremy Pate: Yes, those are our connectivity policies that are supported by you all as part of our City Plan 2030. We always connect to existing neighborhoods when those opportunities are available.

Mayor Jordan: So are you saying it would become a build by right?

Jeremy Pate: Currently they are allowed to build at a maximum of four units per acre. Its RSF-4 single family and a subdivision would be a build by right in that development.

Alderman Lewis: The design of streets is not a part of that decision right now?

Jeremy Pate: That is correct. Zoning is primarily about compatibility and whether the uses and density are appropriate. In our findings we felt it was.

Alderman Boudreaux: So you are saying if they developed it at the existing zoning of RSF-4 they would not be required to build out the streets.

Jeremy Pate: They would be required whatever development goes into this property.

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Alderman Boudreaux: Both of them; Ramsey and Charlee?

Jeremy Pate: And Samantha as well as connection to Old Wire Road.

Alderman Boudreaux: So I guess the developer is looking at the cost of this project and whether or not it will be affordable to build all the streets out at the density of RSF-4. I would tend to support this at this point.

Jeremy Pate pointed out that attainable housing does not always mean affordable housing.

Tim Cooper, representing Jackson Williams and the landowner stated we felt like we worked with staff and followed the City Plan on density and compatibility and we appreciate your consideration.

Alderman Lewis asked Tim to talk about their vision for keeping water from flowing directly into the stream.

Tim Cooper explained their plans for controlling the drainage.

Kevin Sanchez, resident of 1273 East Ash stated I do not feel that the NC zoning is compatible with all three neighborhoods. He spoke against the ordinance.

Blake Jorgensen with Jorgensen and Associates spoke on the density factors and stated it decreases the amount of unknowns because you have a given lot size.

Michelle Hightower, resident of 1645 Charlee Avenue stated we oppose the rezoning because of the flooding in the area. She also voiced her concern about the safety and traffic issues with more homes in this area and the density of the project.

Debbie Keller, resident of 1621 N. Charlee Avenue expressed her concerns with adding more homes to the neighborhood and flooding in the area. She spoke against the ordinance.
Alderman Petty: What direction does the creek flow?

Jeremy Pate: I believe it flows northwest in this location.

Alderman Petty: I think that is in the direction away from Charlee Avenue.

Laura Lindsey, resident of 1616 N. Charlee Avenue expressed her concerns with safety in the neighborhood. She spoke against the ordinance.

Scott Burton, resident of 1702 Charlee Street spoke on the safety and traffic issues in the neighborhood.

Alderman Ferrell: Do you think it would be any safer if a bus picked the kids up somewhere other than the intersection of Mission?

Scott Burton: The biggest issue is Root School. The younger kids are who I would be the most concerned about.

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Alderman Ferrell: Even having to cross that, in terms of safety, can you see where it would be any safer to pick them up somewhere as opposed to having them cross the street with the traffic?

Scott Burton: I suppose so. It's really the elementary kids I am concerned about.

Alderman Gray: Jeremy, the plan we have now has how many houses?

Jeremy Pate: There is no design plan but they are limiting the maximum number to 50.

Alderman Gray: The plan that I saw had about 38 far less than 50. As a point of clarification we are going to have four streets leaving it rather than one.

Jeremy Pate: In general we would look at all the stub outs to this property and there are three existing stub outs along with potential access to Old Wire Road, so there would be four access points.

Alderman Gray: It seems like that would help a lot with the traffic on Mission and Charlee.

Jeremy Pate gave the history on Charlee Avenue.

Alderman Gray: Those of us that travel on Mission don't want it any more congested and that is why I was thinking with four exits maybe it would not be so congested.

Jana Burton, resident of Charlee Avenue opposed the rezoning for the same reasons mentioned by her neighbors. She spoke against the ordinance.

Johneese Adams, resident of 1638 Charlee Avenue expressed her concerns with safety and the increased traffic and the speed of traffic on this street. The homes would not be compatible with the neighborhood. She spoke against the ordinance.

Jeremy Pate referenced an aerial map on page 30 of 34 in the agenda packet which shows all the neighborhoods in this area.

Ann Ratcliff, resident of 1750 Charlee Avenue spoke against the ordinance. I agreed with what her neighbors said. Safety is a factor, density, connectivity and property values.

Cathy Vonhatten, resident of 1758 N. Charlee Avenue spoke against the ordinance. She voiced her concern about the Neighborhood Conservation zoning. My question is if you are pouring more concrete for more housing units how do you have open green space?

Alderman Lewis: Jeremy, in looking at Neighborhood Conservation is there any mention of clustering where part of the design of the development is required to be dense but open space.

Jeremy Pate: Clustering is only mentioned, that I am aware of, in our Planned Zoning District Ordinance and it is not even required there it is just an option to utilize. We have park land dedication and tree preservation ordinances which do in some affect accomplish those same goals.

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Alderman Gray moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Tennant was absent.

City Attorney Kit Williams read the ordinance.

The ordinance was left on the second reading.

Hilton Garden Inn Tree Preservation Area Modification: A resolution to vacate about one-tenth of an acre of a tree preservation easement to be mitigated by the planting of 29 large species trees and developing the lot utilizing low impact development standards.

Allison Jumper, Park Planning Superintendent gave a brief description of the resolution.

City Attorney Kit Williams: There is a further condition in the resolution that they will develop this site in conformity with Chapter 179 of the UDC.

Blake Jorgensen briefly explained the development.

Alderman Lewis: I am very excited about the incorporation of LED designs into the plan up front but I would like you to tell us more about why it's necessary to remove that little bundle of trees that could uptake a lot of water and transpire it.

Blake Jorgensen explained their reasons for the removal.

Alderman Ferrell: I am delighted that you are coming forward with more hotels with conference space because we need it desperately.

Alderman Lewis: I would like to hold this for another meeting to give folks enough time to comment.

City Attorney Kit Williams: It would have to be tabled. He also clarified the resolution.

Alderman Lewis moved to table the resolution to the December 20, 2011 City Council Meeting. Alderman Adams seconded the motion. Upon roll call the motion passed 5-2. Alderman Lewis, Gray, Petty, Ferrell and Adams voting yes. Alderman Boudreaux and Kinion voting no. Alderman Tennant was absent.

The resolution was tabled to the December 20, 2011 City Council Meeting.

Bellafont Gardens Tree Preservation Area Modification: A resolution to approve a modification of the tree preservation area in the Bellafont Gardens development to shift about one-half acre of tree preservation area from Lot 1 to Lot 4.

Jeremy Pate stated we are going to recommend that this item be tabled. There are still some things that we need to address with the applicant.

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City Attorney Kit Williams stated before you table it let's put that condition in about the no parking.

Alderman Lewis moved to amend the resolution to insert "and no parking shall be allowed on Lot 1." Alderman Adams seconded the motion.

Alderman Ferrell confirmed that the developer was aware of this change.

Jeremy Pate: Yes. The property owner to the east is a different property owner and we assumed that an agreement had been reached and it doesn't sound like it was reached. It is really important in our recommendation that that's the case. We want to make sure that everyone is on the same page.

Upon roll call the motion passed 7-0. Alderman Tennant was absent.

Alderman Ferrell moved to table the resolution to the December 20, 2011 City Council Meeting. Alderman Boudreaux seconded the motion. Upon roll call the motion passed 7-0. Alderman Tennant was absent.

The resolution was tabled to the December 20, 2011 City Council Meeting.

ADM 11-3994 (Forest Hills R-PZD Amendment No. 1): An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2793 Forest Hills to revise the concept plan and zoning criteria for Planning Area Three, reducing the number of dwelling units from 354 units to 240 units.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Alderman Petty: When I was campaigning this was one of the few times I actually came before the Council to oppose something. I like this a lot better too and I am happy to see the changes.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Petty seconded the motion. Upon roll call the motion passed 7-0. Alderman Tennant was absent.
City Attorney Kit Williams read the ordinance.

Alderman Lewis stated I think there are major improvements here and I am okay with moving forward.

Alderman Adams moved to suspend the rules and go to the third and final reading. Alderman Petty seconded the motion. Upon roll call the motion passed 7-0. Alderman Tennant was absent.

City Attorney Kit Williams read the ordinance.

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Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Tennant was absent.

Ordinance 5464 as recorded in the office of the City Clerk.

Repeal and Replace §34.27 Sale of Municipally Owned Real Property: An ordinance to repeal §34.27 of the Code of Fayetteville and to enact a replacement §34.27 Sale of Municipally Owned Real Property of the Code of Fayetteville and to enact an emergency clause.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams gave a brief description of the proposed changes in the ordinance. I was trying to make it more expeditious for you to be able to sell property. One provision that is gone from this ordinance is the absolute requirement that you would have to have two simultaneous independent appraisals in order to sell real property in the City. I trust the City Council to make the right decision without having all the restrictions.

Alderman Lewis: During a development we have vacated a certain part of an easement, what is the difference?

City Attorney Kit Williams: Normally we are vacating a right of way or easement which is something that was dedicated to the City. We did not buy it so the law is that if we do not need it must go back to the property owner.

Fran Alexander, resident of Foxhunter Road expressed her concern with the proposed ordinance. She stated one size does not fit all and this replacement ordinance is an attempt at one size fits all. She gave a brief history of why the current existing ordinance was written.

Alderman Ferrell: Consider a situation where you have an easement for another municipality. If it costs you $4,000 to $5,000 to have this done, aren't the taxpayers better served by having some mechanisms to do this?

Fran Alexander stated yes, I am getting to that. She continued to explain how the original ordinance was created and compared the original ordinance to the proposed ordinance.
I do not think this should be passed without some intense discussion on the goals. By using your Exemption Clause "H" you can accomplish what needs to be done. Emergency clauses exclude public input, public discussion, public knowledge, and public participation. This sale should occur by using the Exemption Clause not by repealing the existing ordinance.

Alderman Lewis: You are suggesting we leave the ordinance as it is and utilize the existing exemptions? Are you saying yes to an emergency clause or that we do not need one?

Fran Alexander: You have the exemption clause. Kit said the exemption clause may not be enough to cover it, but I think exemption clause "H" specially speaks to dealing with other government entities. I don't think you will have any trouble with it.

Alderman Boudreaux: Kit what do you think about the ability to use H.2.?

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City Attorney Kit Williams: Certainly you could use H.2. H.2. requires newspaper advertising before the meeting and notification before the meeting. It requires an independent appraisal which we do not have. We would have to pay for an appraisal and then the City could set the minimum amount. It could not happen very quickly.

Alderman Boudreaux: We can't use that for this situation tonight?

City Attorney Kit Williams: No you can't.

David Jurgens, Utility Director: On this particular easement we did not obtain an appraisal. The Highway Department and Springdale did. Depending on who is obtaining the appraisal the numbers that are received from that appraisal can be different by a factor of ten. The appraisal would cost approximately $2,000. There is a timeline issue with the Highway Department.

Alderman Boudreaux: This says it requires a single appraisal.

David Jurgens: I think it references independent appraisals.

City Attorney Kit Williams: An independent appraisal has to be obtained by the City.

Alderman Boudreaux: What is the urgency? Can we table this tonight?

City Attorney Kit Williams gave a brief history of how the ordinance has been used in the past and the current requirements of the ordinance.

Alderman Boudreaux: I think this ordinance needs to be reviewed. Can we amend this tonight with the idea that we will review the ordinance and make changes in the future?

City Attorney Kit Williams: You can attempt to amend the current ordinance and exempt all water and sewer easements that are sold to neighboring cities. The public has not been notified that you are going to make that change.

Alderman Boudreaux: I don't think anyone would be concerned about allowing this sale for the right of way. Changing this ordinance drastically is an issue to some.

Alderman Lewis: I agree with Brenda. I would like to take more time to look at this ordinance.

City Attorney Kit Williams: I am looking at the entire history of the ordinance and repeatly the City Council has had to amend it because it has not worked. I am not aware of any property that we have sold that the City Council later said that wish they had not sold the property.

Fran Alexander: I think the citizens need a rule book. I am trying to maintain a process that this ordinance put forth. I think something needs to exist in an ordinance, for pieces of property like this, so the rules are in place.

Don Marr, Chief of Staff: The one thing that I have heard is this needs to be changed because it does not work from a staff management prospective. The reason it does not work is because offers are generated differently. Sometimes land sales are generated by the administration

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wanting to sell a piece of property. We have seen times where land sales have generated from someone contacting the City wanting to buy a piece of property. Those two processes alone are vastly different. As a part of our economic development contract one of the challenges we have is our length of process when we offer a piece of property to an economic development opportunity. This has got to change. We are stuck between a rock and a hard place. We have the State doing an appraisal and a sister city doing an appraisal. We have a piece of land that needs to change, in order to not stop a road project that we are not having to pay for, that we asked them to do. We don't want to lose those opportunities. The current ordinance is trying to make one size fit all and it does not work. You need more flexibility to consider all things.

Alderman Gray: What project is this part of?

David Jurgens: Highway 265 widening in the Springdale portion. We received this easement request about the last week of October. The City of Springdale initiated the easement request to us. We did not know this was coming.

Alderman Ferrell: What time frame do we need to get this done?

David Jurgens: The Highway Department is contacting us about twice per week. These are dollars they are trying to get spent as fast as they can.

Alderman Ferrell: We need to try to come up with something to take care of the immediate situation we have. Once that is done we can take the ordinance to the Ordinance Review Committee.

Cyrus Young: There are two key actions. The City Council has to decide if that property is needed now or in the future. You decide whether or not the sell price is adequate. Send this to Ordinance Review but do not change the entire ordinance today.

City Attorney Kit Williams read a possible amendment to the ordinance*:* ***Enact a new subsection (H) (5) to exempt the sale of water and sewer utility easements to adjoining cities or water and sewer commissions.***

City Attorney Kit Williams read the proposed new ordinance.

Alderman Boudreaux moved to amend the ordinance to e*nact a new subsection (H) (5) to exempt the sale of water and sewer utility easements to adjoining cities or water and sewer commissions.* Alderman Ferrell seconded the motion. Upon roll call motion passed 7-0. Alderman Tennant was absent.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Tennant was absent.

City Attorney Kit Williams read the ordinance.

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Alderman Boudreaux moved to suspend the rules and go to the third and final reading. Alderman Lewis seconded the motion. Upon roll call the motion passed 7-0. Alderman Tennant was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Tennant was absent.

Alderman Ferrell moved to approve an emergency clause. Alderman Petty seconded the motion. Upon roll call the motion passed 7-0. Alderman Tennant was absent.

Ordinance 5465 as recorded in the office of the City Clerk.

Springdale Water and Sewer Commission Easement: A resolution to approve the sale of a permanent water/sewer easement of 0.383 acres and a temporary construction easement adjoining the permanent water/sewer easement along Highway 265 to the Springdale Water and Sewer Commission for $3,000.00.

Alderman Kinion moved to amend the resolution to state that we do not need the property for corporate purposes. Alderman Lewis seconded the motion. Upon roll call the amendment passed 6-0. Alderman Petty was absent during the vote. Alderman Tennant was absent.

Alderman Lewis: What do you mean that it is not for corporate purposes?

City Attorney Kit Williams: We do not need that for corporate purposes at this point in time. We can sell this because we do not need the under ground land for corporate purposes.

Mayor Jordan asked shall the resolution pass. Upon roll call the resolution passed 7-0. Alderman Tennant was absent.

Resolution 214-11 as recorded in the office of the City Clerk.

Amend Chapter 92: An ordinance amending Section 92.01 Definitions, repealing and replacing Section 92.20 Annual License and Tag, amending Section 92.24 Redemption of Animals, repealing Section 92.33 Animal Hobbyist Permit of Chapter 92: Animals of the Code of Fayetteville to remove animal licensing requirements and enact animal microchipping requirements, and providing for an effective date.

City Attorney Kit Williams read the ordinance.

Justine Middleton, Animal Services Superintendent: These proposed ordinance changes originated with the Animal Services Advisory Board. They have given these changes their full support. The changes were also taken to the Ordinance Review Committee which gave their full support. The changes would provide cost savings to the City and citizens. Citizens would not

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have to invest in a yearly pet license instead they would pay a one time cost to have their pet microchipped. This would also eliminate the hobbyist permit.

Alderman Adams: Will the fee be waived for citizens that want their animal microchipped if they have paid the last four years license fee?

Justine Middleton: That is not something we have contemplated.

City Attorney Kit Williams: She is not allowed to waive ordinances.

A discussion followed on how many licenses they issue and if the scanners read all microchips.

Alderman Boudreaux: Has Springdale been successful with microchipping?

Justine Middleton: We talked to their director and he thinks it has helped their return animal rate. He felt it has been a real positive change for their community.

Alderman Ferrell: Will this have a positive economic impact?

Justine Middleton: It is hard to say at this time. We will see a cost savings in not administering the pet license.

Don Marr: There is a revenue item that would go away annually. It would have some offsets. It also has a negative revenue impact that we currently have.

Alderman Lewis asked about the relationship between this, veterinarians, and their businesses.

Justine Middleton: I think most vets look at it favorably.

Alderman Lewis: Veterinarians are not required to do anything because of this. All of this is on the pet owner.

Justine Middleton: Yes.

Alderman Lewis: People are interested in some sort of tag. It is my understanding the rabies tag is still used.

Justine Middleton: That tag number is entered into the computer and linked to that pet owner. When we microchip they will be issued a microchip tag.

A discussion followed on the health affects associated with microchipping.

The Animal Services veterinarian spoke in favor of the microchipping.

Alderman Adams thanked the microchipping supporters for attending the meeting.

Joe Alexander spoke against microchipping because some animals are harmed by the microchips. He stated if this is so great then people will do it on their own free will. He

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discussed other tagging programs that are on the market. When technologies are mandated in this way it is done more to serve a special interest than a public need.

Debbie Beckerdite, Starr Drive: I chose to have my dog's microchipped. One took the chip very well but one did not. As a pet owner I feel like my right as a pet owner to choose to have this done is being trampled on if the City mandates that this be done. If you leave it as is, educate the public that this is available, and the cost through animal services then a pet owner can choose to have the microchipping done. That is the way I feel about it. Please let us have a choice.

Ruth Frances: Microchipping is a valid way of identifying an animal and reconnecting it with its owner when it gets lost. It has a lot of disadvantages. Mandatory legislation requiring microchipping of companion animals is adverse partly because it encourages some people to dump their animals. She stated there are several organizations that oppose mandatory licensing which microchipping is. She stated microchipping is not infallible and is a health risk to the animal. She asked the Council to consider a lifetime license if you spade or neuter your pet.

A resident of Fayetteville: I do not think people should be forced into microchipping. There are other ways to identity animals. Microchipping can cause cancer. I do not think the risk is worth it.

Alderman Boudreaux: People that use the smart tag have lost collars. We have a law that requires people to license their pets and we do not have a high compliance rate with that. I do not think people will abandon their animals due to an ordinance requiring microchipping rather than a license fee. My dog is microchipped. The health results for microchipping do not seem to be confirmed.

Alderman Ferrell: I have three dogs that are tattooed and microchipped. I do not like government mandates and often oppose them. My concern is for children that may be bitten by a dog that did not have a collar on. If the animal was chipped it would be on file if that dog was vaccinated.

Alderman Petty: In the past year how many animals have come to the shelter that appeared to be owned?

Justine Middleton: We take in almost 5,000 animals a year about 60% are adopted or returned to the owner. The vast majority are owned or have been owned.

Alderman Petty: It sounds like there are 3,000 animals whose owners did not license their pets or make sure they had a collar. A lot of those get euthanized every year. This may not be the best way but it sure seems like it is worth trying. Can you come back in a year and give us a report.

Justine Middleton: I am really excited about in regards to or cats. We have a fairly good redemption rate on dogs but not on cats.

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Alderman Lewis: This is a good opportunity to try to minimize the euthanizing that takes place in our shelter and to increase responsibility for our pets. This is an opportunity to have piece of mind that I have more of a chance of getting my pet back if something were to happen.

Alderman Petty moved to suspend the rules and go to the second reading. Alderman Boudreaux seconded the motion. Upon roll call the motion passed 7-0. Alderman Tennant was absent.

City Attorney Kit Williams read the ordinance.

Alderman Boudreaux moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Tennant was absent.

City Attorney Kit Williams read the ordinance.

Alderman Lewis: This also relates to neighborhood integrity. Dogs running lose in a neighbor affects peoples ability to take a walk in their neighborhood. I want to thank our Animal Shelter for looking for those animals.

Alderman Ferrell: In our household our dogs are family members and any way that could help retrieve them would be very important to us.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Tennant was absent.

Ordinance 5466 as recorded in the office of the City Clerk.

Amend §50.40 Rates for Services: An ordinance to amend §50.40 Rates for Services of the Fayetteville Code by enacting a new subsection (B)(6) to charge $.95 per month per multi-family unit for recycling services when offered.

City Attorney Kit Williams read the ordinance.

David Jurgens, Utilities Director: This is a new program which has just come available through a variety of technologies. This is an effort to recoup the cost of this new service. He gave a brief description of the way this was calculated.

Alderman Petty: Were the garbage rates structured in a way that a complex participating in this program could expect a reduction in other costs on their bill?

David Jurgens: At the current time not really unless they have a higher rate of pickup.

Alderman Petty: I would like to hold this on the first reading.

Alderman Ferrell: On the multi-family complexes it says people that do not wish to receive recycling service will not be charged. How does that work?

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David Jurgens: We take these boxes to specific complexes, so everyone in that complex is either charged or not. At this point it is a voluntarily program based on the apartment management owners. It is all or nothing within each individual complex.

Alderman Ferrell: Do you know how long it will take to get an accurate look at how much this will cost us?

David Jurgens: I think we can get a better estimate after about one year.

Alderman Ferrell: Can we get a report on this late next year?

Alderman Lewis: They can put that on the website.

Mayor Jordan: We have talked about this for years. It is time to do something.

Alderman Lewis: Can you speak to the issue of clean stream, single stream. One thing Fayetteville has that some communities do not is that it is separated initially. We have been able to maintain our buyers in poor economic times because we sort it up front and that creates a cleaner product to sell.

David Jurgens: It is separated on site. It maintains pretty close to the purity of what we get at our curb side sorting.

This ordinance was left on the first reading.

Northwest Arkansas Economic Development District: An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Northwest Arkansas Economic Development District in the amount of $53,350.00 to provide public recreation services for the senior citizens of Fayetteville for 2012.

City Attorney Kit Williams read the ordinance.

Connie Edmonston, Director of Parks and Recreation: For the past 39 years the City has assisted groups that offer recreational programs for the Senior Adult Center. For the past four years we have partnered with the Arkansas Economic Development District. They have done a great job and we request that we renew a contract with them to offer programs for our senior citizens.

Alderman Gray moved to suspend the rules and go to the second reading. Alderman Lewis seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty was absent during the vote. Alderman Tennant was absent.

City Attorney Kit Williams read the ordinance.

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Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Boudreaux seconded the motion. Upon roll call the motion passed 7-0. Alderman Tennant was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Tennant was absent.

Ordinance 5467 as recorded in the office of the City Clerk.

Fayetteville Youth Center, Inc.: An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Fayetteville Youth Center, Inc. in the amount of $205,350.00 to provide public recreation services for the youth and citizens of Fayetteville for 2012.

City Attorney Kit Williams read the ordinance.

Connie Edmonston: For the past 44 years our City has partnered with the Fayetteville Youth Center to provide recreational programs for youth, families, and citizens. We have a working agreement which outlines those programs so that we do not become competitive with each other. It has been a very successful partnership with them.

Alderman Adams: Thank you. You do a great job.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Boudreaux seconded the motion. Upon roll call the motion passed 7-0. Alderman Tennant was absent.

City Attorney Kit Williams read the ordinance.

Alderman Adams moved to suspend the rules and go to the third and final reading. Alderman Boudreaux seconded the motion. Upon roll call the motion passed 7-0. Alderman Tennant was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Tennant was absent.

Ordinance 5468 as recorded in the office of the City Clerk.

Meeting adjourned at 11:01 p.m.

Lioneld Jordan, Mayor | **Sondra E. Smith, City Clerk/Treasurer**

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Handed out at the City Council Meeting 12/4/11 "Midtown Alley"

Summary of comments re: Alley

For Midtown Alley:

1. Cathy Bass - landlord with residential properties facing the alley
2. Gail Goodrum - a second landlord with residential properties facing the alley

This comment was against "Midtown Alley" but made no other suggestion: "Burgerboy" says: "'Midtown' is north of North Street, south of Herman's. The 'midtown' name doesn't fit."

For Shipley, Schuler, or Bakery Alley (suggestions with historical significance):

1. Evan McDonald
2. "dw"
3. Holly Teaff
4. Casey Willits - also supports Knockturn Alley, another alley from Harry Potter
5. David Franks
6. Rob Sharp

For Diagon Alley

People with businesses in the alley

1. Sarah Varga (owner of Sideways and Ryleigh's)
    a. Diagon is more memorable, better for business, more fun. Midtown is boring.
2. Tony Brunyaseng (Chef and Manager at Wasabi)
    a. No preference, if had to make a choice, would choose Diagon. Thinks Midtown is a little confusing for a downtown location

Emails from:

3. Roger Haak - "Please. Let's be creative and fun. I'm not the biggest Harry Potter fan, but I'm all about being intelligent and interesting. If Austin can be weird, why can't we take the "Keep Fayetteville Funky" to another level?"
4. Kara Morehart - "Diagon Alley? YES! ... Diagon Alley sounds AMAZING. ..."
5. Michael Ramirez
6. Kathy Ramirez - "... The Harry Potter series has had such a positive impact in my life. It started my love of reading. ..."
7. Hannah Mills (Manager at Dickston St Inn and A&P Commissioner) - 'It would really add a fun twist to Dickson."

Other selected comments, from Fayetteville Flyer and Facebook:

8. "Lacy" - "I love this so much I can hardly stand it."
9. Judith Levine - "What a great idea! I love that this is close to 'Sideways' !!!
10. A city employee (wishes to remain anonymous) - "I think that is outstanding, and it is so Fayetteville. I told a friend of mine and she started laughing and she said 'I LOVE IT'. So I just wanted to express my support. I think it's great. I hope they vote for that."
11. Kelly Eubanks - "This is awsome.. hope it passes! Keep Fayetteville Funky :)"

12. "djstorms" - "I have never read a Harry Potter book and am not particularly fond of the movies but this would be awesome. What would be "funkier" than an alley named after Harry Potter?"
13. "innarested Observer" - "Great idea. Give the people what they want! Show some imagination, muggles..."
14. a. brown - "LOVE LOVE LOVE"
15. "George" - "... I'm all for Diagon Alley. New street/alley names aren't generally up for vote. The only reason this one is even being discussed is b/c someone had the quirky idea to start a push for Diagon Alley. Don't hijack their inpiration."
16. Debra Lyon - "I vote for diagon alley. midtown alley is just too plain. let imagination run."
17. Mary Wells Murphy - "Too fun, why should big cities be where all the cool stuff is!!!"

And there were four comments in support for naming it after a different alley from Harry Potter (Knockturn Alley).

Trademark info

Three trademarks exist containing the word "Diagon"

The oldest is held by an individual, Susan Fowler, for a brand of comforters

The other two are held by Warner Bros. and Time Warner

- One is for toys and sporting goods
- The other is for paper goods (books, coloring books, posters, etc)

USPTO information on trademarks (from uspto.gov):

> A trademark is a word, phrase, symbol or design, or a combination thereof, that identifies and distinguishes the source of the **goods** of one party from those of others.

USPTO definition of goods: **"goods** are products."

	Name
1	Aaron Gibson
2	Aileen Ramos
3	Aleta Wright
4	Alex Barry
5	Alexandra Magness
6	Alicxandromoda Roffino
7	Alison Alison
8	Allen Fields
9	Allyn Jordan
10	Amber Marlene
11	Amelia Schembra
12	Amy Brown
13	Amy Leigh Lolmaugh
14	Andrea Love
15	Andrew Mayer
16	Angela Bishop
17	Angela Gardner
18	Anna Pope
19	Annye DeGrand
20	Ashley Franklin
21	Ava Adams
22	Banah Ghadbian
23	Betony Weakly Maringer
24	Blake Ogilvie
25	Blake Pennington
26	Blake Rogers
27	Brad Shepherd
28	Brandy Allen
29	Brandy Kilpatrick
30	Breana Patterson
31	Brian Larsen
32	Brittany C. Nims
33	Brittany Kanakis
34	Brittany Rodgers
35	Bruce Drebenstedt
36	Brynn Boyd Wright
37	Caitlin Rose
38	Carla Jean Anderson
39	Cassy Dominick
40	Charlene Gretsch
41	Charles Alison
42	Chase Goforth
43	Cindy Bruce
44	Clayton Suttle
45	Colby Ward
46	Cory Whorton
47	Courtney Norris
48	Crystal Powe
49	D'lorah Lynn Hughes
50	Dan Clark
51	Danielle Sanchez
52	Danna Gardner
53	Darcy Olmstead
54	David Whitaker
55	Debra Lyon

56	Diana Howard
57	Diana M. Shepherd
58	Dominque Mitchell
59	Elizabeth Bullock-Rest
60	Elon Turner
61	Eric Jackson
62	Erica Hutchison
63	Erin Patterson
64	Forster McAlexander
65	George Kuharick
66	Grace Henderson
67	Grace Law
68	Grege Lose
69	Gwenleif Irene
70	Hannah Lou Mills
71	Heather Wyman Kelso
72	Hilary Elizabeth Long
73	Jade Terminella
74	Jannifer ale
75	Jasmine Rose
76	Jayston Landon
77	Jeffery Maples
78	Jenifer Haynes
79	Jenni Watts
80	Jennifer Longstreth
81	Jennifer White Vickers
82	Jessica Keahey
83	Jessica Suzanne
84	Jessie Smith
85	Jimmy Ray
86	JoAnna Holt
87	Joe Boyer
88	John Banks
89	Jojo Stewart
90	Jonathan Dupree
91	Jonathon Owens
92	Judith Robinson Levine
93	Karen Pownall
94	Kari Brown
95	Kathleen Lehman
96	Katie Elizabeth
97	Katy Bittle
98	Kayleia Haley
99	Kelly Hampton Eubanks
100	Kenny Geroge
101	Kevin Lyon
102	Kristie Michelle Flournoy
103	Kristin Loman
104	Ky Smith
105	Kyle Smith
106	Laura Justiss Zehr
107	Laura Whitfield
108	Lauren Hope
109	Lindsey Wimberly
110	Lukas Dange Malone
111	Macleod Dent Otter-Sawyer

112	Malcom Buckelew
113	Marco-Adrian Ramos
114	Marisa Grippo
115	Mark Prime
116	Matthew Petty
117	Meagan Breaux
118	Megan Muncle
119	Megan Pearson Hargus
120	Melissa Juchau
121	Melissa Kelly Williams
122	Michael Ramirez
123	Mike Stephens
124	Misty Smith Erickson
125	Mithell Priest
126	Mitzi Miller
127	Molly Mehl
128	Neil Heller
129	Nick Vargas
130	Nicole Powell
131	Olivia Michelle
132	Pat Dallas
133	Penny Gray
134	Rachel Starr Mize
135	Raymond Anders
136	Rhiannon Hicks
137	Robert Warner
138	Roger Donham
139	Sabrina Rivera
140	Sandra Caudle Allred
141	Sara Dent Sawyer
142	Sarah E. King
143	Sarah Spiegel
144	Shannon Wallace
145	Sherri Goff
146	Shiew-Wen Tyler Tan
147	Stacey Clay Rupar
148	Stan Rankin
149	Stephanie Crawley Burroughs
150	Stewart McAlexander
151	Tabitha Ann Goebel
152	Tabitha Raimer Orr
153	Tara Jo Kelly
154	Tess Dominick
155	Tina Demrest
156	Tonya Wright
157	Trisha Ann Lucas
158	Vincent Grossi
159	Wanda Parr
160	Wes Warner
161	Will Watari Phillips
162	Yasmin Geradts
163	Zachary Jones McHardy
164	Zack Wakefield
165	Zessna Garrcia
166	Zoe Smith Carrier

Revised 12-2-11

Handed out at the City Council meeting 12-6-11
Pick It Construction

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A CONTRACT BETWEEN THE CITY OF FAYETTEVILLE AND PICK-IT CONSTRUCTION, INC. IN THE AMOUNT OF NOT-TO-EXCEED $112,353.00 FOR CONSTRUCTION OF DUGOUTS AND BLEACHER COVERS AT WALKER PARK AND TO APPROVE A BUDGET ADJUSTMENT OF $16,419.00

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the attached contract between the City of Fayetteville and Pick-It Construction, Inc in the amount of not-to-exceed $112,353.00 for construction of dugouts and bleacher covers at Walker Park, authorizes Mayor Jordan to sign this contract and approves a budget adjustment of $16,419.00.

PASSED and **APPROVED** this 6th day of December, 2011.

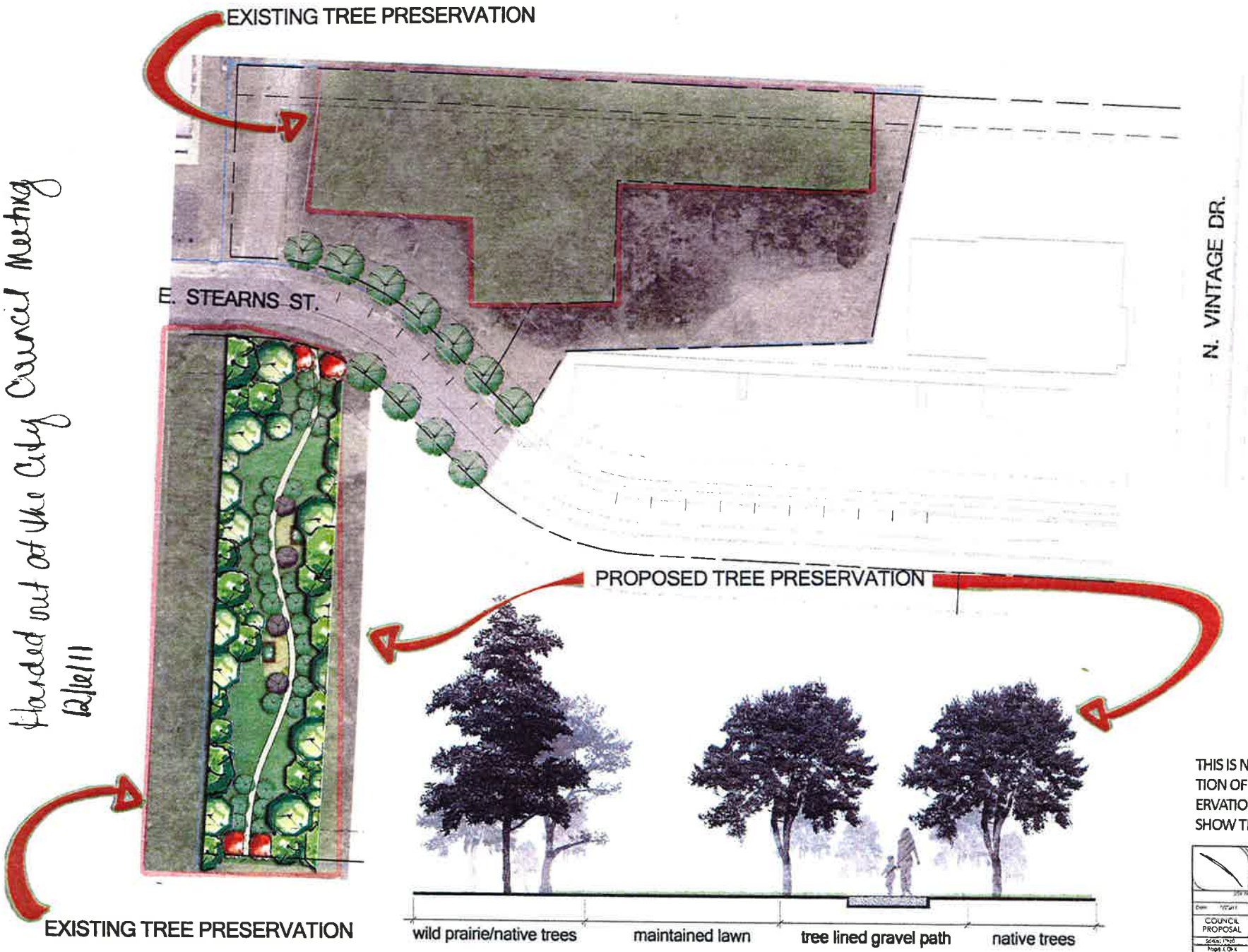
APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

BELLAFONT TREE PRESERVATION

Handed out at the City Council Meeting 12/12/11



THIS IS NOT AN EXACT REPRESENTATION OF THE PROPOSED TREE PRESERVATION, BUT A GRAPHIC TO SHOW THE GENERAL PROPOSAL

COUNCIL PROPOSAL

BELLAFONT
TREE PRESERVATION
FAYETTEVILLE, ARKANSAS

Handed out at the City Council Mtg. 12/6/11

RESOLUTION NO. _____

A RESOLUTION TO APPROVE THE SALE OF A PERMANENT WATER/SEWER EASEMENT OF 0.383 ACRES AND A TEMPORARY CONSTRUCTION EASEMENT ADJOINING THE PERMANENT WATER/SEWER EASEMENT ALONG HIGHWAY 265 TO THE SPRINGDALE WATER AND SEWER COMMISSION FOR $3,000.00

WHEREAS, due to the widening of Highway 265, the Springdale Water and Sewer Commission needs to move their mains and thus must acquire new permanent water/sewer easements and temporary construction easements from property owners along Highway 265 including the City of Fayetteville; and

WHEREAS, Springdale Water and Sewer Commission has offered an appraised value of $2,400.00 for the permanent water/sewer easement and $600.00 for the temporary construction easement; and

WHEREAS, our City Land Agents have many years of experience in valuing and obtaining water/sewer easements, have examined the Springdale appraisal, and have determined it is consistent with offers to other land owners and constitutes fair compensation for our citizens; and

WHEREAS, the City Council finds that the property upon which the easements are to be granted is no longer needed for municipal purposes other than use as utility easements and that the property need not be rezoned prior to its sale.

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 sale of a permanent water/sewer easement of 0.383 acres and a temporary construction easement adjoining the permanent water/sewer easement along Highway 265 to the Springdale Water and Sewer Commission for $3,000.00 and authorizes Mayor Jordan to execute the Easement Deed attached to this Resolution to convey these easements to the Springdale Water and Sewer Commission.

PASSED and **APPROVED** this 6th day of December, 2011.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

Handed out at the City Council Meeting 12/6/11

ONTIME on time report printed on: 11/26/11

11/26/2011

Drv#	Call#	CustName	Pickup / Dropoff	Taken	Assn	Load	Cmplt
00061	1111260051	TIM HACKLER	1620 E CLARK ST/XNA 1 AIRPORT BLVD	08:21	08:45	09:10	09:46
CANC.	1111260049	JOHN	1482 N DAWN DR/0 RAZORBACK&6TH	06:55	08:19		08:19
00023	1111260052	JANICE	EXTENDED STAY 5000 LUVENE AVE/RAZOR	08:48	09:30	09:45	10:38
00094	1111260055	MURRY STONE	0 STORE/0 HILLCREST TOWER	09:20	09:30	09:38	09:45
00040	1111260056	STEVEN	2902 N GREGG AV/0 TARGET	09:33	09:34	09:47	09:52
00094	1111260054	MURRY STONE	0 HILLCREST TOWER/0 STORE	09:20	09:30	10:00	10:10
00094	1111260058	JERRY	2731 ARROYO AV/0 STORE	10:24	10:26	10:39	10:48
CANC.	1111260059	JERRY	0 STORE/2731 ARROYO AV	10:24	10:25	10:35	10:50
00061	1111260060	RACHEAL	891 MELMAR DR/0 FIESTA SQUARE	10:28	10:30	10:46	11:03
00023	1111260062	ANGELA	2768 N BARCELLONA/0 BUS DEPOT	11:03	11:04	11:16	11:42
00094	1111260063	DREW	832 WALKER ST/2189 SKYLER DR	11:11	11:12	11:22	11:37
00094	1111260065	ROBIN	3062 N GREGG/0 BUS DEPOT	11:37	11:40	11:49	11:58
00061	1111260057	BRENNAN NANCY	2128 N TULL AVE/FLYING BURRITO 509	09:38	11:17	11:30	11:47
00023	1111260064	KATIE	2425 W NEWPORT DR/NWA MALL 4201 N S	11:21	11:44	12:03	12:36
00023	1111260067	JOSEPH	2659 N CLUB DR/0 U OF A	12:40	12:41	12:54	13:08
00094	1111260068	JOHN	1375 N LEVERETT AVE/WALMART MALL 39	12:48	12:48	13:05	13:27
00061	1111260069	JONNA	2100 N LEVERETTE/0 LIBRARY	13:01	13:03	13:07	13:18
00023	1111260070	DANIEL	900 N LEVERETTE/0 MALCO THEATER	13:07	13:09	13:21	13:33
00094	1111260071	CHERYL	704 LOCOMOTIVE/70 APPLEGATE DR	13:11	13:38	13:51	14:01
00019	1111260072	CORA	605 NANTUCKET DR/6TH ST. ROUND TRIP	13:25	16:53	17:00	17:36
00019	1111260073	CORA	6TH ST. ROUND TRIP 0/605 NANTUCKET	13:25	13:26	13:42	13:53
00019	1111260074	RITA	0 BRAUMS/0 CRUTCHER	13:30	15:35	16:10	16:25
00023	1111260053	RICHARD HOLLY	NWA MALL 4201 N SHILOH DR/3933 N PA	09:03	13:38	14:00	14:17
00023	1111260075	RACHEAL	0 FIESTA SQUARE/891 MELMAR DR	13:48	14:02	14:19	14:40
00061	1111260076	JOHN	WALMART MALL 3919 N MALL AVE/1375 N	13:53	13:53	14:11	14:26
00037	1111260077	OLVIA	2115 N CHESTNUT/0 CROSSOVER	14:00	14:01	14:17	14:17
CANC.	1111260004	MARY	MCDONALD'S SD 520 S THOMPSON ST/604	STAND	07:03		07:03
00027	1111260078	RANDY	961 BOONE ST/0 WALMART MLK	14:19	16:53	17:22	17:40
00019	1111260066	MICHEAL	3487 W BUCKEYE/0 SPRINGDALE	12:15	13:55	14:08	14:27
00027	1111260079	DION	1434 W NETHERLAND WY/MOJO'S 1200 N	14:30	16:53	14:06	14:27
00094	1111260080	MELODY	2110 CHESTNUT/0 HOME	14:44	14:45	15:06	15:22
00019	1111260081	AARON	980 BROOKHAVEN CT/WALMART (SPRINGDA	14:55	15:15	15:46	16:09
00023	1111260082	JOHN	0 JIMMY JOHN/0 ON THE MARK	14:58	14:59	15:00	15:14
00027	1111260083	ERICA	BREWSKI'S 408 W DICKSON ST/650 W CE	15:20	15:36	15:42	15:43
00027	1111260084	TOM	950 N LINDALE/100 N COLLEGE	15:37	16:22	16:31	16:40
00023	1111260086	KATIE	NWA MALL 4201 N SHILOH DR/2425 W NE	15:47	15:50	15:59	16:20
00061	1111260087	JASON	1764 N LEVERETTE/0 STORE	15:49	15:50	16:05	16:25
CANC.	1111260088	JASON	0 STORE/1764 N LEVERETTE	15:49	15:51		15:51
00037	1111260089	JUDITH ROYCE	ROGERS REC 406 W DICKSON ST/1050 W	16:08	16:09	16:28	16:28
CANC.	1111260090	JUDITH ROYCE	1050 W CATO SPRINGS RD/ROGERS REC 4	16:08	16:09		16:09
00061	1111260091	RANDY	0 WALMART MLK/961 BOONE ST	16:28	16:28	16:44	16:51
00094	1111260092	FRANK	65 FORSTHIA DR/0 MIDWAY	16:39	16:40	16:57	17:15
CANC.	1111260093	FRANK	0 MIDWAY/65 FORSTHIA DR	16:39	16:40		16:40
00019	1111260094		1550 ELETRIC AVE G/0 WHITE OAK	16:43	16:44	16:57	17:08
CANC.	1111260061	CLAIRE	2909 SUSAN CAROL/0 DYNASTY OFFICE	10:45	16:03		16:03
00061	1111260096	PATRICK BORDE	WASHINGTON REGIONAL 3215 N NORTHHIL	17:06	17:06	17:17	17:40
00037	1111260097	KURT	BREWSKI'S 408 W DICKSON ST/48 SOUTH	17:13	17:16	17:20	17:25
00019	1111260085	KENT	SEARS 3919 N MALL AVE/CHESTNUT 1&2	15:40	17:10	17:24	17:34
00027	1111260099	NGII	HARPS GARLAND 1189 N GARLAND AVE/77	17:41	17:41	17:55	18:13
00094	1111260100	JULIA	FAMILY DOLLAR 0/2992 N GREGG AVE	17:59	18:00	18:10	18:22

# of Trips: 50

To Whom It May Concern:

I have been a resident of Fayetteville, AR for the past 15 years, and since I am a non-driver, I have relied heavily on taxicab companies. There have been several that have come and gone within that time, but Dynasty Taxi Company is the one that has lasted the longest, and it is the one that has had my patronage most often. I have never had any serious problems with Dynasty's service. They have always been courteous, helpful and kind. I have a disability that affects my balance and walking, and they have always helped carry heavy objects for me and assisted me without complaint. Their rates are fair, and their drivers are well trained and knowledgeable about their service area. I feel that Dynasty Taxi Company is a credit to Northwest Arkansas, and should be in business and successful for years to come.

Sincerely,

Hillarie Green

(479) 225-6086

Gmail by Google

Brice Curry <currysinc@gmail.com>

[FWD: RE: A small request]Sr. Care's Recommendation

taxi@dynastylimonwa.com <taxi@dynastylimonwa.com> **Tue, Dec 6, 2011 at 8:33 AM**
To: currysinc@gmail.com

Claire March
Accounts Manager
Dynasty Taxi
917 71 Plaza Court Ste. B
Springdale, Ar. 72764
479-443-5466
479-521-8294
Fax **479-750-9558**

-------- Original Message --------
Subject: RE: A small request
From: "Elizabeth Spencer" <elizabeth.spencer@seniorcarepharmacy.net>
Date: Mon, December 05, 2011 9:08 am
To: <taxi@dynastylimonwa.com>

Hi Claire,

I wanted to write and let you know that we are pleased with the service you provide to our pharmacy for deliveries.

Specifically from my direct perspective, I am always very pleased with the customer service in your business office.

I would recommend your service to potential clients.

I wish you all the best and continued success in your future endeavors.

Sincerely,

Elizabeth Spencer
Business Office Manager
Senior Care Pharmacy
3220 S. Wisconsin Ave., Suite A
Joplin, MO 64804

Gmail by Google

Brice Curry <currysinc@gmail.com>

Dynasty Cars

Joanna Arscott <jarscott@saatchix.com> **Fri, Dec 2, 2011 at 7:44 PM**
To: "currysinc@gmail.com" <currysinc@gmail.com>

To whom it may concern,
I would like to wholeheartedly show my support for Dynasty Car Service.

Since my very first day in Fayetteville over two years ago, Dynasty have been there for me in every way.

Not only do I have a personal account with them. I ride with Dynasty every day, several times a day.

They have never been late. Their cars are always in great condition. And most importantly, the drivers are amazing. Really amazing. I know all by name and they will literally go out of their way to ensure my travel arrangement are met perfectly. They over-deliver.

Other services do not compare.

If you need to reach me in any way to talk - feel free to call me on 1 404 574 0798.

Sincerely,

Jo Arscott

Joanna Arscott
Group Creative Director WGCT/Store Group
Saatchi & Saatchi X

NOTHING IS IMPOSSIBLE

Sent from my iPhone
+1 (479) 973-3922

LIFE STYLES

Providing Quality Services for Individuals with Disabilities since 1978.

December 1, 2011

To Whom It May Concern,

Re: Dynasty Taxi

We would like to express our appreciation to Dynasty for the many years of unique services that they bring to our agency. They have continued to honor our taxi coupon program to assist our clients to offset their expenses, provide rides during weather related situations and communicate to us any issues that might arise while our clients are in transit.
We feel we have created a wonderful relationship of community support and would like to support the continued services that they provide to our agency.

Dottie Hattal

Operations Manager
Life Styles, Inc.
P.O. Box 1114
Fayetteville, AR 72702

Office: 479.521.3581 ext. 139
Fax: 479.301.2590

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Dear Brice,

I want to thank you and Dynasty Transportation for the excellent service I received last week. As you know I'm a regular customer of Dynasty and use your cabs for myself and my clients when we go to down to Dickson Street or to football games. I called you last week and your cab was outside waiting for me in less than 5 minutes. This was very important as I had some clients that were in town and I needed to make sure that the night went as smooth as possible. In fact, I can recall a time that I accidently called your personal home and you called me a cab and had it at my disposal in less than 10 minutes.

Anyway, I thought you should know that I really appreciate your company being so responsive to me and the community. You guys are keeping people like myself that enjoy going out and having a few drinks, safe and off the streets of Fayetteville. This is not only keeping me safe, but it also helps protect our fellow citizens.

Let's get together again sometime and get a coffee. I hope all is well.

Sincerely,

Jordan Jeter

Loss Run Report

DYNASTY TAXI SERVICE, INC.

Evaluation Date: 11/30/2011

Company: 01 NATIONAL INTERSTATE INS CO Account Number: 3500000466 Broker: CRAVENS & CO., INC. DBA

Date of Loss / Claimant Name	Date Reporte	File Number / Driver	ID	Typ	Location of Loss / Facts of Loss	State	Status	Loss Reserve	Loss Paid	Expense Reserve	Expense Paid	Total Incurred
Policy Number: EGL000046602 **Policy Term:** 4/18/2011 to 4/18/2012												
		000000000000	0		NOTHING TO REPORT			0.00	0.00	0.00	0.00	0.00
											Occurrence:	
Subtotal								**0.00**	**0.00**	**0.00**	**0.00**	**0.00**
Policy Number: EGL000046602 **Policy Term:** 4/18/2011 to 4/18/2012					**Totals:**			**0.00**	**0.00**	**0.00**	**0.00**	**0.00**
Account Number: 3500000466					**Totals:**			**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

Man Gets 20-Year Sentence For Making Meth In Store

By Chris Freiberg
CFREIBERG@NWAONLINE.COM

FAYETTEVILLE — A Bentonville man who walked through the Springdale Walmart while "cooking" methamphetamine received a 20-year prison sentence Monday.

Russell E. Shepard, 39, pleaded guilty to one count of possession of drug paraphernalia with intent to manufacture methamphetamine.

Circuit Judge William Storey sentenced him to 20 years in prison with 12 years suspended under the terms of a plea agreement. Shepard will be eligible for parole in four years.

"When you get out, you need to take up a legitimate line of work," Storey told Shepard.

Shepard has no prior criminal history.

He was arrested March 16 at Walmart, 2004 S. Pleasant St. Police were initially called on suspicion that a woman with Shepard was shoplifting. When they approached the pair outside the store, they discovered he was carrying a bottle that contained ingredients for meth.

The so-called "one pot" method of making meth in bottles has grown in popularity in recent years, with fewer drug cases involving traditional meth labs, said Mark Booher, deputy prosecuting attorney.

Despite their portability, the bottles are just as volatile as larger labs, and can explode.

"People walk around with it cooking in their trench coats," Booher said. "Someone in the checkout line next to you could have one of these."

Authorities were unable to establish why Shepard had the bottle with him in the store.

Fayetteville adopted a standards-based report card for kindergarten and first grade several years ago, Long said.

Witonski said the discussion is only beginning in Elkins.

The Common Core standards are being implemented in kindergarten through second-grade classrooms across Arkansas this year. Grades three through eight will be introduced to the new standards in the 2012-13 school year.

Full implementation, including high school, should be in the 2013-14 school year. That is the same year a new online assessment should be introduced to measure student performance under the Common Core standards.

"It's more comprehensive than a grade," he said.

Branchwood

To see all the details that are visible on the screen, use the "Print" link next to the map.

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Dynasty Taxi and Executive Service

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(479) 636-6666 (479) 273-6665 (479) 750-9558 (Fax)
dynastylimonwa.com
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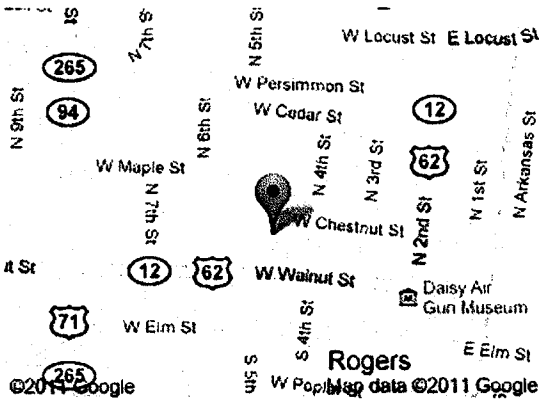
From the owner



Categories: Taxi Service, Airport Shuttle Service, Executive Car Service
Hours: Today 4:00–3:30 am

4 reviews **Your rating:**

Dynasty Taxi provides quality service 24/7 with one of the largest fleets in NW Arkansas. We have become the areas 1st choice in public transportation, because of our large fleet of mini-vans.
- From the owner

Local Taxi Services Ad
Find **Taxi** Services in Your Area
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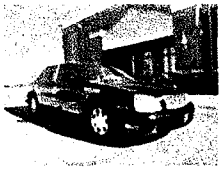
Photos

From the owner

From the owner



From the owner

Report inappropriate photo

Reviews

I just wanted someone to know that I am so excited that you have decided to move into the Bentonville area... I have used your service yrs ago when I would fly into Fayetteville.. Since then started flying into XNA and used NWA Taxi. What an unorganized company that is. I have

missed appointments and business with using that service.. I am now using your service and Sean (White Cady), What a big difference and I am glad it isn't costing me on my bottom line. Just wanted someone to know that I will highly recommend your service to all my fellow employees. Truly Pleased Customer

Edit - Delete

Jan 24, 2011

Excellent Service. Thank you for providing an option to Bentonville/ **Rogers** area. Other service has old beat up run down cars and wrecked vans. Truly excited about clean cars with excellent Service. Thank you again. Automotive Vendor for Walmart

1 out of 1 people found this review helpful. Was this review helpful? Yes - No - Flag as inappropriate

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Dynasty Taxi

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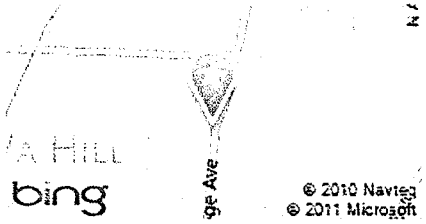

Business Details

Add or edit this business information

Hours

Hours not available. Please contact **Dynasty Taxi** at (479) 521-8294.

Categories

Taxis

General Info

Dynasty Limousine is a full-service ground transportation company that serves clients in northwest Arkansas. Founded in 1983, the company provides various limousine ride packages that include champagne bottles, as well as gift certificates of several denominations. It offers transportation solutions for a variety of events, such as birthdays, weddings, concerts, anniversaries, and bachelor and bachelorette parties. The company is also certified by the Department of Transportation. It conducts long-distance and facility tours, as well as provides transportation services for airports. It is associated with the National Limousine Association. In addition, some of the vehicles maintained by Dynasty Limousine can accommodate more than nine passengers.

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Recent Reviews for Dynasty Taxi

All Reviews | Write a Review

I have used this company numerous times...

Posted by kymned on 06/04/2011 Provided by **YP.com**

I have used this company numerous times over the past six years and recently have been using them multiple times a week. The drivers are always good drivers, good conversationalists and clean. They are a little expensive, but I'm willing to pay a little extra for the service I receive, especially compared to the only other choice in company. While it is possible some of these people may have had a bad experience, it is pretty obvious that some are just shills. I have always been happy with Dynasty and will continue to use them.

Report Abuse | Respond to this Review | Read all reviews by **kymned**

Rate this Review: Thumbs Up (0) Thumbs Down (0)

Dependable & local

Posted by bikdevil on 01/27/2011 Provided by YPmobile

I enjoy the luxury of having a taxi on call or w/ in a reasonable time, even w/ the occasional wait time due to traffic to get me from point A-B. Even w/ the occasional wait on Dickson on the wkend, I don't mind the reasonable prices in order to keep me out of jail & get me safely hm.

Report Abuse | Respond to this Review | Read all reviews by **bikdevil**

Fayetteville Yellow Pages »

Dynasty Taxi, Fayetteville, AF

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1428 South College Avenue, Fayetteville, AR 72701
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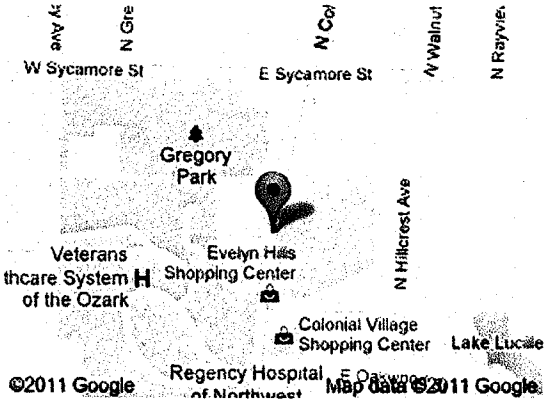
Categories: Taxi Service, Transportation - Taxicabs, Transportation - Limousines, ...

From the owner



2 reviews **Your rating:**

Dynasty is open 24/7 with 24 hour dispatch, and the largest fleet of 7 passenger mini vans in the area - From the owner

Photos

From the owner

From the owner

Report inappropriate photo

Reviews

kim - Jun 4, 2011

I have used this company numerous times over the past six years and recently have been using them multiple times a week. The drivers are always good drivers, good conversationalists and clean. They are a little expensive, but I'm willing to pay a little extra for the service I receive, especially compared to the only other choice in company. While it is possible some of these people may have had a bad experience, it is pretty obvious that some are just shills. I have always been happy with Dynasty and will continue to use them.

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www.LowFares.com/Rental-Cars

Was this review helpful? Yes - No - Flag as inappropriate

Respond publicly as the owner ?

Missy Shanklin - May 18, 2011

Dynasty sent us for my birthday the 15 passenger bus! It was super clean and the driver Kadillak Williams was the nicest driver! and even checked on me the next day via text to make sure i was still kickin after a blowout Birthday! HIGHLY recommend!!!

Was this review helpful? Yes - No - Flag as inappropriate

Respond publicly as the owner ?

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kymned

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NWA Taxi
Fayetteville, AR

Review Date: 06/04/2011

I wish it were possible to rate less than one star, but it is not. This is the second time I have been stood up by this company and was offered no apology, just excuses. The first time was almost a year ago and I missed an important doctor's appointment because of it. I decided that maybe I was just unlucky, so I decided to try again this morning. I called an scheduled five hours in advance and when the time came for them to get me, no one showed up. No call or anything. So fifteen minutes later I call and the lady tells me that they only have one driver and he's not anywhere near Fayetteville. Ironically, it's the exact same excuse I got last time around. I called another cab company and they were out and picked me up within ten minutes. I will NEVER call NWA Taxi again. Of course, it probably won't be an issue because they will not be in business much longer.

Was this review helpful? 0 0 Report Abuse

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Green Cab of Madison

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3.0 stars Avg of 6 Ratings

Your Rating

4 Reviews | Write a Review

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Madison, WI 53715
(608) 255-1234

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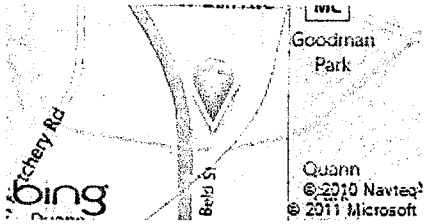

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SHARED RIDE/ HYBRID TAXIS / 24 HOUR SERVICE: our goal is to provide a cleaner, greener, more sustainable transportation option for residents of Madison and surrounding communities, at an affordable price.

Hours

Open Daily 24 Hours

Categories

Taxis

Payment Types Accepted

ALL MAJOR CREDIT CARDS, DEBIT, MASTERCARD, AMEX, CARTE BLANCHE, COMPANY CARD, DINERS CLUB, DISCOVER, JCB, VISA

In Business Since

2010

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General Info

Welcome to Green Cab's website, an eco-friendly taxicab service. We are the newest taxicab company in Madison WI with Madison's first all hybrid taxi fleet! Green Cab is a full service, shared ride taxi service. We provide alternative public passenger transportation to all of Madison, Dane County and beyond. Green Cab will ALWAYS provide coverage 24 hours a day, 7 days a week, 365 days a year...

Price Range

$3.00 Initial Fare

$1.00/ea. Addtl. Zone

Extra Phones/Fax

Fax: (608) 257-1115

Extra Emails

General Manager

AKA

Green Cab of Madison Inc

Recent Reviews for Green Cab of Madison

All Reviews | Write a Review

I took these guys last weekend and they...

Posted by kievmc on 09/28/2011 Provided by **YP.com**

I took these guys last weekend and they were great. Jeff was my Cab driver and he was very kind. The price was also very affordable. I would take these guys again in a heartbeat!

Report Abuse | Respond to this Review | Read all reviews by **kievmc**

Rate this Review: Thumbs Up **(0)** Thumbs Down **(0)**

This place is HORRIBLE.

Posted by Stacy126 on 09/21/2011 Provided by **YP.com**

This place is HORRIBLE. TERRIBLE customer service. They charged 6 to drive a 1/2 mile. The driver didn't speak and they were over 20 minutes late. DON'T use them for a cab. They overcharge, are late and rude!

Report Abuse | Respond to this Review | Read all reviews by **Stacy126**

Rate this Review: Thumbs Up **(0)** Thumbs Down **(0)**

Cheap is right!

Posted by lmcclain on 08/09/2011 Provided by **YP.com**

Cheap is right! I hear the Green Cab owners are making all the money and stiffing their drivers. Low income riders take cheap cabs and don't tip. The owners are packing the roads with Green Cabs which reduces the amount a driver can make, then they are overcharging the drivers for the cars. Green Cab drivers are averaging about $5 an hour. Come on Green Cab, be fair to your drivers!

> ***Business Response from Phil***
>
> *Green Cab drivers are the best in town, and do much better than you are characterizing. We keep good numbers on this, to which any and every driver has access. Call me at 255-1234 and I'll explain it to you. Thanks for taking the time to review us!*

Report Abuse | Respond to this Review | Read all reviews by **lmcclain**

Rate this Review: Thumbs Up **(0)** Thumbs Down **(0)**

cheap

Posted by lboomsma on 07/04/2011 Provided by YPmobile

They're the cheapest cab in *Madison*, but I've found out unless you call ahead of time they can be really late on getting to you, plus some driver are a bit fast which I like, but not to the point of going though red lights or cutting it close to bicyclists and cursing them out.

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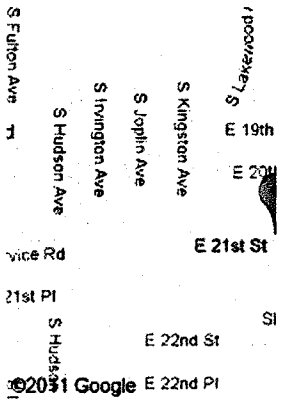
Yellow Checker Cab

6131 East 21st Street, Tulsa, OK 74114-2305

« Back to overview



Reviews

WRITE A REVIEW

1 - 9 of **9**

ME - Sep 22, 2011

Yellow Cab Checker of Tulsa has the WORST Customer Service in Town !!!! I used the company for a month dealing with one dispatcher that did great on her shift. But one day I was running late and encountered the woman that started the next shift. She was flat out rude and disrespectful. No class whatsoever. When I asked to speak to the manager, little did I know, he was more foul than she was.He started by yelling at me with the highest decibels.. I hung up and never used the **Taxi** Company again. In all my life, I had never experienced such horrible interaction with any human beings much worst a customer service. The fact that I faithfully used the Company for a month and was treated as so was sickenning...Never use Yello Cab **Taxi** for your own sake.

0 out of 1 people found this review helpful. Was this review helpful? Yes - No - Flag as inappropriate

female - Mar 10, 2011

this taxi service was horrible. I used this **taxi** service only a few times. I stopped using their service when I realized the driver started adding additional money to the meter. he pulled into the hotel parking lot. Which I would understand if the parking lot were huge, but as soon as he pulled in and I got in the cab, the meter was already running. Already charging me almost $5. I figured he was supposed to do that, until I was told otherwise. My husband who is not even in **Tulsa**, got a charge to his account, for $20 for a ride to Broken Arrow. But my husband is not in **Tulsa**, not even in Oklahoma for that matter! We are disputing this with our bank now. We will be reporting this fraud to the Better Business Bureau. They take advantage of innocent customers and are nothing more than criminals!

1 out of 2 people found this review helpful. Was this review helpful? Yes - No - Flag as inappropriate

pissedintulsa - Feb 8, 2011

apparently the new rule that was told to me tonight was that for each GROCERY bag you have in the trunk is .50 extra. Even if you put all your bags in the trunk and take all the bags out! Never in all the time I have used this cab company has anyone EVER told me that. Also it's not listed in the cab at all apparently it's word of mouth ONLY. I wondered why before the cab driver never helped me either way, you'd figure they'd want this extra money that they could get. I can understand getting charged for suitcases but not little plastic bags. Also had a cab driver meter not work and bartered w me for the price. they give wrong info to the cab driver from dispatch, I was at a location and told them the address several times and that it was a family dollar, they sent my cab to another address.

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King County's "Green Cab" Experiment Goes South

As the eco- and labor-friendly taxi service crashes, a group of Ethiopian drivers may lose their shirts.

By Nina Shapiro *Wednesday, Apr 29 2009* Comments (7) A A A

A year ago, it seemed as if Green Cab Taxi had won the golden ticket--or, to be precise, the golden licenses. King County, which hadn't issued a new taxi license in 17 years, agreed to give away 50 of them to a fledgling, mostly Ethiopian-run company that had agreed to adopt new eco- and labor-friendly policies in a sometimes-abusive industry. Other competing cabbies were incensed at the way Green Cab won the coveted licenses and sued (see "Taxi-Jacked," *SW*, March 26, 2008). Yet now Green Cab stands on the verge of financial ruin.

"We have a month," estimates Habtamu Aboye, one of 23 individuals who joined together to form Green Cab. "After that, Green Cab is going to shut down."

The company has laid off its manager and abandoned its sprawling office space in Tukwila for a smaller locale in Kent, according to Aboye. The Tukwila landlord is suing Green Cab for breaking the lease.

Green Cab is also "way behind" on payments for the 45 pricey new Toyota Priuses it bought, according to an e-mail sent earlier this month to King County Executive Ron Sims by another

Green Cab owner, Abebe Adugna, who was seeking Sims' help for the struggling venture. Use of a hybrid-electric vehicle was required by the terms of the county contract.

Peter Mumford

Seven of these have been repossessed.

Craig Leisy, manager of the city of Seattle's Consumer Affairs Unit, which issues licenses and monitors insurance for all taxis, says his department called the county when it saw that insurance on some Green Cabs had lapsed and was told that seven of the cars had been repossessed by the bank. Aboye says the company is still negotiating with its lender (who, according to the car titles, is Cashmere Valley Bank of Wenatchee).

"We borrowed money from a bank for $1.6 million for the cars by giving 15 homes as guarantors," wrote Tigabie Tekeba, a former "community builder" for the Seattle Housing Authority who served as Green Cab's leader before falling ill last year, in a January 2008 e-mail to the county. The e-mail, describing the financial strain Green Cab was under even then, is part of federal court records. Tekeba's house was subsequently scheduled for a foreclosure auction, as was that of another Green Cab owner. Both homes still remain in their names, according to county records.

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Aboye attributes Green Cab's predicament largely to the lawsuits that delayed the company's start. The county first announced the award of licenses to Green Cab in September 2007. Green Cab promptly started gearing up. According to the January e-mail from Tekeba, the company began paying expenses that included car insurance at $258,000 a year, rent of $60,000 a year, and dispatch equipment at $90,000 a year—all in addition to the $1.6 million for the cars.

Yet the company didn't get its licenses until nearly a year later, in August 2008. First, a newly formed alliance of cabbies filed suit in King County Superior Court, resulting in a temporary injunction. The suit objected to the county's opaque process of awarding new licenses to Green

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Cab without holding any lottery or Request for Proposal, and many of the aggrieved parties suggested that campaign donations to Sims by Green Cab members had something to do with it. Sims, soon leaving for a job as deputy secretary of the federal Department of Housing and Urban Development, denied the charge.

Then the county backtracked and declared it would hold an RFP. It selected Green Cab all over again. A reconstituted group of cabbies sued the county once more in federal court, claiming that the process was still rigged and therefore unconstitutional. (A ruling in that case is expected soon, according to Barbara Duffy, a lawyer representing the plaintiffs.) But no injunction was made. Last summer, Green Cab was finally free to put its Priuses on the road.

By the time Green Cab started operating, it had a different problem: the economy. "There is no business," Aboye says.

Seattle's Leisy says that in recent months taxi trips have been down by as much as 30 percent compared to last year. Even so, he says, the number of people who want to drive taxis has been rising due to unemployment. The city once ran two classes a month for new drivers; it now runs three or four.

But Green Cab itself can't get drivers, according to Aboye. He notes that the company is obliged to operate differently than other cab companies. Most cabbies are self-employed. They either own a license or lease a taxi from someone who owns one. But the county, trying to ensure that drivers could earn a living wage and benefits without being subject to the whims of license owners, mandated that the new company be run according to a traditional employer-employee relationship. Green Cab would pay drivers regular salaries and allow them the opportunity to unionize.

But many drivers like the independence of working for themselves. And Green Cab can only afford to pay $8 or $9 an hour, Aboye says, whereas non-employee drivers in the region average $10.50 an hour (without benefits), according to a recent Seattle survey. Unable to recruit drivers under those conditions, Aboye says he and other Green Cab owners are driving the taxis themselves, rather than hiring others to take the wheel. Right now, only 18 Green Cabs are on the road, even though the county was prepared to issue 50 licenses.

1 | 2 | Next Page >>

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King County's "Green Cab" Experiment Goes South

As the eco- and labor-friendly taxi service crashes, a group of Ethiopian drivers may lose their shirts.

By Nina Shapiro *Wednesday, Apr 29 2009* Comments (7) A A A

...continued from page 1

"It's a complete mess," says Leonard Smith, director of organizing for Teamsters Local 117, which got Green Cab to sign an agreement in 2007 under which the company would not oppose Teamster efforts to organize its future drivers. He says he regularly meets with Green Cab leaders to monitor their progress, but that "we never got into contract negotiations. They've been barely able to operate."

Now Green Cab is hoping to change the rules. In his e-mail to Sims, Green Cab's Adugna asked the Executive to temporarily waive the employer-employee requirement, giving the company a chance to persuade potential drivers of the benefits of the new system. Otherwise, he wrote, "our business is going to fail." He also asked for the county's help in being allowed to pick up fares inside the Seattle city limits (right now they can only work outside it) and at Sea-Tac Airport, which is controlled by the Port of Seattle and where one taxi company, STITA, has the exclusive right to make pickups.

"Your office must take action now," he wrote.

Carolyn Ableman, director of the county's records and licensing division, turned down both requests in an April 21 reply on behalf of Sims. She noted that the county had also rejected Green Cab's prior request for the county to "directly transmit funds." She added that the county had repeatedly met with Green Cab members over the past eight months to help in other ways, such as suggesting grant possibilities and offering a list of Eastside senior centers and other places where the company might do business.

"We've done what we can," says Christine Lange, spokesperson for the county's Department of Executive Services. "At this moment, I don't know if there's anything more we can do."

nshapiro@seattleweekly.com

<< Previous Page | 1 | 2

Peter Mumford

Seven of these have been repossessed.

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WRITER'S DIRECT E-MAIL
jgray@watkinslawoffice.com

PH: 479.636.2168
FX: 479.636.6098

*ALSO LICENSED IN MISSOURI

December 2, 2011

Matt Powell,
Bradley Audrain.
Sara Diebold
Green Cab Company, Inc.
Underwood Plaza
609 W. Dickson Street, Suite 112
Fayetteville, AR 72701

Re: Taxi service

Dear Mr. Powell:

In September of 2010, Greg Jones attempted to purchase Dynasty Taxi Service from my client, Dynasty Taxi Service, Inc. Pursuant to the "Non-Circumvention, Non-Disclosure and Confidentiality Agreement" associated with the said transaction, Mr. Jones, his associates, agents, employees, affiliates, advisors, and representatives were barred for a period of two years from making any use of the confidential information obtained from my client, including "business concepts, business plans, and business strategies". As an employee/associate of Mr. Jones, you were covered by the said agreement.

It has come to my attention that you recently petitioned the City of Fayetteville for the authority to operate a taxi service. In light of the fact that your first foray into this business follows on the heels of the extensive review of my client's business records, strategies, plans, and concepts, your continued effort to start a taxi service will be considered a breach of the aforementioned agreement. This letter shall serve as notification that failure to cease such efforts will result in litigation.

Sincerely,

Watkins, Boyer, Gray,
Edwards & Noblin, PLLC

Bill Watkins

BW:

Mr. Greg Jones and Ms. Sara Diebold (*not positive on spelling) came by our Fayetteville taxi location one afternoon while I was working. I was under the impression that they were looking into buying the company and remembered Brice talking about how someone might stop by. Ms. Diebold (*sp) introduced herself and Mr. Jones. She asked who I was. I responded by telling her my name and explaining that I was the dispatcher on duty. She said Brice had sent them down and that he had told her to talk to either myself or Brad. They watched me take and dispatch a few calls. I also demonstrated how we took our time calls and explained how we hung them depending on day/time. We hadn't yet received our computer system, so I did not tell them anything about it. I explained about our regulars that have standing time calls and how those are done. They did ask about our carseats, and ask if our drivers are trained by the police on how to install them correctly. I showed them the rough draft to our handbook and the blue dispatch book. I told her our rates and that the only thing that has changed since I've worked here is the price per passenger and I wasn't sure if the pick-up fee or price per mile had been changed before or not. She wrote down our rates and took them with her. Ms. Diebold (*sp) took a manifest envelope, a manifest sheet, and a taxicab end of shift drop worksheet with her when she and Mr. Jones left that afternoon. We went over how the safe/drop-box system works. They asked my about payroll and how we did it...but I explained to them that other than figuring the hourly wages for dispatch I didn't know much about anything else and they would need to talk to someone in Springdale. We went over how I take complaints on drivers/dispatchers and the chain of command. Ms. Diebold (*sp) looked at our sheet of flatrates, the page of our on file credit cards and how they're organized, and the sheet that explains how we charge for Central Pharmacy, Senior Care Pharmacy, WRMC Case Managements, etc. All of which was in our dispatch book. I also explained about our dispatch log and its purpose(s). I told her who the other taxicab companies were and who I believed was our biggest competition and why. Mr. Jones asked how often our manager was in the office and on average how many hours I thought he put in a week. However, this was the only time our manager, Kenny Sill, was mentioned. I asked if they wanted to speak with Kenny and they informed me that it wasn't necessary at this time. Mr. Jones and Ms. Diebold (*sp) we're given a tour of the office. They we're shown the drivers' room and explained how they do their paperwork. At this point in time I am unable to recall anything else that was discussed between Mr. Jones, Ms. Diebold (*sp), and myself. If I remember anything else I will be sure to type up a second statement.

11-30-11

X Lindsey Crycter

Lindsey Crycter

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Boudreaux
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
December 6, 2011

A meeting of the Fayetteville City Council will be held on December 6, 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 – Paul Becker**

Agenda Additions:

A. Consent:

1. Approval of the November 15, 2011 City Council meeting minutes.

2. **Animal Services Division Donation:** A resolution approving a budget adjustment in the amount of $20,000.00 representing donation revenue to the Animal Services Division by the estate of Susannah A. Porter and expressing gratitude for the bequest.

3. **Premier Lighting Group:** A resolution to award a bid for 37 LED light fixtures and poles from Premier Lighting Group in the amount of $61,938.00.

4. **KME Renegade Pumper Fire Truck:** A resolution to approve a budget adjustment to reflect $28,550.00 for revenue received because of the sale of a 1997 KME Renegade Pumper Fire Truck.

5. **State and Federal Forfeiture Revenue:** A resolution approving a budget adjustment to recognize state and federal forfeiture revenue and to approve expenditures therefrom, in the amount of $372,107.00.

6. **Fayetteville Police Department Donation Revenue:** A resolution approving a budget adjustment in the amount of $235.00 to recognize donation revenue to the Fayetteville Police Department in support of general recognition and officer service awards.

7. **Mullins Branch Stream Restoration Task Order No. 3:** A resolution to approve Task Order No. 3, Mullins Branch Stream Restoration to the August 3, 2010 Memorandum of Understanding between the City and the Watershed Conservation Resource Center and to approve a Memorandum of Understanding between the City, University and Resource Center for the project which will cost the City $25,000.00.

8. **Richard L. Watson Settlement Agreement:** A resolution approving a settlement agreement with Richard L. Watson, concerning condemnation litigation filed as part of the Cato Springs Road Improvement Project, in the total amount of $9,000.00.

9. **FEMA Reimbursement:** A resolution to approve the attached budget adjustment to reimburse city divisions for expenditures caused by the spring flood and reimbursed by FEMA and/or the State of Arkansas.

10. **Springdale Water and Sewer Commission Easement:** A resolution to approve the sale of a permanent water/sewer easement of 0.383 acres and a temporary construction easement adjoining the permanent water/sewer easement along Highway 265 to the Springdale Water and Sewer Commission for $3,000.00.

B. Unfinished Business:

1. **2012 Annual Budget and Work Program:** A resolution adopting the 2012 Annual Budget and Work Program. ***This resolution was tabled at the November 15, 2011 City Council meeting to the December 6, 2011 City Council meeting.***

2. **ADM 11-3782 Cottage House Development:** An ordinance to enact §164.22 Cottage Housing Development into the Unified Development Code, to amend §162.01 to add (RR) Unit 44 Cottage Housing Development and to amend Chapter 161 Zoning District to authorize Cottage Housing Developments as a right in multi-family residential districts and as a conditional use in single family residential districts. ***This ordinance was left on the Second Reading at the November 15, 2011 City Council meeting.***

   Left on the Second Reading

C. Public Hearing:

1. **Green Cab Company:** A resolution to approve a certificate of Public Convenience and Necessity for the Green Cab Company to operate within the City of Fayetteville.

D. New Business:

1. **RZN 11-3960 (1730 N. Old Wire Road) Appeal:** An ordinance rezoning that property described in rezoning petition RZN 11-3960, for approximately 8.60 acres, located at 1730 North Old Wire Road from RSF-4, Residential Single-Family, 4 units per acre to NC, Neighborhood Conservation, subject to a Bill of Assurance.

2. **Midtown Alley:** A resolution to name the alley that runs from Dickson Street south toward Center Street between School Avenue and Locust Avenue for 911 purposes "Midtown Alley."

3. **Hilton Garden Inn Tree Preservation Area Modification:** A resolution to vacate about one-tenth of an acre of a tree preservation easement to be mitigated by the planting of 29 large species trees and developing the lot utilizing low impact development standards.

4. **Bellafont Gardens Tree Preservation Area Modification:** A resolution to approve a modification of the tree preservation area in the Bellafont Gardens development to shift about one-half acre of tree preservation area from Lot 1 to Lot 4.

5. **ADM 11-3994 (Forest Hills R-PZD Amendment No. 1):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2793 Forest Hills to revise the concept plan and zoning criteria for Planning Area Three, reducing the number of dwelling units from 354 units to 240 units.

6. **Repeal and Replace §34.27 Sale of Municipally Owned Real Property:** An ordinance to repeal §34.27 of the Code of Fayetteville and to enact a replacement §34.27 Sale of Municipally Owned Real Property of the Code of Fayetteville and to enact an emergency clause.

7. **Amend Chapter 92:** An ordinance amending Section 92.01 Definitions, repealing and replacing Section 92.20 Annual License and Tag, amending Section 92.24 Redemption of Animals, repealing Section 92.33 Animal Hobbyist Permit of Chapter 92: Animals of the Code of Fayetteville to remove animal licensing requirements and enact animal microchipping requirements, and providing for an effective date.

8. **Amend §50.40 Rates for Services:** An ordinance to amend §50.40 Rates for Services of the Fayetteville Code by enacting a new subsection (B)(6) to charge $.95 per month per multi-family unit for recycling services when offered.

9. **Northwest Arkansas Economic Development District:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Northwest Arkansas Economic Development District in the amount of $53,350.00 to provide public recreation services for the senior citizens of Fayetteville for 2012.

10. **Fayetteville Youth Center, Inc.:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Fayetteville Youth Center, Inc. in the amount of $205,350.00 to provide public recreation services for the youth and citizens of Fayetteville for 2012.

E. City Council Agenda Session Presentations:

Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

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

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

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

(c) Old business and new business.

(i) Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aides in a City Council meeting as part of their presentation.

(ii) Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

(d) Courtesy and respect. All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

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.

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

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

12/6/2011
City Council Meeting Date
Agenda Items Only

Justine Middleton	Community Services	Development Services
Submitted By	**Division**	**Department**

Action Required:

Recognize donation revenue to Animal Services from the estate of Mrs. Susannah A. Porter in the amount of $20,000.

	$ -	
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** [x]

Department Director — Date: 11.15.2011

City Attorney — Date: 11-16-11

Finance and Internal Services Director — Date: 11-16-2011

Chief of Staff — Date: 11-16-11

Mayor — Date: 11/17/11

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office 11-15-11 P05:38 RCVD

Received in Mayor's Office ENTERED 11/16/11

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

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: November 15, 2011

Subject: Approval of a Budget Adjustment for Animal Services Division

PROPOSAL:

The Fayetteville Animal Shelter was made a beneficiary of the James L. and Susannah A. Porter Trust. Mrs. Susannah Porter passed away in August of this year. She was an avid animal lover and constant supporter of the Fayetteville Animal Shelter. She loved her Yorkshire Terriers, Burgundy, Chardonnay, Gardenia Adair and Scarlett O'Hara. The Shelter is extremely grateful for her support and this donation.

RECOMMENDATION:

Staff recommends approval of a budget adjustment to budget the Animal Services Donation Revenue to recognize the gift from Mrs. Susannah Porter .

BUDGET IMPACT:

Recognize Animal Shelter Donations in the amount of $20,000.00

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $20,000.00 REPRESENTING DONATION REVENUE TO THE ANIMAL SERVICES DIVISION BY THE ESTATE OF SUSANNAH A. PORTER AND EXPRESSING GRATITUDE FOR THE BEQUEST

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 $20,000.00 representing donation revenue to the Animal Services Division by the estate of Susannah A. Porter.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby expresses its sincere gratitude for this bequest.

PASSED and **APPROVED** this 6th day of December, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Division: Animal Services Department: Development Services	Request Date	Adjustment Number
2011		11/15/2011	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Recognizing donation revenue to the Fayetteville Animal Shelter from the estate of Mrs. Susannah Porter.

Division Head	11/15/11 Date	Prepared By:	Justine Middleton
		Reference:	jmiddleton
Budget Director	Date	Budget & Research Use Only	
Department Director	11.15.2011 Date	Type: A B C D E P	
Finance Director	11-15-2011 Date	General Ledger Date	
Chief of Staff	Date	Posted to General Ledger	Initial / Date
Mayor	11/23/11 Date	Checked / Verified	Initial / Date

TOTAL BUDGET ADJUSTMENT 20,000 20,000

Account Name	Account Number	Increase / (Decrease) Expense	Increase / (Decrease) Revenue	Project.Sub Number
Donations-Animal Shelter	1010.0001.4808.00		20,000	.
Building & grounds maint	1010.2740.5400.00	20,000		03048 . 1

EXHIBIT
A

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

12/6/2011
City Council Meeting Date
Agenda Items Only

Terry Gulley		Transportation
Submitted By	**Division**	**Department**

Action Required:

The City is set to purchase 37 LED lights and poles at a cost of $61,938 from Premier Lighting using Resolution 104-10 (Bid#10-40) funded out of CIP Trail Development. The lights will be installed on the newly constructed section of the U of A Farm Trail. There will be a transfer of funds to help cover costs and complete the $724,900 Energy Efficiency and Conservation Block Grant program from the American Recovery and Reinvestment Act. The total transfer amount is unknown at this time while other projects are completed.

$ 61,938.00	$ 1,280,727 ~~2,100,000.00~~	CIP / Trails Development
Cost of this request	Category / Project Budget	Program Category / Project Name
4470.9470.5814.05	$ 577,034.22 ~~1,942,775.18~~	Trails
Account Number	Funds Used to Date	Program / Project Category Name
02016.0001	$ 703,692.78 ~~157,224.82~~	Trails
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Department Director — 11-18-11 Date

City Attorney — Nov 21, 2011 Date

Finance and Internal Services Director — 11/21/11 Date

Chief of Staff — 11/21/11 Date

Mayor — 11/23/11 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office 11-18-11 P03:16 Kim G.

Received in Mayor's Office ENTERED 11/21/11

Comments:

Fayetteville
ARKANSAS

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8272

CORRESPONDENCE

TO:	Mayor Jordan and City Council
FROM:	John Coleman, Sustainability & Strategic Planning Director JC
Thru:	Don Marr, Chief of Staff
	Terry Gulley, Transportation Director
DATE:	November 17, 2011
SUBJECT:	U of A Farm Trail – LED Lights

Description

Using funds from the CIP -Trail Development Fund, the City is set to purchase 37 LED lights and poles at a cost of $61,938 from Premier Lighting using Resolution 104-10 (Bid#10-40). The lights will be installed on the newly constructed section of the U of A Farm Trail.

There will be a transfer of funds from the Energy Efficiency and Conservation Block Grant as part of the American Recovery and Reinvestment Act (ARRA). At this time it is anticipated to be approximately $27,000, but the exact amount is unknown due to other ongoing projects. This expenditure will complete the City of Fayetteville's $724,900 Energy Efficiency and Conservation Block Grant program. Projects from the grant included the following:

- Energy Retrofit of Police Department, Water & Sewer Operations, Fire Stations #1, #4 and #6
- 160 LED lights along trails and sidewalks
- Greenhouse Gas Emissions Inventory for municipal operations
- 6.8 kilowatt solar photovoltaic system on District Court Building
- Community Revolving Loan Fund retrofitting three non-profit facilities in Fayetteville

The City also received over $27,000 in energy rebates from the Arkansas Energy Office and Southwestern Electric Power Company as a result of the energy projects from this grant.

RESOLUTION NO. _____

A RESOLUTION TO AWARD A BID FOR 37 LED LIGHT FIXTURES AND POLES FROM PREMIER LIGHTING GROUP IN THE AMOUNT OF $61,938.00

WHEREAS, Premier Lighting Group was the low bidder in Bid #10-40 for Trail Lighting Equipment and has already supplied 33 LED light fixtures and poles which have been installed on the Scull Creek Trail pursuant to such bid; and

WHEREAS, the new U of A Farm Trail, which will connect to the Scull Creek Trail from the underpass at Mount Comfort and I-540, needs 37 LED light fixtures and poles; and

WHEREAS, the City needs to expend the remainder of the energy conversation funds it received from the American Recovery at Reinvestment Act which will help pay for this project.

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 and awards the bid from Premier Lighting Group pursuant to Bid #10-40 to purchase an additional thirty-seven (37) LED light fixtures and poles for the University of Arkansas Farm Trail in the amount of $61,938.00.

PASSED and **APPROVED** this 6th day of December, 2011.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

Date: Nov 3, 2011 Quote: PLGSPR11-3572-4

PREMIER LIGHTING GROUP

Quote Breakout

Premier Lighting Group
8040 B Counts Massie RD
North Little Rock AR 72113
Phone: (501) 753-6599
Quoter: Justin Long [(501) 753-6599x216]

Project CITY OF FAYETTEVILLE - ADDITIONAL TRAIL
Location
Quote PLGSPR11-3572-4

To:
CITY OF FAYETTEVILLE
113 WEST MOUNTAIN
FAYETTEVILLE AR 72701

For
Bid Date Nov 3, 2011
Expires Dec 3, 2011

ALLIANCE COMPOSITES, INC.

QTY	Type	MFG	Part	Price	UQ	ExtPrice
37		ACI	DS15ASDS-JXB	$388.00		$14,356.00

Total **$14,356.00**
Freight Allowance Plus Freight
Min Billing

Terms: see last page for terms and conditions of sale

Date: Nov 3, 2011 Quote: PLGSPR11-3572-4

PREMIER LIGHTING GROUP

Quote Breakout

Premier Lighting Group
8040 B Counts Massie RD
North Little Rock AR 72113
Phone: (501) 753-6599
Quoter: Justin Long [(501) 753-6599x216]

Project CITY OF FAYETTEVILLE - ADDITIONAL TRAIL
Location
Quote PLGSPR11-3572-4

To:
CITY OF FAYETTEVILLE
113 WEST MOUNTAIN
FAYETTEVILLE AR 72701

For
Bid Date Nov 3, 2011
Expires Dec 3, 2011

AMERLUX EXTERIOR

QTY	Type	MFG	Part	Price	UQ	ExtPrice
37		AMERLUX	PT40/D142-RFS22/LED-HS-BX4-5.0K-6.5L-100W/BLK/ FAYETTEVILLE	$1,286.00		$47,582.00

Total	**$47,582.00**
Freight Allowance	$2,000.00
Min Billing	

Terms: see last page for terms and conditions of sale

Date: Nov 3, 2011 Quote: PLGSPR11-3572

PREMIER LIGHTING GROUP

Breakout Summary

Premier Lighting Group
8040 B Counts Massie RD
North Little Rock AR 72113
Phone: (501) 753-6599
Quoter: Justin Long

Project CITY OF FAYETTEVILLE - ADDITIONAL TRAIL
Location
Quote PLGSPR11-3572-4

To:
CITY OF FAYETTEVILLE
113 WEST MOUNTAIN
FAYETTEVILLE AR 72701

For
Bid Date Nov 3, 2011
Expires Dec 3, 2011

Manufacturer	Amount	FreightAllowance	Min Billing
ALLIANCE COMPOSITES, I	$14,356.00	Plus Freight	
AMERLUX EXTERIOR	$47,582.00	$2,000.00	
Total	**$61,938.00**		

Notes:
TAX NOT INCLUDED

Terms and conditions of sale:
PLEASE INCLUDE QUOTE # WITH ALL REMITTANCE.

RESOLUTION NO. 104-10

A RESOLUTION AWARDING BID #10-40 AND APPROVING THE PURCHASE OF THIRTY-THREE (33) LED LIGHT FIXTURES AND POLES IN THE AMOUNT OF $60,351.89 FROM DYNAMIC LIGHTING SOLUTIONS FOR INSTALLATION ON SCULL CREEK TRAIL BETWEEN NORTH STREET AND MAPLE AVENUE

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #10-40 and approves the purchase of thirty-three (33) LED light fixtures and poles in the amount of $60,351.89 from Dynamic Lighting Solutions for installation on Scull Creek Trail between North Street and Maple Avenue.

PASSED and **APPROVED** this 15th day of June, 2010.

APPROVED: ATTEST:

By: _____ By: _____
LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

CITY CLERK/TREASURER CITY OF FAYETTEVILLE ARKANSAS WASHINGTON COUNTY

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

6/15/2010
City Council Meeting Date
Agenda Items Only

John Coleman		Sustainability
Submitted By	**Division**	**Department**

Action Required:

Approve purchase of 33 LED light fixtures and poles from Dynamic Lighting Solutions on Scull Creek Trail to be installed on the section from North Street to Maple Avenue

$46,363.52 (lights) $13,988.37 (poles)	$150,000 (lights) $ 1,248,847.00	Energy Block Grant Trails
Cost of this request	Category / Project Budget	Program Category / Project Name
2240.9240.5315.00 (lights) 4520.9550.5814.05 (poles)	$18,483.27 (lights) $ 130,894.00	Energy Block Grant Trails
Account Number	Funds Used to Date	Program / Project Category Name
09011.0030 (lights) 06036.1004 (poles)	$131,516.73 (lights) $ 1,117,953.00	Energy Block Grant Trails
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Department Director — Date: 6/3/10

City Attorney — Date: 6-3-10

Finance and Internal Services Director — Date: 6-3-2010

Chief of Staff — Date: 6-3-10

Mayor — Date: 6/4/10

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office — ENTERED 6-3-10

Received in Mayor's Office — ENTERED 6/3/10

Comments:

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

P-Cards shall be used when possible. If a vendor does not accept P-Card, please note at the bottom (Call x256 with questions)

All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

Requisition No.:

Date:

P.O Number:

Expected Delivery Date:

Vendor #: NEW

Vendor Name: DYNAMIC LIGHTING SOLUTIONS

Mail Yes:__ No:____

SCULL CREEK LIGHTS

Address: 5220 SHANK ROAD

Fob Point:

Taxable Yes: x No:____

Quotes Attached Yes:____ No:____

City: PEARLAND

State: TX

Zip Code: 77581

Ship to code: 217

Divison Head Approval:

Requester: JOHN COLEMAN

Requester's Employee #: 2974

Extension: 272

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	LIGHTS FOR SCULL CREEK TRAIL	33	each	1,286.00	$42,438.00	2240.9240.5315.00	09011.0030		
2									
3					$0.00				
4					$0.00				
5					$0.00				
6					$0.00				
7					$0.00				
8					$0.00				
9					$0.00				
10					$0.00				
*	Shipping/Handling		Lot		$0.00				

Special Instructions:

Per Bid 10-40, Trail Lighting Equipment Re-Bid - LIGHTS only - Poles on separate PO

Subtotal: $42,438.00

Tax: $3,925.52

Total: $46,363.52

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

Chief Of Staff: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

P-Cards shall be used when possible. If a vendor does not accept P-Card, please note at the bottom (Call x256 with questions)

All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

Requisition No.:

Date:

P.O Number:

Expected Delivery Date:

Vendor #: NEW

Vendor Name: DYNAMIC LIGHTING SOLUTIONS

Mail Yes:__ No:____

SCULL CREEK POLES

Address: 5220 SHANK ROAD

Fob Point:

Taxable Yes: x No:____

Quotes Attached Yes:____ No:____

City: PEARLAND

State: TX

Zip Code: 77581

Ship to code: 217

Divison Head Approval:

Requester: JOHN COLEMAN

Requester's Employee #: 2974

Extension: 272

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	POLES FOR SCULL CREEK TRAIL LIGHTS	33	each	388.00	$12,804.00	4520.9550.5814.05	06036.1004		
2									
3					$0.00				
4					$0.00				
5					$0.00				
6					$0.00				
7					$0.00				
8					$0.00				
9					$0.00				
10					$0.00				
*	Shipping/Handling		Lot		$0.00				

Special Instructions:

Per Bid 10-40, Trail Lighting Equipment Re-Bid - POLES only - LIGHTS on separate PO

Subtotal: $12,804.00

Tax: $1,184.37

Total: $13,988.37

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

Chief Of Staff: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____

Fayetteville
ARKANSAS

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8272

CORRESPONDENCE

TO:	Mayor Jordan and City Council
FROM:	John Coleman, Sustainability Director JC
Thru:	Don Marr, Chief of Staff
DATE:	May 28, 2010
SUBJECT:	LEDs on Scull Creek

Description

Using funds from the Energy Efficiency and Conservation Block Grant as part of the American Recovery and Reinvestment Act (ARRA), the City is set to purchase 33 LED lights at a cost of $42,438 from Dynamic Lighting. Existing trail funds will cover the $12,804 cost for the 33 poles. The lights will be installed on the section of Scull Creek Trail that extends from Maple Avenue to North Street.

Fayetteville
ARKANSAS

City of Fayetteville, Arkansas
Purchasing Division – Room 306
113 W. Mountain
Fayetteville, AR 72701
Phone: 479.575.8220
TDD (Telecommunication Device for the Deaf): 479.521.1316

INVITATION TO BID

INVITATION TO BID: BID 10-40, Trail Lighting Equipment Re-Bid
DEADLINE: Friday, May 21, 2010 at 2:00 PM, Central Standard Time
DELIVERY LOCATION: Room 306 – 113 W. Mountain, Fayetteville, AR 72701
PURCHASING AGENT: Andrea Foren, CPPB, aforen@ci.fayetteville.ar.us, 479.575.8220
DATE OF ISSUE AND ADVERTISEMENT: Wednesday, May 5, 2010

INVITATION TO BID
BID 10-40, Trail Lighting Equipment Re-Bid

No late bids will be accepted. All bids shall be submitted in sealed envelopes labeled "Bid 10-40, Trail Lighting Equipment Re-Bid" with the name and address of the bidder.

All bids shall be submitted in accordance with the attached City of Fayetteville specifications and bid documents attached hereto. Each bidder is required to fill in every blank and shall supply all information requested; failure to do so may be used as basis of rejection. Any bid, proposal, or statements of qualification will be rejected that violates or conflicts with state, local, or federal laws, ordinances, or policies.

The undersigned hereby offers to furnish & deliver the articles or services as specified, at the prices & terms stated herein, and in strict accordance with the specifications and general conditions of bidding, all of which are made a part of this offer. This offer is not subject to withdrawal unless upon mutual written agreement by the Proposer/Bidder and City Purchasing Manager.

Name of Firm: DYNAMIC LIGHTING SOLUTIONS

Contact Person: HAROLD BELOTE Title: VP Premier Lighting Group

E-Mail: harold@premier-ltg.com Phone: 479-466-4967

Business Address: 5220 SHANK ROAD

City: PEARLAND State: TX Zip: 77581

Signature: [signature] Date: 5/21/10

City of Fayetteville
Bid 10-40, Trail Lighting Equipment Re-Bid
Bid Proposal Form (shall be submitted with bid)

*GUARANTEED DELIVERY DATE: 6 Weeks ARO

F.O.B. 1455 South Happy Hollow Road, Fayetteville, AR 72701

ITEM:	DESCRIPTION:	QUANTITY:	*PRICE EACH:	*TOTAL PRICE
1.	Lighting Fixture (Arm, fixture, and LED)	33	$ 1286.00	$ 42,438.00

Please Specify for Unit(s) Bid:

*MANUFACTURER: Dynamic MODEL: PT40/D142-RFS22/PA/LED/BLK

NOTE: ALL VENDORS BIDDING ON LINE ITEM 1 SHALL COMPLETE AND PROVIDIE PRICING FOR LINE ITEM D1 (DEDUCTIVE ALTERNATE) AS LISTED BELOW. LINE ITEM D1 IS THE PRICE TO **REMOVE OR SUBTRACT** FROM LINE ITEM 1 TO REMOVE ALL ELECTRICAL COMPONENTS OF THE FIXTURE.

2.	Fiberglass Pole	33	$ 388.00	$ 12,804.00

Please Specify for Unit(s) Bid:

*MANUFACTURER: Alliance Composites MODEL: DS15ASDS-JXB

TOTAL BID PRICE: $ 55,242.00

DEDUCTIVE ALTERNATE #1:

D1 – Price to REMOVE from Line Item 1 if the City decided to ONLY purchase the fixture and arm with NO LED or electrical components. This would be the price for the arm and shell/empty fixture. LINE ITEM D1 IS THE PRICE TO **REMOVE OR SUBTRACT** FROM LINE ITEM 1 TO REMOVE ALL ELECTRICAL COMPONENTS OF THE FIXTURE.

ITEM:	DESCRIPTION:	QTY:	*PRICE EACH:	*TOTAL PRICE TO REMOVE FROM LINE ITEM 1
D1.	AMOUNT TO **SUBTRACT** FROM LINE ITEM 1	33	$ 736.00	$ 24,288.00

This bid form continues on the next page...

EXECUTION OF BID -
Bidders are requested to indicate by check mark or "Yes/No" on each line of the Technical Specifications the compliance of the item bid. Actual specification of any deficient item must be noted on the bid sheet or separate attachment. If specifications of item bid differ from provided literature, deviation must be documented and certified by the manufacturer as a regular production option.

Upon signing this Bid, the bidder certifies that:

1. He/she has read and agrees to the requirements set forth in this proposal, including specifications, terms, standard conditions, and any pertinent information regarding the articles being bid on.
2. Unless otherwise noted and explained, the unit bid and listed meets or exceeds all of these requirements as specified by The City of Fayetteville.
3. The Bidder can and will comply with all specifications and requirements for delivery, documentation and support as specified herein.

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

*NAME OF FIRM: DYNAMIC LIGHTING SOLUTIONS
Purchase Order and /Payments shall be issued to this name

*BUSINESS ADDRESS: 5220 SHANK ROAD

*CITY: PEARLAND *STATE: TX *ZIP: 77581

*PHONE: 479-466-4967 FAX:

*E-MAIL: harold@premier-lg.com

*BY: (PRINTED NAME) HAROLD BELOTE

*AUTHORIZED SIGNATURE: Harold Belote

*TITLE: VICE PRESIDENT PREMIER LIGHTING GROUP Agent for DYNAMIC Lighting Solutions

City of Fayetteville
Bid 10-40, Trail Lighting Equipment Re-Bid
Statement of Disclosure – To Be Submitted With ALL Bids

This page does not count towards page limitations set forth in this request for proposal or bid.

Proposer must disclose any possible conflict of interest with the City of Fayetteville, including, but not limited to, any relationship with any City of Fayetteville employee. Your response must disclose if a known relationship exists between any principal or employee of your firm and any City of Fayetteville employee or elected City of Fayetteville official.

If, to your knowledge, no relationship exists, this should also be stated in your response. Failure to disclose such a relationship may result in cancellation of a purchase and/or contract as a result of your response. This form must be completed and returned in order for your bid/proposal to be eligible for consideration.

PLEASE CHECK ONE OF THE FOLLOWING TWO OPTIONS, AS IT APPROPRIATELY APPLIES TO YOUR FIRM:

__X__ 1.) NO KNOWN RELATIONSHIP EXISTS

_____ 2.) RELATIONSHIP EXISTS (Please explain)

_____

_____

_____

PLEASE FILL OUT THE SECTION BELOW AND SUBMIT THIS FORM WITH YOUR BID OR PROPOSAL:

1.) I, as an officer of this organization, or per the attached letter of authorization, am duly authorized to certify the information provided herein are accurate and true; and

2.) My organization shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment.

HAROLD BELOTE
Printed Name

Vice President
Signature

5/21/10
Date

City of Fayetteville
Bid 10-40, Trail Lighting Equipment Re-Bid
Terms and Conditions

1. All interested parties shall return the form titled "Statement of Disclosure" with bid or proposal documents.

2. All bids shall be submitted in a sealed envelope and must be submitted on forms acquired by the vendor from the City of Fayetteville Purchasing website (www.accessfayetteville.org). Bids with missing pages or missing any requested attachment are subject to being deemed incomplete.

3. The item bid and the bid number shall be stated on the face of the sealed bid envelope.

4. Bids received after the date and time set for receiving bids will not be considered.

5. The City reserves the right to accept or reject any or all bids, waive formalities in the bidding and make a bid award deemed to be in the best interest of the City.

6. Bidder is presumed to be familiar with all federal, state, and city laws, ordinances, and regulations which in any manner affect those engaged or employed in the Work, or the materials or equipment used, or that in any way affect the Work and shall in all respects comply with said laws, ordinances, and regulations. No claim of misunderstanding or ignorance on the part of Bidder or Proposer will in any way serve to modify the provisions of the contract. No representations shall be binding unless embodied in the contract.

7. The quantities listed are based on the needs of the City and availability of funds at the time bids are posted. The City shall be able to purchase more or less than the quantity indicated subject to availability of funds or change in needs.

8. The bid price shall remain good and firm until project is completed. Payment to the vendor by the City will be made within 30 days following delivery and acceptance in accordance with these specifications and the City's Purchase Order to the vendor. Faster payment is offered through acceptance of Visa.

9. All products delivered shall comply with applicable standards of quality.

10. Any exceptions to the specification requirements of the City of Fayetteville must be noted on the Bid Form.

11. Prices shall include all labor, materials, overhead, profit, insurance, shipping, freight, etc., to cover the furnishing of the items bid. ***Sales tax is not to be included in the bid price.*** Applicable Arkansas sales tax laws will apply to this bid, but will not be considered in award of the bid.

12. Each bidder shall state on the face of the bid form the anticipated number of days from the date of receipt of an order for delivery of equipment and installation to the City of Fayetteville. Failure to deliver on or before the time specified in the contract may subject the contractor to

payment of damages or other appropriate sanctions.

13. Copy of the warranty shall accompany the bid, and any exceptions to the warranty shall be clearly noted on the bid form. Written warranties shall specify the greater of the manufacturer's standard warranty or the minimum warranty specified herein by the City.

14. Bidders must provide the City with their bids signed by an employee having legal authority to submit bids on behalf of the bidder. The entire cost of preparing and providing responses shall be borne by the bidder.

15. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.

16. The request for bid is not to be construed as an offer, a contract, or a commitment of any kind; nor does it commit the city to pay for any costs incurred by bidder in preparation of bid.

17. If products and/or components other than those described in this bid document are proposed, the bidder must include complete descriptive literature and technical specifications. All requests for additional information must be received within five working days following the request. Each apparent low bid will be reviewed line by line to ensure compliance with specifications prior to recommendation for award.

18. Bids must be received by mail or hand delivery in the ***Purchasing Office, Room 306, 113 W. Mountain St. Fayetteville, AR 72701***, on or before the time of closing listed on the face of the bid. **No bids shall be accepted via e-mail or fax.**

19. The City will not be responsible for misdirected bids. Vendor should call the Purchasing Office at (479) 575-8220 to insure receipt of their bid documents prior to opening time and date listed on the bid form.

20. Items bid must be delivered FOB City of Fayetteville Transportation Division, 1455 S. Happy Hollow Road, Fayetteville, AR 72701. Units must be fully assembled, serviced, and ready for operation as delivered unless otherwise specified. No dealer/distributor logo or other identification will be installed other than standard manufacturer name badges and specification plates.

21. Any discrepancy between the specifications and plans should be brought to attention immediately, in writing, to Andrea Foren at aforen@ci.fayetteville.ar.us .

22. Any reference to a particular brand or manufacturer is done in an effort to establish an acceptable level of quality for this project. Brands or manufacturers that are included in bid that are of at least equal quality, size, design, and specification as to what has been specified, will be acceptable for consideration only if approved by the City of Fayetteville Purchasing Division. The City of Fayetteville reserves the right to accept or reject any requested equal.

23. Price bid shall include warranty, including but not limited to parts and labor, at no additional cost to the City of Fayetteville, as specified herein.

24. **NOTE: Any uncertainties shall be brought to the attention to Andrea Foren immediately**

via telephone (479.575.8220) or e-mail (aforen@ci.fayetteville.ar.us). It is the intent and goal of the City of Fayetteville Purchasing Division to provide bid packets that provide a clear and accurate understanding of the scope of work to be completed and/or goods to be provided. We encourage all interested parties to ask questions to enable all bidders to be on equal bidding terms & documents.

25. "Pursuant to Arkansas Code Annotated §22-9-203 The City of Fayetteville encourages all *qualified* small, minority and women business enterprises to bid on and receive contracts for goods, services, and construction. Also, City of Fayetteville encourages all general contractors to subcontract portions of their contract to *qualified* small, minority and women business enterprises."

26. The City of Fayetteville shall take ownership of product when products bid arrive undamaged at the specified shipping location.

27. **ANY EXCEPTION TAKEN TO THESE SPECIFICATIONS AND BID DOCUMENTS SHALL BE NOTED ON THESE DOCUMENTS. BIDDERS SHALL NOTE THE DIFFERENCE NEXT TO THE RELATED SPECIFICATION. THE CITY RESERVES THE RIGHT TO ACCEPT OR REJECT EXCEPTIONS TO SPECIFICATIONS.**

28. A diagram is included with these bid documents (Attachment A).

29. **All prices SHALL include the following:**

    a. **Shipping a fixture with LED to the City of Fayetteville at no additional cost.**
    b. **Paying for shipping cost associated with returning the fixture with LED to the successful bidder.**
    c. **All costs for shipping the tested products shall be the responsibility of the bidder.**
    d. **All products that are sent for testing SHALL be the exact same as the items bid.**

30. **All units shall arrive at the City of Fayetteville with the fixture and LED completely assembled. Bidders will be allowed to shop the arm and pole in separate packaging from the fixture.**

31. A certified LM 79 report with Photometric/IES file shall be provided within thirty (30) days after **Notice of Intent of Award**. LM 79 certification shall be received by the City of Fayetteville prior to formal **Notice of Award**. LM 79 re The City reserves the right to cancel award based on vendor's lack of ability to provide adequate testing documentation. All testing documentation shall be provided to the City by a credible independent third party testing agency or laboratory. All testing documentation shall be provided in English.

32. The City of Fayetteville reserves the right to reject or delay an award based on current or unresolved issues on existing equipment from the same manufacturer bid.

City of Fayetteville
Bid 10-40, Trail Lighting Equipment Re-Bid
Technical Specifications:

Project Description:

- **Provide 32 (thirty-two) D142 Series Dynamic Lighting, Inc. Luminaire fixture -- Model #PT40 / D142-RFS22 / LED-GENII/ BLK / HR3-GL; Dynamic Lighting, Inc. (800) 364-0098 -- mounted on 12' (above ground) Composite Materials Technology (CMT) poles, delivered (freight allowed) to Fayetteville, Arkansas.** Complete LED luminaire, pole, and fixture shall be provided.

Deductive Alternate:

- **Provide 32 (thirty-two) D142 Series Dynamic Lighting, Inc. Luminaire fixture -- Model #PT40 / D142-RFS22 / NO BALLAST / BLK / HR3-GL; Dynamic Lighting, Inc. (800) 364-0098. Fixture Shell only, ready for LED insert by others, delivered (freight allowed) to Fayetteville, Arkansas. THIS SHALL BE THE PRICE TO REMOVE ALL ELECTRICAL COMPONENTS FROM ITEM 1 TO ALLOW THE CITY TO INSTALL LED INSERT BY OTHERS.**

Specifications:

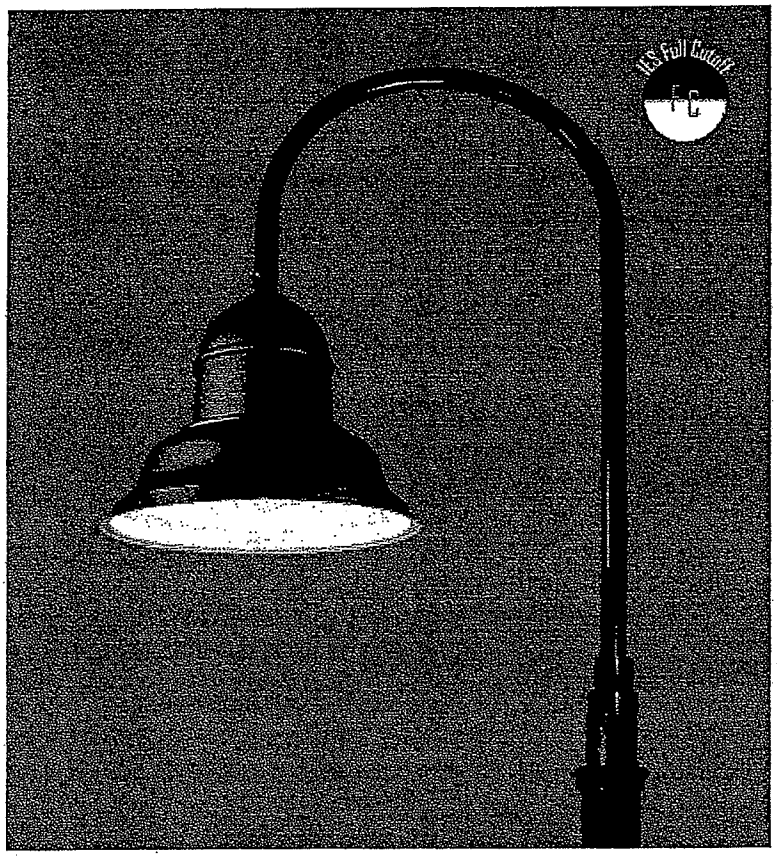
- Luminaire (32) – D142 Series Dynamic Lighting, Inc. (Or approved equal) Model #PT40 / D142-RFS22 / LED-GENI / BLK / HR3-GL, Type III, Full Cutoff. Polycarbonate lens with foam seal at the hinge (unless the LED fixture has its own sealed lens).
- Pole (32) – Direct Bury 12' Composite Materials Technology (CMT) Legacy fiberglass pole black with decorative base as shown below (or approved equal) Model #LFY12-T-3-T400X4.5-S with 4" O.D. tenon. Lifetime warranty on fiber-blooming and (3) year warranty on defects Composite Materials Technology, in care of "Illuminetrics" (918) 640-0784.
- LED luminaire
- Power Factor of > .90
- Thermal losses should be less than 10% when operated at a steady state at an average ambient operating temperature of 25°C (77°F), and optical losses should be less than 15%. A thermal management system shall be included.
- Luminaire Efficacy > 40 lm/W - A certified LM 79 report with Photometric/IES file shall be provided within thirty (30) days after **Notice of Intent of Award**. LM 79 report shall be received by the City of Fayetteville prior to formal **Notice of Award**.
- Total input wattage shall be 90 watts or less.
- Minimum .25 ft candle at 3 pole lengths or 37.5 feet from pole.
- Kelvin Temperature to resemble the look of a metal halide
- CRI >70
- 3- Year full warranty on manufacturer defects and 5-Year Limited Warranty covering LEDs, power supply and combined performance of the two – warranty documentation required for file.
- All LED and power supply components shall be rated for 100,000 hours.
- Average delivered lumens over 50,000 hours should be minimum of 70% of initial delivered lumens. Lumen maintenance must be approved through one of two LM80 validation methods.

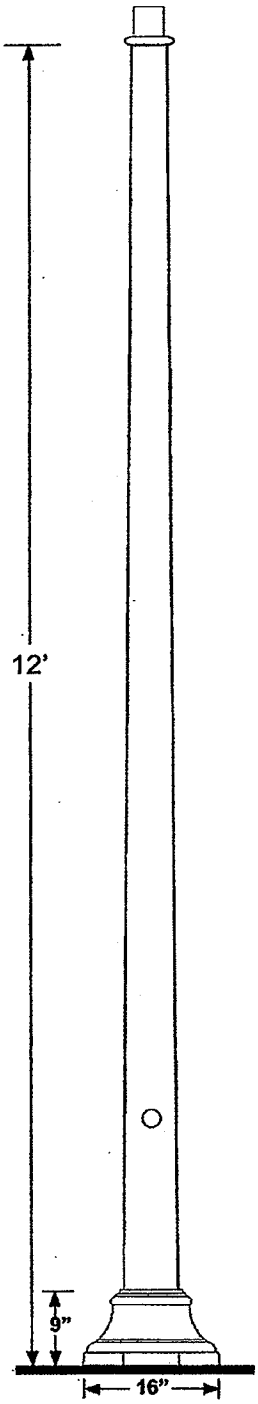
- Ingress Protection (Dust and Water Intrusion) – IP > 65 for fixture and luminaire. Fixture shall not have any openings where insects can enter. A flat glass lens shall be included with the fixture.
- LED specification sheet required.

American Recovery and Reinvestment Act (ARRA) Provisions:

- Buy American Clause – Section 1605 of the Recovery Act requires that all iron, steel, and manufactured goods used in the project must be produced within the United States except as provided in the following:
    - The cost of the domestic iron, steel, and/or manufactured goods would be unreasonable. The cost of domestic iron, steel, or manufactured goods used in the project is unreasonable when the cumulative cost of such material will increase the cost of the overall project by more than 25 percent;
    - The iron, steel, and/or manufactured good is not produced, or manufactured in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or
    - The application of the restriction of section 1605 of the Recovery Act would be inconsistent with the public interest.
- If all received quotes do not meet the Section 1605 of the Recovery Act the City of Fayetteville is required to receive independent verification from the Federal Government to move forward.

City of Fayetteville
Bid 10-40, Trail Lighting Equipment Re-Bid
Additional Information



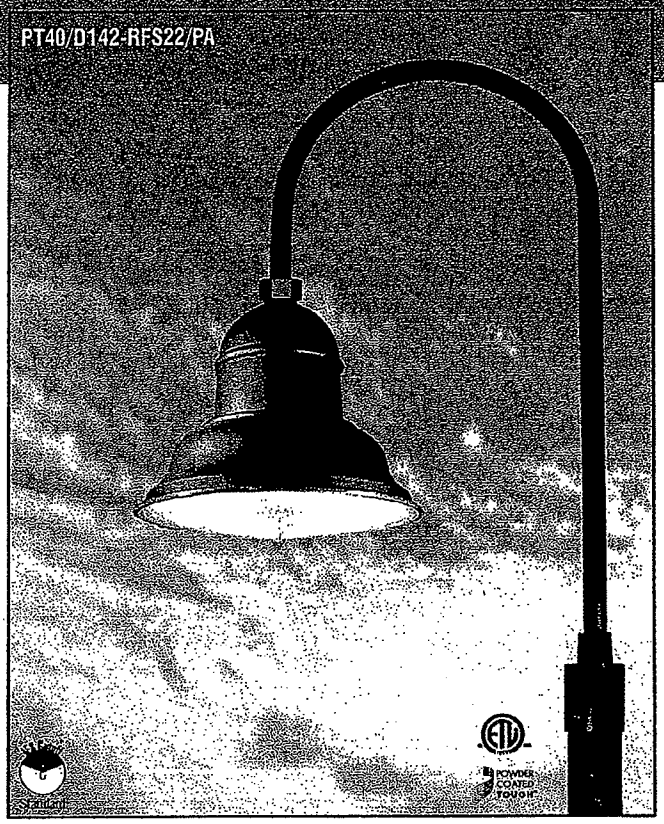


dynamic
LIGHTING SOLUTIONS

D142 Series

800.364.0098 • Fax: 281.997.5441 • www.dynamiclighting.com

PT40/D142-RFS22/PA



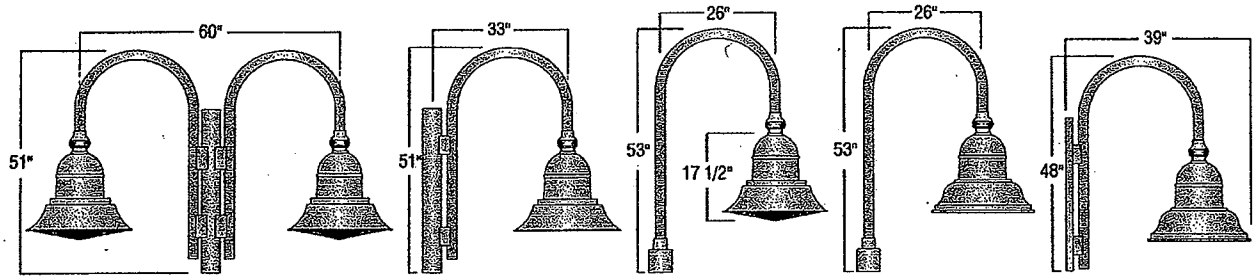
Description
The contemporary styled **D142 Series** combines a cast aluminum housing, a spun aluminum shade and an acrylic lens to create an efficient luminaire with Type V light distribution.

Installation
The luminaire will mount to a 4" OD post or tenon with 5/16" black oxide coated stainless steel square head set screws to ensure a solid connection. The diffuser will be held to the fitter by (4) 5/16 black oxide coated stainless steel captive square head set screws.

Electrical
- High power factor ballast (HPF), core and coil type, pre-wired and tested
- Easy ballast pod access
- 4KV porcelain socket
- Suitable for wet location

Lens Choices
- Flat acrylic
- Flat tempered glass
- Prismatic conical (standard)
- Specify Type III or Type V light distribution

Finish
Premium quality thermoset polyester powdercoat (see Finish Selection)



PT42/D142-FS22 | PT41/D142-FS22 | PT40/D142-FS22 | PT40/D142-RFS22 | W8R41/D142-RFS22

Ordering Guide

Bracket	Luminaire	Light Distribution	Light Source	Voltage	Finish	Option
PT40 /	D142-RFS22 /	T5 /	100HPS -	120v /	BLK /	PCL
		T3	100MH,150MH	206v	CLB,GRN	HSS
			175MH,250MH	240v	WHT,TBK	
			150HPS,250HPS	277v	ATC,GTG	

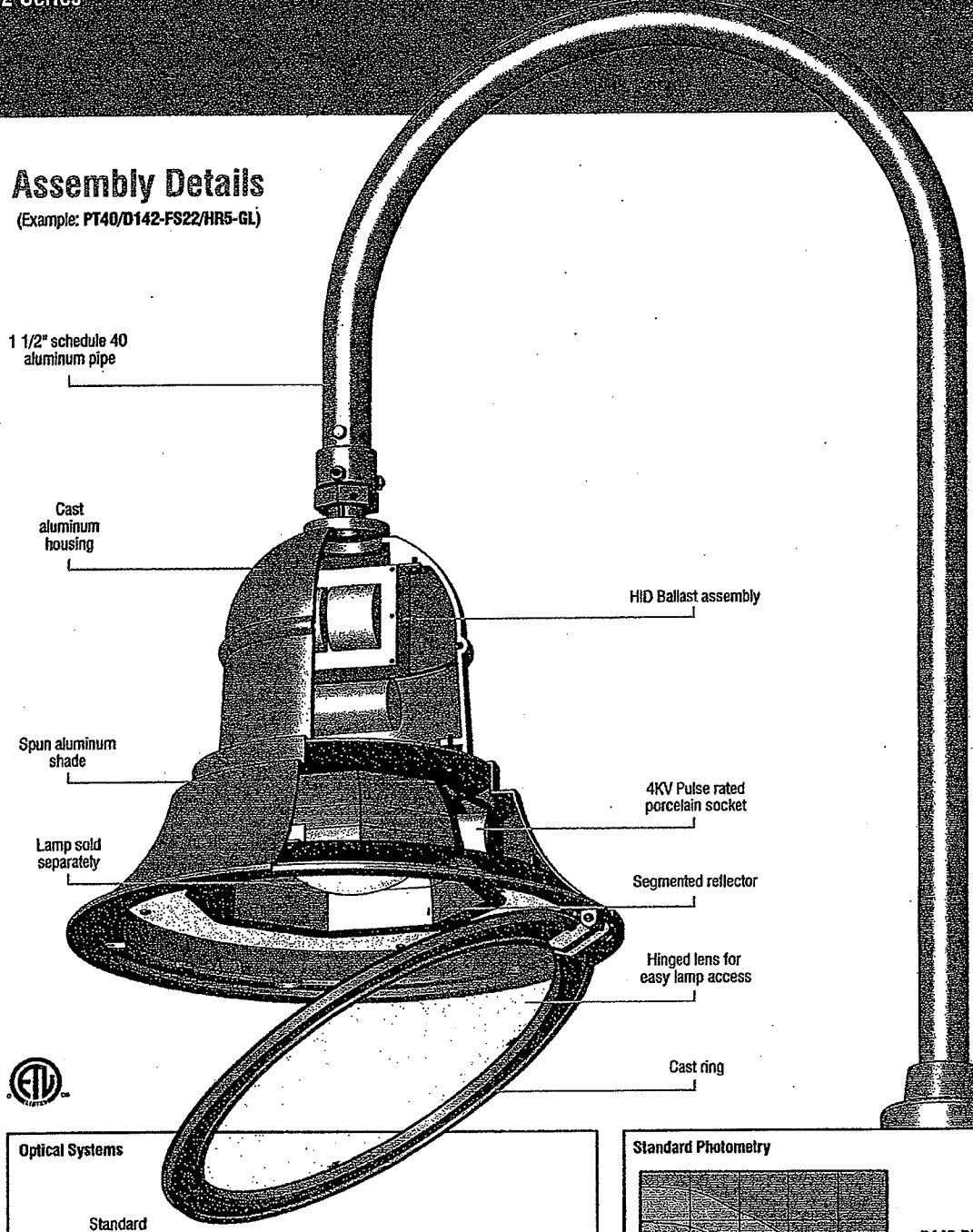
Additional light sources, voltages, and custom colors are available. Contact factory for details.

Light Sources: Wattage	Socket Size
50MH,70MH,100MH,150MH	Medium
175MH-PS,250MH-PS	Mogul
50HPS,70HPS,100HPS	Medium
150HPS,250HPS	Mogul
PL-13	2-pin
CFL 26,32,or 42	4-pin

D142 Series

Assembly Details

(Example: **PT40/D142-FS22/HR5-GL**)

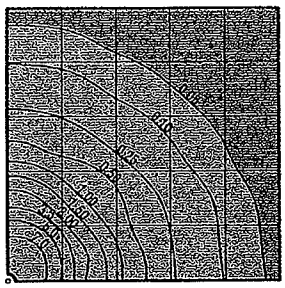


Optical Systems

Standard
A Type V refractive acrylic lens is combined with a highly reflective white powder coat finish on the underside of the spun shade.

Optional
(HR3-GL) - Type III segmented reflector with a clear glass lens.
(HR5-GL) - Type V segmented reflector with a clear glass lens.
(HR3-GL-SAG) - Type III segmented reflector with a clear sag glass lens.
(HR5-GL-SAG) - Type V segmented reflector with a clear sag glass lens.

Standard Photometry



D142-RFS22/HR5
Typical HID light source
14,000 Lumen
12' Mounting Height
Grid Spacing is 12'

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

12/6/2011
City Council Meeting Date
Agenda Items Only

David Dayringer	Fire	Fire
Submitted By	**Division**	**Department**

Action Required:

A resolution approving a budget adjustment in the amount of $28,550.00 to recognize revenue received from the auction and sale of Unit 27 - 1997 KME Renegade Pumper Fire Truck.

$ -	$ 52,623.00	Fire Apparatus Purchases
Cost of this request	Category / Project Budget	Program Category / Project Name
4470.9470.5802.00	$ 13,987.15	Fire Improvements
Account Number	Funds Used to Date	Program / Project Category Name
03019 / 1	$ 38,635.85	Sales Tax Capital Improvements
Project Number	Remaining Balance	Fund Name

Budgeted Item [ ] **Budget Adjustment Attached** [X]

Department Director — 11-18-11 Date

City Attorney — Nov 22, 2011 Date

Finance and Internal Services Director — 11/22/11 Date

Chief of Staff — 11/22/11 Date

Mayor — 11/23/11 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office — 11-21-11 P04:33 RCVD

Received in Mayor's Office — ENTERED 11/22/11

Comments:

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

From: David Dayringer, Fire Chief

Date: December 6, 2011

Subject: A resolution approving a budget adjustment in the amount of $28,550.00 to recognize revenue received from the auction and sale of Unit 27 - 1997 KME Renegade Pumper Fire Truck.

PROPOSAL:

The Fayetteville Fire Department's 1997 KME Renegade Pumper Fire Truck (Unit 27) has been taken out of service and replaced with a 2010 Ferrara Pumper (Unit 40). The 1997 KME Renegade Pumper Fire Truck was auctioned through GovDeals and sold to the Braggs Fire Department for the amount of $28,550.00.

Fire Department staff would like to recognize this revenue to fund current and future fire and rescue apparatus needs. The department currently has an inflatable rescue boat which is aging and regularly repaired. The department is experiencing an increased number of water rescue calls, including one day this year which required 34 water rescue responses within a six hour period. The increased demand has created the need for an additional rescue boat which includes different features, such as a hard bottom, to better meet the needs of the department and citizens. If approved, staff intends to utilize a portion of the recognized revenue for this purpose.

RECOMMENDATION:

Staff recommends a resolution approving a budget adjustment in the amount of $28,550.00 to recognize revenue received from the auction and sale of Unit 27 - 1997 KME Renegade Pumper Fire Truck.

BUDGET IMPACT:

The attached budget adjustment will recognize revenue in the amount of $28,550.00 to increase the Fire Apparatus Purchases capital project.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT TO REFLECT $28,550.00 FOR REVENUE RECEIVED BECAUSE OF THE SALE OF A 1997 KME RENEGADE PUMPER FIRE TRUCK

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the attached budget adjustment to reflect $28,550.00 for revenue received because of the sale of a 1997 KME Renegade Pumper Fire Truck.

PASSED and **APPROVED** this 6th day of December, 2011.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Division: Fire Department Department: Fire Department	Request Date	Adjustment Number
2011		12/6/2011	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Recognize revenue received from the auction and sale of Unit 27 - 1997 KME Renegade Pumper Fire Truck

Division Head	Date	Prepared By:	Ginny Gundlach
		Reference:	ggundlach
Budget Director	Date	Budget & Research Use Only	
Department Director	11-18-11 Date	Type: A B C D E P	
Finance Director	11/22/11 Date	General Ledger Date	
Chief of Staff	11/22/11 Date	Posted to General Ledger	Initial / Date
Mayor	12/23/11 Date	Checked / Verified	Initial / Date

		Expense	Revenue	Project.Sub Number
TOTAL BUDGET ADJUSTMENT		28,550	28,550	
		Increase / (Decrease)		
Account Name	Account Number	Expense	Revenue	Project.Sub Number
Vehicles and equipment	4470.9470.5802.00	28,550		03019 . 1
Gain/loss-sale of assets	4470.0947.4881.02		28,550	03019 . 1
				.
				.

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

12/6/2011
City Council Meeting Date
Agenda Items Only

Greg Tabor	Police	Police
Submitted By	**Division**	**Department**

Action Required:

Approval of a budget adjustment to recognize state forfeitures in the amount of $14,380; federal forfeitures in the amount of $167,451 and IRS/treasury forfeitures in the amount of $190,276 and establish an expense budget of each project.

$ 372,107.00	$ 160,011.00	Various
Cost of this request	Category / Project Budget	Program Category / Project Name
Various	$ 66,218.60	Various
Account Number	Funds Used to Date	Program / Project Category Name
Various	$ 93,792.40	General
Project Number	Remaining Balance	Fund Name

Budgeted Item [ ] **Budget Adjustment Attached** [X]

Department Director — Date 11-18-11

City Attorney — Date 11-21-11

Finance and Internal Services Director — Date 11/21/11

Chief of Staff — Date 11/21/11

Mayor — Date 11/23/11

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office — ENTERED 11-28-11

Received in Mayor's Office — ENTERED 11/21/11

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and Members of the City Council

From: Greg Tabor, Chief of Police

Date: November 18, 2011

Subject: Recognize state and federal forfeitures

PROPOSAL:

The Fayetteville Police department receives both state and federal forfeitures as a result of civil proceedings concerning cash or property seized during a criminal investigation. These forfeitures are a direct result from the efforts of the officers assigned to the 4th Judicial District Drug Task Force, local office of the Federal Drug Enforcement Agency (DEA) or the local IRS task force. The state forfeitures may be used for any lawful purpose and the federal forfeitures must adhere to the Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies. All purchases utilizing these funds will follow the City of Fayetteville Purchasing Policy.

RECOMMENDATION:

Staff recommends approval of a budget adjustment to recognize state and federal forfeitures totaling $372,107.00.

BUDGET IMPACT:

Increase expenses to correspond with the federal and state forfeiture revenue received during budget year 2011.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT TO RECOGNIZE STATE AND FEDERAL FORFEITURE REVENUE AND TO APPROVE EXPENDITURES THEREFROM, IN THE AMOUNT OF $372,107.00

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A," in the amount of $372,107.00 to recognize state and federal forfeiture revenue and to approve expenditures therefrom.

PASSED and **APPROVED** this 6th day of December, 2011.

APPROVED: ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Division: Police Department: Police	Request Date	Adjustment Number
2011		11/18/2011	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Recognize donations in the amount of $235.00; state forfeitures in the amount of $14,380.00; federal forfeitures in the amount of $167,451.00 and IRS/treasury forfeitures in the amount of $190,276.00 that were received throughout the 2011 and increase the expense budget.

Division Head	Date	Prepared By:	Judy Cohea
	11/18/11	Reference:	#NAME?
Budget Director	Date	Budget & Research Use Only	
	11-18-11	Type:	A B C D E P
Department Director	Date		
	11/21/11	General Ledger Date	
Finance Director	Date		
	11/21/11	Posted to General Ledger	Initial / Date
Chief of Staff	Date		
	11/23/11	Checked / Verified	Initial / Date
Mayor	Date		

		Increase / (Decrease)		
TOTAL BUDGET ADJUSTMENT		372,107	372,107	
Account Name	Account Number	Expense	Revenue	Project.Sub Number
Police Law Enforce Trust	1010.0001.4308.02		14,380	03045 . 1
Vehicles and equipment	1010.2920.5802.00	14,380		03045 . 1
Federal Forfeitures	1010.0001.4504.00		167,451	03046 . 1
Vehicles and equipment	1010.2920.5802.00	167,451		03046 . 1
IRS/Treasury Forfeitures	1010.0001.4504.01		190,276	09024 . 2009
Vehicles and equipment	1010.2920.5802.00	190,276		09024 . 2009

EXHIBIT
A

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

12/~~20~~06/2011
City Council Meeting Date
Agenda Items Only

Greg Tabor	Police	Police
Submitted By	**Division**	**Department**

Action Required:

Approval of a budget adjustment in the amount of $235.00 for the recognition of various donations received by the Fayetteville Police Department in support of general recognition and officer service awards.

$ 235.00	$ 262.00	Police Dept Donations
Cost of this request	Category / Project Budget	Program Category / Project Name
1010-2920-5200.00	$ 186.95	Donation
Account Number	Funds Used to Date	Program / Project Category Name
03044-1	$ 75.05	General
Project Number	Remaining Balance	Fund Name

Budgeted Item [ ] **Budget Adjustment Attached** [X]

Department Director — Date 11-18-11

City Attorney — Date 11-21-11

Finance and Internal Services Director — Date 11/21/11

Chief of Staff — Date 11/21/11

Mayor — Date 11/23/11

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office — ENTERED 11-18-11

Received in Mayor's Office — ENTERED 11/21/11

Comments:

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ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
POLICE DEPARTMENT
100 W West Rock Street
Fayetteville, AR 72701
P (479) 587-3555 F (479) 587-3522

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and Members of the City Council

From: Greg Tabor, Chief of Police

Date: November 28, 2011

Subject: Recognize Various Donations to Fayetteville Police Department

PROPOSAL:

Periodically, businesses and/or citizens of Fayetteville will make monetary donations to the Police Department to enhance our services or to recognize our personnel. During the third and fourth quarter of 2011, the Police Department received donations totaling $235.00. The checks were deposited into the City's General Fund and are tracked through the City's Project Accounting System to insure that the donors intended purpose is met. All purchases utilizing these funds must follow the City of Fayetteville Purchasing Policy.

RECOMMENDATION:

Staff recommends acceptance of these donations to the Fayetteville Police Department and approval of the attached budget adjustment in the amount of $235.00. If you should have any comments or questions regarding these donations, please contact me at extension 500.

BUDGET IMPACT:

Increase expense budgets to correspond with Police Department donations revenue received during 2011.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $235.00 TO RECOGNIZE DONATION REVENUE TO THE FAYETTEVILLE POLICE DEPARTMENT IN SUPPORT OF GENERAL RECOGNITION AND OFFICER SERVICE AWARDS

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 $235.00 to recognize donation revenue to the Fayetteville Police Department in support of general recognition and officer service awards.

PASSED and **APPROVED** this 6th day of December, 2011.

APPROVED: ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Division: Police Department: Police	Request Date	Adjustment Number
2011		12/20/2011	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Acceptance of donations to the Fayetteville Police Department in support of general recognition and officer service awards.

Division Head	Date	Prepared By:	wnewman
	11-19-2011	Reference:	
Budget Director	Date	Budget & Research Use Only	
	11-18-11	Type: A B C D E P	
Department Director	Date		
	11/21/11	General Ledger Date	
Finance Director	Date		
	11/21/11	Posted to General Ledger	Initial / Date
Chief of Staff	Date		
	11/23/11	Checked / Verified	Initial / Date
Mayor	Date		

		Increase / (Decrease)		
TOTAL BUDGET ADJUSTMENT		235	235	
Account Name	Account Number	Expense	Revenue	Project.Sub Number
Donations - Police Dept	1010.0001.4808.02		235	03044 . 1
Office supplies/printing	1010.2920.5200.00	235		03044 . 1

EXHIBIT
A

A. 6
Fayetteville Police Department Donation Revenue
Page 4 of 8

RUTH J. BACON
PH. 479-443-9219
1 N. SCHOOL AVE. APT. 605
FAYETTEVILLE, AR 72701

4627

81-7/820 AR
4115

July 18, 2011
Date

Pay to the order of Fayetteville Police Department $35.00

Thirty five and no/100 Dollars

Security Features Details on Back.

Hartland Clarke

Bank of America

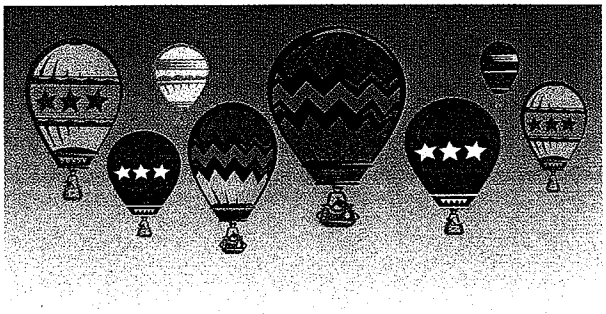
ACH R/T 082000073

Advantage

Memo Donation

Ruth J. Bacon

⑆082000073⑆ 004556964446⑈4627



Wish I had more but hope this will help on something —

R. J. Bacon

GINGSUMRONG VENTURES, INC
THEP THAI RESTAURANT
PH. 479.443.0029
1525 S SCHOOL AVE
FAYETTEVILLE, AR 72701

DATE 09/21/11

81-161-829

PAY TO THE ORDER OF Fayetteville Police Department $ 100.00

One hundred dollars and 00 DOLLARS

Security Features Included. Details on Back.

ONE SOUTH BLOCK STREET
FAYETTEVILLE, ARKANSAS 72701
THE BANK OF FAYETTEVILLE
479-444-4444
MEMBER FDIC

FOR Support Law Man

Stephan G

MP

⑈002129⑈ ⑆082901619⑆ 8004 1264⑈

1672

81-10/820

ARK ADULT PROBATION
AND PAROLE ASSOC
2679 Pike Ave
North Little Rock, AR 72114

10/12/2011
DATE

PAY TO THE ORDER OF Fayetteville Police Department $ 100.00

One hundred dollars DOLLARS

Security Features Details on Back.

REGIONS

FOR honor guard

⑆082000109⑆ 8140285889⑈ 1672

Harland Clarke

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

12/6/2011
City Council Meeting Date
Agenda Items Only

Sarah Wrede	Engineering	Development Services
Submitted By	**Division**	**Department**

Action Required:

A resolution approving Task Order No. 3 to the Memorandum of Understanding between Watershed Conservation Resource Center and City of Fayetteville; and approving a Memorandum of Understanding Between Watershed Conservation Resource Center, University of Arkansas, and City of Fayetteville in an amount of $25,000 for a stream restoration project on a section of Mullins Branch on the University of Arkansas Campus.

$ 25,000.00	$ 607,714.00	Stormwater Quality Mgmt/Nutrient Reduct
Cost of this request	Category / Project Budget	Program Category / Project Name
4470.9470.5817.00	$ 559,643.46	Bridge & Drainage Improvements
Account Number	Funds Used to Date	Program / Project Category Name
02097	$ 48,070.54	Sales Tax Capital Improvement
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Department Director — Date 11.18.2011

Needs the Memo of Understand approved by Ordinance # 5341 as part of packet

City Attorney — Date 11-18-2011

Finance and Internal Services Director — Date 11/21/11

Chief of Staff — Date 11/22/11

Mayor — Date 11/23/11

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office 11-18-11 A09:55 IN

Received in Mayor's Office ENTERED 11/21/11

Comments:

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THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

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

From: Sarah Wrede, Staff Engineer SW

Date: November 18, 2011

Subject: A resolution approving Task Order No. 3 to the Memorandum of Understanding between Watershed Conservation Resource Center and City of Fayetteville; and approving a Memorandum of Understanding Between Watershed Conservation Resource Center, University of Arkansas, and City of Fayetteville in an amount of $25,000 for a stream restoration project on a section of Mullins Branch on the University of Arkansas Campus.

PROPOSAL:
The Watershed Conservation Resource Center (WCRC), in cooperation with the University of Arkansas and City of Fayetteville, proposes to implement a natural channel design demonstration project on a section of Mullins Branch located on the campus of the University of Arkansas.

Mullins Branch was identified for restoration as part of a nutrient reduction plan developed by Geosyntec Consultants for the City of Fayetteville. The plan, which was developed with stakeholder input, identified several priorities to be pursued that would reduce phosphorus loads to streams within the Beaver Lake watershed. In addition to sediment and nutrient load reduction potential, the Mullins Branch site was considered an excellent location to demonstrate green infrastructure techniques due to the high visibility of the site. It is conservatively estimated that over 100,000 individuals pass through the project site annually.

The Watershed Conservation Resource Center (WCRC) received an EPA 319 grant through the Arkansas Natural Resources Commission (ANRC), in the amount of $240,000. The University of Arkansas will contribute $200,000. With $25,000 in funding from the City the project will be funded at $465,000. Construction of the stream restoration is scheduled for February or March of 2012.

RECOMMENDATION: Staff recommends approval of Task Order No. 3 and a Memorandum of Understanding between Watershed Conservation Resource Center, University of Arkansas, and City of Fayetteville.

BUDGET IMPACT: Currently, there is $48,070.54 remaining in the Stormwater Quality Mgmt/Nutrient Reduct account that has been designated for use to fund projects that improve stormwater quality in the City of Fayetteville. This project will be paid for from these funds.

ATTACHMENTS: Staff Review Form, Task Order No. 3, MOU between WCRC, UA, and City of Fayetteville, Ord. No 5341, Signed MOU between WCRC and City of Fayetteville

RESOLUTION NO. _____

A RESOLUTION TO APPROVE TASK ORDER NO. 3, MULLINS BRANCH STREAM RESTORATION TO THE AUGUST 3, 2010 MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE WATERSHED CONSERVATION RESOURCE CENTER AND TO APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY, UNIVERSITY AND RESOURCE CENTER FOR THE PROJECT WHICH WILL COST THE CITY $25,000.00

WHEREAS, on August 3, 2010, the City Council waived the requirement of formal competitive bidding and agreed to a Memorandum of Understanding with the Watershed Conservation Resources Center to establish a general framework to seek funding and conduct stream restoration projects; and

WHEREAS, funding in the amount of $240,000.00 from the Arkansas Natural Resources Commission has been obtained to restore Mullins Branch if matched by the University ($200,000.00 worth of in-kind services) and the City ($25,000.00).

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the attached Task Order No. 3, Mullins Branch Stream Restoration Project, and the attached Memorandum of Understanding between the Watershed Conservation Resources Center, the University of Arkansas and the City of Fayetteville and approves the payment of not to exceed $25,000.00 to accomplish this stream restoration project.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign the above referenced documents.

PASSED and **APPROVED** this 6th day of December, 2011.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

TASK ORDER NO. 3

MULLINS BRANCH STREAM RESTORATION PROJECT

This Task Order is written pursuant to the Memorandum of Understanding (MOU) as described in Ordinance No. 5341 executed on August 3, 2010. The referenced MOU pertains to potential stream restoration projects and associated services with the Watershed Conservation Resource Center. This Task Order entered into and executed on the date indicated below the signature block, by and between the City of Fayetteville and Watershed Conservation Resource Center (WCRC) sets forth the project description, project schedule and associated fees for these services related to the Mullins Branch Stream Restoration Project located on the University of Arkansas campus.

Section I – Project Description

This project consists of stream restoration and aquatic habitat enhancement activities including grant administration, pre- and post-monitoring of the affected stream section, design, construction, and community outreach.

Section II – Project Timeframe

The Arkansas Natural Resources Commission has issued the following grant schedule to WCRC for the completion of the project and expenditure of funds.

Task	Timeframe
A. ANRC Grant Period	October 2010 – March 2012

Section III – Scope of Services

The WCRC will conduct restoration implementation activities including purchase of materials and other construction expenses for implementation of restoration design. Materials purchased with these funds include rock, plants, seed, and erosion control. Other expenses include irrigation supplies, small equipment rental, fuel, and other items needed to accomplish minor construction and re-vegetation at the site.

Section IV – Fees and Payments

WCRC will utilize $25,000 as matching funds from the City of Fayetteville, $200,000 in matching funds from the University of Arkansas, and $240,000 in grant funds from the Arkansas Natural Resources Commission.

Section V – Memorandum of Understanding in Effect:

Except as amended specifically herein, the Memorandum of Understanding as executed with the City of Fayetteville shall remain in full force as originally approved.

IN WITNESS WHEREOF, the parties hereto have caused this TASK ORDER to be duly executed as of the date and year first herein written.

FOR THE CITY OF FAYETTEVILLE

By:_____ Attest: _____

Date: _____

FOR WATERSHED CONSERVATION RESOURCE CENTER

By: Landi Fr Attest: _____

Date: Nov 17, 2011

MEMORANDUM OF UNDERSTANDING

Between

Watershed Conservation Resource Center

And

University of Arkansas

And

City of Fayetteville

This Memorandum of Understanding (MOU) is entered into and executed on the date indicated below the signature block, by and between the Watershed Conservation Resource Center hereinafter referred to as WCRC, and the following project partners, the University of Arkansas hereinafter referred to as U OF A and the City of Fayetteville hereinafter referred to as CITY OF FAYETTEVILLE.

A. PURPOSE

The purpose of this MOU is to establish a general framework for cooperation between the WCRC, U OF A, and the CITY OF FAYETTEVILLE to work together to conduct the 319 project entitled, "Mullins Branch Stream Restoration Project." The WCRC, the 319 award recipient, in partnership with the U OF A and CITY OF FAYETTEVILLE, will work to achieve the common goal of restoring an unstable section of Mullins Branch to a morphologically stable form utilizing a natural channel design approach. The stream flows through the U OF A campus and the restoration project will help to reduce sediment and nutrient loads that ultimately are received by the West Fork White River (WFWR) and Beaver Lake. The project location is highly visible and will provide educational opportunities. Using innovative techniques, the completed restoration will address accelerated streambank erosion, while improving water quality and enhancing aquatic and terrestrial habitat and maintaining a sustainable, natural hydrology. Such cooperation will serve the parties' mutual interest. The project description, schedule of activities, budget, and roles and responsibilities of the WCRC, U OF A, and the CITY OF FAYETTEVILLE can be found in the attached work plan.

B. STATEMENT OF MUTUAL INTERESTS AND BENEFITS

Mullins Branch, located on the campus of the University of Arkansas in Fayetteville, AR was identified for restoration as part of a nutrient reduction plan developed by Geosyntec Consultants for the City of Fayetteville. The plan, which was developed with stakeholder input, identified several priorities to be pursued that would reduce phosphorus loads to streams within the Beaver Lake watershed. In addition to sediment and nutrient load reduction potential, the site was considered an excellent location to demonstrate green infrastructure techniques due to the high visibility of the site. It is conservatively estimated that over 100,000 individuals pass through the project site annually.

Mullins Branch is an urban stream and its watershed area ranges from 0.5mi^2 at the upper end of the project area to 1 mi^{2}at the lower end and drains part of the University Campus and the City of Fayetteville. This urban stream restoration project will use innovative approaches to address streambank erosion, while restoring the aquatic and terrestrial habitat and maintaining a sustainable, natural hydrology. Increased numbers of roads, parking lots, rooftops, and other impervious surfaces over the past 50 years have contributed to changes in watershed hydrology. These impervious areas have resulted in additional runoff during rainfall events, which has intensified the magnitude and increased the frequency of high flow events in the stream. Also, sediment production from upland erosion processes has decreased due to increased impervious surfaces. Both of these conditions have resulted in urban stream instability and Mullins Branch is showing the effects of these watershed changes through channel enlargement along with accelerated streambank erosion at the proposed project site. Cross-sectional area of stream systems have been documented to enlarge 4 to 12 times as a result of watershed land cover changes (Harvey and Watson 1986).

As an environmentally innovative project, approaches to manage water resources in a more sustainable way will be demonstrated. Traditional approaches to addressing channel enlargement in urbanizing areas often include treatments such as, channelization and lining with concrete, use of rip-rap, and enclosure of the tributary stream into a culvert system. These treatments may address a singular concern, such as, reducing the amount of sediment produced at the site level, but they are expensive, do not improve aesthetics, decrease biodiversity, are not sustainable, and generally move the imbalance between stream flow and sediment transport to downstream property owners. For this project, a natural channel design will be implemented, which is a progressive approach that will resolve the effects associated with channel enlargement, while improving water quality and achieving many other socially and ecologically beneficial objectives as previously described.

The WCRC strives to protect, conserve, and restore natural resources by utilizing the watershed approach, environmental outreach, and providing planning and technical assistance to landowners, communities, and government. Implementing a natural channel design demonstration project on a section of stream on the U OF A campus and within the Fayetteville city limits helps the U OF A to meet their goals of implementing sustainable projects and providing hands-on education opportunities in the areas of sustainability, water quality, and watershed management. The project helps the CITY OF FAYETTEVILLE to meet multiple local and regional objectives relating to stream channel instability, water quality, and ecological services. This project is of benefit to both the U OF A and CITY OF FAYETTEVILLE because the effort will demonstrate sustainable methods to improving urban streams that lead to both aquatic and terrestrial habitat restoration, improved water quality, reduced streambank erosion, and improve aesthetics of the stream within the city limits of Fayetteville. This effort will also help to promote the use of sustainable alternatives to traditional channel modifications in urbanizing areas.

The project will help to demonstrate a stream restoration that will enhance the local ecosystem within an urban environment. Benefits of the project include:

- The restoration design will help to dissipate energy from storm water runoff; thereby, reducing streambank erosion. The water quality of Mullins Branch will be improved by reducing sediment and nutrient annual loads from the project site by over 80%; thus reducing sediment and nutrient loads within the West Fork White River and Beaver Lake watersheds.

- The buffer improvements along the stream will enhance the infiltration of rain water, help to remove pollutants, and reduce storm water runoff.
- The stream restoration will result in improved riffle-pool bed features, which will help to increase water retention and aeration resulting in better assimilation of nutrients.
- The channel will be restored to a natural hydrology and channel enlargement will be reduced resulting in enhanced aquatic and terrestrial habitat.
- The aesthetics of the area will be improved.
- The site will provide education opportunities for alternative design methods to address urban stream erosion with a focus on ecological restoration, enhancement, and sustainability.
- The project will promote concepts of Green Infrastructure such as stream restoration using natural channel design techniques through interpretive signage and conducting field tours.

In consideration of the above premises, the parties agree as follows:

C. THE WCRC:
1. Shall provide project coordination among partners, management and engineering.
2. Shall coordinate and carry-out activities associated with the project as outlined in the attached work plan as Tasks 1-7.
3. Shall provide a method for the U OF A and CITY OF FAYETTEVILLE to document their activities and show matching funds.

D. THE U OF A SHALL:
1. Shall coordinate all activities within the U OF A Divisions and Departments and between the U OF A , CITY OF FAYETTEVILLE and WCRC
2. Provide assistance to the WCRC in locating all utility lines, potential construction materials, and any other items related to the U OF A property and the construction of the stream restoration.
3. Be responsible for providing a minimum of in-kind matching funds, $200,000 as described in the project budget (appendix 4, page 18) of the attached work plan.
4. Shall provide review and input into the final restoration design.
5. Provide documentation of all project activities and associated matching funds.
6. Recognize that their participation is an integral component in carrying out a successful project that will result in improved water quality and habitat restoration. Non-performance of any of the U OF A's activities would be detrimental to the success of this project. This agreement indicates the U OF A's good faith intent to fulfill their agreed upon roles as outlined in the attached work plan to the successful completion of the project.

E. THE CITY OF FAYETTEVILLE:
1. Shall coordinate all activities within the City of Fayetteville Divisions and Departments and between the CITY OF FAYETTEVILLE, U OF A, and WCRC
2. Shall contribute to the grant recipient, the WCRC, a sum not to exceed $25,000 as cash matching funds outlined in the budget section of the attached work plan (appendix 3, page 17).
3. Shall provide review and input into the final restoration design.
4. Shall provide documentation of all project activities and associated matching funds.

5. Recognizes that their participation is an integral component in carrying out a successful project that will result in improved water quality and habitat restoration. Non-performance of any of the CITY OF FAYETTEVILLE's activities would be detrimental to the success of this project. This agreement indicates the CITY OF FAYETTEVILLE's good faith intent to fulfill their agreed upon roles as outlined in the attached workplan to the successful completion of the project.

E. IT IS MUTUALLY AGREED AND UNDERSTOOD BY ALL PARTIES THAT:

1. FREEDOM OF INFORMATION ACT (FOIA). CITY OF FAYETTEVILLE contract and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the CITY OF FAYETTEVILLE, the WCRC will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.) Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance. Any information furnished to the WCRC under this instrument is subject to the Freedom of Information Act (5 U.S.C. 552).

2. MODIFICATION. Modifications within the scope of the instrument shall be made by mutual consent of the parties. Changes, modifications, or amendments in scope, price or fees to this agreement shall not be allowed without a prior formal contract amendment approved by the Mayor and/or the City Council in advance of the change in scope, cost or fees.

3. PARTICIPATION IN SIMILAR ACTIVITIES. This instrument in no way restricts the WCRC or the CITY OF FAYETTEVILLE from participating in similar activities with other public or private agencies, organizations, and individuals.

4. COMMENCEMENT/EXPIRATION DATE. The instrument is executed as of the date of the last signature and is effective for the life of the project.

5. PRINCIPAL CONTACT. The principal contacts for this instrument are:

Sandi Formica, Executive Director
Watershed Conservation Resource Center
380 West Rock Street
Fayetteville, AR 72701
Office Phone: 479-444-1916
Cell Phone: 501-352-5252
Office Fax: 928-396-2546
E-mail: formica@watershedconservation.org

John Coleman, Sustainability Director
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701
Phone: 479-575-8272
Fax: 479-575-8202
E-mail: jcoleman@ci.fayetteville.ar.us

Sarah Wrede, E.I., Flood Plain Coordinator
City of Fayetteville
Phone: 479-575-8206
E-mail: swrede@ci.fayetteville.ar.us

Kyle Cook, Construction Coordinator
University of Arkansas
Phone: 479-575-8472
E-mail: kbcook@uark.edu

6. NONDISCRIMINATION. During the performance of this agreement, all parties will abide by the terms of Executive Order 11246 on nondiscrimination and will not discriminate against any person because of age, race, color, religion, sex, national origin, or disability.

_____ _____
Sandi J. Formica, Executive Director Date
Watershed Conservation Resource Center

_____ _____
Don Pederson, Date
Vice Chancellor for Finance and Administration
University of Arkansas

_____ _____
Lioneld Jordan, Mayor Date
City of Fayetteville

ORDINANCE NO. 5341

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE WATERSHED CONSERVATION RESOURCE CENTER TO ESTABLISH A GENERAL FRAMEWORK OF COOPERATION TO SEEK FUNDING, CONDUCT STREAM RESTORATION PROJECTS AND TO WORK TOGETHER ON NONPOINT SOURCE RELATED ISSUES

WHEREAS, the purpose of the attached Memorandum of Understanding is to establish a general framework for cooperation between the Watershed Conservation Resource Center (WCRC) and the City to seek funding and conduct stream restoration projects to achieve the common goal of restoring unstable sections of streams to a morphologically stable form utilizing a natural channel design approach and to work together on nonpoint source related issues associated with reducing nutrients and improving riparian and other natural areas; and

WHEREAS, the WCRC is a nonprofit organization with regional experts that strive to protect, conserve and restore natural resources by utilizing the watershed approach, environmental outreach, and providing planning and technical assistance to landowners, communities, and government; and

WHEREAS, the City has successfully partnered with WCRC in the past to receive approximately $470,000.00 in federal grants for stream restoration and the City and WCRC are currently in discussions with federal grant agencies for approximately $890,000.00 in additional grant funds for stream restoration.

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 Memorandum of Understanding (marked as Exhibit "A" attached hereto and made a part hereof) between the City of Fayetteville, Arkansas and WCRC to establish a general framework for cooperation to seek funding and conduct stream restoration projects and to work together on nonpoint source related issues.

PASSED and **APPROVED** this 3rd day of August, 2010.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

CITY CLERK/TREASURER
CITY OF
FAYETTEVILLE
ARKANSAS
WASHINGTON COUNTY

MEMORANDUM OF UNDERSTANDING

Between

Watershed Conservation Resource Center

And

City of Fayetteville

EXHIBIT
A

This Memorandum of Understanding (MOU) is entered into and executed on the date indicated below the signature block, by and between the Watershed Conservation Resource Center, hereinafter referred to as WCRC, and the CITY OF FAYETTEVILLE.

A. PURPOSE

The purpose of this MOU is to establish a general framework for cooperation between the WCRC and the CITY OF FAYETTEVILLE to 1) seek funding and conduct stream restoration projects to achieve the common goal of restoring unstable sections of streams to a morphologically stable form utilizing a natural channel design approach and 2) to work together on nonpoint source (NPS) related issues associated with reducing nutrients and improving riparian and other natural areas. Innovative approaches will be used in designing and implementing stream restorations that will result in improved water quality of the City's watersheds and will address severe streambank erosion, while restoring aquatic and terrestrial habitat and maintaining a sustainable, natural hydrology. Such cooperation will serve the parties' mutual interest.

B. STATEMENT OF MUTUAL INTERESTS AND BENEFITS

The WCRC is a nonprofit organization that strives to protect, conserve, and restore natural resources by utilizing the watershed approach, environmental outreach, and providing planning and technical assistance to landowners, communities, and government. The WCRC principals are regional experts and local leaders in implementing natural channel design-based stream restorations that meet multiple local and regional objectives relating to river channel instability, water quality, and ecological services. This MOU is of benefit to the CITY OF FAYETTEVILLE because these activities will help to meet the objectives of the City's Nutrient Reduction Plan and will lead to both aquatic and terrestrial habitat restoration, improved water quality in the form of both phosphorus and sediment reductions, reduced streambank erosion, and improve aesthetics of local streams and rivers. This effort will also help to promote the use of alternatives to traditional channel modifications in both urbanizing and rural areas.

The WCRC and the CITY OF FAYETTEVILLE partnered and obtained a grant for the Restoration of a Tributary to Mud Creek, Fayetteville, AR. The project restored 1,200 feet of stream through Gulley Park and prevents an estimated minimum of 110,000 lbs/year of sediment from entering the stream system, resulting in 27 lbs/year of total phosphorus and 68 lbs/yr of total nitrogen reductions in the Illinois River basin. Additionally WCRC and the CITY OF FAYETTEVILLE formed partnerships for two current stream restoration projects which are also grant funded. The projects are summarized as follows:

Project	Grant Source	Status	Grant Funding	City of Fayetteville Funding	Total Project Cost
Restoration of a Tributary to Mud Creek	U.S. EPA 319 Grant through ANRC	complete	$ 121,000	$ 141,200	$ 262,200
Stream Restoration Demonstration at Niokaska Creek in Sweetbriar Park	Environmental Protection Agency Region 6	current	$ 234,000	$ 78,000	$ 317,000
Stream Restoration of the West Fork of the White River (WFWR) adjacent to the Fayetteville Executive Airport	U.S. EPA 319 Grant through ANRC	current	$ 115,076	$ 86,812	$ 201,888

C. FEES AND PAYMENTS

No fee is associated with this MOU As projects are identified by the City, a Task Order establishing the scope, fee, and payment terms for the project will be developed. The basis of this fee, and justification for the fee shall be contained in an Appendix attached to each Task Order. Adjustment of the fee may be made should WCRC establish and the CITY OF FAYETTEVILLE agree that there has been, or is to be, a significant change in scope, complexity or character of the services to be performed; or if the CITY OF FAYETTEVILLE decides to shorten the duration of work from the time period specified in the Agreement for completion of work and such modification warrants such adjustment.

In consideration of the above premises, the parties agree as follows:

D. THE WCRC:

1. Shall seek funding opportunities for stream restoration projects and other projects related to reduction of non-point source pollution.
2. Upon approval of specific Task Orders by the Mayor or City Council, as required by the City's procurement requirements, shall provide the services detailed in each Task Order. Said tasks may include:
    a. Identification of stream reaches that could benefit from stream restoration and prioritize, in streams within the City limits.
    b. Estimation of phosphorous reduction that would be realized for each priority stream restoration project.
    c. Assistance in developing grant applications for identified stream restorations and other non-point source pollution assessment projects.
    d. Assistance to the CITY OF FAYETTEVILLE in addressing other NPS related issues.
3. Shall accomplish other specific tasks as detailed in each Task Order

E. THE CITY OF FAYETTEVILLE:

1. Shall coordinate all activities within the City of Fayetteville Divisions and Departments and between the CITY OF FAYETTEVILLE and the WCRC.
2. Shall assist with project activities and tasks.
3. Shall provide review and input into the final restoration designs.

4. Shall oversee activities and coordinate staff needed for implementation of the restoration designs.
5. Shall provide documentation of all project activities and associated matching funds.
6. Recognizes that their participation in stream restoration and NPS projects acquired is an integral component in carrying out a successful project that will result in improved water quality and habitat restoration.
7. Shall accomplish other specific tasks as detailed in each Task Order.

F. IT IS MUTUALLY AGREED AND UNDERSTOOD BY ALL PARTIES THAT:

1. FREEDOM OF INFORMATION ACT (FOIA). CITY OF FAYETTEVILLE contract and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the CITY OF FAYETTEVILLE, the WCRC will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.) Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance. Any information furnished to the WCRC under this instrument is subject to the Freedom of Information Act (5 U.S.C. 552).

2. MODIFICATION. Modifications within the scope of the instrument shall be made by mutual consent of the parties. Changes, modifications, or amendments in scope (other than as specifically established in this MOU), price or fees to this agreement shall not be allowed without a prior formal contract amendment approved by the Mayor and/or the City Council in advance of the change in scope, cost or fees.

3. PARTICIPATION IN SIMILAR ACTIVITIES. This instrument in no way restricts the WCRC or the CITY OF FAYETTEVILLE from participating in similar activities with other public or private agencies, organizations, and individuals.

4. COMMENCEMENT/EXPIRATION DATE. The instrument is executed as of the date of the last signature and is effective for three years.

5. PRINCIPAL CONTACT. The principal contacts for this instrument are:

Sandi Formica, Executive Director
Watershed Conservation Resource Center
380 West Rock Street
Fayetteville, AR 72701
Office Phone: 479-444-1916
Cell Phone: 501-352-5252
Office Fax: 928-396-2546
E-mail: wcrc@watershedconservation.org

Chris Brown, P.E., City Engineer
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701
Phone: 479-575-8206

Fax: 479-575-8202
E-mail: cbrown@ci.fayetteville.ar.us

Sarah Wrede, E.I., Staff Engineer
City of Fayetteville
Phone: 479-575-8206
E-mail: swrede@ci.fayetteville.ar.us

6. NONDISCRIMINATION. During the performance of this agreement, all parties will abide by the terms of Executive Order 11246 on nondiscrimination and will not discriminate against any person because of age, race, color, religion, sex, national origin, or disability.

Sandi J. Formica

Sandi J. Formica, Executive Director
Watershed Conservation Resource Center

August 10, 2010
Date

Lioneld Jordan, Mayor
City of Fayetteville

8/12/10
Date

Sondra E. Smith

Sondra E. Smith, City Clerk/Treasurer
City of Fayetteville

8/12/10
Date

CITY CLERK/TREASURER
CITY OF
FAYETTEVILLE
ARKANSAS
WASHINGTON COUNTY

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

12/6/2011
City Council Meeting Date
Agenda Items Only

Chris Brown CB	Engineering	Development Services
Submitted By	**Division**	**Department**

Action Required:

A Resolution Approving a Settlement with Richard L. Watson for Purchase of Right of Way along Cato Springs Road

$ 4,900.00	$ 11,985,409.00	Transportation Bond Street Improvements
Cost of this request	Category / Project Budget	Program Category / Project Name
4520.9520.5805.00	$ 2,419,655.48	Land Acquisition
Account Number	Funds Used to Date	Program / Project Category Name
06035.1200	$ 9,565,753.52	Sales Tax Construction Bonds
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Department Director	11.21.2011 Date	Previous Ordinance or Resolution #
City Attorney	11-21-11 Date	Original Contract Date:
Finance and Internal Services Director	11/21/11 Date	Original Contract Number:
Chief of Staff	11/21/11 Date	Received in City Clerk's Office 11-18-11 P04:18 IN Kim G.
Mayor	11/23/11 Date	Received in Mayor's Office ENTERED 11/21/11

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

City Council Meeting of December 6, 2011

To: Mayor Jordan and City Council

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

From: Chris Brown CB

Date: November 18, 2011

Subject: Approval of a Settlement with Richard L. Watson for Purchase of Right of Way along Cato Springs Road

PROPOSAL:

Cato Springs Road is planned for improvement from South School to Razorback Road as a part of the Transportation Improvement Bond Program. Right of way acquisition was required from many of the property owners along the route. In order to move forward with the project to bidding and construction, condemnation action on some of the properties was approved by the City Council. The City Attorney filed condemnation suits for these properties, and received Orders of Possession from the Circuit Court so that the project could move forward.

In the case of Mr. Watson's property, $4,100, representing the City's appraised value for the right of way and easements, was deposited with the Court at the time of the filing. Since that time, the City Attorney's Office has negotiated with Mr. Watson's attorney, and a settlement proposal has been developed for review by the City Council. This settlement is in the amount of an additional $4,900, making the total payment to Mr. Watson $9,000.

RECOMMENDATION:

Staff recommends approval of a Resolution authorizing the settlement of the Watson Condemnation Case, and approving an additional $4,900 payment to Richard L. Watson.

BUDGET IMPACT:

The payment for land acquisition will be made from the project budget allocated for the Cato Springs Road Improvements Project, which is funded by the Transportation Bond Fund.

RESOLUTION NO. _____

A RESOLUTION APPROVING A SETTLEMENT AGREEMENT WITH RICHARD L. WATSON, CONCERNING CONDEMNATION LITIGATION FILED AS PART OF THE CATO SPRINGS ROAD IMPROVEMENT PROJECT, IN THE TOTAL AMOUNT OF $9,000.00

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves an agreement with Richard L. Watson, in a total amount of $9,000.00 as full and final settlement of condemnation litigation (City of Fayetteville v. Watson, Washington County Circuit Court Case No. CV 2010-3711-2) filed as part of the Cato Springs Road Improvement Project.

Section 2: That the City Council of the City of Fayetteville, Arkansas, in furtherance of the settlement, hereby approves payment of an additional $4,900.00 over and above the $4,100.00 placed on deposit with the court.

PASSED and **APPROVED** this 6th day of December, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
ENGINEERING DIVISION
125 West Mountain
Fayetteville, AR 72701
Phone (479) 444-3443

June 28, 2010

Richard L. Watson
2057 S. Cline Ave.
Fayetteville, AR 72701-6831

RE: Project No. 06035-1200
Cato Springs Road (S. School to Razorback)
Tract No. 21
Offer Letter

Dear Mr. Watson:

As you may be aware, the City of Fayetteville is planning improvements to Cato Springs Road, from S. School Street (Hwy 71B) to Razorback Road. In addition to acquiring additional right-of-way to widen the road, utility lines will also be relocated outside of the right-of-way which will require a permanent easement adjacent to the new right-of-way. Any temporary construction and grading easements will terminate when the project has been completed by the contractor and accepted by the City of Fayetteville.

The City of Fayetteville hereby offers $2,900.00 for the acquisition of right-of-way (894 square feet), $1,000.00 for the rights associated with the permanent easement (1,228 square feet), $100.00 for the rental of the property within the temporary construction and grading easement (311 square feet), and $100.00 in damages, for a total offer amount of **$4,100.00**.

Included is a general map of the subject area, as well as a drawing of your specific property depicting the anticipated areas required for the proposed right-of-way and easements. The temporary construction easement area will exclude any permanent structure(s) which may be located or under construction within said temporary construction easement area during the construction of this project.

Time is of the essence on this project in order to keep construction on schedule. Please respond by July 16, 2010. If we have not heard from you by then, we will be in immediate further contact.

Should you elect to accept this offer, the *Warranty Deed, General Utility Easement, and Temporary Construction and Grading Easement* contained herein should be executed by all parties with current ownership interest in the particular property. The documents should be notarized and returned to the City of Fayetteville. A City Land Agent will be pleased to witness and notarize the execution of the documents if you will advise our office accordingly. Upon receipt of the documents, a check will be requested and you will be paid the amount indicated in this offer letter.

Copies of the *Warranty Deed, General Utility Easement, and Temporary Construction and Grading Easement* are included for your records. We can provide copies of the recorded documents upon your request and at the appropriate time. Please provide us with a Social Security Number or a Tax Identification Number (Corporation) so that a check can be written. A Vendor Form is provided for this purpose.

A City Land Agent will be glad to meet with you at your convenience and discuss all phases of this project and the associated easements and acquisitions. Please contact Jill Goddard at (479) 444-3407, Holly Jones at (479) 444-3414, Kem Wimberly at (479) 444-3415, or Chris Brown, City Engineer, can be reached at (479) 575-8206.

Sincerely,

Lioneld Jordan
Mayor

LJ/jsg
Enclosures

Reed & Associates, Inc.

Real Estate Appraisers – Consultants

*3739 N. Steele Blvd., Suite 140, Fayetteville, AR 72703 * 479-521-6313 * Fax: 479-521-6315 * www.reedappraisal.biz*

Tom Reed, MAI • Barbara Rhoads • Shannon Mueller • Jordan Karnes

October 14, 2009

City of Fayetteville, Arkansas
Attn: Jill Goddard
113 West Mountain Street
Fayetteville, AR 72701

RE: Cato Springs Road Widening – Razorback Road to South School Avenue; Fed. Aid Project No. HPP2-1298(1) & HPP2-3758(1), Job #040496; Tract 21; 2057 South Cline Avenue; Fayetteville, Arkansas; Washington County

Dear Ms. Goddard:

In compliance with your request and for the purpose of estimating the market value of the above captioned property, we hereby certify that we have examined the subject property and have made a survey of matters pertinent to the estimation of its value.

We further certify that we have no interest, present or contemplated, in the property appraised and that our fee was not contingent upon the value estimate reported.

The following report is presented in a Restricted Use Appraisal Format. Some of the supporting documentation is maintained in the appraisal file. This report can be expanded to a Summary Appraisal Report upon notification from the client.

Based upon an analysis of relevant data and contingent upon the Assumptions And Limiting Conditions which follow and appear later in this report, it is our opinion the market value of the fee simple estate of the subject property, as of October 1, 2009, was as follows:

WHOLE PROPERTY:

Land	$38,200	
Improvements	Not Valued	
Total		$38,200

REMAINDER PROPERTY:

Land	$35,300	
Improvements	Not Valued	
Total		$35,300

SUBTOTAL - - - - - - - - - -	$ 2,900
PLUS: PRIVACY FENCING LOST DUE TO ROW - - -	$ 100
PLUS: TEMPORARY CONSTRUCTION EASEMENT- - -	$ 100
TOTAL ESTIMATED DAMAGE TO MARKET VALUE - -	$ 3,100

The preceding values reflect terms equivalent to cash to the owner and represent that for real property only.

The preceding values are based on the Extraordinary Assumption that the subject land size is as indicated in this report. If this assumption proves to be untrue, the preceding value estimates could be influenced.

The following Extraordinary Assumptions are considered with respect to the Remainder Property:

1. The City of Fayetteville, at their expense, will put the land and concrete paving located within the Temporary Construction Easement back to as near original condition as possible;
2. The acquisitions will not adversely affect the subject ingress/egress drives to/from South Cline Avenue;
3. Subject wood privacy fencing located along the south property boundary will be relocated along the new north right-of-way line of Cato Springs Road and connected to the existing fencing running north-south, at the City of Fayetteville's expense;
4. The subject above ground swimming pool will be relocated on the west part of the site outside the acquisition area, at the City of Fayetteville's expense.

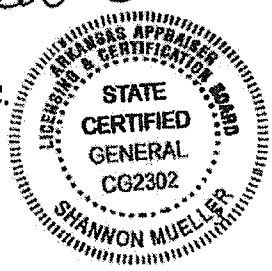
If any or all of the Extraordinary Assumptions prove to be untrue, the preceding value estimate for the Remainder Property could be influenced.

Additional Assumptions and Limiting Conditions appear later in the report.

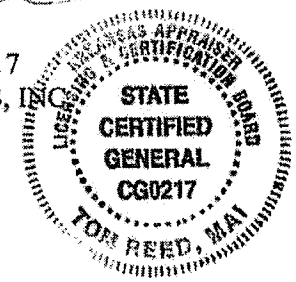
The estimated exposure time for the subject property is one year or less. This was determined by an analysis of market conditions and comparable sales.

Sincerely,

Shannon Mueller, CG2302
REED & ASSOCIATES, INC.



Tom Reed, MAI, CG0217
REED & ASSOCIATES, INC.



KIT WILLIAMS
FAYETTEVILLE CITY ATTORNEY

JASON B. KELLEY
Assistant City Attorney

Judy Housley
Office Manager

Phone (479) 575-8313
FAX (479) 575-8315
TDD (479) 521-1316

113 W. Mountain, Suite 302
Fayetteville, AR 72701-6083

November 17, 2011

Ken Mourton, Esq.
Justin Raines, Esq.
Ball & Mourton, Ltd., PLLC
P.O. Box 1948
Fayetteville, AR 72702

Via Facsimile (479) 442-6233

Re: City of Fayetteville v. Watson, Case No. CV 10-3711-2

Dear Ken & Justin:

Subject to the approval of the Mayor and City Council of Fayetteville, the City offers the total of $9,000.00 as just compensation for the taking in the above-referenced condemnation case.

This offer expires at noon tomorrow, November 18, 2011. If this is acceptable, we will bring this before the Council at its December 6, 2011 meeting. Assuming it is approved, I will coordinate with you a transfer of a check for executed deeds.

I look forward to your positive response.

Sincerely,

Jason B. Kelley
Assistant City Attorney

cc: C. Brown

From: Jason Kelley
To: Rains, Justin M.
CC: Brown, Chris
Date: 11/18/2011 8:41 AM
Subject: Re: Fayetteville v. Watson, Washington County Circuit Court Case No. CV 10-3711-2

That's good news. We will get this going on our end.

Jason K.

Jason B. Kelley
Assistant City Attorney
City of Fayetteville, Arkansas
113 W. Mountain St., Suite 302
Fayetteville, Arkansas 72701
Telephone (479) 575-8313
Facsimile (479) 575-8315
Email: jkelley@ci.fayetteville.ar.us
Website: www.accessfayetteville.org (http://www.accessfayetteville.org/)

>>> "Justin M. Rains" <jrains@ballandmourton.com> 11/17/2011 6:11 PM >>>
Jason,

We have agreement from Mr. Watson to the compensation amount of $9,000.00.

I will await word from you regarding Council approval.

Thanks,
Justin
--

Justin M. Rains

Ball & Mourton, Ltd., PLLC
Attorneys at Law
3608 N. Steele Boulevard, Suite 202
Post Office Box 1948
Fayetteville, Arkansas 72702

Tel: (479) 442-6213
Fax: (479) 442-6233
www.ballandmourton.com (http://www.ballandmourton.com/)

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CONSULTANTS
• REALTORS® •APPRAISERS • CONSULTANTS

118 N. East Avenue
P.O. Box 747
Fayetteville, AR 72702
Phone (479) 442-0762

October 27, 2011

Mr. Richard Watson
2057 S. Cline Avenue
Fayetteville, AR 72701

Re: Appraisal Services - Cato Springs Road Improvement Project
Tract #21 – 2057 S. Cline Avenue – Fayetteville, AR

Dear Mr. Watson:

Per your request, I hereby certify I personally inspected the captioned property and made a survey of matters pertinent to developing an opinion of *Cash Equivalent Just Compensation* resulting from partial property taking by the City of Fayetteville. You are the client and intended user in this matter. It is prepared for your exclusive benefit and may not be relied upon by any other party. Any other party relying on information contained in this report, without my express permission, does so at their own risk.

The following pages contain data gathered during my investigation and show the appraisal method in detail with conclusions rendered. The report conforms to the Uniform Standards of Professional Appraisal as promulgated by the Appraisal Foundation and considered a Summary Appraisal.

My primary emphasis is to estimate the following:

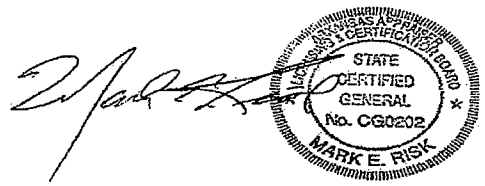
1. Fair Market Value of the City's land taking
2. Severance Damages (if any) attributable to the property's marketability after the takings

In the following sections, I analyze relevant facts and apply appropriate appraisal processes to the property. Within this report's assignment parameters, my opinion is the following Just Compensation applies – as of June 8, 2011 – and subject to stated assumptions and limiting conditions:

Twelve Thousand Dollars

$12,000

Respectfully submitted,



Mark E. Risk, GAA
State Certified
General Appraiser #CG0202

Section I – Executive Summary

Salient Facts & Conclusions

Project Identification:	City of Fayetteville – Cato Springs Road Widening, Tract #21
Estate Appraised:	Fee Simple – cash equivalent
Fee Simple Owner:	Richard Lee Watson
Property Identification:	2057 S. Cline Avenue – Fayetteville, AR Parcel #765-08226-000
Highest & Best Use:	Applicable to Before & After Taking – Single Family Residential
Effective Date:	June 8, 2011 - the date of inspection for Mark E. Risk
Exposure Time:	12± Months
Area Of Whole:	11,753± Square Feet - per provided documentation
Roadway Taking Area:	894± Square Feet - per provided documentation
Area Of Remainder:	10,859± Square Feet or 0.249± Acre
Easement Taking Area:	1,228± Square Feet

Breakdown Of Takings:

Permanent Roadway Right-of-Way	894± Square Feet
Permanent Utility Easement	1,228± Square Feet
Temporary Construction Easement	311± Square Feet

Fair Market Values:

Before the Taking		
Subject Land	$35,000	
Improvements	$49,000	
Total		$84,000
After the Taking		
Subject Land	$28,233	
Improvements	$44,100	
Total		$72,333
Total Loss In Fair Market Value		**$11,667**

Allocation Of Just Compensation:

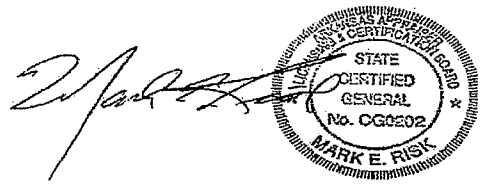
Loss in Fair Market Value:			
Permanent Land Takings -			
Street Right-of-way Acquisition (Fee Simple)			
894± Square Feet @ $3.00/SF = $ 2,682			
Utility Easement Acquisition (Fee Simple)			
1,228± Square Feet @ $3.00/SF = $ 3,684			
Total – Permanent Land Takings		**$ 6,366**	
Add Severance Damages -			
Dwelling & Related improvements			
$49,000 x 10% =		**$ 4,900**	
Total Loss in Fair Market Value			**$11,266**
(As shown on previous page)			
Add Temporary Construction Easement:			
311± SF @ $1.00/SF x 1 Year =			**$ 311**
Add Privacy Fencing permanently removed			
15± LF @ $10.00/LF =			**$ 150**
Total Indicated Just Compensation			**$ 11,727**

SAY $12,000

Applicable Definitions

Just Compensation - "In condemnation, the amount of loss for which a property owner is compensated when his or her property is taken; should put the owner in as good a position pecuniarily as he or she would be if the property had not been taken; generally held to be market value, but courts have refused to rule that it is always equivalent to market value."
Source: Appraisal Institute, Dictionary of Real Estate Appraisal, 4th Edition

Pecuniary - "Consisting of or measured in money." *Source: Merriam-Webster Online Dictionary*



Mark E. Risk GAA
State Certified General Appraiser #CG0202

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

12/6/2011
City Council Meeting Date
Agenda Items Only

Paul A. Becker	Finance	Finance & Internal Services
Submitted By	**Division**	**Department**

Action Required:

This is an appropriation request to restore various operating budgets for expenses incurred during the spring 2011 floods and to make available operating budgets for expenses to be incurred to make repairs related to the spring 2011 floods. Amounts to be appropriated have been 75% reimbursed by FEMA. The State's portion is 12.5% of the cost, which will be reimbursed after all federal funds are received. The City portion is 12.5% of the cost. The request is to approve the attached budget adjustments as identified on the transfer form in the total amount of $26,913.

$ 26,913.00	$ -	
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** [X]

Paul A. Becker — 11-18-2011
Department Director — Date

Nov 21, 2011
City Attorney — Date

Previous Ordinance or Resolution # 104-11

Original Contract Date:

Original Contract Number:

Paul A. Becker — 11-18-2011
Finance and Internal Services Director — Date

Received in City Clerk's Office 11-13-11 P12:24 IN

11-21-11
Chief of Staff — Date

Received in Mayor's Office ENTERED 11/21/11

11/23/11
Mayor — Date

Comments:

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: **Mayor Lioneld Jordan and the Fayetteville City Council**

From: **Paul A. Becker, Finance and Internal Services Director**

Date: **November 18, 2011**

Subject: **Resolution by the City of Fayetteville to approve budget adjustments to restore and make available operating budgets for expenses associated with the spring 2011 floods**

RECOMMENDATION:

Staff recommends approval of a resolution requesting the attached budget adjustments.

DISCUSSION:

Powerful damaging floods and severe weather struck the City of Fayetteville during April and May, 2011. The incident was declared a national disaster by the President. Since the declaration, the City has been working with FEMA to obtain partial reimbursement of the costs incurred to respond to the event and to perform permanent repairs to infrastructure damaged by the event. FEMA will reimburse the City 75% of eligible costs. The State of Arkansas will reimburse the City 12.5% of eligible costs. The City's portion is also 12.5%. To date, the City has received approximately $118,000 of the reimbursement from FEMA. The total eligible cost reimbursement from FEMA and the state is expected to be approximately $653,000.

At this time, it is necessary to restore certain operating budgets and to make available funding for certain needed permanent repairs.

BUDGET IMPACT:

The impact of this resolution is to transfer $26,913 from the Emergency and Disaster Replacement Fund to the following operating funds:

Airport Fund	$15,857 (Airport wildlife fence repair, Airport access road repair, and Air Museum roof repair)
Street Fund	$11,056 (Judge Cummings Road repair)

RESOLUTION NO. _____

A RESOLUTION TO APPROVE THE ATTACHED BUDGET ADJUSTMENT TO REIMBURSE CITY DIVISIONS FOR EXPENDITURES CAUSED BY THE SPRING FLOOD AND REIMBURSED BY FEMA AND/OR THE STATE OF ARKANSAS

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the attached budget adjustment to reimburse city divisions for expenditures caused by the spring flood and reimbursed by FEMA and/or the State of Arkansas.

PASSED and **APPROVED** this 6th day of December, 2011.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Division: Citywide Department: Citywide	Request Date	Adjustment Number
2011		12/6/2011	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

To reimburse divisions for completed 2011 FEMA flood projects.

Division Head	Date	Prepared By:	BARBARA FELL
	11-17-2011	Reference:	bfell
Budget Director	Date	Budget & Research Use Only	
Paul A. Becker	11-18-2011	Type: A B C (D) E P	
Department Director	Date		
Paul A. Becker	11-18-2011	General Ledger Date	
Finance Director	Date		
	11-21-11	Posted to General Ledger	Initial / Date
Chief of Staff	Date		
	11/23/11	Checked / Verified	Initial / Date
Mayor	Date		

		Increase / (Decrease)		
	TOTAL BUDGET ADJUSTMENT	26,913	26,913	
Account Name	Account Number	Expense	Revenue	Project.Sub Number
Construction materials	2100.4120.5216.00	5,087		11020 . 2100
Hot mix, asphalt, gravel	2100.4120.5215.00	5,969		11020 . 2100
Trans from Replacement	2100.0910.6602.27		11,056	11020 . 2100
Building & grounds maint	5550.3940.5400.00	11,380		11020 . 5550
Air Museum expense	5550.3940.5338.00	4,477		11020 . 5550
ADDTrans from Replacement	5550.0955.6602.27		15,857	11020 . 5550
				.
				.

RESOLUTION NO. 104-11

A RESOLUTION AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF A FEDERAL DISASTER GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) RELATED TO SPRING 2011 FLOOD DAMAGE, AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $1,000,000.00

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the application for and acceptance of a federal disaster grant from the Federal Emergency Management Agency (FEMA) related to Spring 2011 flood damage.

Section 2. That the City Council of the City of Fayetteville, Arkansas approves a budget adjustment, a copy of which is attached as Exhibit "A", in the amount of $1,000,000.00.

PASSED and **APPROVED** this 21st day of June, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

CITY CLERK/TREASURER
CITY OF
FAYETTEVILLE
ARKANSAS
WASHINGTON COUNTY

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

12/6/2011
City Council Meeting Date
Agenda Items Only

David Jurgens	Utilities	Utilities
Submitted By	**Division**	**Department**

Action Required:

Resolution approving the sale of one permanent and one temporary construction easements to the Springdale Water and Sewer Commission for the north section of the Highway 265 widening project between Joyce Boulevard and the northern City limits.

$ (3,000.00)	N/A	Sale of Assets
Cost of this request	Category / Project Budget	Program Category / Project Name
5400-0940-6881-02		Water/Sewer
Account Number	Funds Used to Date	Program / Project Category Name
	$ -	Water and Sewer
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director — 3 Nov 11 — Date

City Attorney — Nov 4, 2011 — Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Finance and Internal Services Director — 11-6-2011 — Date

Chief of Staff — 11-7-11 — Date

Mayor — 11/8/11 — Date

Received in City Clerk's Office 11-04-11 A08:49 RCVD

Received in Mayor's Office ENTERED 11/4/11

Comments:

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff

From: David Jurgens, Utilities Director
Water/Sewer Committee

Date: November 3, 2011

Subject: Crossover Road- Northern Section- Springdale Water Utilities Easement Acquisition

RECOMMENDATION

City Administration recommends approving the sale of one permanent and one temporary construction easements to the Springdale Water and Sewer Commission for the north section of the Highway 265 AHTD widening project between Joyce Boulevard and the northern City limits.

BACKGROUND

AHTD is widening Crossover Road (Highway 265) between Joyce Boulevard and the northern City limits. They do not allow utilities to remain inside their easement. The area north of Clear Creek receives water service from the Springdale. Just like the City of Fayetteville, Springdale is being required to relocate their utility lines, so they need to acquire land owned by the City for their new easements. This land was purchased by the Water Department in the 1940's as part of Lake Fayetteville.

DISCUSSION

Springdale is relocating their water lines on the east side of Highway 265. To move their lines, they require one permanent easement of 0.383 acres on one tract of land valued at $2,400, and one temporary construction easements valued at $600. The values were established by an appraisal performed by Reed & Associates, and are consistent with Springdale's offers for the remainder of this project. The City's land agents have reviewed this easement; it meets all criteria we would apply when acquiring our own easements.

Sale of City property must comply with §34.27 of Fayetteville's Code of Ordinances, which the City Attorney is recommending be modified due to its complexity and expense. In this case, the cost of specifically complying with the ordinance as currently written would cost almost as much as the revenues received from the sale. This proposed sale complies with the City Attorney's recommended modification of the ordinance, but does not comply with the ordinance as it exists without the proposed modifications.

BUDGET IMPACT

As the land was purchased by the Water/Sewer fund, revenues received from this sale must be entered into the Water/Sewer fund. This will reflect a $3000 in Water/Sewer revenue.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE THE SALE OF A PERMANENT WATER/SEWER EASEMENT OF 0.383 ACRES AND A TEMPORARY CONSTRUCTION EASEMENT ADJOINING THE PERMANENT WATER/SEWER EASEMENT ALONG HIGHWAY 265 TO THE SPRINGDALE WATER AND SEWER COMMISSION FOR $3,000.00

WHEREAS, due to the widening of Highway 265, the Springdale Water and Sewer Commission needs to move their mains and thus must acquire new permanent water/sewer easements and temporary construction easements from property owners along Highway 265 including the City of Fayetteville; and

WHEREAS, Springdale Water and Sewer Commission has offered an appraised value of $2,400.00 for the permanent water/sewer easement and $600.00 for the temporary construction easement; and

WHEREAS, our City Land Agents have many years of experience in valuing and obtaining water/sewer easements, have examined the Springdale appraisal, and have determined it is consistent with offers to other land owners and constitutes fair compensation for our citizens.

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 sale of a permanent water/sewer easement of 0.383 acres and a temporary construction easement adjoining the permanent water/sewer easement along Highway 265 to the Springdale Water and Sewer Commission for $3,000.00 and authorizes Mayor Jordan to execute the Easement Deed attached to this Resolution to convey these easements to the Springdale Water and Sewer Commission.

PASSED and **APPROVED** this 6th day of December, 2011.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT the undersigned **City of Fayetteville, Arkansas, a municipal corporation,** Grantor, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration to us in hand paid by the **Springdale Water and Sewer Commission, Springdale, Arkansas**, does hereby grant, bargain and sell unto the said **Springdale Water and Sewer Commission, Springdale, Arkansas**, and unto its successors and assigns, an easement for a water transmission line(s), and/or sewer collection or force main line(s), over, under or across the hereinafter described land in Washington County, Arkansas, to-wit:

PROPERTY DESCRIPTION (Parcel No. 765-13206-010):

Adjusted Tract "B" as per Survey Filed at File Record #2007-00030612 of the Records of the Circuit Clerk and Ex-Officio Recorder, of Washington County, Arkansas):

A part of the Southeast Quarter of the Northwest Quarter and a part of the Southwest Quarter of the Northwest Quarter Section 18, Township 17 North, Range 29 West, Washington County, Arkansas, being more particularly described as follows:
Commencing at a found iron pin at the Northwest corner of said Southeast Quarter of the Northwest Quarter; thence South 87°24'50" East 148.91 feet to a point; thence South 02°35'10" West 40.44 feet to the POINT OF BEGINNING, said point being twenty-five (25) feet southerly and perpendicular to the centerline of Ivey Road; thence parallel with said centerline of Ivey Road South 87°24'50" East 1166.20 feet to the east line of the said Southeast Quarter of the Northwest Quarter; thence along the said east line of the Southeast Quarter of the Northwest Quarter South 03°17'49" West 1295.02 feet to the Southeast corner of the said Southeast Quarter of the Northwest Quarter; thence along the South line of the said (40) acre tract North 87°23'54" West 1375.78 feet to a point, said point being fifty-five feet (55') easterly of and perpendicular to the centerline of Arkansas Highway Number 265; thence northerly, parallel to the said centerline of Arkansas Highway Number 265 along a curve to the left an arc length of 69.95 feet, said curve having a central angle of 03°20'16" and a radius of 1200.92 feet along with a chord bearing and distance of North 17°44'15" West 69.95 feet to a point; thence continuing parallel with said centerline North 19°27'19" West 832.81 feet to a point and the beginning of a curve to the right, said curve having a central angle of 19°25'22" and a radius of 763.51 feet; thence continuing parallel with said centerline along said curve and arc length of 258.82 feet and a chord bearing and distance of North 09°44'17" West 257.58 feet to a point; thence South 86°19'22" East 402.43 feet to a point; thence North 03°39'50" East 213.06 feet to a point, said point being twenty-five feet southerly of and perpendicular to the centerline of Ivey Road, thence parallel to said centerline of Ivey Road South 87°24'50" East 201.09 feet to a point; thence

South 02°35'08" West 102.85 feet to a point; thence North 87°24'50" West 114.47 feet to a point; thence South 02°35'08" West 165.94 feet to a point; thence South 87°24'50" East 387.78 feet to a point; thence North 02°35'08" East 165.93 feet to a point; thence North 87°24'50" West 263.31 feet to a point; thence North 02°35'08" East 102.85 feet to the POINT OF BEGINNING, containing 44.90 acres more or less.

Together with a utility easement twenty feet in width with a centerline located 35 feet southerly of and parallel to the centerline of Ivey Road and a utility easement twenty feet in width with a centerline located 65 feet easterly of and parallel to the centerline of Arkansas Highway Number 265.

The above described` Tract "B" is a part of the lands conveyed by B.B. and Kate Brogden to The City of Fayetteville, Arkansas, a Municipal Corporation on July 14th, 1949 said lands being described in Deed Record Book 402 at Page 263 of the Records of the Circuit Clerk and Ex-Officio Recorder, of Washington County, Arkansas. The description of which is herewith cited below:

The southeast quarter of the northwest quarter, and a part of the southwest quarter of the northwest quarter, and a part of the northwest quarter of the southwest quarter of section eighteen (18), township seventeen (17) north, range twenty nine (29) west, Beginning at a lime stone rock at the southwest corner of said northwest quarter of the southwest quarter of section 18, thence east 525 feet to the center of the Old Missouri Road, for a beginning corner of the lands herein conveyed, thence north eleven degrees .05 minutes east 373.5 feet, thence north six degrees 35 minutes east 795 feet, thence north six degrees and fifty minutes east 951 feet, thence north two degrees east 558 feet, thence east 525.22 feet, thence south one hundred sixty rods, thence west 843.18 feet to the place of beginning, containing 77.5 acres, more or less.

PERMANENT EASEMENT DESCRIPTION:

Part of the Fractional Southwest Quarter of the Northwest Quarter and part of the Fractional Northwest Quarter of the Southwest Quarter of Section 18, Township 17 North, Range 29 West, Washington County, Arkansas, more particularly described as follows:

Commencing at a half inch rebar being used as the Southeast corner of the Fractional Southwest Quarter of the Northwest Quarter and also being used as the Northeast corner of the Fractional Northwest Quarter of the Southwest Quarter of Section 18, Township 17 North, Range 29 West thence South 02° 40' 21" West along the East line of the Fractional Northwest Quarter of the Southwest Quarter of Section 18 also being the West line of Lot 48 of Clear Creek Acres, a Subdivision in Washington County a distance of 128.93 feet to a point on the Easterly right of way line of Arkansas State Highway 265 as established by AHTD Job 040518 for the POINT OF BEGINNING; thence North 15°20'09" West along said right of way line a distance of 135.68 feet to a point; thence North 19°04'08" West along said right of way line a distance of 411.27 feet to a point; thence North 20°28'29" West along said right of way line a distance of 198.13 feet to a point; thence North 19°22'12" West along said right of way line a distance of 304.76 feet to a point said point being the beginning of a curve to the right and said point also being on the East side of an existing 20' easement which is parallel and contiguous with State Highway 265 as shown on a plat of survey which is filed at the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas at File# 2007-00030612; thence leaving the right of way as

established by AHTD Job 040518 and following along said easement a curve distance of 248.35 feet to the right, having a radius of 743.51 feet, the chord of which bears North 09°48'04" West for a distance of 247.19 feet; to a point on the common line between Washington County, Arkansas Assessor's Parcel numbers 765-13206-020 & 765-13206-010; thence leaving said easement line South 86°19'26" East along the common line between Washington County, Arkansas Assessor's Parcel numbers 765-13206-020 & 765-13206-010 a distance of 1.31 feet to a point; thence leaving said common line between Washington County, Arkansas Assessor's Parcel numbers 765-13206-020 & 765-13206-010; thence South 05°12'05" East a distance of 61.56 feet to a point; thence South 13°51'33" East a distance of 187.85 feet to a point; thence South 20°28'29" East a distance of 499.42 feet to a point; thence South 19°04'08" East a distance of 411.94 feet to a point; thence South 15°20'09" East a distance of 90.03 feet to a point said point being on the East line of the Fractional Northwest Quarter of the Southwest Quarter of Section 18 also being on the West line of Lot 48 of Clear Creek Acres, a Subdivision in Washington County; thence along said line South 02°40'21" West, a distance of 48.52 feet to the POINT OF BEGINNING, containing in all 16,684 square feet (0.383 acres) more or less as shown on plans prepared by Springdale Water Utilities and referenced as SWU 11-005.

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

Part of the Fractional Southwest Quarter of the Northwest Quarter and part of the Fractional Northwest Quarter of the Southwest Quarter of Section 18, Township 17 North, Range 29 West, Washington County, Arkansas, more particularly described as follows:

Commencing at a half inch rebar being used as the Southeast corner of the Fractional Southwest Quarter of the Northwest Quarter and also being used as the Northeast corner of the Fractional Northwest Quarter of the Southwest Quarter of Section 18, Township 17 North, Range 29 West thence South 02° 40' 21" West along the East line of the Fractional Northwest Quarter of the Southwest Quarter of Section 18 also being the West line of Lot 48 of Clear Creek Acres, a Subdivision in Washington County a distance of 80.41 feet to a point on the above described PERMANENT EASEMENT for the POINT OF BEGINNING; thence North 15°20'09" West along said easement a distance of 90.03 feet to a point; thence North 19°04'08" West along said easement a distance of 411.94 feet to a point; thence North 20°28'29" West along said easement a distance of 499.42 feet to a point; thence North 13°51'33" West along said easement a distance of 187.85 feet to a point; thence North 05°12'05" West along said easement a distance of 61.56 feet to a point on common line between Washington County, Arkansas Assessor's Parcel numbers 765-13206-020 & 765-13206-010; thence leaving said easement line South 86°19'26" East along the common line between Washington County, Arkansas Assessor's Parcel numbers 765-13206-020 & 765-13206-010 a distance of 10.12 feet to a point; thence leaving said common line between Washington County, Arkansas Assessor's Parcel numbers 765-13206-020 & 765-13206-010 South 05°12'05" East a distance of 59.24 feet to a point; thence South 13°51'33" East a distance of 186.51 feet to a point; thence South 20°28'29" East a distance of 498.96 feet to a point; thence South 19°04'08" East a distance of 412.39 feet to a point; thence South 15°20'09" East a distance of 59.59 feet to a point said point being on the East line of the Fractional Northwest Quarter of the Southwest Quarter of Section 18 also being on the West line of Lot 48 of Clear Creek Acres, a Subdivision in Washington County; thence along said line South 02°40'21" West, a distance of 32.35 feet to the POINT OF BEGINNING, containing in all 12,337 square feet (0.283 acres) more or less as shown on plans prepared by Springdale Water Utilities and referenced as SWU 11-005.

Together with the right of ingress and egress across adjacent lands for the purpose of laying, repairing, inspecting, maintaining, removing, or replacing, said water transmission line(s) and/or sewer collection or force main line(s), and the right of exercising all other rights necessary to carry out the purposes for which this Easement is created.

TO HAVE AND TO HOLD the above described easement and rights unto said Grantee, its successors and assigns, forever or until said right of way is abandoned.

And Grantor agrees to warrant and forever defend all and singular the above described easement and rights unto said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or seek to claim the same or any part thereof.

This Easement is declared to and does inure to the benefit of the public generally, and shall be binding upon the successors in title to the lands herein described or any other part thereof, their mortgagees, lessees, heirs, administrators, executors, successors, and assigns.

IN WITNESS WHEREOF, the hands and seals of Grantor, are hereunto set this the _____ day of _____, 2011.

CITY OF FAYETTEVILLE, ARKANSAS
A Municipal Corporation

by: _____
Lionald Jordan, Mayor

by: _____
Sondra Smith, City Clerk

ACKNOWLEDGMENT

STATE OF ARKANSAS }
}**SS**
COUNTY OF WASHINGTON }

On this the _____day of _____ ,2011, before me, _____ , the undersigned Notary Public, personally appeared **Lionald Jordan** and **Sondra Smith**, known to me (or satisfactorily proven) to be the person whose names are subscribed to the within instrument, who acknowledged themselves to be the **Mayor** and **City Clerk**, respectively, of the **City of Fayetteville, Arkansas, a Municipal Corporation**, and that they, as such **Mayor** and **City Clerk**, being authorized so to do, executed the foregoing instrument for the purposes therein contained.

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

_____
Notary Public

My Commission Expires: _____

EXISTING UTILITY EASEMENT

PERMANENT UTILITY EASEMENT

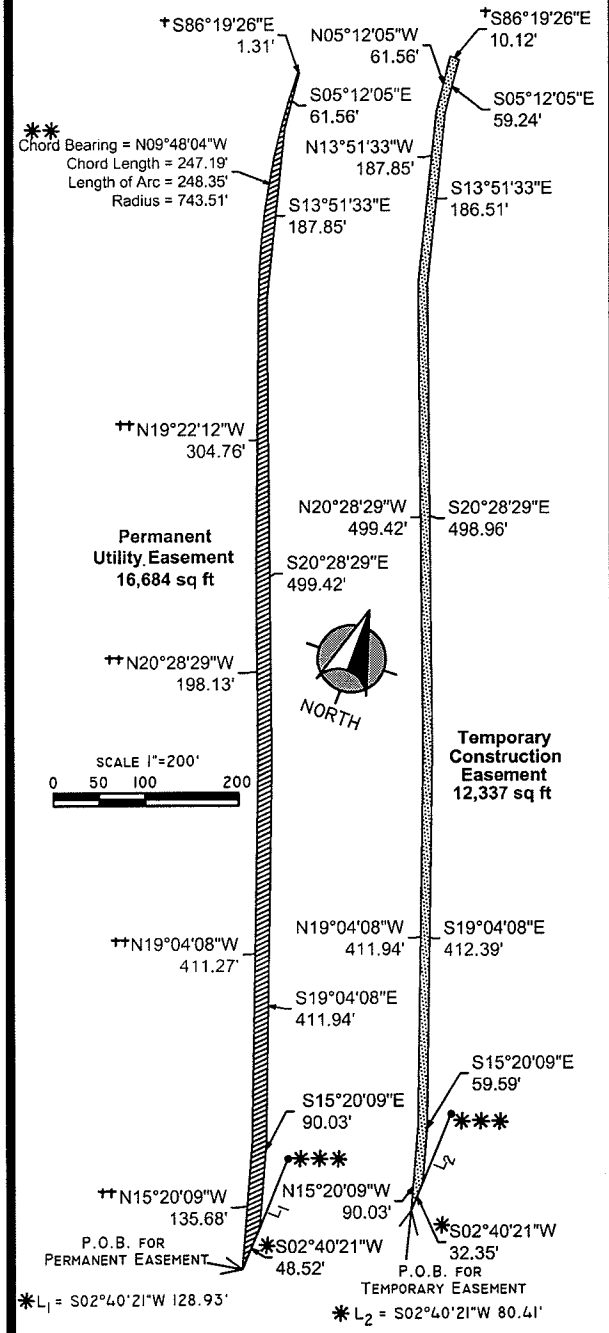
TEMPORARY CONSTUCTION EASEMENT

THIS EXHIBIT IS A SKETCH DESCRIPTIVE ONLY OF THE SIZE, SHAPE AND LOCATION OF THE PROPOSED PERMANENT AND TEMPORARY EASEMENTS AND DOES NOT CONSTITUTE A PLAT OR SURVEY OF THE GRANTOR'S PROPERTY.

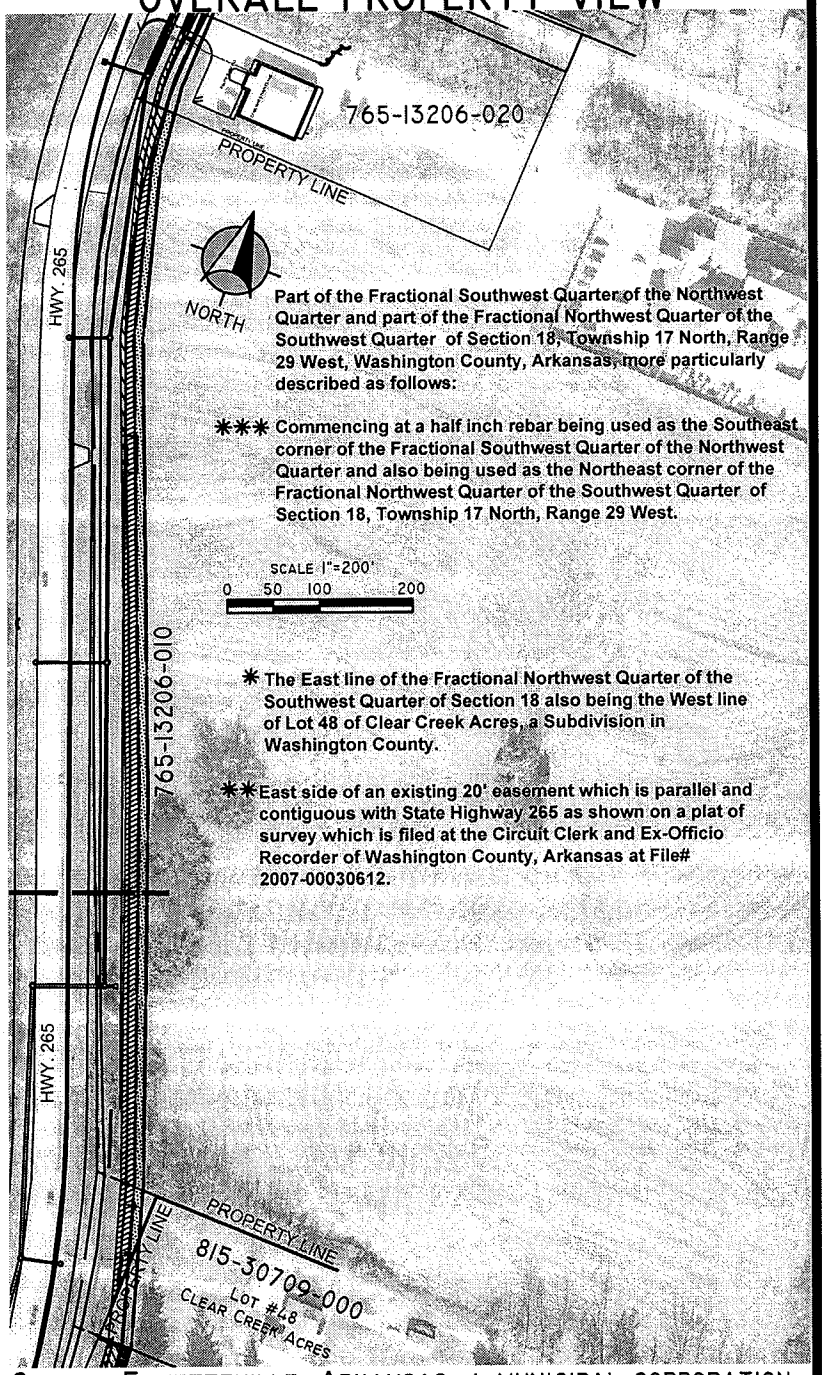
BASIS OF BEARINGS
AHTD PROJECT 040518

UTILITY EASEMENT PLAT
WASHINGTON CO. ASSESSOR'S PARCEL
765-13206-010
LANDS CONTAINED IN ADJUSTED TRACT B AS PER SURVEY FILED AT FILE RECORD #2007-00030612
BEING A PART OF THE LANDS CONVEYED BY
B.B. AND KATE BROGDEN TO
THE CITY OF FAYETTEVILLE, ARKANSAS
A MUNICIPAL CORPORATION ON JULY 14TH, 1949

EASEMENT GEOMETRY & SECTIONAL TIE



OVERALL PROPERTY VIEW



Part of the Fractional Southwest Quarter of the Northwest Quarter and part of the Fractional Northwest Quarter of the Southwest Quarter of Section 18, Township 17 North, Range 29 West, Washington County, Arkansas, more particularly described as follows:

*** Commencing at a half inch rebar being used as the Southeast corner of the Fractional Southwest Quarter of the Northwest Quarter and also being used as the Northeast corner of the Fractional Northwest Quarter of the Southwest Quarter of Section 18, Township 17 North, Range 29 West.

SCALE 1"=200'
0 50 100 200

* The East line of the Fractional Northwest Quarter of the Southwest Quarter of Section 18 also being the West line of Lot 48 of Clear Creek Acres, a Subdivision in Washington County.

** East side of an existing 20' easement which is parallel and contiguous with State Highway 265 as shown on a plat of survey which is filed at the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas at File# 2007-00030612.

CITY OF FAYETTEVILLE, ARKANSAS, A MUNICIPAL CORPORATION

+ The common line between Washington County, Arkansas Assessor's Parcel numbers 765-13206-020 & 765-13206-010.

++ The Easterly right of way line of Arkansas State Highway 265 as established by AHTD Job 040518

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT	WATER MAIN RELOCATION
SOUTH CITY LIMITS - HWY. 412 (SPRINGDALE) (S) JOB 040518 F.A.P. ROUTE 265 SECTION 2 WASHINGTON COUNTY	Highway 265 Water Relocation Ivey Lane to Clear Creek Drive
SPRINGDALE WATER UTILITIES 526 OAK ST. - P.O. BOX 769 SPRINGDALE, AR. 72765-0769 (479) 751-5751	DATE, AUGUST, 2011 · APPROVED · DRAWN BY. LFG · SCALE (AS NOTED) · AHTD Tract #41

Letter of Transmittal

To: Matt Casey / City of Fayetteville / Engineering Department

CC: File

From: Mike Imes

Date: 10/25/2011

Re: Easement acquisition for the Highway 265 Water and Sewer Relocation Project – Ivey Lane South to Clear Creek Drive – Tract No. 41

As discussed by phone earlier this morning, the Arkansas State Highway and Transportation Department has plans to widen Highway 265 from Highway 412 south to the Fayetteville City Limits. In doing so, it has become necessary for the Springdale Water Utilities to relocate their existing mains to outside of the newly acquired rights-of-way which necessitates the acquisition of additional easements along the route.

Please find enclosed for your use, the appraisal provided by Reed and Associates for the city property located just south of 5374 North Crossover Road (Arkansas State Highway 265) in Fayetteville, Arkansas. I have included with the appraisal, the easement document (with exhibit) that we are trying to secure from the City of Fayetteville as well as a "special consideration form" reflecting the compensation amounts that the Springdale Water Utilities is offering. To better understand why we are seeking the additional easement, I have also included plan page which shows the proposed water main relocation across the City of Fayetteville property in detail.

I do appreciate your offer of getting these documents to the right personnel and I will be happy to address any questions or concerns that your or anyone else may have regarding them. I may be reached either by emailing me at mimes@springdalewater.com or by calling my direct line at (479) 927-4178 or my cell phone at (479) 856-1503.

Again, I look forward to hearing from you and wish to thank you in advance for your prompt attention to this matter.

SPRINGDALE WATER UTILITIES
SPECIAL CONSIDERATIONS

Job Title: Highway 265 Water & Sewer Relocation – Ivey Lane South to Clear Creek Drive

Tract No.: 41

Parcel No.: 765-13206-010 W.D. Book 402 Page 263

Property Owner: City of Fayetteville, Arkansas, a municipal corporation (Lionald Jordan, Mayor)

Property Address: East side of S Old Missouri Road just South of Ivey Lane

Springdale, AR 72764 Phone No. (479)

Mailing Address: 113 W Mountain Street

Fayetteville, AR 72701 Phone No. (479) 575-8330

In consideration for the dedication of the easement the Springdale Water Utilities agrees to the following:

1) Monetary compensation per appraisal by Reed & Associates, Inc. is established at: $3,000.00

(Note: Permanent easement @ $2,400.00 + temporary construction easement @ $600.00)

2) Contractor will put the land and barbed wire fencing located within both the permanent utility easement and the temporary construction easement back to as near original condition as possible and in accordance with the project plans and specifications.

It is agreed that neither party hereto is relying upon any oral or written information or representations made by the other prior to the signing of the easement unless expressly provided herein, and that the easement constitutes the entire agreement between the parties and same shall not be hereafter amended or modified unless reduced to writing and signed by the parties hereto. _____

R/W Agent: _____ Date: _____

Property Owner(s): _____ Date: _____

_____ Date: _____

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

11/15/2011
City Council Meeting Date
Agenda Items Only

Kevin Springer	Budget & Research	Finance & Internal Services
Submitted By	**Division**	**Department**

Action Required:

Approve a resolution adopting the Proposed 2012 Annual Budget & Work Program.

N/A	$ -	
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** ☐

Paul A. Becker — Department Director — 10-27-2011 Date

City Attorney — 10-27-11 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Paul A. Becker — Finance and Internal Services Director — 10-27-2011 Date

Received in City Clerk's Office 10-27-11 P01:07 RCVD Kim G.

Chief of Staff — 10-31-11 Date

Received in Mayor's Office ENTERED 10/27/11

Mayor — 10/31/11 Date

Comments:

Revised January 15, 2009

Tabled to the Dec 6, 2011 CC mtg at the Nov 15, 2011 CC mtg.

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CITY OF FAYETTEVILLE, ARKANSAS
BUDGET & RESEARCH DIVISION
113 West Mountain • Fayetteville, AR 72701
P (479) 575-8347

TO: Mayor Jordan and City Council

THRU: Don Marr, Chief of Staff

FROM: Paul A. Becker, Finance Director
Kevin Springer, Budget Director

DATE: November 8, 2011

SUBJECT: **Proposed 2012 Annual Budget & Work Program**

Recommendation:
Consider the Proposed 2012 Annual Budget & Work Program for adoption by the December 6, 2011 City Council meeting.

Discussion:
The Proposed 2012 Annual Budget & Work Program will be distributed to City Council on Tuesday, November 8, 2011. Listed below is a schedule of hearing dates for the Proposed 2012 Annual Budget & Work Program.

Date	Budget Meeting / Location
Tuesday, November 8, 2011	City Council Agenda Meeting, Room 326
Tuesday, November 15, 2011	City Council Meeting, Room 219
Saturday, November 19, 2011	Budget Discussion Meeting, Room 326
Tuesday, November 29, 2011	City Council Agenda Meeting, Room 326
Tuesday, December 6, 2011	City Council Meeting, Room 219
Additional meetings to be scheduled if needed.	

If you have any questions concerning the Proposed 2012 Annual Budget & Work Program, please feel free to contact either Paul A. Becker at 575-8330 or Kevin Springer at 575-8226. Thank you for your attention to this matter.

RESOLUTION NO. _____

A RESOLUTION ADOPTING THE 2012 ANNUAL BUDGET AND WORK PROGRAM

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby adopts the 2012 Annual Budget and Work Program. A copy of the Budget, marked Exhibit "A", is attached hereto and made a part hereof.

PASSED and APPROVED this 15th day of November, 2011.

APPROVED:

By:_____
LIONELD JORDAN, Mayor

ATTEST:

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

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City of Fayetteville, Arkansas

2012 Annual Budget and Work Program

City Council and Other Elected Officials

Adella Gray, Ward 1 - Position 1
Brenda Boudreaux, Ward 1 - Position 2
Mark Kinion, Ward 2 - Position 1
Matthew Petty, Ward 2 - Position 2
Justin Tennant, Ward 3 - Position 1
Bobby Ferrell, Ward 3 - Position 2
Rhonda Adams, Ward 4 - Position 1
Sarah Lewis, Ward 4 - Position 2

Kit Williams, City Attorney
Sondra Smith, City Clerk/Treasurer
Rudy Moore, District Judge

Submitted by

Lioneld Jordan, Mayor
Don Marr, Chief of Staff
Paul A. Becker, Finance Director
Greg Tabor, Acting Police Chief
David Dayringer, Fire Chief

Prepared by

Kevin Springer, Budget Director
Barbara Fell, Senior Financial Analyst
Liz Hutchens, Financial Analyst

Fayetteville
ARKANSAS

MISSION STATEMENT

The City of Fayetteville's mission statement is a direct result of a volunteer team of employees charged with creating a mission statement that expressed the service core of City operations, reflected our beliefs concerning City services, and was easy to remember. All City employees were given an opportunity to provide input for the mission statement. The mission statement was then adopted by the City Council and is as follows:

To protect and improve our quality of life by listening to and serving the people with pride and fairness.

City of Fayetteville, Arkansas
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THE CITY OF FAYETTEVILLE, ARKANSAS

November 8, 2011

Members of City Council and
Citizens of Fayetteville

I am pleased to submit my proposed budget for 2012 for the City of Fayetteville. This budget has been prepared in accordance with the Arkansas Statutes and City Ordinances that require the Mayor, under the aldermanic form of government, to submit to the City Council the annual budget for approval. This budget allocates necessary funding for all municipal operations as well as necessary adjustments to the Capital Improvements Program for 2012.

Once again, the budget was formulated in the context of my primary budget goals considering current economic conditions.

2012 Budgetary Goals

My goals continue to be as follows:

- *To provide the same level of services to the public if possible*
- *To retain the work force at the current level for necessary personnel but to evaluate the necessity of refilling open positions*
- *To avoid increases in taxes to the citizen by keeping the millage rate the same as 2010*
- *To continue to provide services to the citizen in the most efficient and effective manner possible*
- *To fund needed Capital Improvements to the greatest extent possible*
- *To scrutinize all City fund types for possible reductions*

Financial Environment

The local economic conditions in Fayetteville have improved in fiscal 2011 when compared to the prior two years of my administration. Sales taxes are up approximately 4% compared to prior year and 6% compared to budget through the end of the third quarter of fiscal 2011. The City has also experienced a moderate increase in building activity. Unfortunately unemployment still remains at 6.6%, which does compare favorably to the rest of the State and Nation but still is high for Fayetteville historically. The specter of national economic problems also looms large. For these reasons, this budget has been formulated on conservative revenue and expenditure estimates.

For 2012, we have forecasted all revenue sources to be equal to 2011 projections. The frozen positions I have directed in the past will be continued. Many of the cuts made during the previous two years will remain in force. However, since we still face a potential shortfall in the General Fund of approximately $500,000, I have not included salary increases in my proposed budget. At the close of the 2011 fiscal year, I intend to analyze the City's financial position and if at all possible recommend a salary package for employees to the Council.

Conclusion

This budget is based on realistic revenue and expenditure estimates. I believe that it continues to provide for the best possible level of services while still guarding against possible weakening economic conditions.

2011 has been another busy year for the City and together we have accomplished a great deal. With the combined efforts of this Administration and City Council support, I am confident that we will meet the challenges facing the City and continue to provide our citizens superior service levels.

Lioneld Jordan, Mayor

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www.accessfayetteville.org
THE CITY OF FAYETTEVILLE, ARKANSAS

November 8, 2011

Mayor Lioneld Jordan, Members of the City Council and
Citizens of Fayetteville:

The budget being presented is a 2012 operating budget. It does not include re-budgets that represent programs approved and appropriated in prior years which as of the end of fiscal 2011 remain uncompleted. Re-budgets also include amounts generated by previous bond issues in the Capital Project Funds which remain unspent as of December 31, 2011 and are likely to be in excess of $45,000,000. These re-budgets will be presented for addition to the 2012 operating budget early in the first quarter of 2012.

In 2011, City and County Sales Taxes increased compared to 2010. By year end, total sales taxes are expected to be approximately 4% over prior year. The decline in both residential and commercial building has leveled off but fees associated with permitting and construction are still far below 2008 levels. Water and Sewer revenue collections have increased in fiscal 2011 due to unusually dry weather conditions during the summer months. Fuel and rent revenues at the airport are under 2010 collections. HMR revenue continues to increase and should finish the year up by 5%. Other fund operations are relatively stable when compared to the prior year.

The 2012 General Fund budget represents net expenditure increases from 2011 as an additional $253,700 was added compared to last year's budget. This was due to required increases because of pension obligations, insurance increases, maintenance contracts, and vehicle replacement charges. Open positions (23.1 FTE's) continue to be frozen. Cost control measures began in 2009 and are being incorporated in the 2012 budget. Once again no salary increases are provided for in the 2012 budget.

Total reductions in the General Fund since the 2009 budget have been over $2.5 million. A total of 23.10 FTE's have been held open, overtime has been drastically reduced, and annual salary increases have not been given since 2009. All these measures were taken to address revenue decreases experienced in 2009 and 2010 as the City reacted swiftly to these economic changes.

For 2012, the General Fund budget has been formulated on the assumption that revenues in 2012 will be essentially flat compared to current 2011 estimates. However, the $1 million transfer from the Sales Tax Improvements Fund that was budgeted in 2011 will not be needed in 2012. The use of $498,000 from fund balance is being requested for 2012.

2012 PROPOSED BUDGET EXECUTIVE SUMMARY

This budget is formulated with the Enterprise Funds being budgeted on an accrual basis except for depreciation, which is not included in the budget, and both capital expenditures and bond principal payments which are included in the expenditure budgets.

Governmental funds are budgeted on the modified accrual basis.

The total budget allocated by expenditure category is displayed in the following table.

Summary of Fund Expenditures by Category (In Dollars)

Category:	Adopted 2011	Proposed 2012	Change In Dollars	2012 % of Total Budget
Personnel Services	$ 42,092,155	$ 42,466,864	$ 374,709	35.5%
Materials & Supplies	4,527,208	4,234,456	(292,752)	3.8%
Services & Charges	16,052,793	16,090,288	37,495	13.5%
Maintenance	3,975,581	4,508,422	532,841	3.4%
Fuel	2,946,398	3,460,493	514,095	2.5%
Internal Charges	3,944,052	4,354,031	409,979	3.3%
Purchased Water	6,500,000	6,500,000	0	5.5%
WWTP Operations	7,712,706	7,799,391	86,685	6.5%
Total Operating Expenses	87,750,893	89,413,945	1,663,052	74.0%
Transfers Out	1,233,000	330,600	(902,400)	1.0%
Debt Service	18,732,207	20,104,105	1,371,898	15.8%
Capital	10,798,100	11,482,350	684,250	9.1%
Total Expenses	$ 118,514,200	$ 121,331,000	$ 2,816,800	100.0%

The 2012 Proposed Budget is in excess of $121.3 million. This is an increase when compared to 2011 of $2,816,800 or 2.3%. The majority of that increase is due to changes in debt service and capital. The total operating expenses are up $1,663,052 or 1.8%.

The following table indicates the percentage of total budget allocated by funds.

Fund Totals as Percent of Total Budget

	Adopted 2011		Proposed 2012	
	Budget	% Total	Budget	% Total
Funding Sources				
General	$ 33,885,500	28.6%	$ 34,139,200	28.1%
Water & Sewer	30,901,000	26.1%	30,908,000	25.6%
Sales Tax Bond	15,373,700	13.0%	16,372,400	13.5%
Solid Waste	9,208,300	7.8%	9,950,100	8.2%
Shop	7,239,900	6.1%	8,231,500	6.8%
Sales Tax Capital Improvements	6,390,000	5.4%	6,702,600	5.5%
Street	4,390,000	3.7%	4,706,600	3.9%
Parks Development	2,424,600	2.0%	2,358,000	1.9%
Police Pension	1,692,800	1.4%	1,633,000	1.3%
Fire Pension	1,480,400	1.2%	1,470,000	1.2%
Parking	1,065,100	0.9%	1,101,800	0.9%
Impact Fee	1,260,000	1.1%	921,000	0.8%
Airport	770,800	0.6%	768,000	0.6%
Town Center	702,700	0.6%	695,200	0.6%
Community Development Block Grant	695,800	0.6%	589,000	0.5%
Drug Law Enforcement	494,000	0.4%	544,000	0.4%
TIF Bond	63,700	0.1%	100,000	0.1%
Wastewater System Improvements Proj.	0	0.0%	97,600	0.1%
Fire Bond	424,800	0.4%	0	0.0%
Replacement & Disaster Recovery	45,100	0.0%	41,000	0.0%
Sales Tax Construction Bond	6,000	0.0%	2,000	0.0%
	$ 118,514,200	100.0%	$ 121,331,000	100.0%

An examination of the overall budget indicated that the General Fund is the largest fund being 28.1% of the total. The Water and Sewer Fund is second at 25.6% of the total. The combination of these funds is 53.7% of the total budget. The Sales Tax Bond Fund (budget to repay outstanding bonds) is 13.5% of the budget. Thus the three largest funds represent 67.2% of the total operating budget.

An important part of this budget document is the City's Financial Policies delineated in pages 4 through 8 which are incorporated as a part of the budget. These policies include the following:

Revenue Policy
Expenditure Policy
Debt Policy
Reserve Policy
Investment & Cash Management Policy
Capital Improvement Policy
Financial Reporting Policy
Administrative Procedures to Adjust the Approved Budget

Overview of City's Major Funds:

General Fund is the major operating fund of the City and is comprised of activities not accounted for specifically in other funds.

The traditional functions of government are included in the General Fund which includes the following: general government services (Mayor's Administration, District Court, City Clerk and City Attorney), fire, police, finance, internal services, animal services, telecommunications, parks and recreation, cable, library funding, engineering, planning, and building safety.

General Fund Revenue:

The General Fund revenue budget was based on the following assumptions:

- Revenue for the City Sales Tax is projected to increase at a rate of 4.48% over 2010 actual receipts.
- Revenue for the County Sales Tax is projected to increase at a rate of 2.07% over 2010 actual receipts.
- Revenue for Franchise Fees is projected to increase 4.97% over 2011 budget amount.
- Revenue for Property Taxes is projected to increase at a rate of 2.35% from 2011 collections based on assessed valuation.
- Other revenues are expected to be essentially flat compared to the 2011 budget.
- Maintaining the revenue split for City Sales Tax to 60% operations and 40% capital.

Based on these revenue assumptions, the major revenue sources for the General Fund in 2012 are projected to be as follows:

City's Share of County Sales Tax		$10.7 million
City Sales Tax		9.8 million
Alcoholic Beverage Taxes		0.5 million
Franchise Fees		4.9 million
Intergovernmental Income		2.3 million
Fines & Forfeitures		1.6 million
Charges for Services		1.3 million
Property Tax Millage		1.5 million
Licenses & Permits		0.7 million
Other		0.3 million
	Total	$33.6 million

General Fund Expenditures:

Payroll expenditures are based on 99% of full employment. Therefore, a 1% vacancy allowance has been factored into the General Fund budget.

The significant increases/(decreases) in General Fund for 2012 compared to 2011 are as follows:

2011 General Fund Adopted Expense Budget:	$ 33,885,500
Additions:	
LOFPI Police Pension	$ 52,589
LOFPI Fire Pension	52,570
Health Insurance (Rate Increase)	21,871
Fuel	51,550
Motorpool Charges	54,614
Election Cost (General Election)	30,000
Police Jail Contract	10,500
Utilities	14,400
Other	12,613
Software Maintenance	59,807
	360,514
Reductions:	
Personnel Turnover & Other	(7,182)
Insurance - Personal Liability / Vehicles	(17,480)
Radio Maintenance	(82,152)
	(106,814)
Net Additions/(Reductions)	**$ 253,700**
	$ 34,139,200

Changes between the 2009 and 2012 budget are as follows:

2009 General Fund Adopted Expense Budget:	$	35,801,900
Additions:		
Salaries/Wages & Pension (including LOFPI)	$	475,083
Health Insurance (Rate Increase)		157,755
Unemployment Insurance		80,000
Software Maintenance		97,143
Election Cost		45,000
Police Jail Contract		10,500
Utilities		14,400
Bad Debt Expense		10,000
	$	**889,881**
Reductions:		
2010 Budgeted Positions Held in 2011 & Frozen Positions	$	(1,058,971)
Salary Contingency (Wage Increases for 2010)		(325,398)
Fire/Police Overtime		(225,000)
Parking Enforcement Program (Shifted to Parking Fund)		(201,948)
Contract Services & Lease Expense		(112,176)
Fuel		(45,039)
Radio Maintenance		(82,152)
Washington, D.C. Lobbyist		(85,000)
Increase Cost Allocations		(70,000)
Vehicle Replacement Charges & General Motorpool Charges		(13,000)
Public Notification & Uniforms/Equipment		(51,910)
Planning Commissioners Salaries		(43,596)
Publications/Dues & Travel & Training & Radio Maintenance		(26,315)
Pension Administration Fee & Long Term Disability and Life Insurance		(34,082)
Other		(177,994)
		(2,552,581)
2012 Proposed Budget General Fund	$	34,139,200

As the City's main operating fund, the General Fund will continue to face increased funding demands. There are numerous unfunded needs for 2012 that could not be addressed at this time.

Major policy issues to be considered for General Fund in the future include:

- The need to fund employee wage increases sometime in the future.
- Continue to explore an independent funding method for the Fayetteville Public Library.
- Examination of the User Fee/Cost Reimbursement rates based on a cost analysis.
- Continued examination the City's overall long term revenue stream to match required long term expenditures.

The **Street Fund** is primarily financed by turnback revenues received from the State of Arkansas and turnback monies received from the County Road Millage Tax. These monies are utilized to maintain and repair City streets, rights-of-way, drainage, traffic control and maintenance, and City owned sidewalks.

State turnback comes from motor fuel taxes collected by the State (state turnback) and returned to the City on a per capita basis. The long term trend for state turnback is flat. A total of $3.5 million is projected for 2012. The City also receives 80% of the road millage levied by the Quorum Court on real and personal property located within the City. This should generate in excess of $1 million. The Street Fund budget is balanced for 2012 with revenues equaling expenditures.

The **Parking Fund** has been established to account for the revenue and expense associated with the paid parking program. Feasibility of a revenue bond issue for the construction of a parking facility is currently being considered by the City Council. Net revenue from this fund would be pledged for payment of that bond issue.

The addition of one FTE is being requested for this fund to address the current workload. This fund has a budgeted surplus of $277,700 for 2012.

The **Parks Development Fund** accounts for the revenue and expenditures of the Parks HMR tax approved by the voters in 1995 as modified by the 2011 referendum. The $2.4 million in planned expenditures for 2012 includes $587,000 in capital improvements. The fund is budgeted to break even for 2012. All projected revenues amounts are budgeted for this fund.

The **Impact Fee Fund** accounts for the revenues and expenditures related to the collection of water, wastewater, police, and fire impact fees. All projected revenues are budgeted for this fund. Due to the continued fall in development, the collection of these fees will be slightly less in 2012 than 2011.

The **Sales Tax Capital Improvements Fund** accounts for the revenue and expenditures of the City's sales and use taxes which are used for acquisition and improvement projects as well as equipment additions and replacements that are included in the City's five-year capital improvements program as adjusted. The 2012 planned expenditures include $6,695,300 in capital improvements.

The **Water & Sewer Fund** accounts for the revenue sources as well as the operation and maintenance expenses of the City's water and sewer system. This includes water purchases from Beaver Water District, all water and sewer functions, the operation of the wastewater treatment plants, meter and backflow operations, and billing and collections.

For 2012, the Water & Sewer Fund is projected to have operating gain of $5,507,000 before depreciation expense and capital expenditures. The wastewater treatment plant operations are budgeted at $7.8 million, which represents almost 26% of the total operating expenses. The water purchases budgeted for 2012 represent the second largest expenditure for operations in the fund at $6.5 million. This represents approximately 21% of total operating expenditures. This fund is budgeted to break even in 2012.

The **Solid Waste Fund** is responsible for the operation of the City's solid waste collection and disposal, recycling program, and composting program. Revenues for the fund are obtained from fees levied for trash collection, recycling revenue, and container sales or leases. During the end of 2009, the operation of the transfer station was brought in house and is currently being operated by the City. For 2012, the Solid Waste Fund is projected to have a loss of $821,300 primarily due to needed capital improvements. However, there are sufficient reserves to accommodate this deficit.

The **Airport Fund** provides for the operation and maintenance of the City's municipal airport. The Airport Fund's revenue is generated from rents and leases. For 2012, the Airport Fund is projected to have an operating deficit of $91,000 before depreciation.

The **Shop Fund** is an internal service fund that provides for the acquisition and maintenance of equipment and vehicles utilized by the City's operating divisions. The Shop Fund's source of revenue is from charges to other City operating funds based on equipment and vehicle usage. The Shop Fund will have a projected $741,100 loss for 2012 after capital expenditures of $3,610,000. This amount will come from fund balance which reflects the previous accumulation of funds for replacement of equipment and vehicles when needed.

2012 Capital Budget

This plan contains a total of $15,600,000 for capital projects in 2012. A detail listing of all of the projects planned for 2012 are included under the Capital and Debt section.

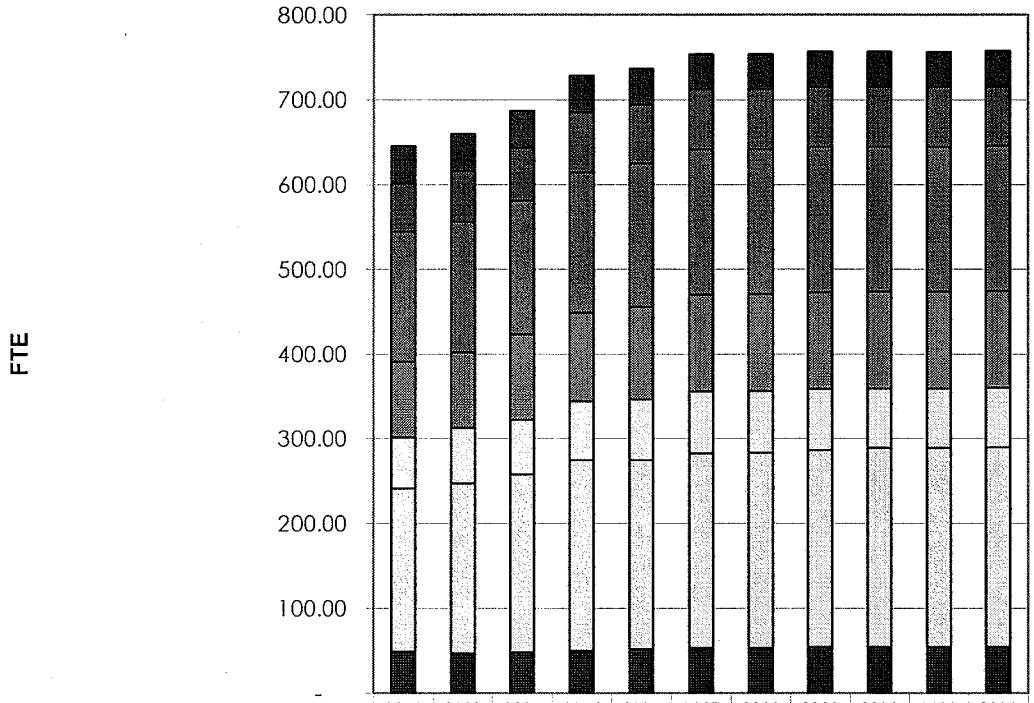
Debt Issues – 2011

No new debt was issued in 2011 as of the date of this budget presentation.

Personnel Changes

This budget includes an addition of one FTE for 2012. The Entertainment District Parking Program increased the workload and responsibilities of the Parking and Telecommunications Division. The Account Clerk position is funded in the Parking Fund. Below is a history of total positions by activity from 2002-2012.

Personnel History (2002-2012)



	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Prior Year Change	0.25	13.75	27.50	41.00	8.00	17.50	-	3.00	-	(0.53)	1.00
Total	645.78	659.53	687.03	728.03	736.03	753.53	753.53	756.53	756.53	756.00	757.00
General Government	44.35	43.65	43.65	43.40	41.40	42.00	41.40	42.00	41.50	41.50	41.50
Finance & Internal Services	57.25	59.75	62.50	69.75	69.75	70.25	70.25	70.25	70.25	69.75	69.75
Police	153.63	154.63	157.63	166.63	169.63	171.63	171.63	171.63	171.63	171.60	171.60
Fire	89.00	89.00	101.00	104.00	109.00	114.00	114.00	114.00	114.00	114.00	114.00
Community Planning & Engineering	60.55	65.05	64.80	69.80	71.80	73.30	73.30	72.30	70.30	70.30	70.30
Transportation, Parking & Utilities	191.65	200.60	209.60	224.60	222.60	229.00	229.60	232.00	234.50	234.50	235.50
Parks & Recreation	49.35	46.85	47.85	49.85	51.85	53.35	53.35	54.35	54.35	54.35	54.35

CLOSING

The funding proposals contained in this budget are the result of a collaborative effort among all City Division Heads, Department Directors, and City financial Staff members. It is built on the policies, goals, and objectives outlined by the Mayor and City Council. It represents the financial and operational plan for the City of Fayetteville for 2012. The appropriations contained in this budget will provide for quality municipal services that meet the needs of the Citizens of Fayetteville and it is, hereby, submitted by the Mayor to the City Council for consideration and adoption.

Respectfully submitted, R espectfully submitted,

Paul A. Becker
Finance Director

Kevin Springer
Budget Director

RESOLUTION NO. ???-11

A RESOLUTION ADOPTING THE PROPOSED 201 2 ANNUAL BUDGET AND WORK PROGRAM AS AMENDED.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby adopts the Proposed 2012 Annual Budget and Work Program. A copy of the Budget, marked Exhibit "A" is attached hereto and made a part hereof.

PASSED and **APPROVED** this the 15th day of November, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

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CITY OF FAYETTEVILLE, ARKANSAS
THE BUDGET PROCESS

The budgets of governmental funds (for example General Fund, Street Fund, and Parks Development Fund) are prepared on the modified accrual basis for revenues and expenditures. Under the modified accrual basis of accounting, revenues are recognized when they become both measurable and available. Expenditures are recorded when the related fund liability is incurred. The proprietary and trust fund types (Water & Sewer Fund, Solid Waste Fund, and Airport Fund) are budgeted on a full accrual basis except for depreciation which is excluded and both capital purchases and bond principal payments which are included as expenditures. Not only are expenditures recognized when the liability is incurred but revenues are recognized when they are due and owing to the City (for example, water user fees are recognized as revenue when bills are produced). Agency funds are not budgeted since they are custodial in nature and do not involve measurement of results of operations.

The Comprehensive Annual Financial Report (CAFR) shows the status of the City's finances on the basis of "Generally Accepted Accounting Principles" (GAAP). This conforms to the way the City prepares its budget. Formal budgets exist for all funds and fund types, except agency funds and account groups, but the budget-to-actual comparison reports are prepared only for the governmental fund types (General, Special Revenue, and Capital Projects).

The Annual Budget and Work Program is a fiscal plan which presents the services which will be provided to the community and the funds needed to perform these services. The type and level of service is defined by the use of program objectives, which are further defined by performance measures. The Mayor is responsible for formulating the fiscal plan and presenting it to the City Council for approval and adoption. The key steps and dates in this process for the 2012 Budget and Work Program are described below:

1. **Budget Preparation Package, June 2011**
   The budget preparation package was distributed to all Department Directors and Division Heads. The package included budget preparation software. In addition, target budgets were set for each fund and/or program. The target budget excluded service expansion requests and new personnel requests. These items are considered separately. Training was conducted on an individual basis with the Budget Staff and Department Directors and Division Heads, as requested.

2. **Capital Requests, September – October 2011**
   Five Year Capital Improvements requests were submitted for review and prioritization. Approval of the requests were based on a review of prioritized lists by Department Directors and Budget staff to see if original cost and continuing costs were within the available funding range. All capital items with a cost that exceeds $10,000 appear in the Five Year Capital Improvements Programs.

3. **Budget Work Papers Submitted by Division Heads, July 2011**
   The Division Heads returned budget submissions requesting 2012 funding to the budget office. The budget office then verified that budget submissions were correct and within specified targets.

4. **Analysis of Each Proposed Program Budget, August 2011**
During this period, meetings were conducted with each Department Director. At these meetings, the submitted program budgets were evaluated in their entirety and additions and cuts were made to balance the funds with the service requirements. The 2012 Proposed Budget and Work Program was the result of this process.

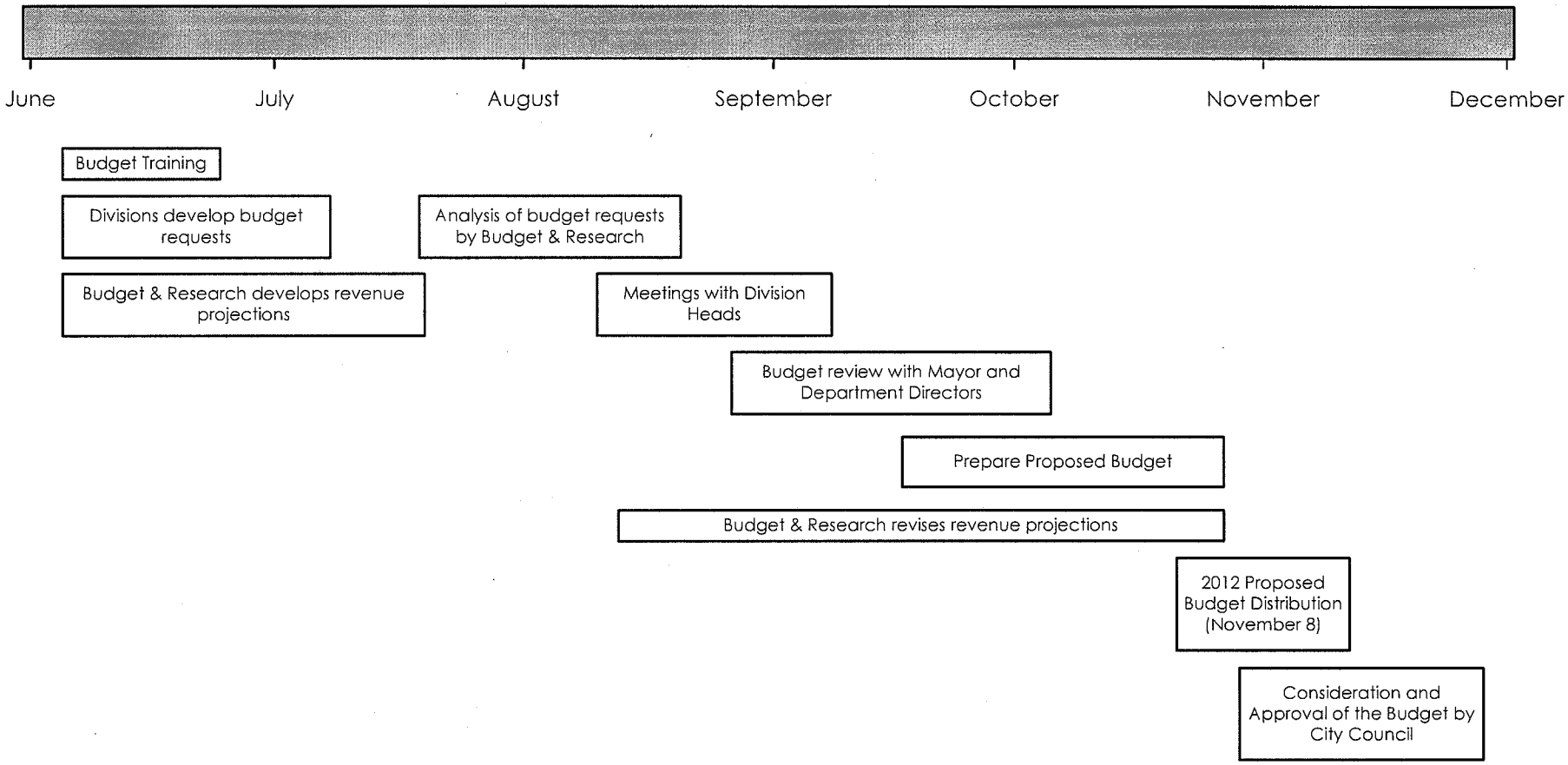
5. **Consideration and Approval of the Budget, Beginning to Adoption 2011**
The proposed budget was presented to the Mayor in November. The Mayor will present the comprehensive Proposed 2012 Budget and Work Program to the City Council on November 8. Public discussions on the budget will be conducted as needed beginning November 15.

6. **Implementing the 2012 Budget, January 2012**
Work papers are created and distributed to allow each division head to split their budget into the projected funding level needed for each month. These work papers are collected and input into the computer system to assist in the control of the adopted budget throughout 2012.

7. **Adjusting the 2012 Budget, Throughout 2012**
The budget may be adjusted throughout 2012. Depending on the amount of the adjustment, approval may come from the Budget Director, Finance Director, Mayor or the City Council. A detailed explanation of the Budget Adjustment Policy is listed on pages 7 and 8.

The public meetings throughout the budget process are considered to be an essential part of the budget process as they are designed to solicit feedback from the City Council and public on City operations and services. In accord with continuing efforts to apprise the public of City activities, the Proposed 2012 Budget and Work Program is made available for review by all interested persons at the Fayetteville Public Library and the City Clerk's Office. In addition, a downloadable version of the budget is found on the City's web site. Public notification of this information is made in a local newspaper and on the Cable Access Television channel. As always, the public is invited to attend all meetings, retreats, and hearings regarding consideration of the Budget.

CITY OF FAYETTEVILLE, ARKANSAS
THE 2012 BUDGET PROCESS



CITY OF FAYETTEVILLE, ARKANSAS
FINANCIAL POLICIES

The purpose of this section is to present the policies that the City follows in managing its financial and budgetary affairs. These are general statements of policies, which represent long-standing principles, traditions, and practices that have guided the City in maintaining financial stability.

REVENUE POLICY

- The City will strive to maintain a broad and diversified revenue base that will equitably distribute the burden of supporting City services and will protect the City from short-term fluctuations in any one revenue source.

- The City will actively support economic and industrial development recruitment and retention efforts to provide for a solid revenue base.

- The City will maintain timely collection systems and implement necessary enforcement strategies to collect revenues from available sources.

- The City will establish user fees and charges for services, when feasible, at levels related to the cost of providing the services. The City will review the fees and charges on a periodic basis to determine modifications needed to keep pace with the cost of providing the services.

- The City will establish, when feasible, self-supporting enterprise funds and internal service funds in which a relationship between revenues and expenditures clearly exists.

- The City will project revenues on a conservative basis so that actual revenues will consistently meet or exceed budgeted revenues.

- The City will maintain a budgetary control system and will prepare reports that compare actual revenues to budgeted amounts.

- The City will review annually and revise, where necessary, its cost allocation formula.

- The City will limit the designation of General Fund revenues for specified purposes to maximize flexibility in budgeting and revenue utilization.

EXPENDITURE POLICY

- Basic and essential services provided by the City will receive first priority for funding.

- The City will establish performance measurements for all program areas, when feasible. These measures will reflect the demand, workload capability, and projected outcomes for the program to accomplish its objectives.

- The City will adopt a balanced budget, by fund, for all funds maintained by the City, in which total anticipated revenues must equal or exceed the budgeted expenditures for each fund. However, if this cannot be attained, the City will utilize unallocated fund reserves, which have been carried forward from prior years.

- The City will maintain a budgetary control system to ensure adherence to the adopted budget and will prepare reports that compare actual expenditures to budgeted amounts.

- The City will refrain from budgeting non-recurring or one-time revenue for ongoing expenses.

- The City will provide access to medical, dental, life, and long-term disability insurance for its employees. The cost for these benefits will be a shared responsibility between the City and its employees.

- The City will provide access to appropriate retirement plans for its employees. Th e City will make contributions for eligible employees at the percentage defined for each of the respective retirement plans.

DEBT POLICY

- The City will maintain a policy of full disclosure on financial reports and bond prospectus.

- The City will maintain communications with bond rating agencies and continue to strive for improvements in the City's bond rating.

- The City will pay for all capital projects and capital improvements on a pay -as-you-go basis using current revenues whenever possible. If a project or improvement cannot be fi nanced with current revenues, long-term or short-term debt or capit al leases will be recommended.

- The City will refrain from issuing long-term debt for a period in excess of the expected useful life of the capital project.

- The City will use s pecial assessment revenue or other self-supporting bonds instead of general obligation bonds, when feasible.

- The City will seek refinancing of outstanding debt if it is determined that the City will benefit by reduced interest expense over the remaining life of the bonds of at least 3% of t he principal being refunded.

- The City will require that General Fund and Street Fund debt service shall not exceed 10% of annual general and road tax revenues and the principle amount of General and Street Fund debt shall not exceed 5% of assessed taxable property.

- Outstanding short-term debt and Amendment 78 debt obligations combined shall not exceed 5% of the City's taxable real property.

RESERVE POLICY

- The City will maintain a minimum reserve of sixty (60) days of annual regular general fund operating expenditures for the General Fund in Undesignated Fund Balance. T he minimum unreserved General Fund Balance cannot be reduced without specific City Council Resolution.

- The City will maintain a minimum reserve of at least 10% of current year operating expenditures for the Street Fund in Undesignated Fund Balance. If existing reserves exceed the required level, such funds may be u sed to provide for non-recurring expenditures. Th e City will use monies in the 10% reserve only in times of emergency or fiscal and economic hardship.

- The City will attempt to maintain a cash and investments balance of not less than 10% of cu rrent year operating expenditures for all Enterprise Funds.

- The City will maintain a Shop Fund reserve necessary to fund the replacement and expansion of the City's vehicles and equipment.

INVESTMENT AND CASH MANAGEMENT POLICY

- The City will deposit all receipts on a timely basis.

- The City will strive to maximize the return on its investment portfolio without jeopardizing principal amounts.

- The City will limit its investments to the types of se curities provided for by Arkansas statutes.

- The City will diversify its investments by maturity date to protect against market fluctuations.

- The City will purchase securities from qualified institutions based on competitive bids in an effort to obtain the highest available rates.

CAPITAL IMPROVEMENT POLICY

- The City will prepare and update, as needed, a five-year Capital Improvements Program (CIP), which will provide for the orderly maintenance, replacement, and expansion of capital assets.

- The CIP will identify long-range capital projects and capital improvements of all types, which will be coordinated with the annual operating budget to maintain full utilization of available revenue sources.

- When preparing the CIP, the City will seek to identify all viable capital projects and capital improvements required during the subsequent five-year period. These projects and improvements will be prioritized by year and by funding source. Every attempt will be made to match projects and improvements with available funding sources. Future operating costs associated with a project or an improvement will also be given consideration in the establishment of priorities.

- The City will seek Federal, State, and other funding to assist in financing capital projects and capital improvements.

- The City will seek input from the public by holding public hearings in relation to the establishment of projects and project priorities.

- The City will incorporate the reasonable findings and recommendations of the other City Boards, Commissions, Committees, and Citizen task forces, as they relate to capital projects and improvements.

FINANCIAL REPORTING POLICY

- The City's accounting system will maintain records in accordance with accounting standards and principles outlined by the Governmental Accounting Standards Board (GASB), Financial Accounting Standards Board (FASB), and the State of Arkansas.

- The City will employ an independent accounting firm to perform an annual audit of the City's finances and make the annual audit available to all required and interested parties. The audit shall be completed and submitted to the State of Arkansas within 210 days of the close of the fiscal year.

- The City will produce monthly and quarterly financial statements reporting the current periods' activity for all funds maintained by the City.

- The City will maintain an internal audit function, which will be charged with adopting and routinely monitoring internal controls of the City.

- The City will prepare an annual budget document that provides a basic understanding of the City's planned financial operations for the coming fiscal year. Copies of the proposed and final budget will be made available to all interested parties and opportunities will be provided for citizen input prior to final decisions on the budget.

- The City will seek annual renewal of the Government Finance Officers Association's (GFOA) Certificate of Achievement for Excellence in Financial Reporting and the Distinguished Budget Presentation Award.

CITY OF FAYETTEVILLE, ARKANSAS
ADMINISTRATIVE PROCEDURES
TO ADJUST THE APPROVED BUDGET

PURPOSE:

The procedures outlined in this section define, standardize, and set forth responsibilities for budget adjustments.

DEFINITION AND EXPLANATION:

During the fiscal year needs arise for expenditure budget adjustments to enable divisions to adapt to changing conditions. There are two types of expenditure budget adjustments which can be defined as follows:

1) **Budget Adjustment** – this is a transfer from one category within a fund budget to another category. The fund total does not change.

2) **Budget Amendment** – this is an addition to the overall budget total of the fund. It increases the total expenditure amount authorized for the fund. Any budget amendment must be supported by an increase in revenue or come from available fund balance.

DEPARTMENT DIRECTORS AND DIVISION HEADS RESPONSIBILITIES:

All Department Directors and Division Heads are mandated to stay within each operational program budget as adopted and to stay within the total budget for each capital project. **Neither the Accounting or Purchasing Divisions will process payments or purchase orders, which will cause a program or capital project to be over the annual budget amount.**

Each operational division is grouped into programs (i.e. Engineering - Administration, Engineering - Plans & Specifications, Engineering - Right-of-Way, etc.). Budget adjustments will be required in the following instances:

1) When the budgeted amount <u>per operational program</u> is exceeded (an offsetting adjustment must be made from another operational program or fund balance).

2) When the budgeted amount for <u>a capital project</u> is exceeded (an offsetting adjustment must be made from another capital project, another program, or fund balance).

Requested adjustments to an operational program must be submitted on a budget adjustment form with sufficient justification for the need. Any changes in the personnel services category must meet the City's policy for raises, promotions, and staff increases.

BUDGET ADJUSTMENT APPROVAL PROCESS:

Budget Amendments

1) All budget amendments must be approved by the City Council other than mandatory redemptions and other expenditures delegated to a Bond Trustee via a bond trust agreement.

Budget Adjustments

1) Budget adjustments within categories, within divisions of a fund, can be made with the approval of the Budget Director (see page 10 for a division listing).

2) Budget adjustments between categories within a division of a fund can be made with the approval of the Budget Director and Finance Director or Chief of Staff.

3) Budget adjustments within the personnel services category between departments within a fund will be approved by the Budget Director, the Finance Director, and the Chief of Staff.

4) Budget adjustments between categories within an approved project will be approved by the Budget Director.

5) All other budget adjustments must be approved by the City Council.

BUDGET AMENDMENT REPORTING:

As a matter of practice, staff will provide information regarding Budget Amendments to the City Council on a quarterly basis.

CITY OF FAYETTEVILLE, ARKANSAS
BUDGET ORGANIZATIONAL STRUCTURE

FUND

In governmental accounting, a fund is a fiscal and accounting entity with a self-balancing set of accounts, created and maintained for a particular purpose. It has transactions subject to legal or administrative restrictions. A separate budget is provided for each fund.

ACTIVITY

Activities are the major groups of items which are functionally related, regardless of the Department or Division that is responsible. This type of classification provides a useful Budget summary that is consistent even though changes in the organizational structure may occur.

DEPARTMENT

Departments are the major organizational sub-divisions. They have a broad overall purpose. The City of Fayetteville is organized into eight operating departments: Police, Fire, Parks & Recreation, Utilities, Development Services, Communications & Marketing, Transportation Services, and Finance & Internal Services. Each Department, except Police and Fire, has a director who reports to the Chief of Staff.

DIVISION

Divisions are the major operational areas of the City. Each Division has been assigned to one of the Departments listed above according to the type of activity it performs. For example, the Solid Waste & Recycling Division is part of the Utilities Department. A listing of divisions is on the following page.

PROGRAM

Programs are the operating units within the Division. Each program represents a specific type of activity within its Division aimed at providing a service for which the City is responsible. For example, the Solid Waste & Recycling Division contains the following programs: Administration, Commercial Collections, Residential Collections, Commercial Drop Box Collections, Transfer Station, Recycling, and Composting.

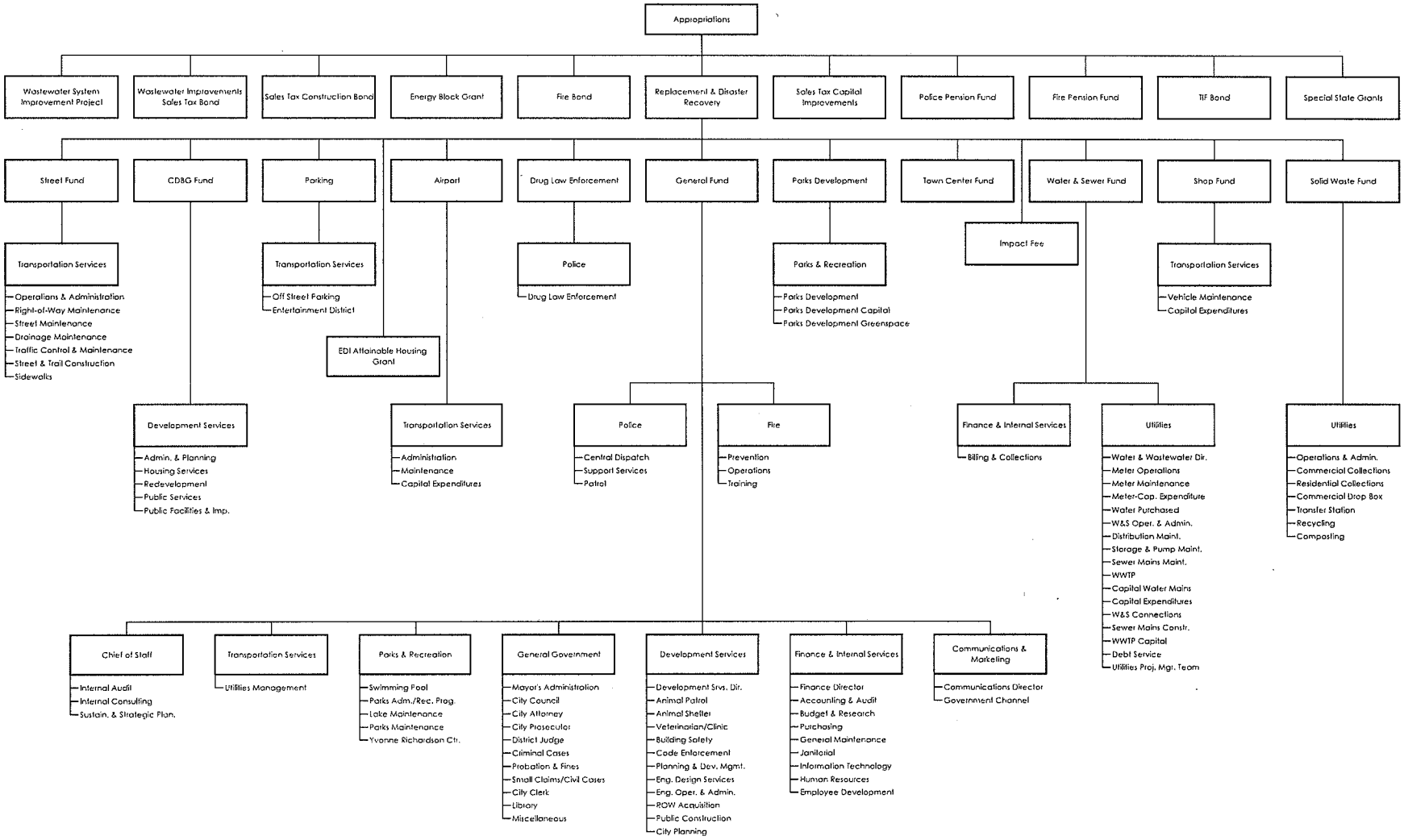
CATEGORY

Within each program, each expenditure item is grouped into a category of related expenditures. The budget for each program is listed by categorical total. Examples of a category include: Personnel Services, Materials and Supplies, Services and Charges, Maintenance, Motor Pool Charges, Capital, Transfers to Outside Agencies, Cost Reimbursements, and Operating Transfers.

LISTING OF DEPARTMENTS AND DIVISIONS

DEPARTMENT	DIVISIONS
General Government	Mayors Administration City Council City Attorney City Prosecutor City Clerk/Treasurer Fayetteville District Court Library
Chief of Staff	Chief of Staff Sustainability & Strategic Planning Human Resources Internal Audit Internal Consulting
Police Department	Police Central Dispatch
Fire Department	Fire Department
Parks & Recreation Department	Parks & Recreation
Finance & Internal Services Department	Information Technology Finance Director Accounting & Audit Billing & Collections Building Maintenance Budget & Research Purchasing
Development Services Department	Development Services Engineering City Planning Community Services Building Safety Animal Services
Communications & Marketing Department	Communications & Marketing Government Channel
Transportation Services Department	Transportation Services Aviation Fleet Operations Parking & Telecommunications
Utilities Department	Utilities Director Water & Sewer Maintenance Solid Waste & Recycling Wastewater Treatment Plant

Consolidated Fund-Department-Program Structure



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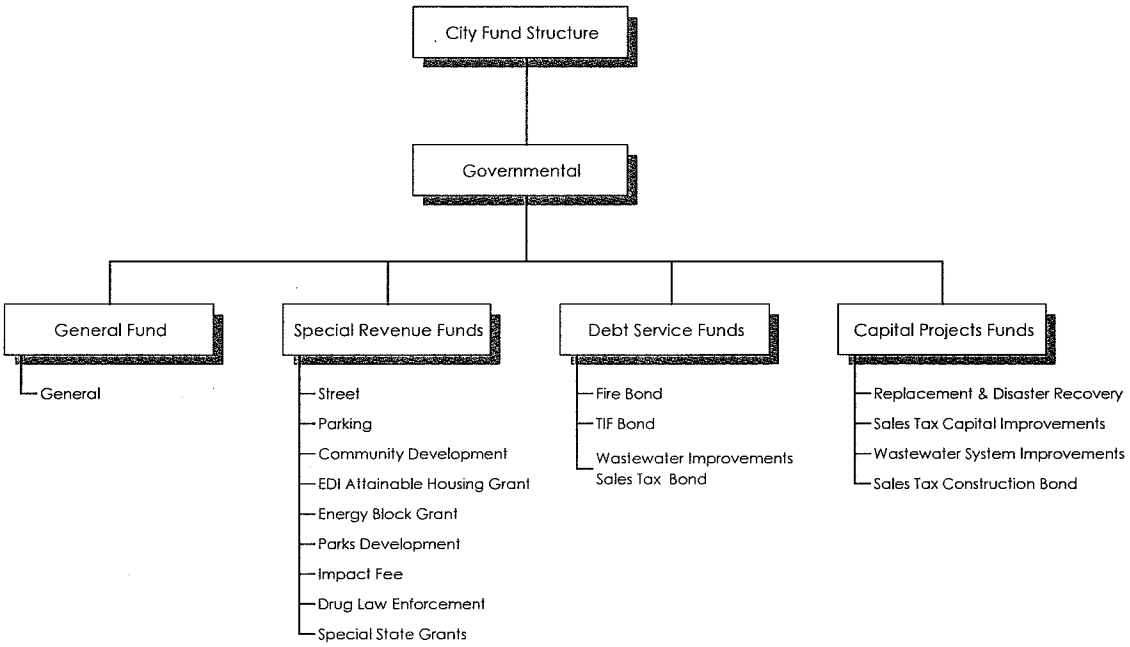
City of Fayetteville, Arkansas
Chart of Governmental Fund Types



As noted by the chart above, the City utilizes all four (4) major Governmental fund types: General, Special Revenue, Debt Service, and Capital Projects.

General Fund - General fund is the general operating fund of the City. It is used to account for all financial resources except those accounted for in other funds.

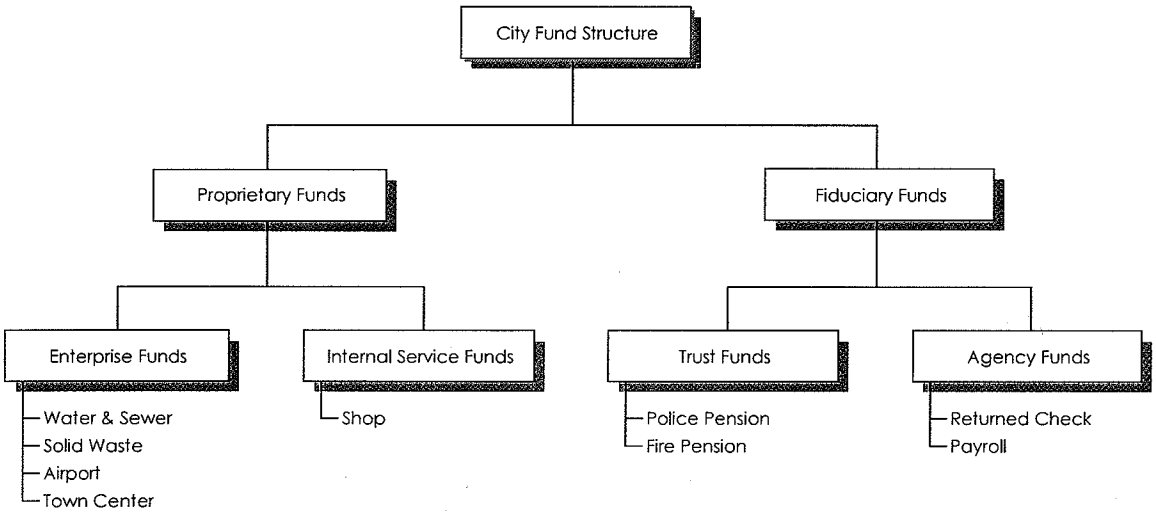
Special Revenue Funds - Special Revenue funds are used to account for the proceeds of specific revenue sources, which are designated or required to finance particular functions or activities of the City.

Debt Service Funds - Debt service funds are used to account for the accumulation of resources for, and the payment of, general long-term debt principal, interest and related costs other than debt service payments made by enterprise funds.

Capital Projects Funds - Capital projects funds are used to account for financial resources to be used for the acquisition and construction of assets of a relatively permanent nature other than those financed by proprietary funds.

As a note of explanation for the following combined statements, the revenues are listed by major source and the expenditures are listed by major department or service. The operation transfers are listed both in and (out).

City of Fayetteville, Arkansas
Chart of Proprietary and Fiduciary Fund Types



As noted by the chart above, the City utilizes the Enterprise and Internal Service funds in the Proprietary fund type and the Trust and Agency funds in the Fiduciary fund type.

Enterprise Funds - Enterprise funds are used to account for operations (A) that are financed and operated in a manner similar to private business enterprise, where the intent of the governing body is that the costs of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges; or (B) where the governing body has decided that periodic determination of revenues earned, expenses incurred and/or net income is appropriate for capital maintenance, public policy, management control, accountability or other purposes.

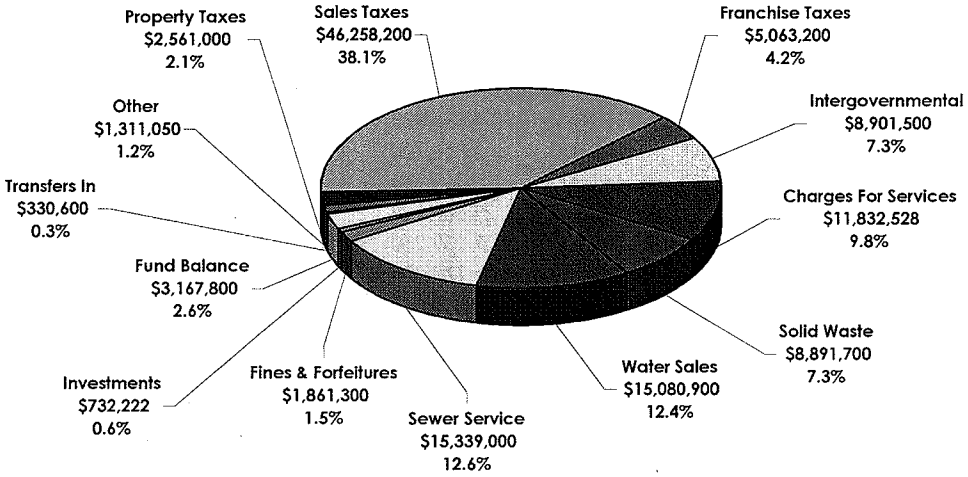
Internal Service Funds - Internal service funds are used to account for the financing of goods or services provided by one division of the City to other divisions of the City, on a cost reimbursement basis.

Trust Funds and Agency Funds - Trust funds and agency funds are used to account for assets held by the City in a trustee capacity or as an agent for individuals, private organizations, other governments and/or other funds. Trust funds are accounted for in essentially the same manner as proprietary funds since capital maintenance is critical. Agency funds are custodial in nature and do not involve measurement of results of operation.

In reference to the following combined statements, the revenues are listed by major source and the expenses are listed by major department or service. Also shown are depreciation, non-operating revenue and (expenses), transfers in and (out), and net income.

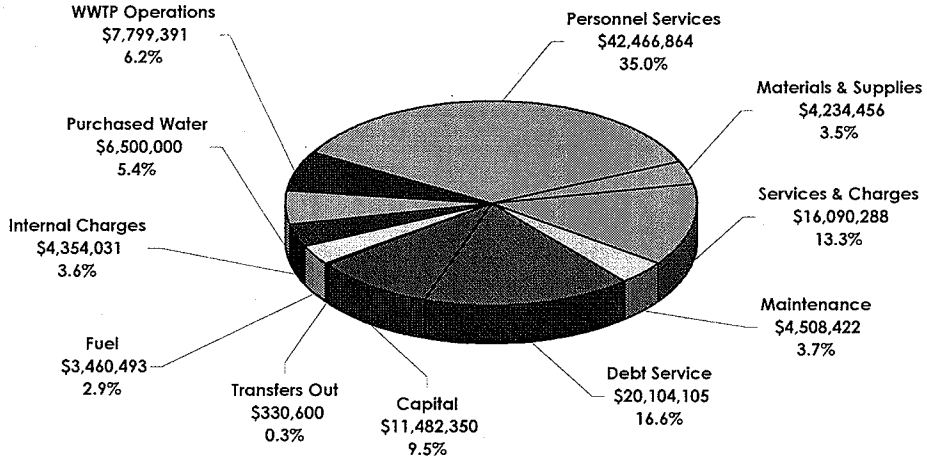
City of Fayetteville, Arkansas

Sources of Funds for 2012



$121,331,000

Uses of Funds for 2012



$121,331,000

Note: The Sources of Funds chart includes revenues from all City funds. The Uses of Funds chart includes expenditures from all funds including capital expenditures in the Proprietary fund types. In compliance with GAAP, Proprietary fund balances do not reflect capital expenditures.

City of Fayetteville, Arkansas
Multi-Year Comparison
Budget Expenditures

	Adopted 2008	Adopted 2009	Adopted 2010	Adopted 2011	Proposed 2012
Major Funding Sources:					
General	$ 35,023,000	$ 35,801,900	$ 34,426,600	$ 33,885,500	$ 34,139,200
Street	4,813,689	5,360,286	4,271,000	4,390,000	4,706,600
Parking	345,235	347,300	304,300	1,065,100	1,101,800
Community Development Block Grant	655,977	635,930	649,821	695,800	589,000
Parks Development	3,025,000	2,854,700	2,417,700	2,424,600	2,358,000
Drug Law Enforcement	440,900	444,464	462,200	494,000	544,000
Water & Sewer	29,345,575	29,668,929	31,269,400	30,901,000	30,908,000
Solid Waste	9,091,000	9,239,250	10,098,900	9,208,300	9,950,100
Airport	839,356	773,704	805,500	770,800	768,000
Shop	7,082,000	6,693,557	5,481,200	7,239,900	8,231,500
	90,661,732	91,820,020	90,186,621	91,075,000	93,296,200
Other Funding Sources:					
Impact Fee	2,515,600	1,576,000	2,820,000	1,260,000	921,000
Fire Bond	801,400	804,000	802,400	424,800	0
TIF Bond	3,500	3,500	5,800	63,700	100,000
Sales Tax Bond	11,561,728	14,235,533	16,001,900	15,373,700	16,372,400
Replacement & Disaster Recovery	177,900	60,400	45,000	45,100	41,000
Sales Tax Capital Improvements	7,136,100	6,952,000	6,738,700	6,390,000	6,702,600
Wastewater System Improvements Project	150,900	3,000	0	0	97,600
Sales Tax Construction Bond	3,000	3,500	6,000	6,000	2,000
Town Center	709,306	699,935	693,544	702,700	695,200
Police Pension	1,761,757	1,761,757	1,689,800	1,692,800	1,633,000
Fire Pension	1,542,283	1,542,283	1,477,500	1,480,400	1,470,000
	26,363,474	27,641,908	30,280,644	27,439,200	28,034,800
Total - All Funding Sources	$ 117,025,206	$ 119,461,928	$ 120,467,265	$ 118,514,200	$ 121,331,000

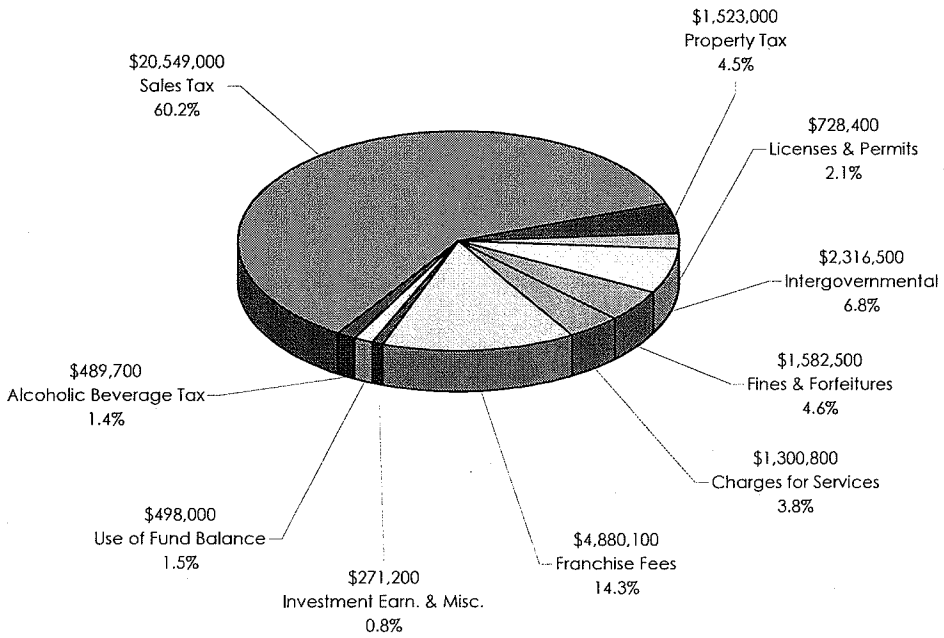
This comparison of adopted budgets is included to show the scope and growth of City operations in a multi-year format. This presentation is traditional but continues to include interfund transfers. Rather than restating all of the budgets, it is recommended that emphasis be placed on the significant entries, which are the individual funds. A more detailed discussion of each individual fund is included in the specific section devoted to that fund.

General Fund (1010)

Revenues

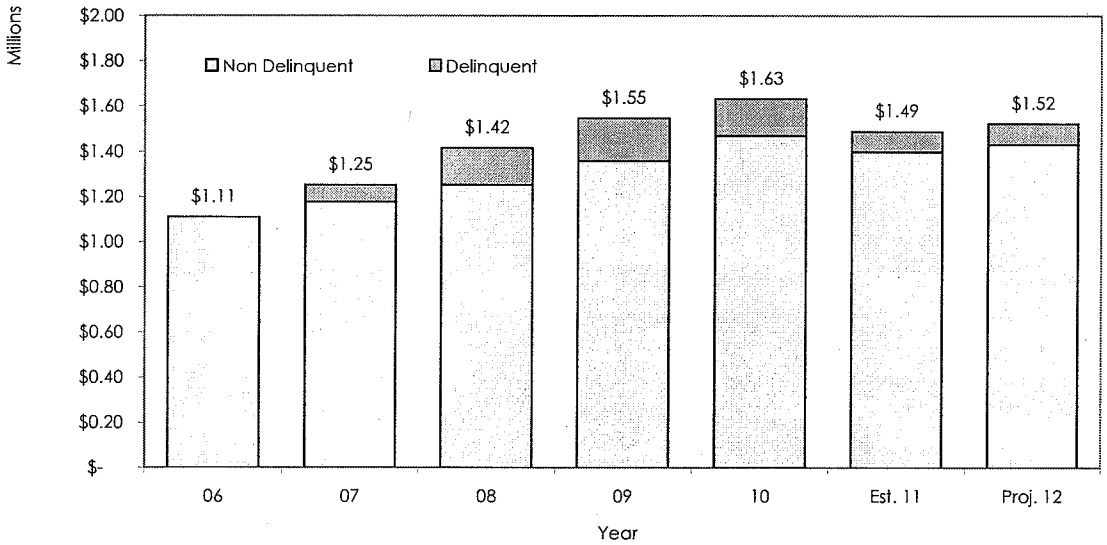
Total estimated revenue available in 2012 to support the General Fund is approximately $33.6 million. These overall General Fund Revenue projections are based on historical trend data, expected population increases, and current performance of the national, state, and local economies and statistical information. In addition to those revenue sources, the 2012 budget will require the use of $498,000 from reserves (fund balance).

Sources of Funds for 2012
$ 34,139,200



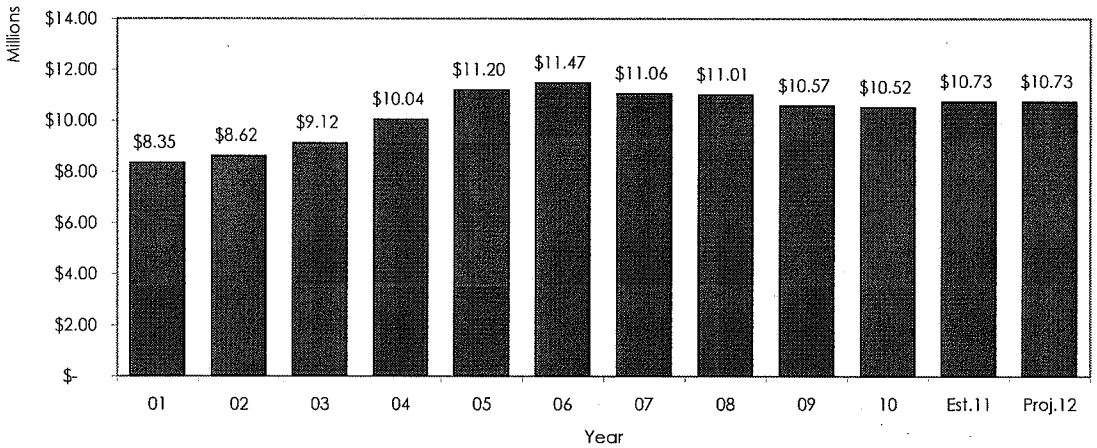
Property Taxes: Property Tax revenue makes up 4.5% of total General Fund Revenue. The tax rate currently approved is 1.3 mils. 2012 revenue is projected to increase by 2.4% over 2011 estimated collections due to increased assessed value. 2006 marked the first year that Property Taxes were collected for General Fund operations since 1993 at which time the tax rate was at 3.8 mils. The City of Fayetteville has a discretionary limit of 5.0 mils, which is set by law. By law, millage decisions must be made by the end of October of each year by the City Council and filed with the County.

Property Taxes
$ 1,523,000



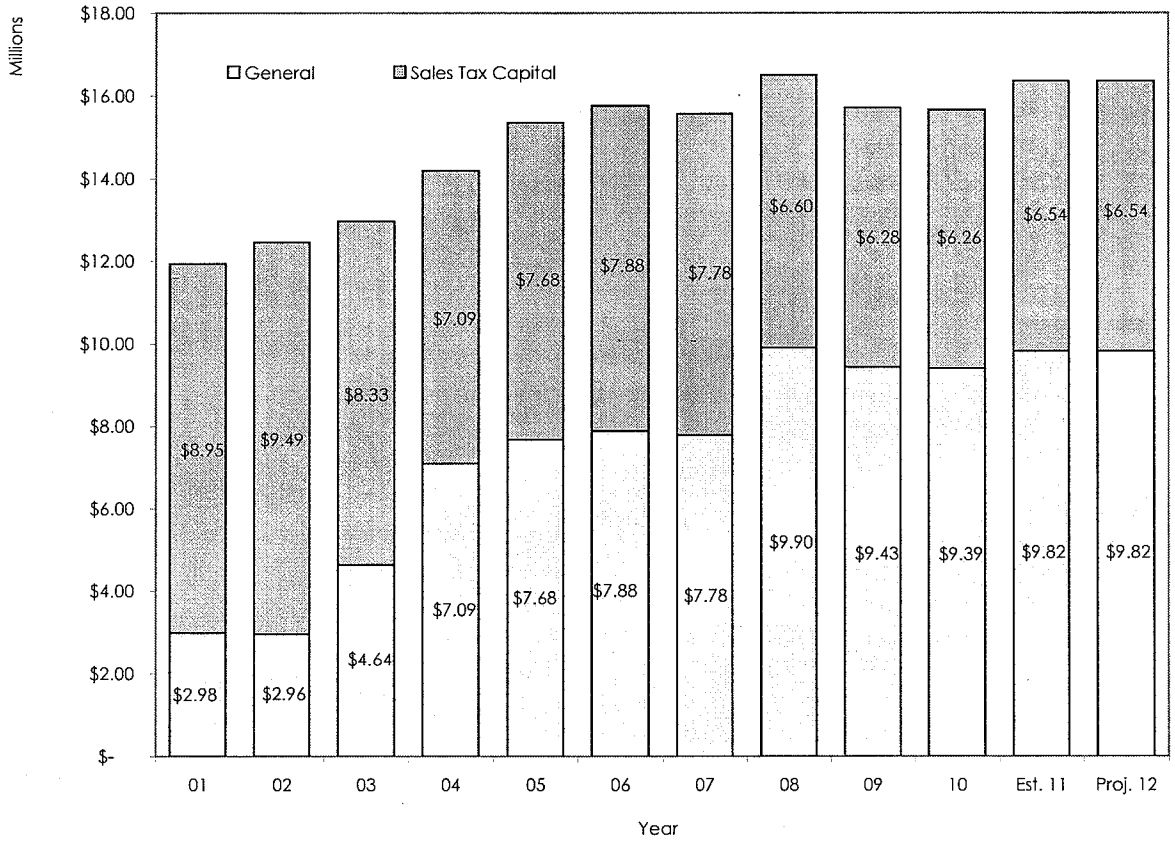
County Sales Tax: The largest source of General Fund revenue (31.9%) is the County Sales Tax. The City receives a prorated share (36.2%) of the 1% County Sales Tax based on population as of the most recent federal census. Sales Tax growth averaged 2.58% per year from 2000 to 2010. Budgeted 2012 revenue is projected to be flat compared to current 2011 estimated collections. The 2012 projection is based on past trends in view of the losses incurred due to the 2010 census.

County Sales Tax
$ 10,734,000

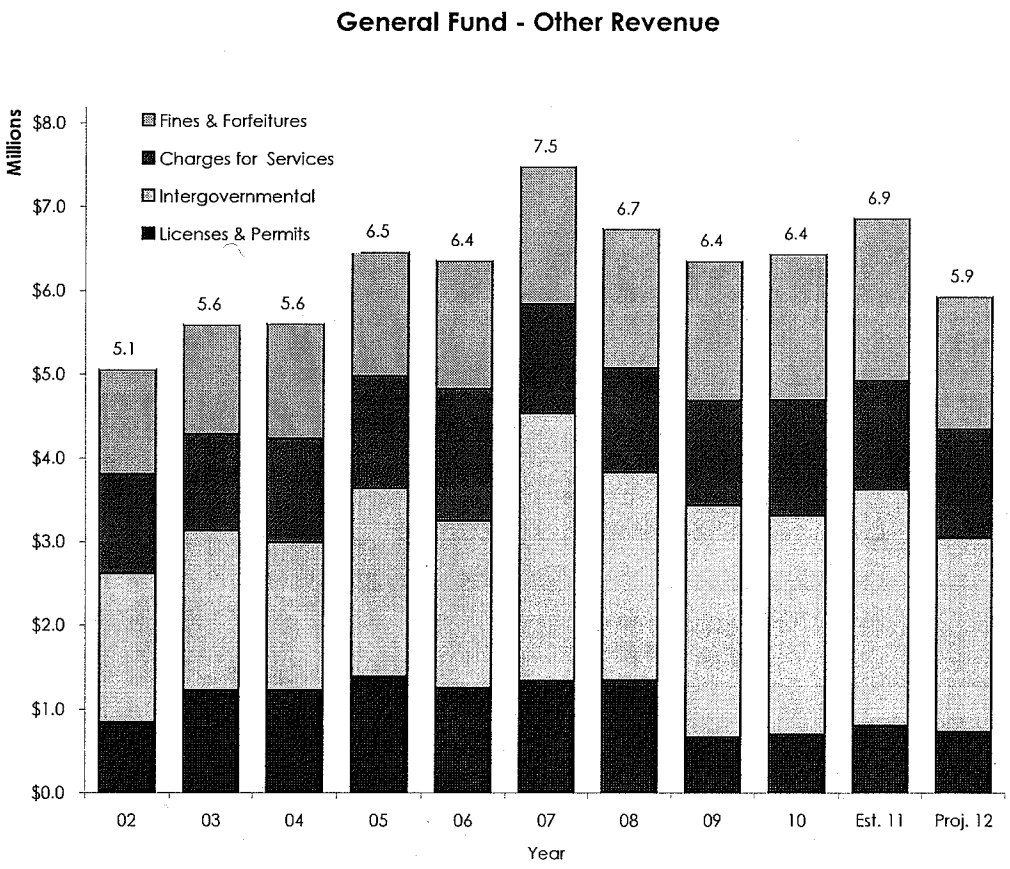


City Sales Tax: The second largest source of General Fund revenue is the City Sales Tax at 29.2% of total revenue. The 1% City sales tax revenue grew on average 3.1% annually between 2000 and 2010. However, 2011 revenue is estimated to be higher than 2010 actual by 4.5%. 2012 revenue is projected to be flat compared to estimated 2011. The 1% City Sales Tax revenue is divided between General Fund operations and capital. The current split for 2012, which began with the 2008 budget, is 60% for General Fund and 40% for Sales Tax Capital Improvements Fund.

Total City Sales Tax Collected by Fund
$ 16,358,300

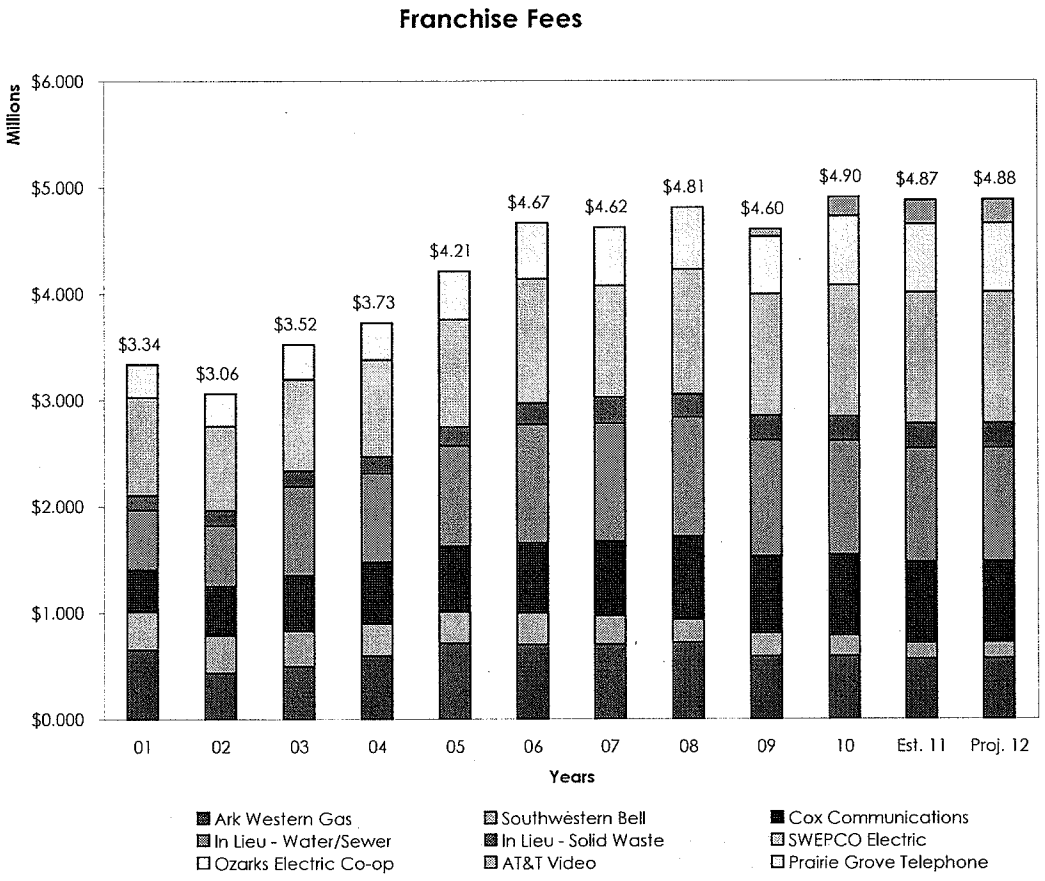


Other Revenues: Other Revenues (Licenses & Permits, Intergovernmental, Charges for Services, and Fines & Forfeitures) as a whole make up 17.6% of total General Fund revenue. Licenses & Permits mainly consist of Building Permits which are projected to be less in 2012 compared to estimated 2011 revenue due to a slow down in permitting. Inter-governmental revenues consist of State Turnback and State/Federal grants and are projected to be less in 2012 compared to estimated 2011 revenue. Charges for Services consist primarily of park fees, 911 reimbursements, and planning fees of which are expected to remain flat for 2012. Fines & Forfeitures revenues that consist of court fines are expected to be less over estimated 2011 revenue.



Franchise Fees: Franchise fees as a category makes up 14.5% of total General Fund revenue. The City collects franchise fees from all utility companies in Fayetteville for the use of City Rights-of-Way. All of the franchise fee agreements reflect a percentage of gross utility revenue generated. Although franchise fees are a direct cost of the utilities business, all utilities except AEP and the City of Fayetteville's Solid Waste and Water & Sewer Divisions show the fee as an additional item on the consumer's invoice.

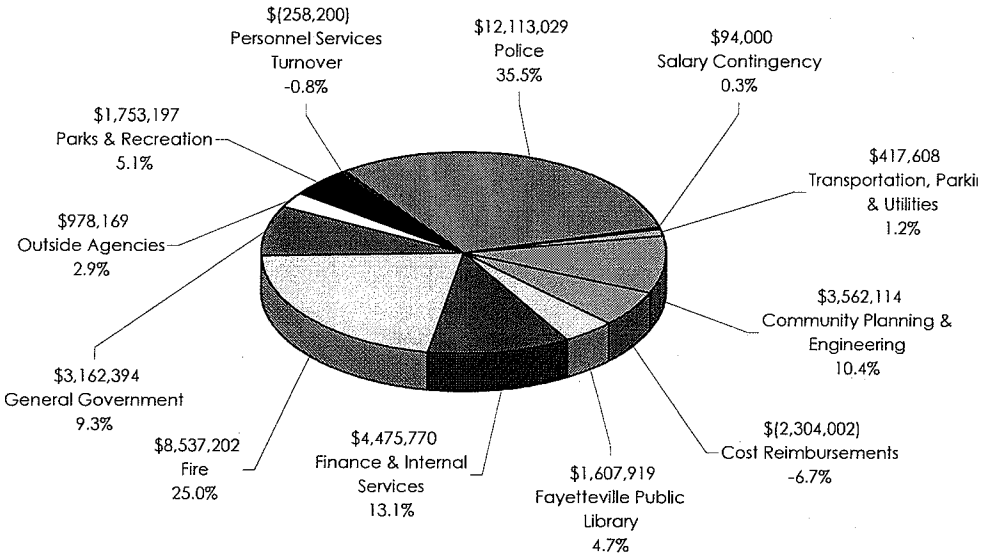
Currently, Arkansas Western Gas pays 3% of annual sales before taxes on residential and commercial customers and 1% on industrial customers. AT&T and Prairie Grove Telephone pay 4% of all access line billing. AT&T Video and Cox Communications pay 5% of annual gross sales on everything except internet access revenue. The Water & Sewer utility pays 4.25% and the Solid Waste utility pays 3% on annual gross sales. AEP Electric and Ozarks Electric Co-Op pay 3% of gross revenues on domestic customers and 1% on industrial consumers. The 2012 projections are expected to equal 2011 collections.



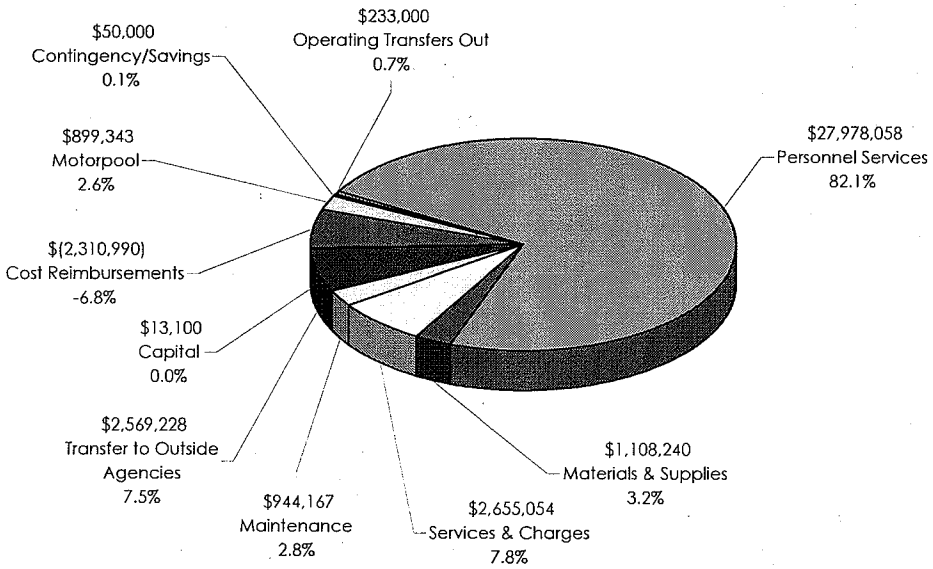
General Fund Expenses

Total uses of funds in 2012 for the City's General Fund totals $34,139,200. The charts below show the total General Fund expenditure budget by operating department and expense category.

2012 Uses of Funds by Activity
$ 34,139,200

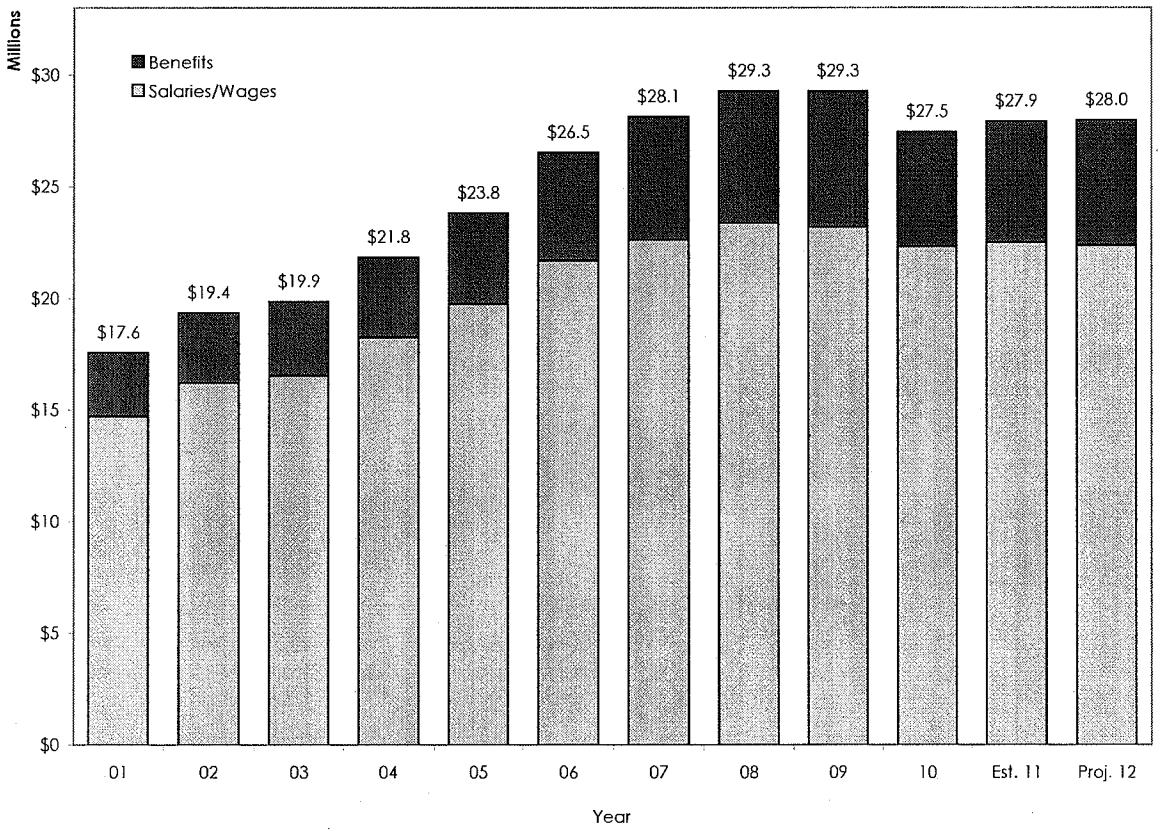


2012 Uses of Funds by Category
$ 34,139,200



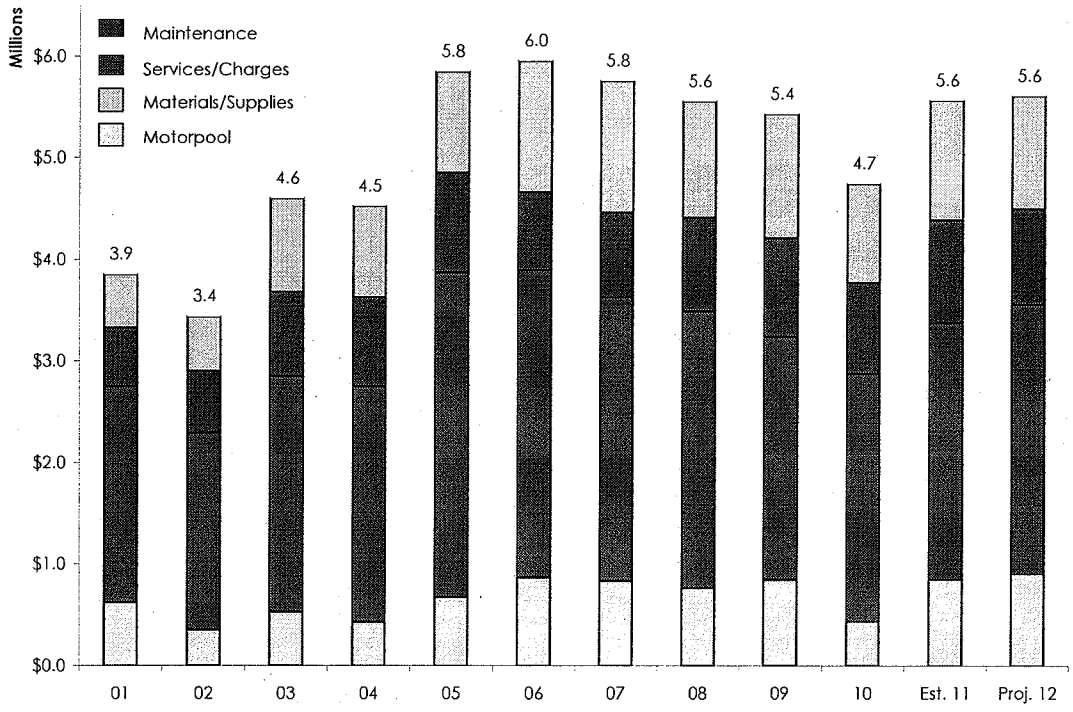
Personnel Services: Personnel Services represent the largest source (82.1%) of expense for the City's General Fund. Personnel Services include Salaries & Wages, Overtime, Insurance, Pension, and Worker's Compensation expenses. Since 2000, the Personnel Services category has averaged 5.35% per year from 2000 to 2008. However, due to a decline in revenues, wages were frozen at 2009 levels and no increases have been included in this budget.

Personnel Services



Other Expenses: Other expenses represent 16.4% of the General Fund expenditures for 2012. Other expenses represent the Maintenance, Services & Charges, Materials & Supplies, and Motor Pool categories. The Services & Charges Category includes contract services, publications and dues, etc. and represents 7.8% of the total General Fund budget. The Materials & Supplies Category includes copier/printing charges, minor equipment, fuel, and office supplies and represents 3.2% of the total General Fund budget. The Maintenance Category includes building and grounds maintenance, software maintenance, and various other small maintenance accounts and is 2.8% of the total General Fund budget. The Motorpool Category represents 2.6% of the total General Fund budget.

Other Expenses

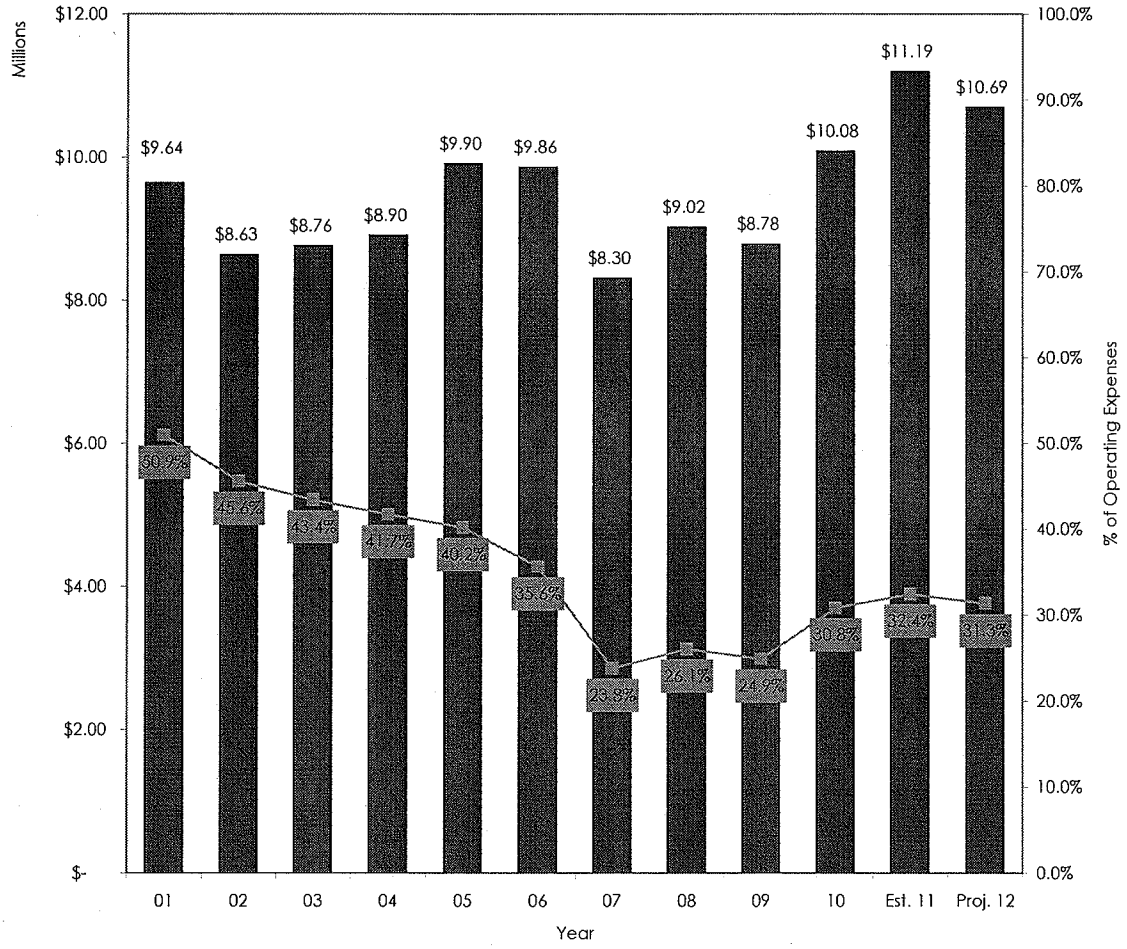


General Fund Balance

It is recommended that the 2012 Proposed Budget for the General Fund be balanced by using $498,000 from reserves (fund balance). This would leave a projected ending undesignated fund balance of approximately $10.7 million (prior to the minimum reserve requirement or any reserve for carry overs) at the end of 2012.

The amount of minimum reserves to be maintained in undesignated fund balance for General Fund is sixty (60) days (or 16.5%) of annual regular general fund operating expenditures. The General Fund designation requirement was approved by the Fayetteville City Council on November 5, 2002 with Resolution 174-2002 and currently amounts to $5,650,000.

General Fund
Ending Undesignated Fund Balance & % of Expense



City of Fayetteville, Arkansas
2012 Operating Budget
General Fund (1010)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Revenues:				
Property Taxes	$ 1,631,854	$ 1,501,000	$ 1,488,000	$ 1,523,000
Sales Tax - County	10,516,294	10,300,000	10,734,000	10,734,000
Sales Tax - City	9,393,997	9,223,400	9,815,000	9,815,000
Alcoholic Beverage Taxes	479,857	467,600	489,500	489,700
Franchise Fees	4,904,603	4,649,100	4,874,400	4,880,100
Licenses & Permits	699,208	652,100	804,000	728,400
Intergovernmental	2,613,395	2,470,065	2,816,900	2,316,500
Charges for Services	1,384,465	1,357,350	1,300,600	1,300,800
Fines & Forfeitures	1,738,591	1,679,700	1,938,400	1,582,500
Interest Earnings	130,535	120,000	61,900	62,300
Other	387,753	377,470	298,100	208,900
Transfer from Sales Tax Capital	0	1,000,000	1,000,000	0
Transfer from Shop	11,198	0	0	0
Total Revenues	33,891,750	33,797,785	35,620,800	33,641,200
Expenses:				
General Government Activity	3,078,344	3,318,086	3,136,275	3,162,394
- Outside Agencies	774,387	974,637	974,637	978,169
- Salary Contingency	0	51,829	51,829	94,000
- Personnel Services Turnover	0	(258,200)	(258,200)	(258,200)
- Fayetteville Public Library	1,608,829	1,610,759	1,610,759	1,607,919
- Cost Reimbursements	(2,304,002)	(2,304,002)	(2,304,002)	(2,304,002)
Finance and Internal Services Activity	4,095,352	4,464,135	4,152,548	4,475,770
Police Activity	11,619,041	12,700,583	12,599,721	11,880,029
Fire Activity	8,131,502	8,796,005	8,761,070	8,537,202
Community Planning & Engineering	3,219,784	3,612,134	3,476,032	3,562,114
Transportation/Utility/Parking Activity	484,721	421,731	345,195	417,608
Parks and Recreation Activity	1,758,722	1,768,782	1,727,136	1,753,197
Transfer to Drug Grant	216,341	233,000	233,000	233,000
Transfer to Shop	0	3,000	3,000	0
Total Expenses	32,683,021	35,392,479	34,509,000	34,139,200
Income (Loss)	$ 1,208,729	$ (1,594,694)	$ 1,111,800	$ (498,000)

FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 8,872,097	$ 10,080,826	$ 10,080,826	$ 11,192,626
Income/(Loss)	1,208,729	(1,594,694)	1,111,800	(498,000)
Ending Undesignated Fund Balance	$ 10,080,826	$ 8,486,132	$ 11,192,626	$ 10,694,626
Total Budget	$ 32,683,021	$ 35,392,479	$ 34,509,000	$ 34,139,200

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
General Government & Miscellaneous Activity				
Mayor's Administration Program (0150):				
Personnel Services	$ 197,678	$ 200,141	$ 198,104	$ 200,450
Materials and Supplies	4,474	5,150	4,254	5,150
Services and Charges	35,078	44,290	34,181	48,390
Maintenance	0	100	0	100
	237,230	249,681	236,539	254,090
City Council Program (0160):				
Personnel Services	73,001	73,004	73,004	72,976
Materials and Supplies	634	825	825	700
Services and Charges	1,941	4,555	4,555	4,680
	75,576	78,384	78,384	78,356
City Attorney Program (0210):				
Personnel Services	257,425	265,662	265,260	264,071
Materials and Supplies	1,896	2,900	1,683	2,900
Services and Charges	17,089	19,820	16,406	19,820
	276,410	288,382	283,349	286,791
City Prosecutor Program (0310):				
Personnel Services	517,276	533,457	522,388	533,604
Materials and Supplies	12,439	9,724	7,560	9,804
Services and Charges	7,899	10,865	8,141	10,965
Maintenance	7,820	7,880	7,880	7,700
	545,434	561,926	545,969	562,073
District Judge Program (0400):				
Personnel Services	153,368	158,229	158,229	159,651
Materials and Supplies	2,672	1,325	1,325	1,300
Services and Charges	5,658	9,246	7,090	9,266
Maintenance	9,917	13,224	13,224	11,799
	171,615	182,024	179,868	182,016
Communications Program (0550):				
Personnel Services	190,408	202,687	202,458	201,668
Materials and Supplies	3,545	8,225	6,339	2,634
Services and Charges	1,804	2,675	1,523	1,650
Maintenance	0	384	0	7,000
	195,757	213,971	210,320	212,952

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Government Channel Program (0600):				
Personnel Services	154,839	161,715	161,715	171,541
Materials and Supplies	4,539	10,700	8,719	10,170
Services and Charges	12,892	14,653	11,969	15,641
Maintenance	1,809	2,150	964	2,400
	174,079	189,218	183,367	199,752
Chief of Staff Program (0700):				
Personnel Services	59,246	61,564	61,515	62,496
Materials and Supplies	890	1,900	750	1,900
Services and Charges	4,796	10,340	9,242	10,340
	64,932	73,804	71,507	74,736
Internal Consulting Program (0750):				
Personnel Services	79,818	80,695	45,236	86,088
Materials and Supplies	331	200	200	300
Services and Charges	2,248	3,190	2,218	2,405
Maintenance	187	70	70	3,650
	82,584	84,155	47,724	92,443
Internal Audit Program (1360):				
Personnel Services	82,815	86,111	86,111	87,027
Materials and Supplies	509	250	250	600
Services and Charges	1,650	3,286	3,286	2,936
	84,974	89,647	89,647	90,563
City Clerk/Treasurer Program (1510):				
Personnel Services	250,473	283,007	257,644	282,883
Materials and Supplies	9,692	16,080	8,424	12,500
Services and Charges	45,856	41,680	18,554	65,625
Maintenance	12,728	12,100	12,100	13,100
	318,749	352,867	296,722	374,108
Criminal Cases Program (2010):				
Personnel Services	299,485	306,564	303,268	300,324
Materials and Supplies	6,368	7,588	6,519	7,588
Services and Charges	584	1,375	918	1,375
	306,437	315,527	310,705	309,287
Probation & Fine Collection Program (2020):				
Personnel Services	55,973	56,544	23,399	19,121
Materials and Supplies	0	285	277	285
Services and Charges	1,033	1,087	1,075	1,080
	57,006	57,916	24,751	20,486

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Small Claims & Civil Cases Program (2030):				
Personnel Services	135,792	149,517	149,517	168,393
Materials and Supplies	3,146	3,600	1,467	3,600
Services and Charges	985	1,650	725	1,650
Maintenance	0	103	0	103
	139,923	154,870	151,709	173,746
Library Program (5240):				
Services and Charges	17,770	19,700	19,700	16,860
Transfers To Outside Entities	1,591,059	1,591,059	1,591,059	1,591,059
	1,608,829	1,610,759	1,610,759	1,607,919
Miscellaneous Program (6600):				
Personnel Services	0	(206,371)	(206,371)	(164,200)
Materials and Supplies	(633)	23,580	23,580	22,800
Services and Charges	293,783	272,342	272,342	200,595
Cost allocation	(2,304,002)	(2,304,002)	(2,304,002)	(2,304,002)
Maintenance	10,783	13,720	13,720	14,500
Transfers To Outside Entities	774,387	974,637	974,637	978,169
Capital	8,455	103,100	103,100	13,100
Miscellaneous	35,250	0	0	0
Operating Transfers	0	15,972	15,972	0
	(1,181,977)	(1,107,022)	(1,107,022)	(1,239,038)
Total General Government/Miscellaneous	$ 3,157,558	$ 3,396,109	$ 3,214,298	$ 3,280,280

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Finance and Internal Services Activity				
Finance Director Program (1100):				
Personnel Services	$ 136,080	$ 138,728	$ 138,728	$ 141,292
Materials and Supplies	187	200	200	570
Services and Charges	3,144	3,192	3,192	2,822
	139,411	142,120	142,120	144,684
Human Resource Operations Program (1210):				
Personnel Services	372,426	368,125	367,893	368,092
Materials and Supplies	4,034	6,250	3,959	4,950
Services and Charges	4,028	4,970	3,077	6,670
Maintenance	0	150	0	150
	380,488	379,495	374,929	379,862
Employee Benefits/Services Program (1220):				
Personnel Services	451,227	548,700	449,678	548,700
Materials and Supplies	0	5,850	3,814	50
Services and Charges	101,923	206,655	167,412	202,255
Maintenance	36,980	15,960	15,596	24,560
	590,130	777,165	636,500	775,565
Accounting & Audit Program (1310):				
Personnel Services	684,654	693,404	665,817	662,424
Materials and Supplies	6,694	9,500	6,524	10,000
Services and Charges	18,779	20,960	19,864	21,360
Maintenance	705	1,000	735	1,000
	710,832	724,864	692,940	694,784
Budget & Research Program (1330):				
Personnel Services	247,187	250,298	249,775	249,744
Materials and Supplies	4,500	5,756	4,199	5,706
Services and Charges	1,371	2,540	2,540	2,540
Maintenance	1,700	1,750	1,750	1,800
	254,758	260,344	258,264	259,790
General Maintenance Program (1410):				
Personnel Services	319,703	394,916	314,495	391,447
Materials and Supplies	6,505	6,900	6,900	7,169
Services and Charges	10,332	19,085	19,085	19,085
Motorpool Charges	8,442	13,281	13,281	13,044
Maintenance	20,790	25,326	25,326	25,326
	365,772	459,508	379,087	456,071

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Janitorial Program (1420):				
Personnel Services	170,343	182,513	173,028	174,728
Materials and Supplies	13,427	10,549	10,549	10,549
Services and Charges	11,381	13,488	13,488	12,639
Maintenance	185	400	60	400
	195,336	206,950	197,125	198,316
Purchasing Program (1610):				
Personnel Services	213,100	218,963	218,963	224,083
Materials and Supplies	544	1,730	1,730	950
Services and Charges	19,569	19,078	19,078	19,858
	233,213	239,771	239,771	244,891
Information Technology Program (1710):				
Personnel Services	828,129	861,358	819,252	860,062
Materials and Supplies	21,687	16,425	16,425	16,058
Services and Charges	35,726	32,455	32,455	47,332
Motorpool Charges	2,189	2,222	2,222	2,277
Maintenance	337,681	361,458	361,458	396,078
	1,225,412	1,273,918	1,231,812	1,321,807
Total Finance and Internal Services Activity	$ 4,095,352	$ 4,464,135	$ 4,152,548	$ 4,475,770

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Police Activity				
Central Dispatch Program (2600):				
Personnel Services	$ 1,107,338	$ 1,168,142	$ 1,150,831	$ 1,146,673
Materials and Supplies	9,444	11,253	10,065	11,153
Services and Charges	39,627	43,017	43,017	45,586
Motorpool Charges	2,135	5,004	5,004	10,636
Maintenance	62,484	74,093	71,661	3,761
	1,221,028	1,301,509	1,280,578	1,217,809
Police Support Services Program (2900):				
Personnel Services	2,047,433	2,113,546	2,079,917	2,084,330
Materials and Supplies	80,128	72,610	67,451	74,439
Services and Charges	427,467	423,334	418,703	439,320
Motorpool Charges	13,759	30,286	30,286	35,633
Maintenance	149,831	164,628	154,467	173,815
Operating Transfers	216,341	233,000	233,000	233,000
	2,934,959	3,037,404	2,983,824	3,040,537
Police Projects Program (2920):				
Personnel Services	262,139	204,241	204,241	0
Materials and Supplies	118,780	114,608	114,608	0
Services and Charges	122,810	66,505	66,505	0
Maintenance	1,299	8,278	8,278	0
Transfers To Outside Entities	118,108	92,450	92,450	0
Capital	31,622	164,352	164,352	0
	654,758	650,434	650,434	0
Police Patrol Program (2940):				
Personnel Services	6,407,671	6,892,744	6,879,210	6,796,095
Materials and Supplies	243,968	306,508	305,086	327,092
Services and Charges	138,348	201,339	194,190	183,034
Motorpool Charges	198,058	503,020	503,020	530,192
Maintenance	36,592	40,625	36,379	18,270
	7,024,637	7,944,236	7,917,885	7,854,683
Total Police Activity	$ 11,835,382	$ 12,933,583	$ 12,832,721	$ 12,113,029

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Fire Activity				
Fire Prevention Program (3010):				
Personnel Services	$ 365,334	$ 333,721	$ 333,721	$ 326,236
Materials and Supplies	18,377	29,808	29,264	28,355
Services and Charges	3,975	9,175	9,175	9,175
Motorpool Charges	6,632	19,397	19,397	28,714
Maintenance	66	0	0	0
	394,384	392,101	391,557	392,480
Fire Operations Program (3020):				
Personnel Services	7,009,408	7,241,493	7,241,493	7,188,286
Materials and Supplies	113,526	153,605	153,596	139,158
Services and Charges	311,502	411,132	384,375	359,643
Motorpool Charges	82,091	103,479	102,619	99,706
Maintenance	62,487	135,775	130,106	99,229
Capital	9,300	189	0	0
Contingency/Savings	0	150,000	150,000	50,000
	7,588,314	8,195,673	8,162,189	7,936,022
Fire Training Program (3030):				
Personnel Services	131,988	171,977	171,977	166,154
Materials and Supplies	6,990	8,746	8,746	8,739
Services and Charges	5,336	22,775	21,868	22,775
Motorpool Charges	4,490	4,733	4,733	11,032
	148,804	208,231	207,324	208,700
Total Fire Activity	$ 8,131,502	$ 8,796,005	$ 8,761,070	$ 8,537,202

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Community Planning and Engineering Activity				
Animal Patrol/Emergency Response Program (2710):				
Personnel Services	$ 266,373	$ 265,733	$ 265,733	$ 264,460
Materials and Supplies	11,891	16,878	16,878	14,030
Services and Charges	10,873	11,533	11,533	11,242
Motorpool Charges	6,770	25,580	25,580	25,953
Maintenance	560	787	550	980
	296,467	320,511	320,274	316,665
Animal Shelter Program (2720):				
Personnel Services	232,976	261,885	261,144	258,005
Materials and Supplies	22,945	28,150	28,150	32,150
Services and Charges	46,193	46,766	46,766	47,087
Maintenance	9,442	11,156	8,045	11,156
	311,556	347,957	344,105	348,398
Veterinarian/Clinic Program (2730):				
Personnel Services	121,450	124,631	124,631	127,581
Materials and Supplies	19,198	65,837	64,976	65,837
Services and Charges	3,172	3,627	3,538	3,276
Maintenance	288	450	0	450
	144,108	194,545	193,145	197,144
Animal Services Projects Program (2740):				
Materials and Supplies	65,239	6,029	6,029	0
Maintenance	0	40,939	40,939	0
	65,239	46,968	46,968	0
Development Services Director Program (6200):				
Personnel Services	147,630	157,571	136,980	157,106
Materials and Supplies	62	812	0	852
Services and Charges	466	790	766	750
	148,158	159,173	137,746	158,708
Engineering Design Services Program (6210):				
Personnel Services	119,456	147,988	140,820	156,436
Materials and Supplies	8,831	9,336	6,576	9,522
Services and Charges	2,076	2,350	2,087	2,350
Motorpool Charges	1,411	4,619	4,619	4,709
Maintenance	0	3,395	3,385	80
	131,774	167,688	157,487	173,097

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Engineering Operations & Administration Program (6220):				
Personnel Services	437,868	483,249	483,249	481,749
Materials and Supplies	5,831	7,226	4,707	6,823
Services and Charges	16,313	16,085	14,024	18,685
Motorpool Charges	1,613	3,599	3,599	3,067
Maintenance	0	150	0	150
	461,625	510,309	505,579	510,474
Engineering Land Acquisition Program (6230):				
Personnel Services	75,898	97,201	97,201	101,980
Materials and Supplies	573	1,200	502	1,200
Services and Charges	25	830	180	830
	76,496	99,231	97,883	104,010
Engineering Public Construction Program (6240):				
Personnel Services	209,854	299,112	298,862	296,818
Materials and Supplies	8,201	12,304	12,137	13,464
Services and Charges	1,017	1,605	1,018	2,825
Motorpool Charges	7,310	15,736	15,736	16,079
	226,382	328,757	327,753	329,186
City Planning Program (6300):				
Personnel Services	314,494	327,912	304,177	322,591
Materials and Supplies	7,577	16,244	13,168	17,295
Services and Charges	15,998	28,394	20,638	23,321
Motorpool Charges	2,175	5,923	5,923	5,567
Maintenance	0	350	0	350
	340,244	378,823	343,906	369,124
Sustainability & Strategic Planning Program (6310):				
Personnel Services	191,466	194,247	191,919	191,106
Materials and Supplies	2,410	1,950	1,309	2,050
Services and Charges	3,961	6,140	5,350	7,040
Maintenance	3,446	3,600	3,600	0
	201,283	205,937	202,178	200,196
Building Safety Program (6400):				
Personnel Services	440,046	430,327	425,503	424,293
Materials and Supplies	8,221	16,659	13,022	18,361
Services and Charges	16,091	19,637	14,230	18,717
Motorpool Charges	10,948	21,161	21,161	21,053
Maintenance	7,210	7,426	7,426	7,800
	482,516	495,210	481,342	490,224

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Code Compliance Program (6420):				
Personnel Services	292,804	296,361	259,534	307,469
Materials and Supplies	8,503	10,314	8,236	10,774
Services and Charges	24,823	33,641	33,187	29,675
Motorpool Charges	7,267	16,709	16,709	16,970
Maintenance	539	0	0	0
	333,936	357,025	317,666	364,888
Total Community Planning and Engineering	$ 3,219,784	$ 3,612,134	$ 3,476,032	$ 3,562,114

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Transportation, Parking, Utilities Activity				
Utilities Management Program (1380):				
Personnel Services	$ 133,086	$ 137,494	$ 134,079	$ 133,264
Materials and Supplies	7,662	9,135	7,993	13,008
Services and Charges	187,726	271,702	199,786	267,902
Motorpool Charges	1,213	3,325	3,325	3,359
Maintenance	0	75	12	75
	329,687	421,731	345,195	417,608
Parking Management Program (5300):				
Personnel Services	138,053	0	0	0
Materials and Supplies	9,130	0	0	0
Services and Charges	2,854	0	0	0
Motorpool Charges	1,233	0	0	0
Maintenance	3,764	0	0	0
	155,034	0	0	0
Total Transportation, Parking, Utilities Activity	$ 484,721	$ 421,731	$ 345,195	$ 417,608

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Parks and Recreation Activity				
Swimming Pool Program (5210):				
Personnel Services	$ 67,213	$ 95,535	$ 95,535	$ 94,060
Materials and Supplies	9,849	15,670	15,670	18,877
Services and Charges	28,675	28,552	28,552	29,030
Motorpool Charges	598	1,251	1,251	115
Maintenance	3,054	3,679	3,679	3,273
	109,389	144,687	144,687	145,355
Parks Administration/Recreation Programs Program (5220):				
Personnel Services	232,663	469,794	432,898	487,429
Materials and Supplies	10,399	75,717	75,717	78,211
Services and Charges	117,931	120,801	120,801	132,140
Motorpool Charges	1,801	5,803	5,803	5,826
	362,794	672,115	635,219	703,606
Lake Maintenance Program (5250):				
Personnel Services	5,760	7,911	7,911	7,060
Materials and Supplies	1,431	2,444	2,444	1,911
Services and Charges	73,694	74,279	74,279	71,945
Motorpool Charges	195	466	466	23
Maintenance	1,203	1,700	1,700	1,200
	82,283	86,800	86,800	82,139
Parks Maintenance Program (5260):				
Personnel Services	656,886	296,282	296,282	287,851
Materials and Supplies	66,133	78,130	78,130	71,530
Services and Charges	145,269	144,191	144,191	146,801
Motorpool Charges	73,189	56,353	56,353	63,010
Cost allocation	(2,521)	(6,988)	(6,988)	(6,988)
Maintenance	104,826	104,691	104,691	108,212
	1,043,782	672,659	672,659	670,416
Yvonne Richardson Community Center Program (5280):				
Personnel Services	114,508	122,259	122,259	104,361
Materials and Supplies	3,618	6,249	6,249	5,176
Services and Charges	36,719	55,712	55,712	34,066
Motorpool Charges	1,803	2,782	2,782	2,378
Maintenance	3,826	5,519	769	5,700
	160,474	192,521	187,771	151,681
Total Parks and Recreation Activity	$ 1,758,722	$ 1,768,782	$ 1,727,136	$ 1,753,197
Total General Fund:	$ 32,683,021	$ 35,392,479	$ 34,509,000	$ 34,139,200

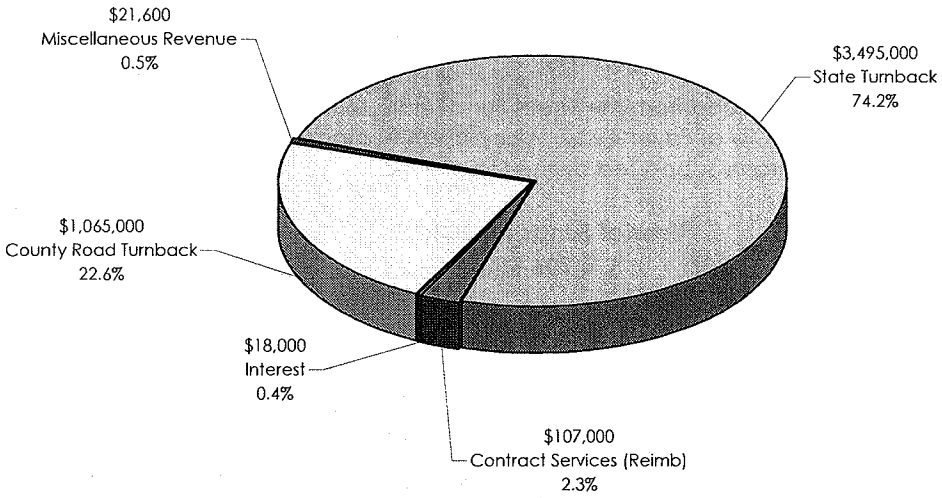
Street Fund (2100)

The **Street Fund** is primarily financed by turnback revenues received from the State of Arkansas and turnback monies received from the County Road Millage Tax. These monies are utilized to maintain and repair City streets, rights-of-way, drainage, traffic control and maintenance, and City owned sidewalks.

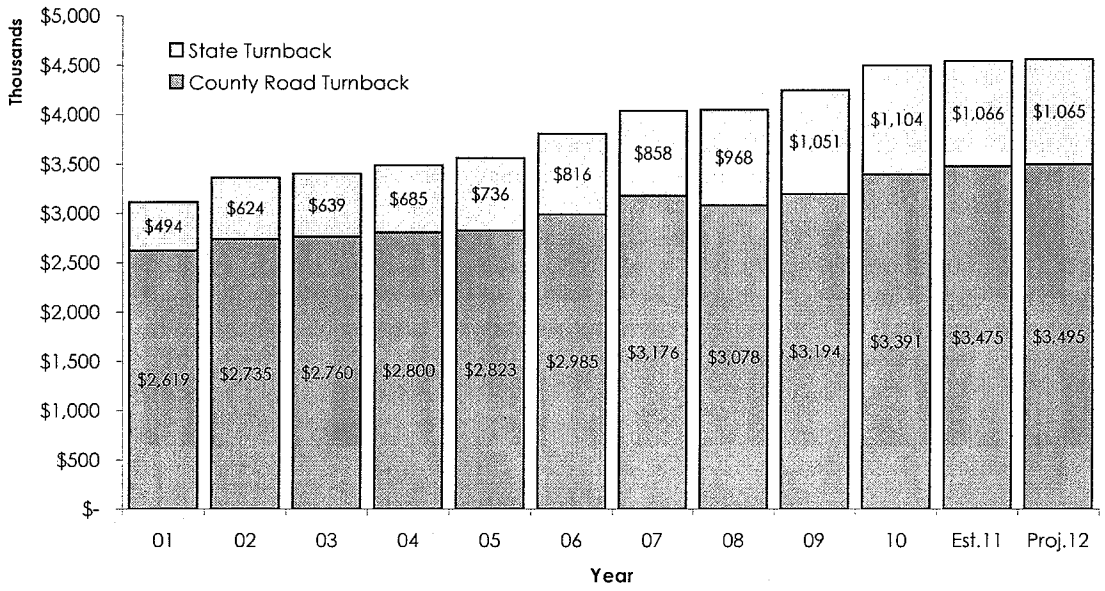
Street Fund Revenues

Revenues for Street Fund are primarily motor fuel taxes collected by the State of Arkansas (state turnback) and returned to the City on a per capita basis. The long term trend for state turnback is relatively flat. The per capita rate for Street Fund in 1995 was $41.00 and in 2011 the per capita rate is $47.23. Projections for 2012 are based on the per capita rate of $47.50 from the State and calculated based on the 2010 census population of 73,580. As the City continues to grow, additional revenue sources will need to be identified to fund Street Fund activities. The City receives 80% of the road millage levied by the Quorum Court on real and personal property located within the City. The current 2011 county levy is 1.1 mil, with a maximum of 3.0 mil.

Sources of Funds for 2012
$ 4,706,600



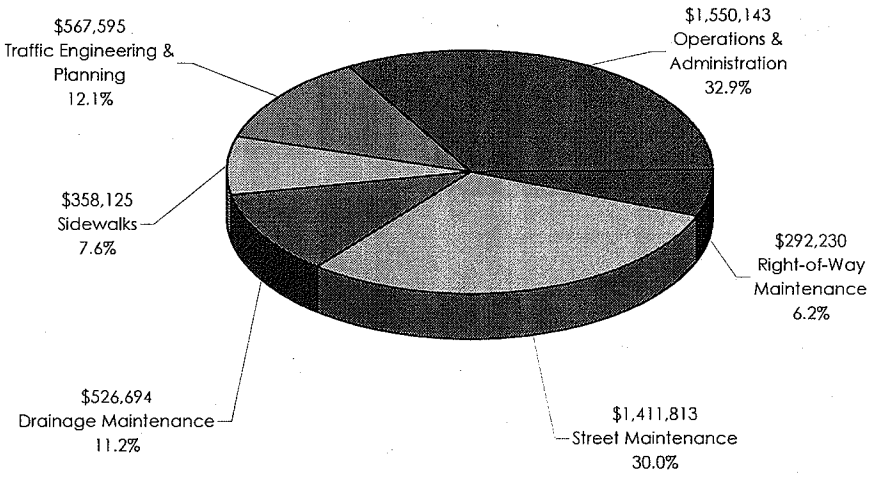
Street Fund



Street Fund Expenses

The primary purpose of funds expended from the Street Fund relate to the maintenance, repair and construction of streets within the City of Fayetteville. Associated drainage maintenance activities as well as street sweeping are also programs supported by the Street Fund.

Uses of Funds for 2012
$ 4,706,600



City of Fayetteville, Arkansas
2012 Operating Budget
Street Fund (2100)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Revenues:				
Intergovernmental (Grants)	$ 0	$ 387,500	$ 387,500	$ 0
State Turnback	3,390,952	3,200,000	3,475,000	3,495,000
County Road Turnback	1,103,686	1,099,400	1,065,800	1,065,000
Charges for Services	79,790	51,600	107,000	107,000
Investment Earnings	46,165	30,000	18,400	18,000
Other	27,400	9,000	21,300	21,600
Total Revenues	4,647,993	4,777,500	5,075,000	4,706,600
Expenses:				
Operations & Administration	1,369,702	1,923,979	1,829,488	1,550,143
Right-of-Way Maintenance	222,389	272,475	263,237	292,230
Street Maintenance	1,309,588	1,310,880	1,310,880	1,411,813
Drainage Maintenance	529,583	529,466	529,466	526,694
Traffic Engineering & Planning	494,317	526,061	526,048	567,595
Street & Trail Construction	357,783	45,519	45,519	0
Sidewalk Maintenance	295,836	727,013	707,362	358,125
Total Expenses	4,579,198	5,335,393	5,212,000	4,706,600
Income (Loss)	$ 68,795	$ (557,893)	$ (137,000)	$ 0

FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 2,275,722	$ 2,344,517	$ 2,344,517	$ 2,207,517
Income/(Loss)	68,795	(557,893)	(137,000)	0
Ending Undesignated Fund Balance	$ 2,344,517	$ 1,786,624	$ 2,207,517	$ 2,207,517
Total Budget	$ 4,579,198	$ 5,335,393	$ 5,212,000	$ 4,706,600

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
Street Fund (2100)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Transportation, Parking, Utilities Activity				
Operations & Administration Program (4100):				
Personnel Services	$ 556,112	$ 651,866	$ 557,401	$ 652,331
Materials and Supplies	22,262	38,434	38,434	35,695
Services and Charges	675,912	693,332	693,306	754,013
Motorpool Charges	3,690	3,362	3,362	4,264
Cost allocation	39,835	39,835	39,835	39,835
Maintenance	54,869	41,472	41,472	64,005
Capital	17,022	455,678	455,678	0
	1,369,702	1,923,979	1,829,488	1,550,143
Right-of-Way Maintenance Program (4110):				
Personnel Services	116,570	164,317	155,079	188,112
Materials and Supplies	17,865	22,480	22,480	29,798
Services and Charges	0	100	100	0
Motorpool Charges	87,884	83,410	83,410	72,152
Maintenance	70	2,168	2,168	2,168
	222,389	272,475	263,237	292,230
Street Maintenance Program (4120):				
Personnel Services	741,791	783,243	783,243	821,902
Materials and Supplies	291,084	256,914	256,914	346,294
Services and Charges	9,047	7,607	7,607	7,877
Motorpool Charges	748,685	765,019	765,019	859,291
Cost allocation	(492,786)	(520,880)	(520,880)	(637,515)
Maintenance	11,767	18,977	18,977	13,964
	1,309,588	1,310,880	1,310,880	1,411,813
Drainage Maintenance Program (4130):				
Personnel Services	327,636	331,953	331,953	344,818
Materials and Supplies	58,699	61,537	61,537	70,413
Services and Charges	6,344	12,000	12,000	14,750
Motorpool Charges	135,829	120,102	120,102	92,839
Maintenance	1,075	3,874	3,874	3,874
	529,583	529,466	529,466	526,694
Traffic Engineering & Planning Program (5315):				
Personnel Services	363,754	361,668	361,655	358,854
Materials and Supplies	47,891	57,143	57,143	95,291
Services and Charges	5,329	7,323	7,323	7,323
Motorpool Charges	47,707	72,327	72,327	48,527
Maintenance	29,636	27,600	27,600	57,600
	494,317	526,061	526,048	567,595

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
Street Fund (2100)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Street & Trail Construction Program (5520):				
Personnel Services	0	8,202	8,202	0
Materials and Supplies	28,800	30,196	30,196	41,059
Services and Charges	0	16,973	16,973	0
Motorpool Charges	165,292	178,477	178,477	168,716
Cost allocation	(194,092)	(208,673)	(208,673)	(209,775)
Maintenance	357,783	20,344	20,344	0
	357,783	45,519	45,519	0
Sidewalks Program (5530):				
Personnel Services	215,673	245,074	225,444	243,412
Materials and Supplies	19,136	198,421	198,400	43,010
Services and Charges	0	225,000	225,000	4,000
Motorpool Charges	76,042	72,303	72,303	83,425
Cost allocation	(16,803)	(17,785)	(17,785)	(17,722)
Maintenance	1,788	4,000	4,000	2,000
	295,836	727,013	707,362	358,125
Total Transportation, Parking, Utilities Activity	$ 4,579,198	$ 5,335,393	$ 5,212,000	$ 4,706,600
Total Fund	$ 4,579,198	$ 5,335,393	$ 5,212,000	$ 4,706,600

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Parking Fund (2130)

The **Parking Fund** accounts for funds received from meter revenues and parking lot rentals. These monies are expended for maintenance of parking lots. In 2010, a new program, Entertainment District Parking, was created that extended paid parking in the Dickson Street area. For 2012, this fund is expected to have a $277,700 surplus which will be designated toward the future building of a parking deck.

In 2010, the City Council approved a $700,000 interfund loan from the Replacement and Disaster Recovery Fund to the Parking Fund for the purchase of equipment. This loan will be paid back from parking revenue within a five year period.

City of Fayetteville, Arkansas
2012 Operating Budget
Parking Fund (2130)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Revenues:				
Downtown District Parking Revenue	$ 293,626	$ 392,450	$ 461,445	$ 495,480
Entertainment District Parking Revenue	370,012	882,800	913,360	879,798
Investment Earnings	8,159	20,425	3,989	3,972
Other	244	225	4,906	250
Total Revenues	672,041	1,295,900	1,383,700	1,379,500
Expenses:				
Downtown District Parking	216,455	430,266	411,319	458,051
Entertainment District Parking	113,846	204,300	197,035	169,514
Transfer to Walton Arts Center	25,968	289,000	289,000	289,000
Principal Payment	44,523	135,135	135,135	138,093
Interest Expense	4,556	12,100	12,100	9,142
Land Acquisition	343,538	0	0	0
Parking Lot Improvements	887,223	59,411	59,411	38,000
Transfer to Shop	13,888	0	0	0
Total Expenses	1,649,997	1,130,212	1,104,000	1,101,800
Income (Loss)	$ (977,956)	$ 165,688	$ 279,700	$ 277,700

FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 595,665	$ (337,768)	$ (337,768)	$ 77,067
Income/(Loss)	(977,956)	165,688	279,700	277,700
Reduction of Interfund Loan Liability	44,523	135,135	135,135	138,093
* Ending Undesignated Fund Balance	$ (337,768)	$ (36,945)	$ 77,067	$ 492,860
Total Budget	$ 1,649,997	$ 1,130,212	$ 1,104,000	$ 1,101,800

* The negative Fund Balance is due to the interfund loan from the Replacement and Disaster Recovery Fund.

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
Parking Fund (2130)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Transportation, Parking, Utilities Activity				
Off-Street Parking Program (9130):				
Personnel Services	$ 62,645	$ 187,223	$ 184,959	$ 233,254
Materials and Supplies	29,600	54,373	52,999	47,086
Services and Charges	61,608	84,545	80,277	89,829
Motorpool Charges	5,005	1,900	1,900	1,832
Maintenance	23,058	43,050	38,580	45,050
Transfers To Outside Entities	32,715	41,000	34,429	41,000
Capital	381,306	46,175	46,175	28,000
	595,937	458,266	439,319	486,051
Entertainment District Parking Program (9131):				
Personnel Services	57,124	91,236	84,071	77,292
Materials and Supplies	12,957	17,768	17,765	13,166
Services and Charges	29,620	60,771	60,764	45,795
Motorpool Charges	1,388	5,550	5,550	5,991
Maintenance	12,757	28,975	28,885	27,270
Debt Service	49,079	147,235	147,235	147,235
Transfers To Outside Entities	25,968	289,000	289,000	289,000
Capital	851,279	31,411	31,411	10,000
Operating Transfers	13,888	0	0	0
	1,054,060	671,946	664,681	615,749
Total Transportation, Parking, Utilities Activity	$ 1,649,997	$ 1,130,212	$ 1,104,000	$ 1,101,800
Total Fund	$ 1,649,997	$ 1,130,212	$ 1,104,000	$ 1,101,800

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Community Development Block Grant Fund (2180)

The **Community Development Block Grant Fund** accounts for the community development grant funds received from the Federal Department of Housing and Urban Development.

City of Fayetteville, Arkansas
2012 Operating Budget
Community Development Block Grant Fund (2180)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Revenues:				
Community Development Grant Funding	$ 767,322	$ 1,216,788	$ 1,216,700	$ 589,000
Other	3,140	2,097	2,100	0
Total Revenues	770,462	1,218,885	1,218,800	589,000
Expenses:				
Administration & Planning	114,246	192,759	192,674	109,900
Housing Services	254,106	709,431	709,431	317,780
Redevelopment	38,223	77,471	77,471	51,640
Public Service	99,296	98,814	98,814	71,000
Public Facilities & Improvements	264,591	140,410	140,410	38,680
Total Expenses	770,462	1,218,885	1,218,800	589,000
Income (Loss) Before Capital	$ 0	$ 0	$ 0	$ 0
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 0	$ 0	$ 0	$ 0
Income/(Loss)	0	0	0	0
Ending Undesignated Fund Balance	$ 0	$ 0	$ 0	$ 0
Total Budget	$ 770,462	$ 1,218,885	$ 1,218,800	$ 589,000

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
Community Development Block Grant Fund (2180)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Community Planning and Engineering Activity				
Administration & Planning Program (4930):				
Personnel Services	$ 80,677	$ 160,488	$ 160,403	$ 90,094
Materials and Supplies	3,965	2,800	2,800	3,491
Services and Charges	29,604	29,471	29,471	16,315
	114,246	192,759	192,674	109,900
Housing Services Program (4940):				
Personnel Services	71,941	102,056	102,056	62,486
Materials and Supplies	2,263	4,234	4,234	3,428
Services and Charges	176,439	599,681	599,681	248,500
Motorpool Charges	3,463	3,460	3,460	3,366
	254,106	709,431	709,431	317,780
Redevelopment Program (4945):				
Personnel Services	29,045	24,655	24,655	47,320
Materials and Supplies	1,697	7,587	7,587	1,820
Services and Charges	7,481	45,229	45,229	2,500
	38,223	77,471	77,471	51,640
Public Services Program (4970):				
Services and Charges	99,296	98,814	98,814	71,000
	99,296	98,814	98,814	71,000
Public Facilities & Improvements Program (4990):				
Services and Charges	264,591	140,410	140,410	38,680
	264,591	140,410	140,410	38,680
Total Community Planning and Engineering	$ 770,462	$ 1,218,885	$ 1,218,800	$ 589,000
Total Fund	$ 770,462	$ 1,218,885	$ 1,218,800	$ 589,000

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EDI Attainable Housing Grant Fund (2185)

The **EDI Attainable Housing Grant Fund** accounts for the Housing and Urban Development (EDI – Special Projects) grant to provide attainable/affordable housing.

City of Fayetteville, Arkansas
2012 Operating Budget
EDI Attainable Housing Grant Fund (2185)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Revenues:				
Community Development Grant Funding	$ 161,850	$ 0	$ 0	$ 0
Total Revenues	161,850	0	0	0
Expenses:				
EDI Attainable Housing Grant	161,850	0	0	0
Total Expenses	161,850	0	0	0
Income (Loss) Before Capital	$ 0	$ 0	$ 0	$ 0
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 0	$ 0	$ 0	$ 0
Income/(Loss)	0	0	0	0
Ending Undesignated Fund Balance	$ 0	$ 0	$ 0	$ 0
Total Budget	$ 161,850	$ 0	$ 0	$ 0

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
EDI Attainable Housing Grant Fund (2185)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Community Planning and Engineering Activity				
EDI Attainable Housing Grant Program (4985):				
Personnel Services	$ (137)	$ 0	$ 0	$ 0
Services and Charges	161,987	0	0	0
	161,850	0	0	0
Total Community Planning & Engineering	$ 161,850	$ 0	$ 0	$ 0
Total Fund	$ 161,850	$ 0	$ 0	$ 0

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Special State Grants Fund (2230)

The **Special State Grants Fund** accounts for the Arkansas Economic Development Commission Special State grant to purchase training equipment for NWACC. New grants which represent new grant programs funded by the State will be budgeted and accounted for in this fund.

City of Fayetteville, Arkansas
2012 Operating Budget
Special State Grants Fund (2230)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Revenues:				
Intergovernmental (Grants)	$ 47,332	$ 0	$ 52,600	$ 0
Total Revenues	47,332	0	52,600	0
Expenses:				
NWACC Equipment Grant	44,601	55,399	55,300	0
Total Expenses	44,601	55,399	55,300	0
Income (Loss) Before Capital	$ 2,731	$ (55,399)	$ (2,700)	$ 0
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 0	$ 2,731	$ 2,731	$ 31
Income/(Loss)	2,731	(55,399)	(2,700)	0
Ending Undesignated Fund Balance	$ 2,731	$ (52,668)	$ 31	$ 31
Total Budget	$ 44,601	$ 55,399	$ 55,300	$ 0

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
Special State Grants Fund (2230)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Citywide Activity				
NWACC Equipment Grant Program (8001):				
Materials and Supplies	$ 0	$ 56	$ 56	$ 0
Services and Charges	71	60	60	0
Capital	44,530	55,283	55,184	0
	44,601	55,399	55,300	0
Total Citywide	$ 44,601	$ 55,399	$ 55,300	$ 0
Total Fund	$ 44,601	$ 55,399	$ 55,300	$ 0

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Energy Block Grant Fund (2240)

The **Energy Block Grant Fund** was received from the United States Department of Energy as part of the American Recovery and Reinvestment Act. These funds will be used to 1) Develop a green house gas (GHG) credit inventory for community and municipal operations; 2) This is to help reduce municipal GHG emissions 20% below 2006 levels by 2012; and 3) This is to help reduce community GHG emissions 7% below 1990 levels.

To achieve the above goals, funds will be invested in 1) Upgrading five city-owned buildings for energy efficiency. As the energy savings is realized it will be reinvested in other municipal buildings. 2) The City will develop a Community Revolving Loan Fund targeting non-profit organizations to reduce GHG. These loans will be repaid using energy savings. 3) The City will retrofit approximately 230 street, pedestrian and trail lights with LEDs. 4) A solar photovoltaic system will be installed at the new Fayetteville District Court Building to provide visible examples of renewable energy.

City of Fayetteville, Arkansas
2012 Operating Budget
Energy Block Grant Fund (2240)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Revenues:				
Energy Block Grant Funding	$ 264,188	$ 460,713	$ 460,700	$ 0
Total Revenues	264,188	460,713	460,700	0
Expenses:				
Energy Block Grant	264,188	460,713	460,700	0
Total Expenses	264,188	460,713	460,700	0
Income / (Loss)	$ 0	$ 0	$ 0	$ 0
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 0	$ 0	$ 0	$ 0
Income/(Loss)	0	0	0	0
Ending Undesignated Fund Balance	$ 0	$ 0	$ 0	$ 0
Total Budget	$ 264,188	$ 460,713	$ 460,700	$ 0

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
Energy Block Grant Fund (2240)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Citywide Activity				
Energy Block Grant Program (9240):				
Materials and Supplies	$ 38,350	$ 19,018	$ 19,018	$ 0
Services and Charges	171,213	335,709	335,696	0
Capital	54,625	105,986	105,986	0
	264,188	460,713	460,700	0
Total Citywide	$ 264,188	$ 460,713	$ 460,700	$ 0
Total Fund	$ 264,188	$ 460,713	$ 460,700	$ 0

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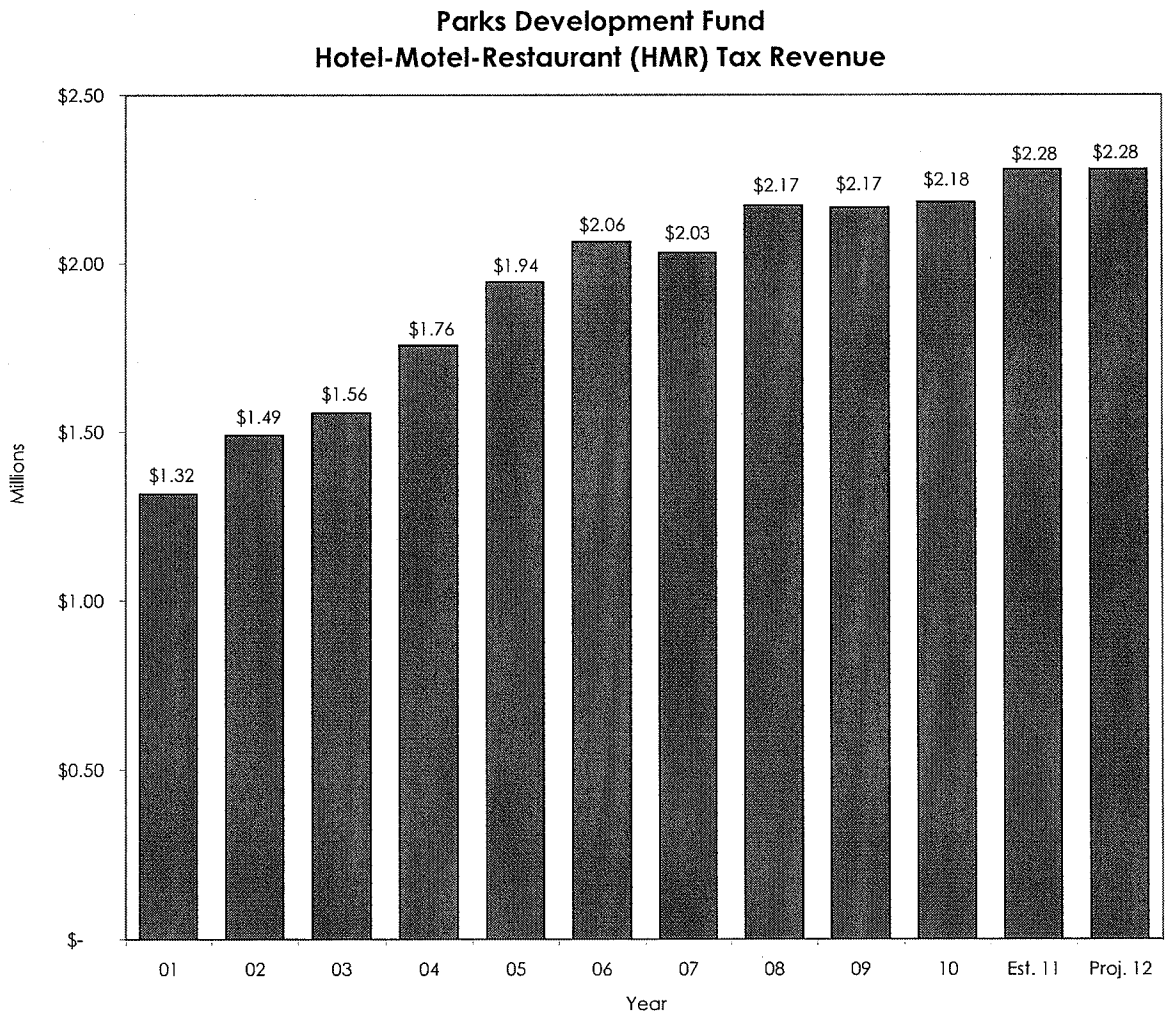
Parks Development Fund (2250)

The **Parks Development Fund** accounts for the revenue and expenditures of the Parks HMR tax approved by the voters in 1995. The $2.4 million in planned expenditures for 2012 includes $587,000 in capital improvements.

In 2010, a Citywide referendum was held and voters approved the use of these funds for maintenance activities. The use of Park Development Funds for promotional activities is no longer permitted. Due to these changes program rearrangements were made between the Parks Development Fund and General Fund.

The 1% HMR tax revenue has grown on average 6.3% annually since 2000. 2011 revenue was estimated approximately 4.42% higher than 2010. 2012 revenue is projected to be flat compared to estimated 2011.



City of Fayetteville, Arkansas
2012 Operating Budget
Parks Development Fund (2250)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Revenues:				
Hotel, Motel, and Restaurant Taxes	$ 2,181,585	$ 2,139,600	$ 2,278,000	$ 2,278,000
Intergovernmental	50,000	0	0	0
Charges for Services	4,889	6,000	5,000	5,000
Greenspace Fees Contribution	499,479	174,896	104,700	11,000
Investment Earnings	100,133	89,000	43,500	44,000
Other	5,248	20,000	23,000	20,000
Total Revenues	2,841,334	2,429,496	2,454,200	2,358,000
Expenses:				
Parks Development Program	1,389,306	1,694,600	1,632,041	1,682,100
Parks Development Capital	863,702	4,922,063	4,922,063	664,900
Parks Development Greenspace Capital	0	174,896	174,896	11,000
Outside Agencies	177,750	0	0	0
Total Expenses	2,430,758	6,791,559	6,729,000	2,358,000
Income (Loss) Before Capital	$ 410,576	$ (4,362,063)	$ (4,274,800)	$ 0

FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 4,377,501	$ 4,788,077	$ 4,788,077	$ 513,277
Income/(Loss)	410,576	(4,362,063)	(4,274,800)	0
Ending Undesignated Fund Balance	$ 4,788,077	$ 426,014	$ 513,277	$ 513,277
Total Budget	$ 2,430,758	$ 6,791,559	$ 6,729,000	$ 2,358,000

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
Parks Development Fund (2250)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Parks and Recreation Activity				
Parks Development Program (9250):				
Personnel Services	$ 1,068,570	$ 1,268,577	$ 1,206,564	$ 1,241,120
Materials and Supplies	103,294	62,151	61,847	60,935
Services and Charges	57,469	59,509	59,324	59,495
Motorpool Charges	53,973	198,415	198,415	213,321
Cost allocation	87,948	87,948	87,948	87,948
Maintenance	18,052	18,000	17,943	19,281
Transfers To Outside Entities	177,750	0	0	0
	1,567,056	1,694,600	1,632,041	1,682,100
Parks Development Capital Program (9255):				
Materials and Supplies	11,251	61,332	61,332	0
Services and Charges	53,353	147,579	147,579	0
Maintenance	14,970	30,833	30,833	0
Debt Service	77,866	78,000	78,000	77,900
Capital	706,262	4,604,319	4,604,319	587,000
	863,702	4,922,063	4,922,063	664,900
Parks Development Capital Greenspace Program (9256):				
Services and Charges	0	50,685	50,685	0
Maintenance	0	5,290	5,290	0
Capital	0	118,921	118,921	11,000
	0	174,896	174,896	11,000
Total Parks and Recreation Activity	$ 2,430,758	$ 6,791,559	$ 6,729,000	$ 2,358,000
Total Fund	$ 2,430,758	$ 6,791,559	$ 6,729,000	$ 2,358,000

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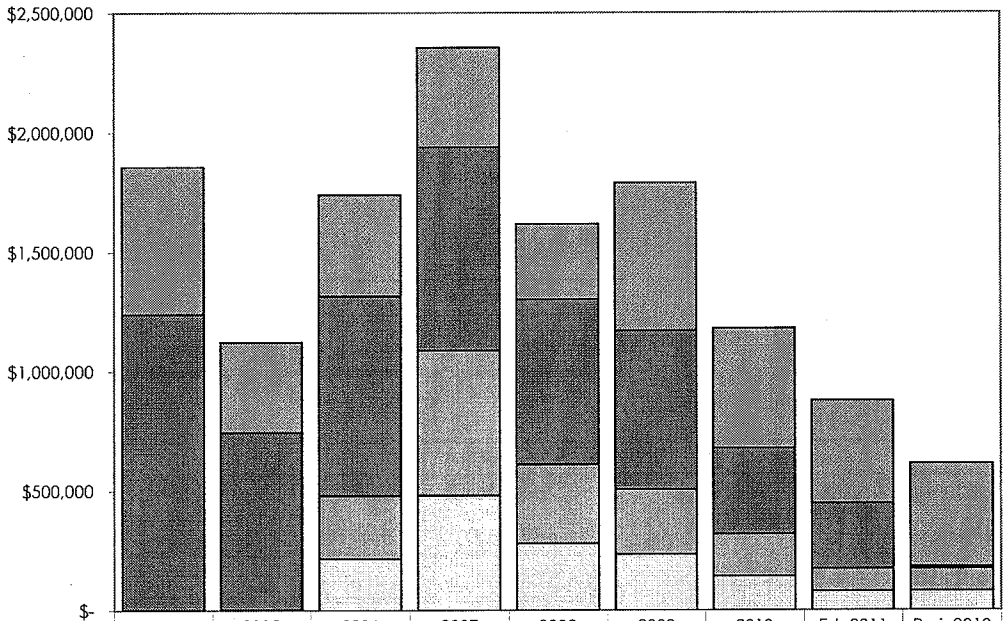
Impact Fee Fund (2300)

The **Impact Fee Fund** accounts for the revenues and expenditures related to the collection of the water, wastewater, police, and fire impact fees. The intent of impact fee requirements is to ensure the new developments bear a proportionate share of the cost of capacity improvements and ensure that the proportional share does not exceed the costs of the demand for additional capacity that is reasonably attributable to providing these services and facilities to the use and occupancy of the new developments. Impact fee collections have declined dramatically from 2007 levels because of the fall in new development due to economic conditions.

Impact Fee Collections



	2004	2005	2006	2007	2008	2009	2010	Est. 2011	Proj. 2012
Water	$616,440	$378,112	$425,493	$417,860	$317,256	$620,096	$502,227	$430,900	$432,000
Wastewater	$1,239,783	$742,589	$835,980	$849,841	$690,558	$663,975	$359,793	$272,400	$7,300
Police	$0	$1,115	$263,476	$607,219	$330,739	$272,076	$175,451	$94,600	$94,000
Fire	$0	$832	$215,201	$480,525	$279,115	$233,744	$142,178	$78,900	$80,000

Year

City of Fayetteville, Arkansas
2012 Operating Budget
Impact Fee Fund (2300)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Revenues:				
Water Impact Fee	$ 502,227	$ 490,400	$ 430,900	$ 432,000
Wastewater Impact Fee	359,793	355,800	272,400	273,000
Police Impact Fee	175,451	178,300	94,600	94,000
Fire Impact Fee	142,178	144,300	78,900	80,000
Investment Earnings	158,819	91,200	52,800	42,000
Total Revenues	1,338,468	1,260,000	929,600	921,000
Expenses:				
Water Improvements	0	1,274,224	1,272,000	446,000
Wastewater Improvements	0	2,063,400	2,028,000	287,000
Police Improvements	159,880	1,847,863	1,748,300	104,000
Fire Improvements	76,146	963,920	891,600	84,000
Transfer to Water & Sewer	2,792,404	1,522,249	1,522,200	0
Total Expenses	3,028,430	7,671,656	7,462,100	921,000
Income (Loss) Before Capital	$ (1,689,962)	$ (6,411,656)	$ (6,532,500)	$ 0
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 8,266,726	$ 6,576,764	$ 6,576,764	$ 44,264
Income/(Loss)	(1,689,962)	(6,411,656)	(6,532,500)	0
Ending Undesignated Fund Balance	$ 6,576,764	$ 165,108	$ 44,264	$ 44,264
Total Budget	$ 3,028,430	$ 7,671,656	$ 7,462,100	$ 921,000

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
Impact Fee Fund (2300)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Citywide Activity				
Impact Fee Expense Program (9300):				
Materials and Supplies	$ 0	$ 56,496	$ 56,400	$ 0
Capital	236,026	6,092,911	5,883,500	921,000
Operating Transfers	2,792,404	1,522,249	1,522,200	0
	3,028,430	7,671,656	7,462,100	921,000
Total Citywide	$ 3,028,430	$ 7,671,656	$ 7,462,100	$ 921,000
Total Fund	$ 3,028,430	$ 7,671,656	$ 7,462,100	$ 921,000

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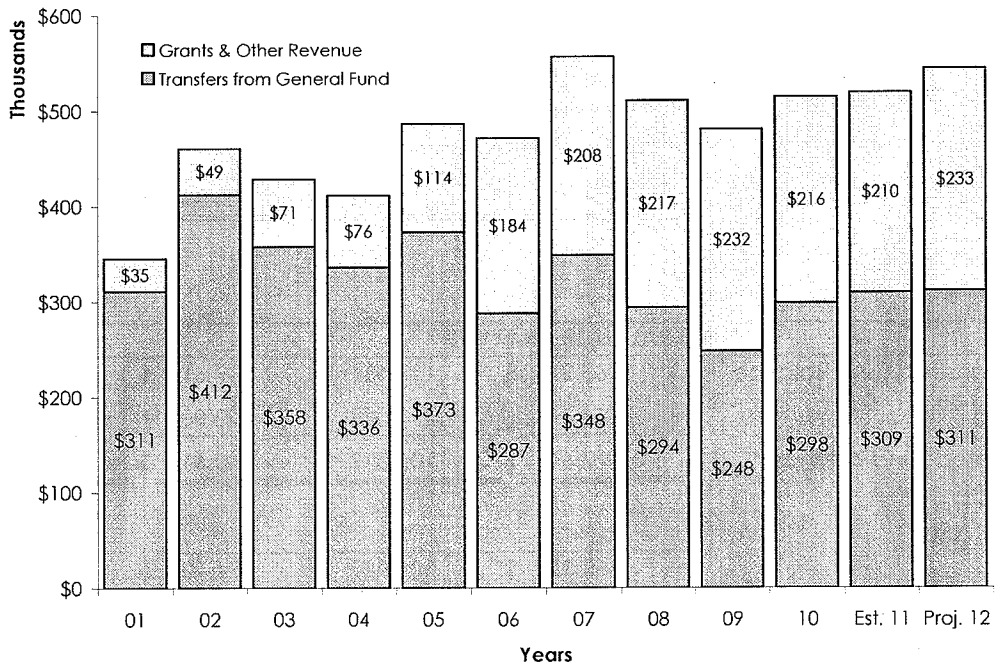
Drug Law Enforcement Fund (2930)

The **Drug Law Enforcement Fund** accounts for drug law enforcement grant funds received from the U.S. Department of Justice, passed through the State of Arkansas, in association with Washington County; the Cities of Springdale, Prairie Grove, Lincoln, Elm Springs, Farmington, Greenland, Goshen, Johnson, Elkins, and West Fork; and the Fourth Judicial Prosecuting Attorney.

Drug Law Enforcement Fund
Revenue Sources



City of Fayetteville, Arkansas
2012 Operating Budget
Drug Law Enforcement Fund (2930)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Revenues:				
Drug Enforcement Grant	$ 267,263	$ 263,518	$ 261,060	$ 296,200
Charges for Services	1,195	1,800	0	0
Fines & Forfeitures	14,627	12,800	24,740	14,800
Investment Earnings	2	0	0	0
Other	15,000	0	200	0
Transfer from General	216,341	233,000	233,000	233,000
Total Revenues	514,428	511,118	519,000	544,000
Expenses:				
Drug Enforcement	460,032	525,650	496,000	544,000
Total Expenses	460,032	525,650	496,000	544,000
Income (Loss)	$ 54,396	$ (14,532)	$ 23,000	$ 0

FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 63,215	$ 117,611	$ 117,611	$ 140,611
Income/(Loss)	54,396	(14,532)	23,000	0
Ending Undesignated Fund Balance	$ 117,611	$ 103,079	$ 140,611	$ 140,611
Total Budget	$ 460,032	$ 525,650	$ 496,000	$ 544,000

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
Drug Law Enforcement Fund (2930)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Police Activity				
Drug Enforcement Program (2960):				
Personnel Services	$ 260,858	$ 284,789	$ 255,139	$ 276,451
Materials and Supplies	13,734	16,816	16,816	0
Services and Charges	185,440	214,827	214,827	267,549
Capital	0	9,218	9,218	0
	460,032	525,650	496,000	544,000
Total Police	$ 460,032	$ 525,650	$ 496,000	$ 544,000
Total Fund	$ 460,032	$ 525,650	$ 496,000	$ 544,000

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Fire Bond Fund (3360)

The **Fire Bond Fund** accounts for the accumulation of resources for and the repayment of bond debt incurred for the construction of Fire Stations #3 and #5. Final payment was in 2011.

City of Fayetteville, Arkansas
2012 Operating Budget
Fire Bond Fund (3360)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Revenues:				
Investment Earnings	$ 2,953	$ 905	$ 905	$ 0
Transfer from Sales Tax Capital	608,200	163,395	163,395	0
Total Revenues	611,153	164,300	164,300	0
Expenses:				
Settlements	0	32,000	32,000	0
Professional Services	0	2,300	2,300	0
Principal Payment	740,000	400,000	400,000	0
Interest Expense	24,800	17,000	17,000	0
Total Expenses	764,800	451,300	451,300	0
Income (Loss)	$ (153,647)	$ (287,000)	$ (287,000)	$ 0

FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 440,721	$ 287,074	$ 287,074	$ 74
Income/(Loss)	(153,647)	(287,000)	(287,000)	0
Ending Undesignated Fund Balance	$ 287,074	$ 74	$ 74	$ 74
Total Budget	$ 764,800	$ 451,300	$ 451,300	$ 0

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
Fire Bond Fund (3360)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Citywide Activity				
Fire Bond Expense Program (9360):				
Services and Charges	$ 0	$ 34,300	$ 34,300	$ 0
Debt Service	764,800	417,000	417,000	0
	764,800	451,300	451,300	0
Total Citywide	$ 764,800	$ 451,300	$ 451,300	$ 0
Total Fund	$ 764,800	$ 451,300	$ 451,300	$ 0

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TIF Bond Fund (3370)

The **Tax Increment Financing (TIF) Bond Fund** accounts for the accumulation of resources for and the payment of bond debt incurred for TIF capital project expenditures.

City of Fayetteville, Arkansas
2012 Operating Budget
TIF Bond Fund (3370)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Revenues:				
Property Taxes	$ 110,485	$ 55,000	$ 55,000	$ 100,000
Investment Earnings	8	0	0	0
Total Revenues	110,493	55,000	55,000	100,000
Expenses:				
Principal Payment	45,000	75,000	75,000	76,300
Interest Expense	16,115	33,587	33,587	17,900
Professional Services	250	2,300	2,213	2,300
Paying Agent Fees	3,500	3,500	3,500	3,500
Total Expenses	64,865	114,387	114,300	100,000
Income (Loss) Before Capital	$ 45,628	$ (59,387)	$ (59,300)	$ 0
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 73,575	$ 119,203	$ 119,203	$ 59,903
Income/(Loss)	45,628	(59,387)	(59,300)	0
Ending Undesignated Fund Balance	$ 119,203	$ 59,816	$ 59,903	$ 59,903
Total Budget	$ 64,865	$ 114,387	$ 114,300	$ 100,000

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
TIF Bond Fund (3370)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Citywide Activity				
TIF Bonds Expense Program (9370):				
Services and Charges	$ 250	$ 2,300	$ 2,213	$ 2,300
Debt Service	64,615	112,087	112,087	97,700
	64,865	114,387	114,300	100,000
Total Citywide	$ 64,865	$ 114,387	$ 114,300	$ 100,000
Total Fund	$ 64,865	$ 114,387	$ 114,300	$ 100,000

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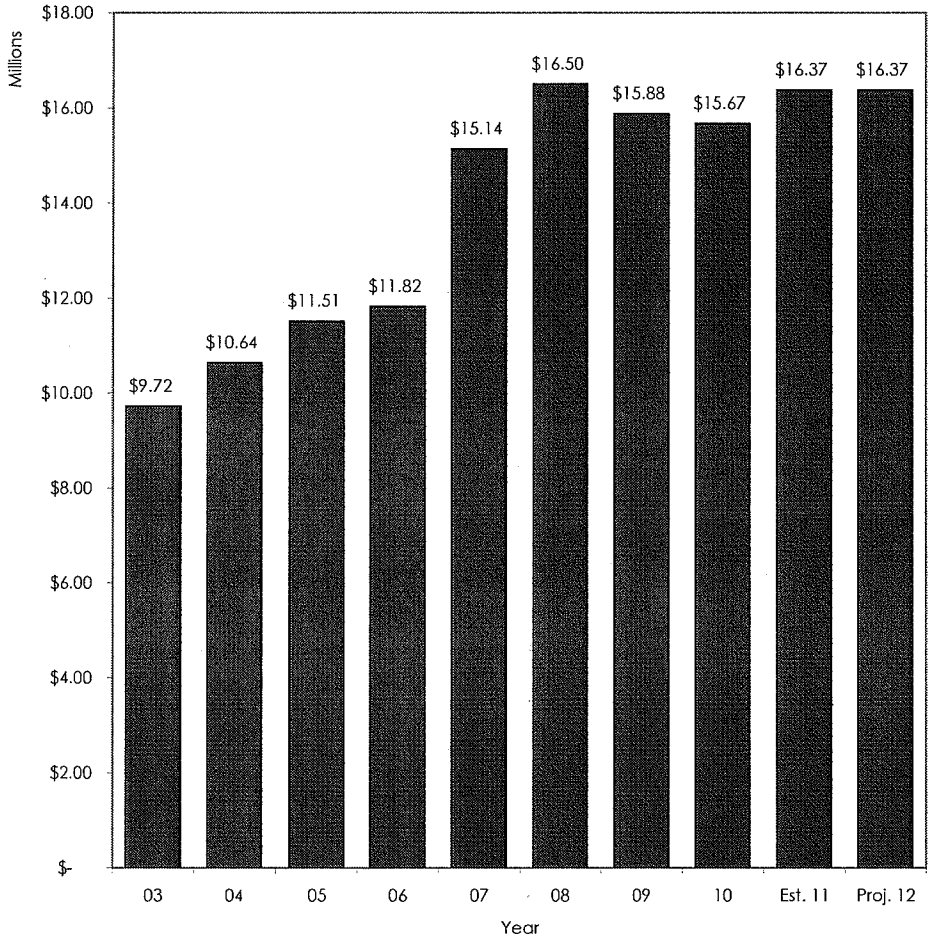
Sales Tax Bond Fund (3440)

The **Sales Tax Bond Fund** accounts for the accumulation of resources and the payment of bond debt incurred for the City's wastewater treatment plants, sewerage and related facilities, to certain City streets, and to the City's trail system.

Sales Tax Bond
(1.00%) Sales Tax Revenue



City of Fayetteville, Arkansas
2012 Operating Budget
Sales Tax Bond Fund (3440)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Revenues:				
Sales Tax - City	$ 15,670,867	$ 15,372,400	$ 16,371,600	$ 16,371,900
Investment Earnings	1,579	1,300	500	500
Transfer from Sales Tax Construction	7	0	0	0
Total Revenues	15,672,453	15,373,700	16,372,100	16,372,400
Expenses:				
Principal Payment	10,660,479	10,527,703	10,527,703	11,906,772
Interest Expense	5,004,588	4,838,657	4,838,657	4,462,828
Professional Services	0	4,540	4,540	0
Paying Agent Fees	12,750	2,800	2,800	2,800
Total Expenses	15,677,817	15,373,700	15,373,700	16,372,400
Income / (Loss)	$ (5,364)	$ 0	$ 998,400	$ 0

FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 3,483,615	$ 3,478,251	$ 3,478,251	$ 4,476,651
Income/(Loss)	(5,364)	0	998,400	0
Ending Undesignated Fund Balance	$ 3,478,251	$ 3,478,251	$ 4,476,651	$ 4,476,651
Total Budget	$ 15,677,817	$ 15,373,700	$ 15,373,700	$ 16,372,400

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
Sales Tax Bond Fund (3440)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Citywide Activity				
Sewer Bonds - Expense Program (9440):				
Services and Charges	$ 0	$ 4,540	$ 4,540	$ 0
Debt Service	15,677,817	15,369,160	15,369,160	16,372,400
	15,677,817	15,373,700	15,373,700	16,372,400
Total Citywide	$ 15,677,817	$ 15,373,700	$ 15,373,700	$ 16,372,400
Total Fund	$ 15,677,817	$ 15,373,700	$ 15,373,700	$ 16,372,400

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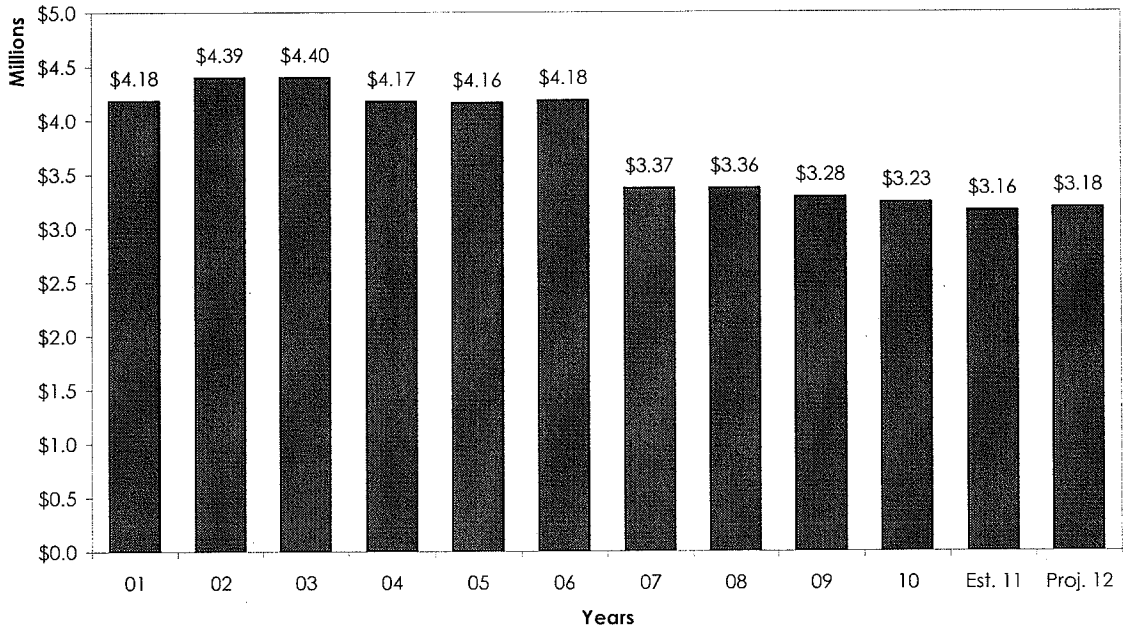
Replacement & Disaster Recovery Fund (4270)

The **Replacement & Disaster Recovery Fund** accounts for general government monies accumulated and used for the purchase of vehicles and equipment. By policy, the fund attempts to maintain a reserve of three million dollars for disaster recovery.

In 2010, the City Council approved a $700,000 interfund loan from the Replacement and Disaster Recovery Fund to the Parking Fund for the purchase of equipment. This fund will be paid back from parking revenue within a five year period.

Replacement & Disaster Recovery Fund
Ending Fund Balance



City of Fayetteville, Arkansas
2012 Operating Budget
Replacement & Disaster Recovery Fund (4270)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Revenues:				
Intergovernmental (Grants)	$ 0	$ 875,000	$ 875,000	$ 0
Federal Grants - Capital	0	0	156,600	0
Replacement Copier Revenue	29,871	44,500	39,300	39,250
Investment Earnings	65,602	56,300	32,500	27,750
Other	748	0	900	0
Total Revenues	96,221	975,800	1,104,300	67,000
Expenses:				
Audit Expense	450	600	600	1,750
FEMA Disaster Projects	281	1,000,000	1,000,000	0
Professional Services	58,542	7,310	7,213	0
Fixed Assets	85,179	120,668	120,202	39,250
Vehicles & Equipment	0	15,885	15,885	0
Transfer to Shop	0	37,434	37,400	0
Total Expenses	144,452	1,181,897	1,181,300	41,000
Income (Loss)	$ (48,231)	$ (206,097)	$ (77,000)	$ 26,000

FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 3,282,831	$ 3,234,600	$ 3,234,600	$ 3,157,600
Income/(Loss)	(48,231)	(206,097)	(77,000)	26,000
Ending Undesignated Fund Balance	$ 3,234,600	$ 3,028,503	$ 3,157,600	$ 3,183,600
Total Budget	$ 144,452	$ 1,181,897	$ 1,181,300	$ 41,000

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
Replacement & Disaster Recovery Fund (4270)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Citywide Activity				
Replacement Fund Expense Program (9270):				
Services and Charges	$ 58,992	$ 7,910	$ 7,813	$ 1,750
Capital	85,179	136,553	136,087	39,250
Operating Transfers	0	37,434	37,400	0
	144,171	181,897	181,300	41,000
FEMA Disaster Projects Program (9280):				
Materials and Supplies	0	23,250	23,250	0
Services and Charges	281	976,750	976,750	0
	281	1,000,000	1,000,000	0
Total Citywide Activity	$ 144,452	$ 1,181,897	$ 1,181,300	$ 41,000
Total Fund	$ 144,452	$ 1,181,897	$ 1,181,300	$ 41,000

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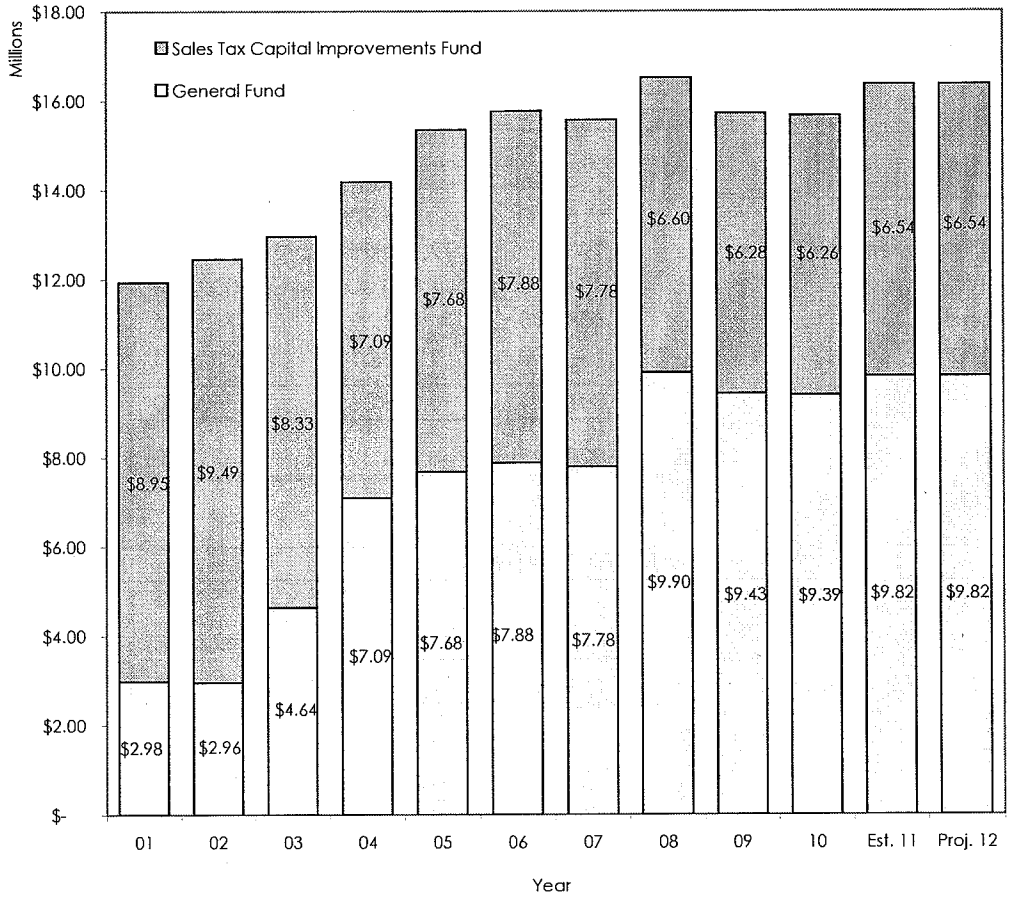
Sales Tax Capital Improvements Fund (4470)

The **Sales Tax Capital Improvements Fund** accounts for the revenue and expenditures of the City's sales and use tax which is used for acquisition and improvement projects as well as equipment additions and replacements that are included in the City's Five-Year Capital Improvements Program. The $6,702,600 in planned expenditures for 2012 includes $6,695,300 in capital improvements.

Revenues for 2011 are expected to be up by $394,300 compared to budget. Sales taxes for 2012 are budgeted to be flat compared to 2011 estimated collections.

1% City Sales Tax



City of Fayetteville, Arkansas
2012 Operating Budget
Sales Tax Capital Improvements Fund (4470)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Revenues:				
Property Taxes	$ 149	$ 0	$ 0	$ 0
Sales Tax - City	6,262,665	6,149,000	6,543,300	6,543,600
Intergovernmental (Grants)	314,593	5,707,050	5,707,000	0
Charges for Services	15,046	793,165	793,000	101,000
Sidewalk Fees	3,308	0	0	0
Investment Earnings	160,965	128,000	58,800	58,000
Other	20,086	22,329	37,900	0
Total Revenues	6,776,812	12,799,544	13,140,000	6,702,600
Expenses:				
Audit Expense	6,500	6,700	6,700	7,300
Sales Tax Capital Improvements	7,190,211	17,591,252	17,591,252	6,695,300
Transfer to General	0	1,000,000	1,000,000	0
Transfer to Fire Bond	608,200	163,395	163,395	0
Transfer to Other Funds	0	142,518	653	0
Total Expenses	7,804,911	18,903,865	18,762,000	6,702,600
Income (Loss) Before Capital	$ (1,028,099)	$ (6,104,321)	$ (5,622,000)	$ 0
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 8,179,102	$ 7,151,003	$ 7,151,003	$ 1,529,003
Income/(Loss)	(1,028,099)	(6,104,321)	(5,622,000)	0
Ending Undesignated Fund Balance	$ 7,151,003	$ 1,046,682	$ 1,529,003	$ 1,529,003
Total Budget	$ 7,804,911	$ 18,903,865	$ 18,762,000	$ 6,702,600

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
Sales Tax Capital Improvements Fund (4470)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Citywide Activity				
Sales Tax Capital Improvements Program (9470):				
Materials and Supplies	$ 584,231	$ 1,563,234	$ 1,563,234	$ 694,700
Services and Charges	866,109	2,043,411	2,043,411	55,300
Maintenance	1,793,190	3,065,198	3,065,198	2,982,600
Transfers To Outside Entities	358,000	358,000	358,000	359,500
Capital	3,594,551	10,568,109	10,568,109	2,610,500
Miscellaneous	630	0	0	0
Operating Transfers	608,200	1,305,913	1,164,048	0
	7,804,911	18,903,865	18,762,000	6,702,600
Total Citywide	$ 7,804,911	$ 18,903,865	$ 18,762,000	$ 6,702,600
Total Fund	$ 7,804,911	$ 18,903,865	$ 18,762,000	$ 6,702,600

City of Fayetteville, Arkansas
Sales Tax Capital Improvements Fund
Capital Budget

Project Category	Project Title	Budgeted 2012
Transportation Improvements	Sidewalk Improvements	$ 635,000
	In-House Pavement Improvements	1,865,000
		2,500,000
Trail Improvements	Trail Development	1,361,000
		1,361,000
Street Improvements	Old Wire Road-Mission to Crossover	300,000
	Zion Road-Vantage to Crossover	150,000
		450,000
Bridge & Drainage Improvements	Stormwater Quality Mgt/Nutrient Reduction	175,000
	Other Drainage Improvements	200,000
		375,000
Information Technology Improvements	Microcomputer / Printer Replacements	85,700
	Local Area Network (LAN) Upgrade	125,000
	Geographic Information System (GIS)	65,000
	AccessFayetteville Technical Improvements	25,000
	Document Management	30,000
	Data Center Upgrade	70,000
		400,700
Other Capital Improvements	Building Improvements	362,600
	P.E.G. Television Center - Equipment	54,000
	On-Screen Graphics Generator Upgrade	20,000
	Studio Camera and Lighting Upgrades	85,000
	Telecommunication Systems Upgrades	60,000
		581,600
Library Materials & Improvements	Library Material Purchases	336,500
	Library Computer Replacements	23,000
		359,500
Parks & Recreation Improvements	Other Park & Safety Improvements	10,000
	Forestry, Safety & ADA Compliance	108,500
	Lights of the Ozarks	23,000
	Tree Escrow	101,000
		242,500

City of Fayetteville, Arkansas
Sales Tax Capital Improvements Fund
Capital Budget

Project Category	Project Title	Budgeted 2012
Police Safety Improvements	Police Technology Improvements	50,000
	Police Unmarked Vehicles	70,000
	Police Building Improvements	25,000
	Police Specialized Equipment	50,000
	Police MVR Replacement	185,000
		380,000
Fire Safety Improvements	Fire Facility Maintenance	25,000
	Fire Mobile Radios	20,000
		45,000
Audit Expense	Audit Expense	7,300
		7,300
		$ 6,702,600

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Wastewater System Improvements Project Fund (4480)

The **Wastewater System Improvements Project Fund** accounts for the bond proceeds to construct and equip a new wastewater treatment plant. Appropriation of these funds will be provided through the rebudget process which will be considered by the City Council during the first quarter of 2012.

City of Fayetteville, Arkansas
2012 Operating Budget
Wastewater System Improvements Project Fund (4480)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Revenues:				
Investment Earnings	$ 68,851	$ 0	$ 21,860	$ 0
Total Revenues	68,851	0	21,860	0
Expenses:				
Professional Services	109,863	716,263	716,263	0
Wastewater System Improvements Project	59,395	1,203,072	1,203,072	0
Transfer to Other Funds	0	887,888	887,185	97,600
Transfer to Shop	29,439	238,999	238,600	0
Total Expenses	198,697	3,046,222	3,045,120	97,600
Income / (Loss)	$ (129,846)	$ (3,046,222)	$ (3,023,260)	$ (97,600)

FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 3,250,706	$ 3,120,860	$ 3,120,860	$ 97,600
Income/(Loss)	(129,846)	(3,046,222)	(3,023,260)	(97,600)
Ending Undesignated Fund Balance	$ 3,120,860	$ 74,638	$ 97,600	$ 0
Total Budget	$ 198,697	$ 3,046,222	$ 3,045,120	$ 97,600

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
Wastewater System Improvements Project Fund (4480)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Citywide Activity				
Wastewater System Improvements Project Program (9480):				
Services and Charges	$ 114,048	$ 836,237	$ 836,237	$ 0
Capital	55,210	1,083,098	1,083,098	0
Operating Transfers	29,439	1,126,887	1,125,785	97,600
	198,697	3,046,222	3,045,120	97,600
Total Citywide	$ 198,697	$ 3,046,222	$ 3,045,120	$ 97,600
Total Fund	$ 198,697	$ 3,046,222	$ 3,045,120	$ 97,600

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Sales Tax Construction Bond Fund (4520)

The **Sales Tax Construction Bond Fund** accounts for the bond proceeds for improvements to the wastewater treatment plant, streets, and trail construction pursuant to the 2006 referendum. Appropriations of these funds will be provided through the re-budget process which will be considered by the City Council during the first quarter of 2012.

City of Fayetteville, Arkansas
2012 Operating Budget
Sales Tax Construction Bond Fund (4520)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Revenues:				
Payments by Property Owners	$ 8,400	$ 0	$ 0	$ 0
Investment Earnings	6,320	6,000	2,000	2,000
Total Revenues	14,720	6,000	2,000	2,000
Expenses:				
Audit Expense	6,000	6,000	6,000	2,000
Transfer to Sales Tax Bond	7	0	0	0
2006A Sales Tax Construction Expense	6,958,275	3,759,305	3,759,223	0
2007A Sales Tax Construction Expense	5,060,335	1,155,721	1,155,721	0
Street Sales Tax Construction (2009)	0	9,633,374	9,633,374	0
Trails Sales Tax Construction (2009)	307,816	939,482	939,482	0
Total Expenses	12,332,433	15,493,882	15,493,800	2,000
Income / (Loss)	$ (12,317,713)	$ (15,487,882)	$ (15,491,800)	$ 0

FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 29,485,027	$ 17,167,314	$ 17,167,314	$ 1,675,514
Income/(Loss)	(12,317,713)	(15,487,882)	(15,491,800)	0
Ending Undesignated Fund Balance	$ 17,167,314	$ 1,679,432	$ 1,675,514	$ 1,675,514
Total Budget	$ 12,332,433	$ 15,493,882	$ 15,493,800	$ 2,000

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
Sales Tax Construction Bond Fund (4520)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Citywide Activity				
2006A Sales Tax Construction Expense Program (9520):				
Services and Charges	$ 726,250	$ 589,648	$ 589,566	$ 2,000
Capital	6,237,955	3,156,409	3,156,409	0
Operating Transfers	7	19,248	19,248	0
	6,964,212	3,765,305	3,765,223	2,000
2007A Sales Tax Construction Expense Program (9530):				
Services and Charges	388,859	0	0	0
Capital	4,671,476	1,155,721	1,155,721	0
	5,060,335	1,155,721	1,155,721	0
Street Sales Tax 2009 Program (9540):				
Services and Charges	0	1,135	1,135	0
Capital	0	9,632,239	9,632,239	0
	0	9,633,374	9,633,374	0
Trails Sales Tax 2009 Program (9550):				
Services and Charges	89,129	63,725	63,725	0
Capital	218,757	875,757	875,757	0
	307,886	939,482	939,482	0
Total Citywide Activity	$ 12,332,433	$ 15,493,882	$ 15,493,800	$ 2,000
Total Fund	$ 12,332,433	$ 15,493,882	$ 15,493,800	$ 2,000

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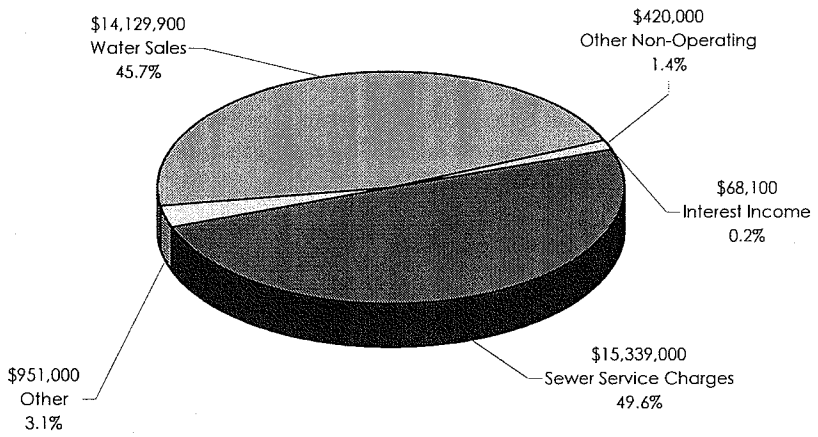
Water and Sewer Fund (5400)

The **Water & Sewer Fund** accounts for the revenue sources as well as the operation and maintenance expenses of the City's water and sewer system. This includes water purchases from Beaver Water District, all water and sewer functions, the operation of the wastewater treatment plants, meter and backflow operations, and billing and collections. The 2012 Budget is predicated on a break even basis.

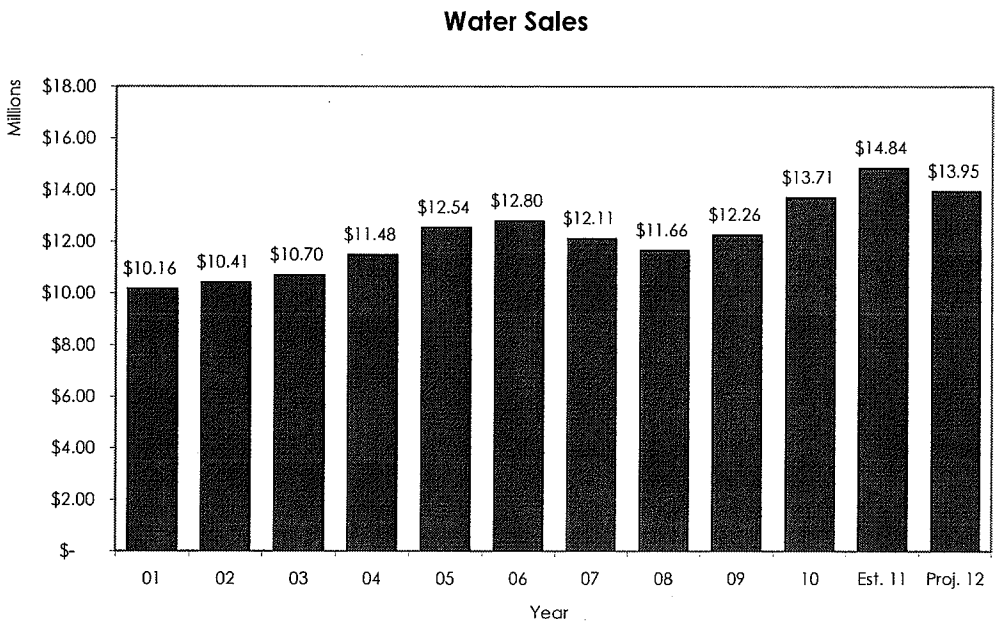
Water & Sewer Fund Revenues

For 2012, the Water & Sewer Fund is projected to have an operating gain of $5,507,000 before capital expenditures. City Council approved water and sewer rate increases in 2008 which included incremental increases in 2009, 2010, and 2011. The revenue projections reflect the phased rate adjustments. Water usages in 2008 and 2009 were far under projections due to unusually wet conditions. In 2011 usage was above projections due to drought conditions during the summer months. Therefore for fiscal 2012, usage projections are based on 2010 consumption.

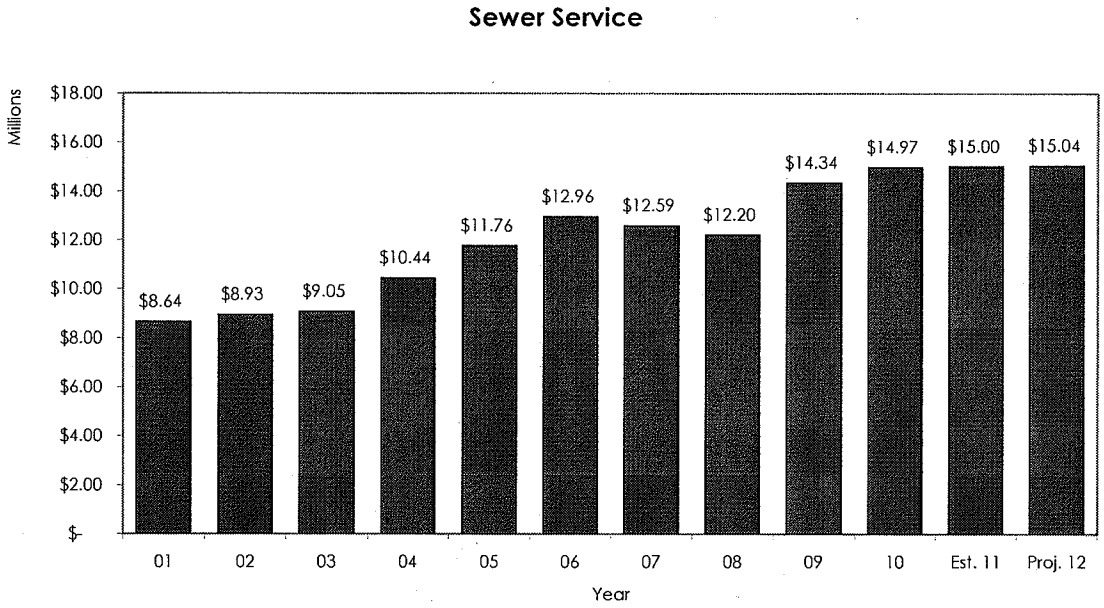
Sources of Funds for 2012
$ 30,908,000



Water Sales: Water sales revenue is based on metered customer usage of water and is one of the primary sources of revenue for the Water & Sewer Fund. The budgeted revenue for 2012 shows a decrease over estimated 2011 revenue due to usually dry conditions experienced during the summer months.



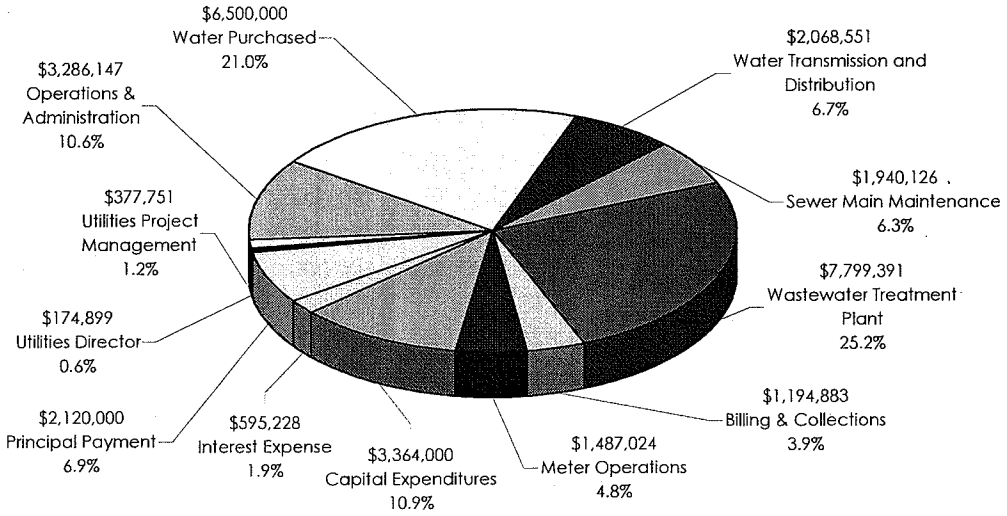
Sewer Charges: Sewer service charge revenue is based on metered customer usage of water and is the other primary source of revenue for the Water & Sewer Fund. The budgeted revenue for 2012 is projected to be approximately $338,000 over estimated 2011.



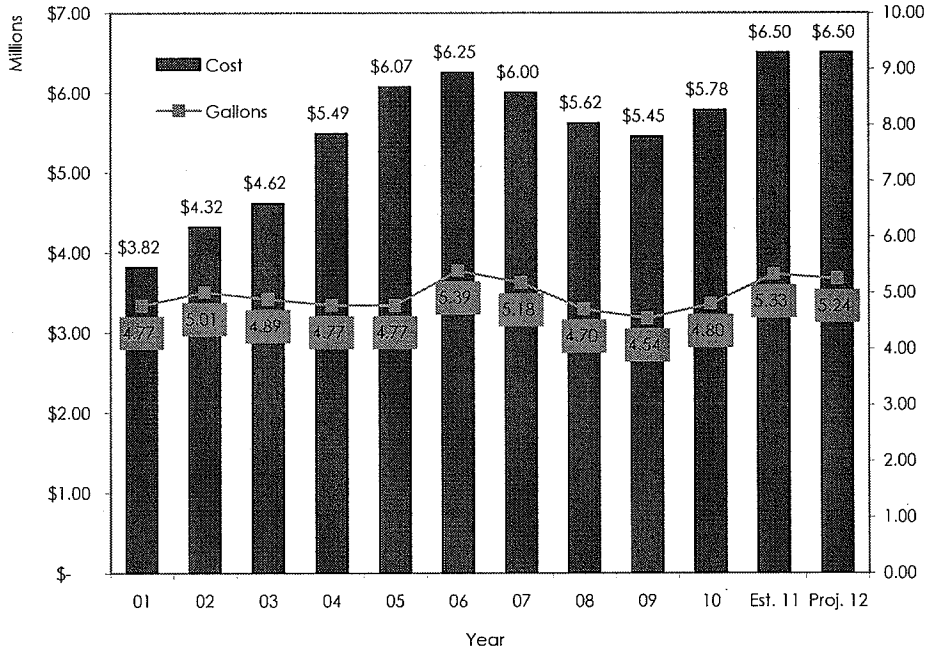
Water & Sewer Fund Expenses

The wastewater treatment plant operations budgeted for 2012 represents the largest expenditure in the fund at $7.8 million. This represents 25.7% of the total operating expenses. The water purchases are budgeted at $6.5 million, which represents 21.4% of total operating expenditures. Water purchase rates increased two cents per 1,000 gallons in October 2011 and will increase the same rate in October 2012.

Use of Funds for 2012
$ 30,908,000



Water Purchases



City of Fayetteville, Arkansas
2012 Operating Budget
Water & Sewer Fund (5400)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Revenues:				
Water Sales	$ 13,712,683	$ 13,991,900	$ 14,842,700	$ 14,129,900
Sewer Service Charges	14,970,047	15,385,000	15,000,600	15,339,000
Other	1,078,713	878,200	1,005,000	951,000
Interest Income	261,271	75,900	114,200	68,100
Other Non-Operating	853,499	570,000	350,400	420,000
Total Revenues	30,876,213	30,901,000	31,312,900	30,908,000
Expenses:				
Utilities Director	153,546	192,394	188,057	174,899
Utilities Project Management	173,901	387,585	264,317	377,751
Water Purchased	5,781,372	6,500,000	6,500,000	6,500,000
Operations & Administration	3,116,608	3,253,919	3,159,176	3,286,147
Water Transmission and Distribution	1,824,611	2,024,408	1,875,881	2,068,551
Sewer Main Maintenance	1,583,610	1,913,269	1,741,834	1,941,126
Wastewater Treatment Plant	7,522,834	7,912,115	7,753,622	7,799,391
Billing & Collections	1,065,226	1,196,666	1,164,545	1,194,883
Meter Operations	1,212,100	1,701,079	1,571,520	1,463,024
Interest Expense	641,172	688,809	677,348	595,228
Total Expenses	23,074,980	25,770,244	24,896,300	25,401,000
Budget Gain / (Loss) Before Capital	$ 7,801,233	$ 5,130,756	$ 6,416,600	$ 5,507,000
Capital Revenues/(Expenses)				
Intergovernmental (Grants)	$ 82,490	$ 2,726,120	$ 2,726,100	$ 0
Transfer from Impact Fee Fund	2,792,404	1,522,249	1,522,200	0
Transfer to Other Funds	0	(66,032)	0	0
Principal Payment	(1,225,000)	(1,225,000)	(1,225,000)	(2,120,000)
Capital Expenditures	(5,160,870)	(21,552,774)	(21,507,500)	(3,387,000)
	(3,510,976)	(18,595,437)	(18,484,200)	(5,507,000)
Budget Gain / (Loss)	$ 4,290,257	(13,464,681)	$ (12,067,600)	$ 0
Total Budget	$ 29,460,850	$ 48,548,018	$ 47,628,800	$ 30,908,000

City of Fayetteville, Arkansas
2012 Operating Budget
Water & Sewer Fund (5400)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
ESTIMATED CHANGE IN NET ASSETS				
Beginning Total Net Assets	$ 305,895,302	$ 311,742,969	$ 311,742,969	$ 311,762,569
Budget Gain / (Loss)	4,290,257	(13,464,681)	(12,067,600)	0
Plus Gain Capital Expenditures	5,160,870	21,552,774	21,507,500	3,387,000
Less: Depreciation Expense	(10,070,404)	(10,272,000)	(10,645,300)	(11,124,100)
Plus: Capital Contribution	5,241,944	(66,032)	0	0
Plus: Bond Principal Payment	1,225,000	1,225,000	1,225,000	2,120,000
Ending Total Net Assets	$ 311,742,969	$ 310,718,030	$ 311,762,569	$ 306,145,469

NET ASSET ANALYSIS				
Net Investment in Capital Assets	$ 293,906,140	$ 305,186,914	$ 304,768,340	$ 297,031,240
Restricted for Debt Service/Prepaids	2,190,072	2,190,000	2,190,000	2,190,000
Unrestricted (including re-budgets)	15,646,757	3,341,116	4,804,229	6,924,229
Ending Total Net Assets	$ 311,742,969	$ 310,718,030	$ 311,762,569	$ 306,145,469

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
Water & Sewer Fund (5400)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Finance and Internal Services Activity				
Billing & Collections Program (1810):				
Personnel Services	$ 761,381	$ 784,979	$ 762,200	$ 782,696
Materials and Supplies	47,891	71,000	64,912	70,000
Services and Charges	345,436	418,887	416,287	420,387
Cost allocation	(89,700)	(89,700)	(89,700)	(89,700)
Maintenance	218	11,500	10,846	11,500
	1,065,226	1,196,666	1,164,545	1,194,883
Total Finance and Internal Services Activity	$ 1,065,226	$ 1,196,666	$ 1,164,545	$ 1,194,883
Transportation, Parking, Utilities Activity				
Utilities Director Program (1800):				
Personnel Services	$ 122,390	$ 130,026	$ 129,752	$ 132,243
Materials and Supplies	966	4,300	1,907	4,300
Services and Charges	4,114	31,992	30,322	12,280
Cost allocation	26,076	26,076	26,076	26,076
	153,546	192,394	188,057	174,899
Meter Reading Program (1820):				
Personnel Services	694,831	774,396	730,084	770,353
Materials and Supplies	42,343	63,213	62,718	66,869
Services and Charges	8,321	20,450	11,159	19,307
Motorpool Charges	59,639	53,606	52,554	58,433
Cost allocation	78,528	78,528	78,528	78,528
Maintenance	3,652	6,476	2,455	5,585
	887,314	996,669	937,498	999,075
Meter Maintenance & Backflow Prevention Program (1830):				
Personnel Services	250,498	351,454	291,330	362,791
Materials and Supplies	18,215	45,601	42,351	46,459
Services and Charges	4,522	12,725	6,199	12,725
Motorpool Charges	12,851	14,236	13,848	16,486
Cost allocation	24,888	24,888	24,888	24,888
Maintenance	124	600	500	600
	311,098	449,504	379,116	463,949
Meter Operations Capital Program (1840):				
Materials and Supplies	10,020	54,652	54,652	0
Services and Charges	0	200,000	200,000	0
Maintenance	3,668	254	254	0
Capital	416,410	1,031,079	1,031,079	392,000
	430,098	1,285,985	1,285,985	392,000

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
Water & Sewer Fund (5400)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Water Purchased Program (3800):				
Services and Charges	5,781,372	6,500,000	6,500,000	6,500,000
	5,781,372	6,500,000	6,500,000	6,500,000
Operations & Administration Program (4000):				
Personnel Services	728,511	715,215	655,128	745,863
Materials and Supplies	92,490	146,984	122,566	150,771
Services and Charges	1,331,264	1,399,763	1,397,431	1,399,629
Motorpool Charges	24,280	20,741	20,575	21,450
Cost allocation	883,152	883,152	883,152	883,152
Maintenance	56,911	88,064	80,324	85,282
Debt Service	9,381	21,000	9,539	21,000
Capital	0	57,000	57,000	0
	3,125,989	3,331,919	3,225,715	3,307,147
Utilities Project Management Program (4020):				
Personnel Services	158,967	357,036	244,836	327,133
Materials and Supplies	5,244	10,388	6,026	12,208
Services and Charges	5,518	10,095	5,072	26,445
Motorpool Charges	2,850	6,966	6,966	6,965
Maintenance	1,322	3,100	1,417	5,000
	173,901	387,585	264,317	377,751
Water Distribution Maintenance Program (4310):				
Personnel Services	672,218	738,648	608,243	744,539
Materials and Supplies	625,920	690,166	689,888	697,994
Services and Charges	55,932	96,751	96,751	96,751
Motorpool Charges	236,893	216,127	216,127	235,468
Cost allocation	74,688	74,688	74,688	74,688
Maintenance	4,670	3,000	3,000	3,000
	1,670,321	1,819,380	1,688,697	1,852,440
Water Storage & Pump Maintenance Program (4330):				
Personnel Services	129,774	147,849	132,388	147,358
Materials and Supplies	12,192	33,169	32,200	40,743
Services and Charges	562	12,414	12,000	16,414
Cost allocation	9,696	9,696	9,696	9,696
Maintenance	2,066	1,900	900	1,900
	154,290	205,028	187,184	216,111

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
Water & Sewer Fund (5400)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Sewer Mains Maintenance Program (4410):				
Personnel Services	864,013	1,020,041	908,412	1,043,429
Materials and Supplies	302,799	337,008	337,008	354,192
Services and Charges	53,998	116,454	116,454	117,454
Motorpool Charges	281,854	352,434	295,368	338,719
Cost allocation	77,832	77,832	77,832	77,832
Maintenance	3,114	9,500	6,760	9,500
Capital	0	1,000	0	0
	1,583,610	1,914,269	1,741,834	1,941,126
WWTP Administration & SCADA Program (5100):				
Materials and Supplies	0	975	0	1,073
Services and Charges	929,289	1,010,828	1,010,828	980,828
Maintenance	0	391	0	510
	929,289	1,012,194	1,010,828	982,411
WWTP East Side Operations Program (5110):				
Materials and Supplies	56,949	93,875	93,875	111,101
Services and Charges	3,245,623	3,210,448	3,154,697	3,203,458
Motorpool Charges	164,390	152,049	140,845	187,094
Cost allocation	47,820	47,820	47,820	47,820
Maintenance	2,176	8,265	3,000	8,153
Debt Service	0	8,903	0	0
	3,516,958	3,521,360	3,440,237	3,557,626
WWTP West Side Operations Program (5120):				
Materials and Supplies	24,190	83,600	75,350	99,655
Services and Charges	1,939,195	1,873,288	1,822,565	1,872,141
Motorpool Charges	60,673	65,029	64,248	55,816
Cost allocation	47,544	47,544	47,544	47,544
Maintenance	4	6,331	2,500	3,549
	2,071,606	2,075,792	2,012,207	2,078,705
WWTP Lab / IPP Program (5130):				
Services and Charges	407,829	459,732	459,731	459,731
	407,829	459,732	459,731	459,731
WWTP Lift Station Maintenance Program (5140):				
Materials and Supplies	6,613	33,550	33,550	39,969
Services and Charges	575,691	672,944	660,917	671,279
Motorpool Charges	14,848	9,686	9,686	9,670
Maintenance	0	391	0	0
	597,152	716,571	704,153	720,918

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
Water & Sewer Fund (5400)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Capital Water Mains Program (5600):				
Services and Charges	1,272,731	1,975,802	1,975,802	0
Capital	509,171	5,192,024	5,192,024	1,882,500
	1,781,902	7,167,826	7,167,826	1,882,500
Water & Sewer Connections Program (5620):				
Personnel Services	99,896	172,098	128,243	179,850
Materials and Supplies	47,916	85,870	85,870	87,014
Services and Charges	5,931	18,000	18,000	18,000
Motorpool Charges	23,345	23,515	23,096	24,048
Cost allocation	13,488	13,488	13,488	13,488
Maintenance	0	100	100	100
	190,576	313,071	268,797	322,500
Water Capital 2009 Bonds Program (5640):				
Services and Charges	83,982	179,325	179,325	0
Capital	464,002	3,502,333	3,502,333	0
	547,984	3,681,658	3,681,658	0
Sewer Mains Construction Program (5700):				
Services and Charges	1,740,694	488,923	488,923	0
Capital	336,012	5,396,927	5,396,927	330,000
Operating Transfers	0	66,032	0	0
	2,076,706	5,951,882	5,885,850	330,000
Sewer Capital 2009 Bonds Program (5740):				
Capital	0	1,723,660	1,723,660	0
	0	1,723,660	1,723,660	0
Wastewater Treatment Plant Capital Program (5800):				
Materials and Supplies	0	21,177	21,177	0
Services and Charges	0	77,000	77,000	0
Maintenance	0	28,289	28,289	0
Capital	147,292	1,691,630	1,691,630	460,000
	147,292	1,818,096	1,818,096	460,000
Debt Service Program (6800):				
Debt Service	1,856,791	1,892,809	1,892,809	2,694,228
	1,856,791	1,892,809	1,892,809	2,694,228
Total Transportation, Parking, Utilities Activity	$ 28,395,624	$ 47,417,384	$ 46,464,255	$ 29,713,117
Total Fund	$ 29,460,850	$ 48,614,050	$ 47,628,800	$ 30,908,000

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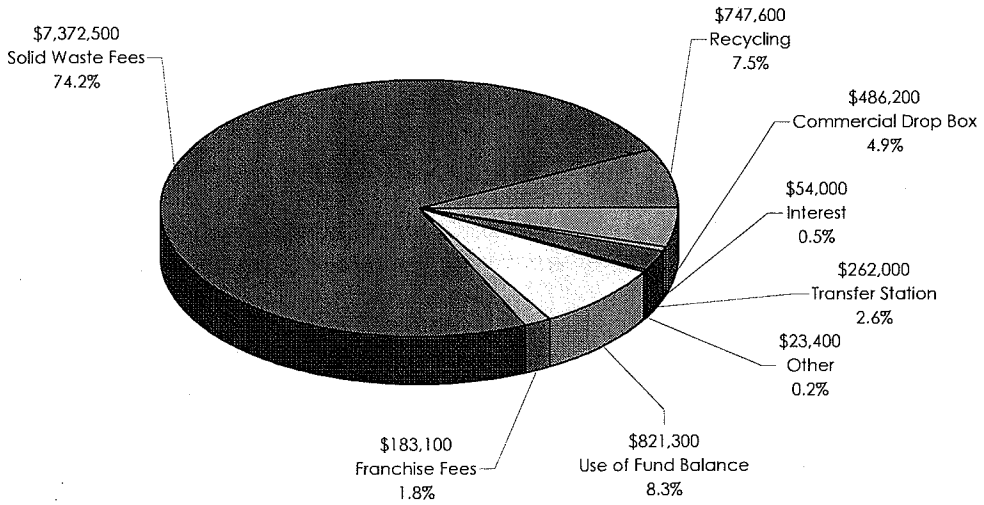
Solid Waste Fund (5500)

The **Solid Waste Fund** is responsible for the operation of the City's solid waste collection and disposal, transfer station, recycling program, and composting program. Revenues for the fund are obtained from fees levied for trash collection, recycling revenue, and container sales or leases. During the end of 2009, the operation of the transfer station, which had previously been contracted out, was brought in house. This budget reflects changes needed to continue that operation at the City. After capital expenditures, the fund will have a loss of $821,300. However, there are more than sufficient reserves to accommodate the expenditures.

Solid Waste Fund Revenues

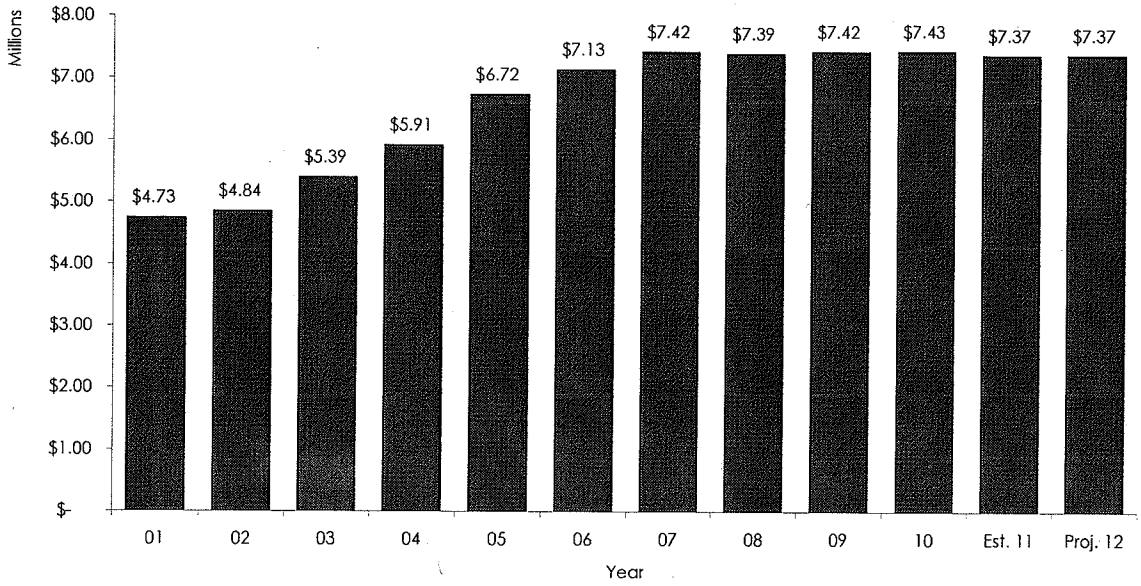
For 2012, the Solid Waste Fund sources of funds are budgeted at $9,950,100. Solid Waste fees make up the largest source of revenue (74.2%).

Sources of Funds for 2012
$ 9,950,100



Solid Waste Fees: Solid Waste Fee revenue has increased approximately 4.82% (with 2007, 2008, and 2009 relatively flat) annually from 2000 to 2010. The 2012 revenues are projected to be flat over estimated 2011.

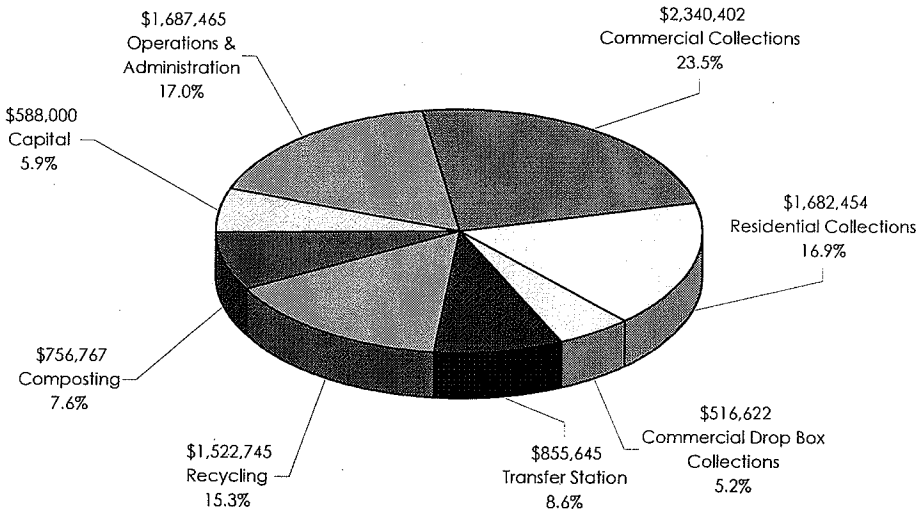
Solid Waste Fees



Solid Waste Fund Expenses

Expenses for the Solid Waste Fund are budgeted at $9,950,100 for 2012. The commercial collections program and related activity make up the largest segment of the budget.

Uses of Funds for 2012
$9,950,100



City of Fayetteville, Arkansas
2012 Operating Budget
Solid Waste Fund (5500)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Revenues:				
Franchise Fees	$ 109,275	$ 82,300	$ 160,800	$ 183,100
Solid Waste Fees	7,432,358	7,345,900	7,367,585	7,372,500
Recycling Revenue	657,154	387,300	747,000	747,600
Commercial Drop Box	474,719	472,400	478,715	486,200
Transfer Station	250,910	241,100	262,300	262,000
Other	627,220	8,300	23,400	23,400
Interest Income	175,412	108,000	69,900	54,000
Total Revenues	9,727,048	8,645,300	9,109,700	9,128,800
Expenses:				
Operations & Administration	1,724,995	1,661,719	1,584,714	1,687,465
Commercial Collections	2,019,078	2,223,211	2,097,415	2,340,402
Residential Collections	1,410,849	1,515,977	1,451,301	1,682,454
Commercial Drop Box Collections	471,552	462,785	434,448	516,622
Transfer Station	681,885	814,955	786,943	855,645
Recycling	1,429,531	1,446,579	1,351,746	1,522,745
Composting	668,770	740,919	731,861	756,767
Solid Waste Projects	0	124,972	124,972	0
Total Expenses	8,406,660	8,991,117	8,563,400	9,362,100
Budget Gain / (Loss) Before Capital	$ 1,320,388	$ (345,817)	$ 546,300	$ (233,300)
Capital Revenues / (Expenses):				
Intergovernmental (Grants)	81,264	0	15,600	0
Capital Expenditures	(289,304)	(2,016,004)	(2,014,600)	(588,000)
Transfer to Shop	(238,642)	0	0	0
Total Expenses	(446,682)	(2,016,004)	(1,999,000)	(588,000)
Budget Gain / (Loss)	$ 873,706	$ (2,361,821)	$ (1,452,700)	$ (821,300)
Total Budget	$ 8,934,606	$ 11,007,121	$ 10,578,000	$ 9,950,100

City of Fayetteville, Arkansas
2012 Operating Budget
Solid Waste Fund (5500)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
ESTIMATED CHANGE IN NET ASSETS				
Beginning Total Net Assets	$ 10,074,138	$ 11,038,769	$ 11,038,769	$ 11,280,069
Budget Gain / (Loss)	873,706	(2,361,821)	(1,452,700)	(821,300)
Plus Gain Capital Expenditures	289,304	2,016,004	2,014,600	588,000
Less: Depreciation Expense	(198,379)	(223,990)	(320,600)	(419,400)
Ending Total Net Assets	$ 11,038,769	$ 10,468,962	$ 11,280,069	$ 10,627,369
NET ASSET ANALYSIS				
Net Investment in Capital Assets	$ 2,057,183	$ 3,849,197	$ 3,751,183	$ 3,919,783
Restricted for Debt Service/Prepaids	1,669	1,669	1,669	1,669
Unrestricted	8,979,917	6,618,096	7,527,217	6,705,917
Ending Total Net Assets	$ 11,038,769	$ 10,468,962	$ 11,280,069	$ 10,627,369

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
Solid Waste Fund (5500)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Transportation, Parking, Utilities Activity				
Operations & Administration Program (5000):				
Personnel Services	$ 533,085	$ 509,426	$ 490,854	$ 536,517
Materials and Supplies	33,957	46,211	34,054	47,465
Services and Charges	727,415	644,520	601,850	637,780
Motorpool Charges	2,219	2,634	2,634	3,577
Cost allocation	410,796	410,796	410,796	410,796
Maintenance	17,524	47,932	44,326	51,130
Debt Service	0	200	200	200
Capital	52,936	0	0	0
Operating Transfers	184,642	0	0	0
	1,962,574	1,661,719	1,584,714	1,687,465
Commercial Collections Program (5010):				
Personnel Services	588,968	638,366	524,449	582,218
Materials and Supplies	228,399	366,705	365,444	365,877
Services and Charges	648,162	643,096	632,478	643,096
Motorpool Charges	484,981	506,040	506,040	680,207
Cost allocation	67,404	67,404	67,404	67,404
Maintenance	1,164	1,600	1,600	1,600
	2,019,078	2,223,211	2,097,415	2,340,402
Residential Collections Program (5020):				
Personnel Services	547,606	581,521	533,689	595,947
Materials and Supplies	123,849	162,222	162,222	170,340
Services and Charges	331,961	327,482	327,480	327,482
Motorpool Charges	359,313	393,849	379,890	537,782
Cost allocation	47,868	47,868	47,868	47,868
Maintenance	252	3,035	152	3,035
	1,410,849	1,515,977	1,451,301	1,682,454
Commercial Drop Box Collections Program (5030):				
Personnel Services	147,451	146,011	127,295	141,740
Materials and Supplies	20,743	30,693	30,693	67,662
Services and Charges	175,374	165,534	165,534	165,534
Motorpool Charges	117,310	110,487	101,650	131,626
Cost allocation	9,060	9,060	9,060	9,060
Maintenance	1,614	1,000	216	1,000
Capital	18,547	39,258	38,000	0
	490,099	502,043	472,448	516,622

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
Solid Waste Fund (5500)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Transfer Station Program (5040):				
Personnel Services	45,612	138,968	138,968	135,705
Materials and Supplies	12,289	16,950	13,938	18,983
Services and Charges	592,458	587,552	587,552	628,358
Motorpool Charges	24,491	41,861	41,861	42,375
Cost allocation	3,024	3,024	3,024	3,024
Maintenance	4,011	26,600	1,600	27,200
	681,885	814,955	786,943	855,645
Recycling Program (5060):				
Personnel Services	743,468	757,542	707,912	787,093
Materials and Supplies	123,397	143,531	122,647	144,220
Services and Charges	44,914	57,875	40,755	57,875
Motorpool Charges	424,091	390,413	390,046	436,339
Cost allocation	87,732	87,732	87,732	87,732
Maintenance	5,929	9,486	2,654	9,486
Capital	121,818	0	0	0
	1,551,349	1,446,579	1,351,746	1,522,745
Composting Program (5070):				
Personnel Services	383,025	409,551	406,480	416,190
Materials and Supplies	33,493	63,140	57,646	68,833
Services and Charges	3,544	1,250	856	2,500
Motorpool Charges	213,620	236,538	236,538	238,804
Cost allocation	29,940	29,940	29,940	29,940
Maintenance	5,148	500	401	500
Capital	96,003	0	0	0
Operating Transfers	54,000	0	0	0
	818,773	740,919	731,861	756,767
Solid Waste Projects Program (5080):				
Materials and Supplies	0	12,970	12,970	0
Services and Charges	0	112,002	112,002	0
Capital	0	1,976,746	1,976,600	588,000
	0	2,101,718	2,101,572	588,000
Total Transportation, Parking, Utilities Activity	$ 8,934,607	$ 11,007,121	$ 10,578,000	$ 9,950,100
Total Fund	$ 8,934,607	$ 11,007,121	$ 10,578,000	$ 9,950,100

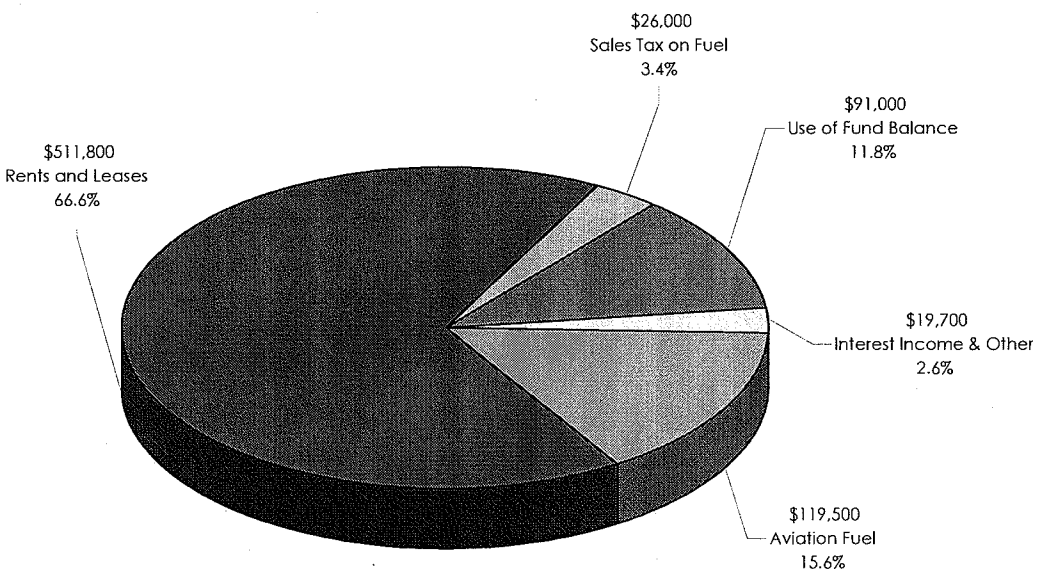
Airport Fund (5550)

The **Airport Fund** provides for the operation and maintenance of the City's municipal airport, Drake Field. The Airport Fund's revenue is generated from rents and leases. In 2012, the Airport Fund is projected to use reserves of $91,000 before depreciation.

Airport Fund Revenues

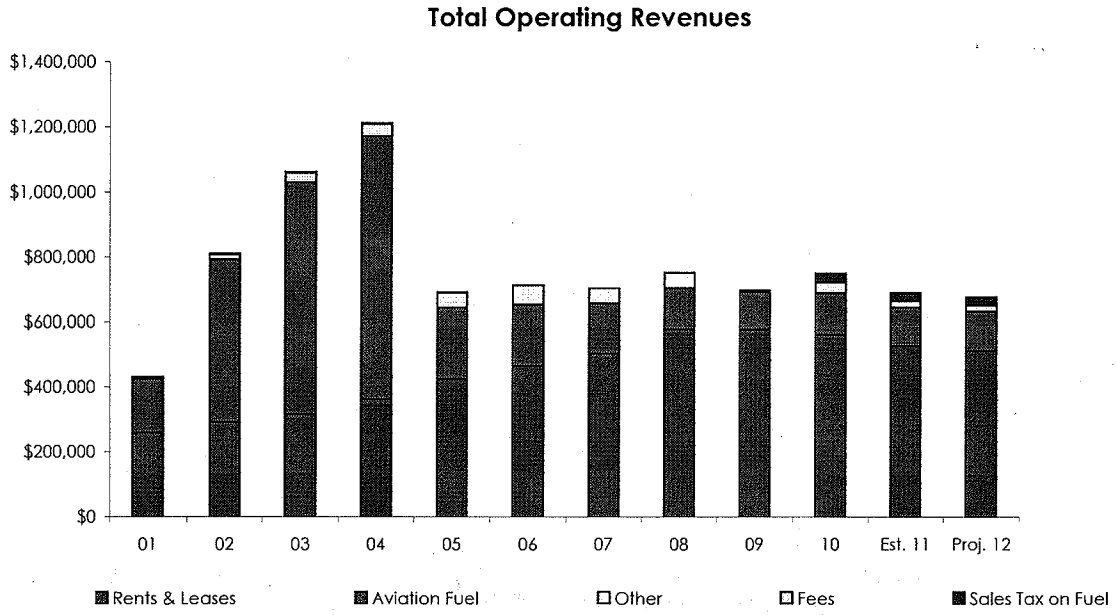
For 2012, the Airport Fund sources of funds are budgeted at $768,000. Rents and Leases make up the largest source of revenue (66.6%).

Sources of Funds for 2012
$ 768,000



Total Operating Revenue

This chart shows all of the Airport Fund's operating revenues by type. Primary revenues are comprised of Rents and Leases. During the fourth quarter of 2001, the City took over the Fixed Based Operator (FBO) functions and sold aviation fuel as it became a General Aviation airport. The selling of fuel continued until the last part of 2005 when the City contracted the operation of the FBO to an external company. Currently the Airport Fund's major source of revenue is through the rental of corporate and private T-Hangars and rental of the airport terminal building to a fueling and line services operation, two pilot training schools, the U.S. Post Office, a florist, a caterer, and office space to a wildlife biologist and an advertising firm.



City of Fayetteville, Arkansas
2012 Operating Budget
Airport Fund (5550)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Revenues:				
Sales Tax - County	$ 12,906	$ 11,500	$ 12,600	$ 12,700
Sales Tax - City	14,205	12,700	13,300	13,300
Rents & Leases	560,237	563,400	524,900	511,800
Aviation Fuel	128,208	117,900	119,300	119,500
Other	14,745	7,100	12,000	11,900
Interest Income	19,383	12,000	7,900	7,800
Total Revenues	749,684	724,600	690,000	677,000
Expenses:				
Airport Administration	498,113	513,432	497,652	525,933
Airport Maintenance	176,643	203,634	187,156	220,014
Airport Capital Expense	51,930	73,457	73,457	0
General Fund Loan Interest	30,333	20,175	20,175	6,523
General Fund Loan Principal	46,666	342,960	342,960	15,530
Total Expenses	803,685	1,153,658	1,121,400	768,000
Budget Gain / (Loss) Before Capital	$ (54,001)	$ (429,058)	$ (431,400)	$ (91,000)
Capital Revenues / (Expenses):				
Intergovernmental (Grants)	2,838,723	766,941	803,400	0
Capital Expenditures	(2,866,292)	(882,655)	(882,600)	0
Total Expenses	(27,569)	(115,714)	(79,200)	0
Budget Gain / (Loss)	$ (81,570)	$ (544,772)	$ (510,600)	$ (91,000)
Total Budget	$ 3,669,977	$ 2,036,313	$ 2,004,000	$ 768,000

City of Fayetteville, Arkansas
2012 Operating Budget
Airport Fund (5550)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
ESTIMATED CHANGE IN NET ASSETS				
Beginning Total Net Assets	$ 13,643,074	$ 15,036,327	$ 15,036,327	$ 13,967,587
Budget Gain / (Loss)	(81,570)	(544,772)	(510,600)	(91,000)
Plus Gain Capital Expenditures	2,866,292	882,655	882,600	0
Less: Depreciation Expense	(1,438,135)	(1,438,100)	(1,783,700)	(1,884,700)
Plus: Principal Payment	46,666	342,960	342,960	15,530
Ending Total Net Assets	$ 15,036,327	$ 14,279,070	$ 13,967,587	$ 12,007,417
NET ASSET ANALYSIS				
Net Investment in Capital Assets	$ 14,682,771	$ 14,127,326	$ 13,781,671	$ 11,896,971
Restricted for Debt Service/Prepaids	9,664	9,664	9,664	9,664
*Unrestricted	343,892	142,080	176,252	100,782
Ending Total Net Assets	$ 15,036,327	$ 14,279,070	$ 13,967,587	$ 12,007,417

* This is due to a long term interfund loan from the General Fund recorded as a liability but not deducted from net investments in capital assets.

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
Airport Fund (5550)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Transportation, Parking, Utilities Activity				
Airport Administration Program (3940):				
Personnel Services	$ 242,631	$ 228,019	$ 227,285	$ 229,481
Materials and Supplies	78,203	78,853	78,840	93,986
Services and Charges	166,671	195,989	180,956	191,871
Motorpool Charges	2,658	2,656	2,656	2,680
Cost allocation	7,915	7,915	7,915	7,915
Maintenance	35	0	0	0
Debt Service	76,999	363,135	363,135	22,053
	575,112	876,567	860,787	547,986
Airport Maintenance Program (3950):				
Personnel Services	109,253	101,830	98,544	102,792
Materials and Supplies	10,764	14,451	13,070	15,387
Services and Charges	2,752	5,320	3,189	6,380
Motorpool Charges	17,573	27,150	27,150	30,965
Maintenance	36,301	54,883	45,203	64,490
	176,643	203,634	187,156	220,014
Airport Capital Expense Program (3960):				
Services and Charges	7,097	40,252	40,252	0
Maintenance	19,929	0	0	0
Capital	2,891,196	915,860	915,805	0
	2,918,222	956,112	956,057	0
Total Transportation, Parking, Utilities Activity	$ 3,669,977	$ 2,036,313	$ 2,004,000	$ 768,000
Total Fund	$ 3,669,977	$ 2,036,313	$ 2,004,000	$ 768,000

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Town Center and Parking Facility Fund (5600)

The **Town Center and Parking Facility Fund** accounts for the Town Center Building and the associated special obligation debt. Budgeted revenues and expenditures are balanced for 2012 on a cash basis.

City of Fayetteville, Arkansas
2012 Operating Budget
Town Center Fund (5600)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Revenues:				
Contribution from Advertising/Promotion	$ 679,503	$ 702,600	$ 702,700	$ 695,200
Interest Income	479	100	0	0
Total Revenues	679,982	702,700	702,700	695,200
Expenses:				
Audit Expense	600	600	600	688
Paying Agent Fees	18,940	18,941	18,941	18,941
Town Center Expense	1,946	1,971	1,971	1,923
Interest Expense	122,436	106,188	106,188	83,648
Principal Payment	555,000	575,000	575,000	590,000
Total Expenses	698,922	702,700	702,700	695,200
Budget Gain / (Loss)	$ (18,940)	$ 0	$ 0	$ 0
Total Budget	$ 698,922	$ 702,700	$ 702,700	$ 695,200

ESTIMATED CHANGE IN NET ASSETS				
Beginning Total Net Assets	$ 2,890,484	$ 3,058,784	$ 3,058,784	$ 3,266,024
Budget Gain / (Loss)	(18,940)	0	0	0
Less: Depreciation Expense	(367,760)	(367,760)	(367,760)	(367,760)
Plus: Principal Payment	555,000	575,000	575,000	590,000
Ending Total Net Assets	$ 3,058,784	$ 3,266,024	$ 3,266,024	$ 3,488,264

NET ASSET ANALYSIS				
Net Investment in Capital Assets	$ 2,870,751	$ 3,077,991	$ 3,077,991	$ 3,300,231
Restricted for Debt Service/Prepaids	144,168	144,168	144,168	144,168
Unrestricted	43,865	43,865	43,865	43,865
Ending Total Net Assets	$ 3,058,784	$ 3,266,024	$ 3,266,024	$ 3,488,264

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
Town Center Fund (5600)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Citywide Activity				
Town Center Expense Program (9600):				
Services and Charges	$ 2,546	$ 2,571	$ 2,571	$ 2,611
Debt Service	696,376	700,129	700,129	692,589
	698,922	702,700	702,700	695,200
Total Citywide	$ 698,922	$ 702,700	$ 702,700	$ 695,200
Total Fund	$ 698,922	$ 702,700	$ 702,700	$ 695,200

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Police Pension Fund (6800)

The **Police Pension Fund** accounts for the accumulation of resources for the pension benefit payments to qualified police personnel. Operations of this fund are controlled by the Police Pension Board. Revenues include insurance premium tax distributions, a special City property tax, and special fees and forfeitures.

City of Fayetteville, Arkansas
2012 Operating Budget
Police Pension Fund (6800)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Additions:				
Property Taxes	$ 508,192	$ 461,800	$ 469,200	$ 469,000
State Insurance Turnback	267,919	281,500	282,700	283,000
Fines & Forfeitures	130,723	130,300	205,000	126,000
Investment Earnings	197,346	190,200	177,700	177,400
Gain/Loss on Sale of Investments	362,319	0	133,500	0
Gain/Loss in Fair Value of Investments	360,267	0	0	0
Other	7,050	0	3,100	0
Total Additions	1,833,816	1,063,800	1,271,200	1,055,400
Deductions:				
Materials and Supplies	0	134	100	309
Audit Expense	3,500	3,500	3,500	3,600
Professional Services	0	3,000	3,000	3,100
Bank Service Charges	119	210	210	210
Benefit Payments	1,635,103	1,685,956	1,626,790	1,625,781
Total Deductions	1,638,722	1,692,800	1,633,600	1,633,000
Change in Net Assets	$ 195,094	$ (629,000)	$ (362,400)	$ (577,600)

ESTIMATED CHANGE IN NET ASSETS				
Beginning Net Assets	$ 8,360,803	$ 8,555,897	$ 8,555,897	$ 8,193,497
Change in Net Assets	195,094	(629,000)	(362,400)	(577,600)
Ending Net Assets	$ 8,555,897	$ 7,926,897	$ 8,193,497	$ 7,615,897
Total Budget	$ 1,638,722	$ 1,692,800	$ 1,633,600	$ 1,633,000

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
Police Pension Fund (6800)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Citywide Activity				
Police Pension Expense Program (9800):				
Materials and Supplies	$ 0	$ 134	$ 100	$ 309
Services and Charges	1,638,722	1,692,666	1,633,500	1,632,691
	1,638,722	1,692,800	1,633,600	1,633,000
Total Citywide	$ 1,638,722	$ 1,692,800	$ 1,633,600	$ 1,633,000
Total Fund	$ 1,638,722	$ 1,692,800	$ 1,633,600	$ 1,633,000

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Fire Pension Fund (6810)

The **Fire Pension Fund** accounts for the accumulation of resources for the pension benefit payments to qualified fire personnel. Operations of this fund are controlled by the Fire Pension Board. Revenues include the proceeds of a special City property tax and insurance premium tax distributions from the State.

City of Fayetteville, Arkansas
2012 Operating Budget
Fire Pension Fund (6810)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Additions:				
Property Taxes	$ 508,192	$ 461,800	$ 469,200	$ 469,000
State Insurance Turnback	143,629	143,600	161,100	161,600
Investment Earnings	125,170	124,100	106,000	96,900
Gain/Loss on Sale of Investments	327,952	0	109,600	0
Gain/Loss in Fair Value of Investments	142,277	0	0	0
Other	972	0	0	0
Total Additions	1,248,192	729,500	845,900	727,500
Deductions:				
Materials and Supplies	48	50	50	106
Services and Charges	300	250	150	350
Audit Expense	3,500	3,500	3,500	3,600
Professional Services	2,900	2,900	2,900	2,900
Bank Service Charges	111	250	139	250
Benefit Payments	1,454,933	1,473,450	1,462,261	1,462,794
Total Deductions	1,461,792	1,480,400	1,469,000	1,470,000
Change in Net Assets	$ (213,600)	$ (750,900)	$ (623,100)	$ (742,500)

ESTIMATED CHANGE IN NET ASSETS

Beginning Net Assets	$ 5,787,509	$ 5,573,909	$ 5,573,909	$ 4,950,809
Change in Net Assets	(213,600)	(750,900)	(623,100)	(742,500)
Ending Net Assets	$ 5,573,909	$ 4,823,009	$ 4,950,809	$ 4,208,309
Total Budget	$ 1,461,792	$ 1,480,400	$ 1,469,000	$ 1,470,000

City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
Fire Pension Fund (6810)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Citywide Activity				
Fire Pension Expense Program (9810):				
Materials and Supplies	$ 48	$ 50	$ 50	$ 106
Services and Charges	1,461,744	1,480,350	1,468,950	1,469,894
	1,461,792	1,480,400	1,469,000	1,470,000
Total Citywide	$ 1,461,792	$ 1,480,400	$ 1,469,000	$ 1,470,000
Total Fund	$ 1,461,792	$ 1,480,400	$ 1,469,000	$ 1,470,000

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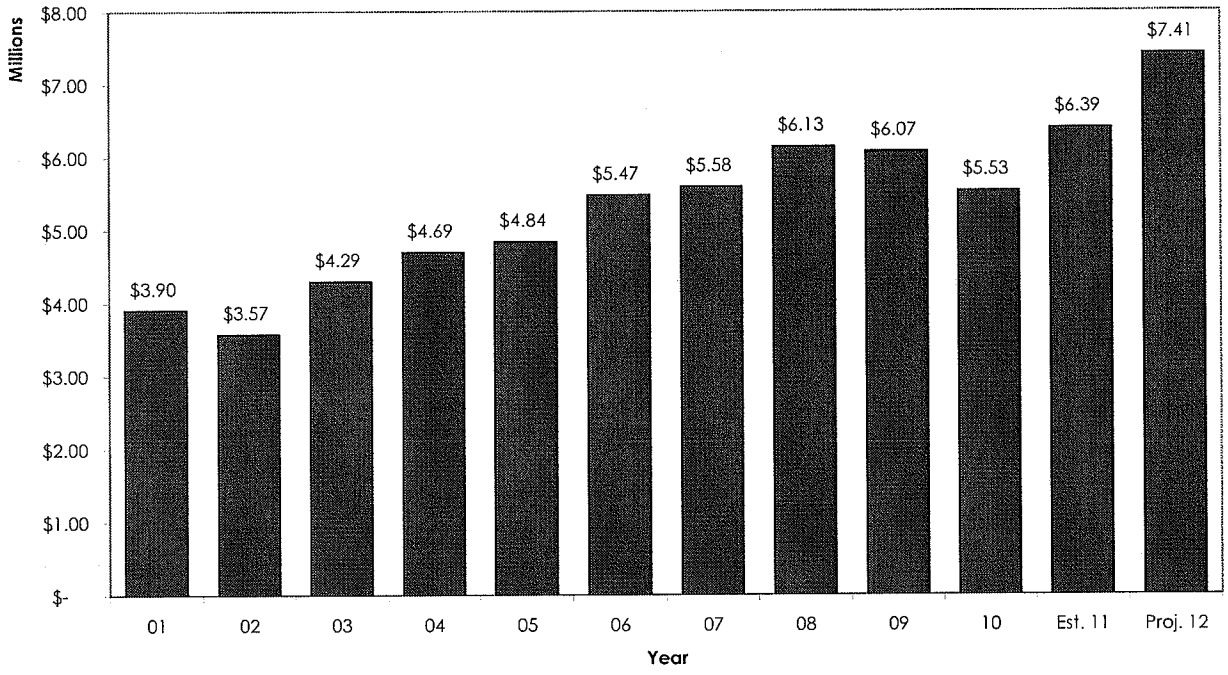
Shop Fund (9700)

The **Shop Fund** is an internal service fund that provides for all the acquisition and maintenance of equipment and vehicles utilized by the City's operating divisions. The Shop Fund's source of revenue is from charges to other City operating funds based on equipment and vehicle usage. Increases in 2012 operational costs can be attributed to additional parts and supply purchases, fuel expense, insurance, and contract services for repairs that cannot be performed by staff. These operational increases are a result of fleet expansions and increased equipment usage. On a cash basis, expenditures will exceed revenues after capital for 2012. The shortfall will be covered by cash reserves which were accumulated in the prior periods for this purpose.

Shop Fund Revenues

Shop Charges (Replacement Charges, Motorpool Charges, Shop Overhead Charges, Shop Overhead Insurance Charges, and Fuel Charges) as a whole make up 99% of total Shop Fund revenue and are budgeted in 2012 at $7,409,500. Replacement Charges ($3,373,000) is the amount Fleet Operations collects to purchase replacement vehicles and equipment. Replacement charges for General Fund vehicles were waived in 2010 to reduce expenses due to the economy. However, necessary replacement charges were put back in the General Fund Budget for 2011. Motorpool Charges ($1,595,500), Shop Overhead Charges ($495,400) and Shop Overhead Insurance Charges ($112,000) are the monthly fees user divisions pay to the Shop Fund for the on-going maintenance that is provided for the life of the vehicles and equipment. Fuel Charges ($1,806,000) is the revenue received from charging out the cost of gasoline to the user divisions.

Shop Charges



City of Fayetteville, Arkansas
2012 Operating Budget
Shop Fund (9700)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Revenues:				
Maintenance Charges	$ 55,680	$ 38,400	$ 27,700	$ 27,600
Fuel Charges	1,097,286	1,611,900	1,484,800	1,806,000
Replacement Charges	2,344,389	2,843,700	2,770,000	3,373,000
Motor Pool Charges	1,465,210	1,473,000	1,448,700	1,595,500
Shop Overhead Charges	440,049	553,800	548,700	495,400
Shop Overhead Insurance	116,432	105,000	111,000	112,000
Shop Rental Pool Revenue	16,658	14,700	11,400	11,400
Other	17,197	0	41,800	0
Interest Income	150,779	98,400	69,500	69,500
Total Revenues	5,703,680	6,738,900	6,513,600	7,490,400
Expenses:				
Vehicle Maintenance	2,578,262	2,997,600	2,644,500	2,857,210
Gasoline/Diesel Expense	1,064,363	1,557,400	1,455,300	1,764,290
Total Expenses	3,642,625	4,555,000	4,099,800	4,621,500
Budget Gain / (Loss) Before Capital	$ 2,061,055	$ 2,183,900	$ 2,413,800	$ 2,868,900
Capital Revenues / (Expenses):				
Gain/Loss Sale of Assets	86,730	0	181,400	0
Transfer from General	0	3,000	3,000	0
Transfer from Off-Street Parking	13,888	0	0	0
Transfer from Replacement	0	37,434	37,400	0
Transfer from WWT Improvements	29,439	238,999	238,600	0
Transfer from Solid Waste	238,642	0	0	0
Capital Expenditures	(700,436)	(4,250,263)	(4,250,200)	(3,610,000)
Transfer to Other Funds	0	(11,198)	0	0
Transfer to General	(11,198)	0	0	0
Total Expenses	(342,935)	(3,982,028)	(3,789,800)	(3,610,000)
Budget Gain / (Loss)	$ 1,718,120	$ (1,798,128)	$ (1,376,000)	$ (741,100)
Total Budget	$ 4,354,259	$ 8,816,461	$ 8,350,000	$ 8,231,500

City of Fayetteville, Arkansas
2012 Operating Budget
Shop Fund (9700)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
ESTIMATED CHANGE IN NET ASSETS				
Beginning Total Net Assets	$ 17,173,542	$ 16,967,299	$ 16,967,299	$ 17,221,402
Budget Gain / (Loss)	1,718,120	(1,798,128)	(1,376,000)	(741,100)
Plus Gain Capital Expenditures	700,436	4,250,263	4,250,200	3,610,000
Less: Depreciation Expense	(2,624,799)	(2,556,133)	(2,620,097)	(3,161,378)
Ending Total Net Assets	$ 16,967,299	$ 16,863,301	$ 17,221,402	$ 16,928,924
NET ASSET ANALYSIS				
Net Investment in Capital Assets	$ 8,766,931	$ 10,461,061	$ 10,397,034	$ 10,845,656
Restricted for Prepaids	72,151	72,151	72,151	72,151
Unrestricted	8,128,217	6,330,089	6,752,217	6,011,117
Ending Total Net Assets	$ 16,967,299	$ 16,863,301	$ 17,221,402	$ 16,928,924

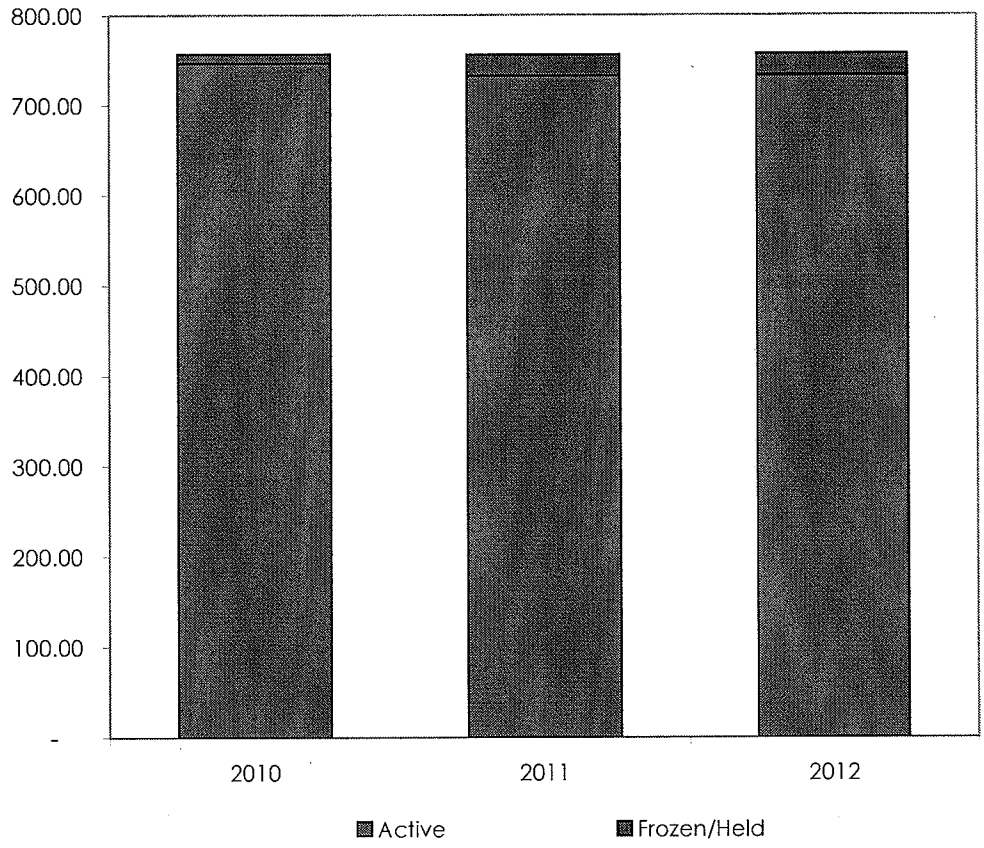
City of Fayetteville, Arkansas
2012 Operating Budget (Category Summary)
Shop Fund (9700)

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
Transportation, Parking, Utilities Activity				
Vehicle Maintenance Program (1910):				
Personnel Services	$ 1,088,500	$ 1,195,187	$ 1,042,154	$ 1,087,422
Materials and Supplies	1,729,181	2,422,468	2,225,574	2,576,805
Services and Charges	394,822	494,121	407,885	510,866
Motorpool Charges	73,357	67,866	61,920	62,404
Cost allocation	318,468	318,468	318,468	318,468
Maintenance	37,388	55,790	42,699	65,535
Capital	1,847	0	0	0
Operating Transfers	11,198	11,198	0	0
	3,654,761	4,565,098	4,098,700	4,621,500
Capital Expense Program (1920):				
Services and Charges	909	1,100	1,100	0
Capital	698,589	4,250,263	4,250,200	3,610,000
	699,498	4,251,363	4,251,300	3,610,000
Total Transportation, Parking, Utilities Activity	$ 4,354,259	$ 8,816,461	$ 8,350,000	$ 8,231,500
Total Fund	$ 4,354,259	$ 8,816,461	$ 8,350,000	$ 8,231,500

City of Fayetteville, Arkansas
Personnel Summary
Full Time Equivalent Basis

Activity	Budgeted 2010	Budgeted 2011	Budgeted 2012		
			Active	Frozen	Total
General Government	41.50	41.50	40.50	1.00	41.50
Finance & Internal Services	70.25	69.75	65.75	4.00	69.75
Police	171.63	171.60	159.50	8.10	171.60
Fire	114.00	114.00	111.50	2.50	114.00
Community Planning & Engineering	70.30	70.30	65.80	5.50	70.30
Transportation, Parking & Utilities	234.50	234.50	234.50	1.00	235.50
Parks & Recreation	54.35	54.35	52.35	2.00	54.35
Total	756.53	756.00	729.90	24.10	757.00

Full-Time Equivalent by Status



City of Fayetteville, Arkansas
Personnel Variation Summary (2012)

Fund / Division	Additions / (Deletions)
Parking Fund	
Parking & Telecommunications	1.00 Account Clerk
	1.00 Net Changes

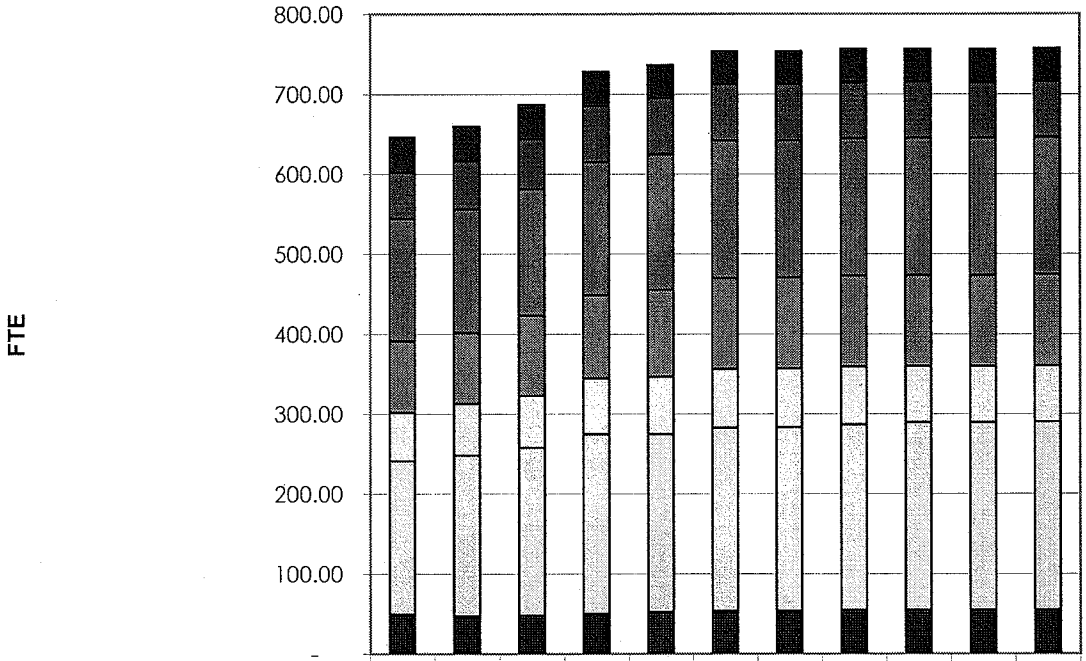
NOTES TO THE PERSONNEL VARIATION SUMMARY

1. An Account Clerk is being added to the Parking and Telecommunications Division. The Entertainment District Parking Program has increased the workload and responsibilities of the division. This position is funded in the Parking Fund.

City of Fayetteville, Arkansas
Personnel Summary
Personnel History (2002-2012)

Below is a history of total positions by activity from 2002-2012. The 2012 Proposed Budget increased by 1.00 position. An Account Clerk position is being added to the Parking and Telecommunications Division due to increased responsibilities and workload of adding the Entertainment District Parking Program.

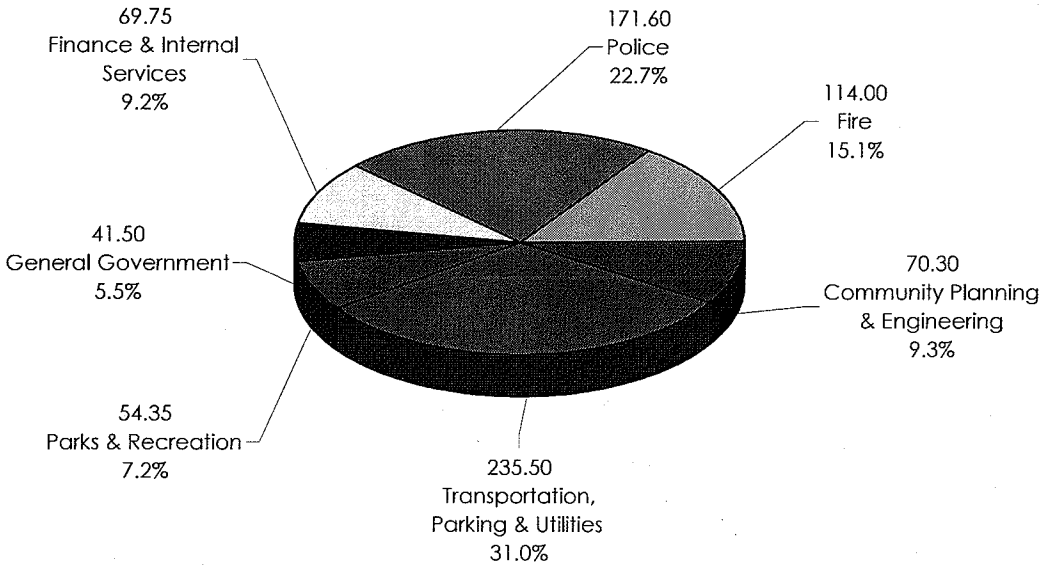
Personnel History (2002-2012)



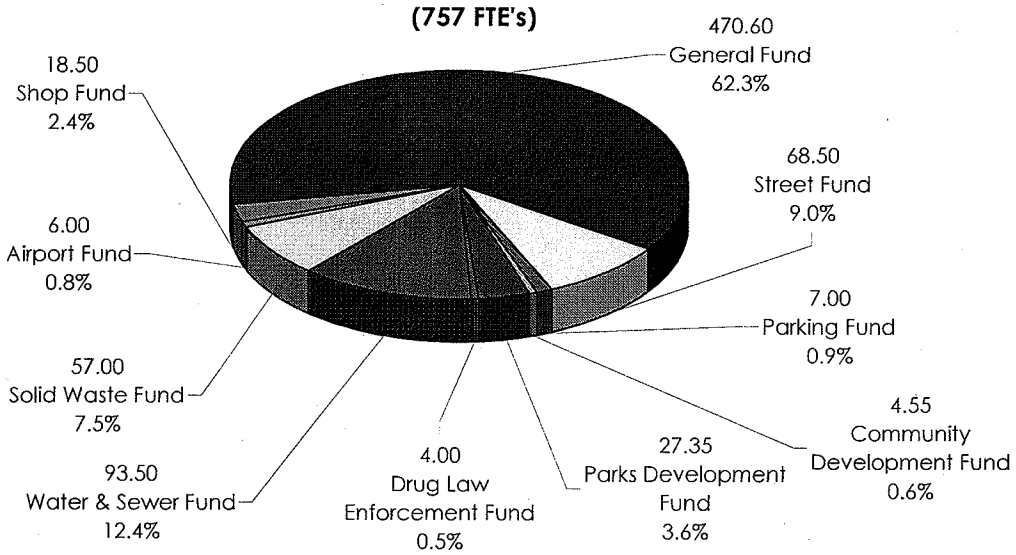
	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Prior Year Change	0.25	13.75	27.50	41.00	8.00	17.50	-	3.00	-	(0.53)	1.00
Total	645.78	659.53	687.03	728.03	736.03	753.53	753.53	756.53	756.53	756.00	757.00
General Government	44.35	43.65	43.65	43.40	41.40	42.00	41.40	42.00	41.50	41.50	41.50
Finance & Internal Services	57.25	59.75	62.50	69.75	69.75	70.25	70.25	70.25	70.25	69.75	69.75
Police	153.63	154.63	157.63	166.63	169.63	171.63	171.63	171.63	171.63	171.60	171.60
Fire	89.00	89.00	101.00	104.00	109.00	114.00	114.00	114.00	114.00	114.00	114.00
Community Planning & Engineering	60.55	65.05	64.80	69.80	71.80	73.30	73.30	72.30	70.30	70.30	70.30
Transportation, Parking & Utilities	191.65	200.60	209.60	224.60	222.60	229.00	229.60	232.00	234.50	234.50	235.50
Parks & Recreation	49.35	46.85	47.85	49.85	51.85	53.35	53.35	54.35	54.35	54.35	54.35

City of Fayetteville, Arkansas
Personnel Summary
Full Time Equivalent by Activity and Fund

Full Time Equivalent Basis by Activity
(757 FTE's)



Full Time Equivalent Basis by Fund
(757 FTE's)



City of Fayetteville, Arkansas
Personnel by Activity & Division - Summary

Activity / Division / Title	Budgeted 2010	Budgeted 2011	Budgeted 2012 Active	Budgeted 2012 Frozen	Budgeted 2012 Total
GENERAL GOVERNMENT ACTIVITY:					
Mayor's Administration Division	2.00	2.00	2.00	0.00	2.00
Chief of Staff Division	1.25	1.25	1.25	0.00	1.25
Internal Consulting Division	1.00	1.00	1.00	0.00	1.00
City Attorney Division	3.00	3.00	3.00	0.00	3.00
Communications & Marketing Division	3.00	3.00	3.00	0.00	3.00
Government Channel Division	4.25	4.25	4.25	0.00	4.25
Internal Audit Division	1.00	1.00	1.00	0.00	1.00
City Clerk/Treasurer Division	5.50	5.50	5.50	0.00	5.50
City Prosecutor Division	9.00	9.00	9.00	0.00	9.00
Fayetteville District Court Division	11.50	11.50	10.50	1.00	11.50
Total General Government Personnel	41.50	41.50	40.50	1.00	41.50
FINANCE AND INTERNAL SERVICES ACTIVITY:					
Finance Director Division	1.25	1.25	1.25	0.00	1.25
Billing & Collections Division	17.00	17.00	17.00	0.00	17.00
Human Resources Division	5.50	5.00	4.00	1.00	5.00
Accounting & Audit Division	11.50	11.50	11.00	0.50	11.50
Budget & Research Division	4.00	4.00	3.00	1.00	4.00
Building Maintenance Division	14.50	14.50	14.00	0.50	14.50
Purchasing Division	3.50	3.50	3.50	0.00	3.50
Information Technology Division	13.00	13.00	12.00	1.00	13.00
Total Finance and Internal Services Personnel	70.25	69.75	65.75	4.00	69.75
POLICE ACTIVITY:					
Central Dispatch Division	24.00	24.00	23.00	1.00	24.00
Police Division	147.63	147.60	136.50	7.10	147.60
Total Police Personnel	171.63	171.60	159.50	8.10	171.60
FIRE ACTIVITY:					
Fire Division	114.00	114.00	111.50	2.50	114.00
Total Fire Personnel	114.00	114.00	111.50	2.50	114.00
COMMUNITY PLANNING & ENGINEERING ACTIVITY:					
Development Services Division	2.00	2.00	2.00	0.00	2.00
City Planning Division	8.00	8.00	7.00	2.00	8.00
Sustainability & Strategic Planning Division	3.00	3.00	3.00	0.00	3.00
Engineering Division	21.00	21.00	20.00	1.00	21.00
Building Safety Division	10.00	10.00	7.50	2.50	10.00
Community Services Division	10.50	10.50	10.50	0.00	10.50
Animal Services Division	15.80	15.80	15.80	0.00	15.80
Total Community Planning & Engineering Personnel	70.30	70.30	65.80	5.50	70.30

City of Fayetteville, Arkansas
Personnel by Activity & Division - Summary

Activity / Division / Title	Budgeted 2010	Budgeted 2011	Budgeted 2012		
			Active	Frozen	Total
TRANSPORTATION, PARKING & UTILITIES ACTIVITY:					
Parking & Telecommunications Division	8.00	8.00	9.00	0.00	9.00
Transportation Services Division	68.50	68.50	68.50	0.00	68.50
Utilities Director Division	5.50	5.50	5.50	0.00	5.50
Water & Sewer Maintenance Division	71.00	71.00	71.00	0.00	71.00
Solid Waste & Recycling Division	57.00	57.00	57.00	0.00	57.00
Fleet Operations Division	18.50	18.50	18.50	0.00	18.50
Aviation Division:	6.00	6.00	5.00	1.00	6.00
Total Transportation, Parking & Utilities Personnel	234.50	234.50	234.50	1.00	235.50
PARKS & RECREATION ACTIVITY:					
Parks & Recreation Division	54.35	54.35	52.35	2.00	54.35
Total Parks & Recreation Personnel	54.35	54.35	52.35	2.00	54.35
Total Personnel by Activity	756.53	756.00	729.90	24.10	757.00

City of Fayetteville, Arkansas
Personnel by Activity & Division

Activity / Division / Title	Budgeted 2010	Budgeted 2011	Budgeted 2012 Active	Budgeted 2012 Frozen	Budgeted 2012 Total
GENERAL GOVERNMENT ACTIVITY:					
Mayor's Administration Division:					
Mayor	1.00	1.00	1.00	0.00	1.00
Mayor's Office Administrator	1.00	1.00	1.00	0.00	1.00
	2.00	2.00	2.00	0.00	2.00
Chief of Staff Division:					
Chief of Staff	1.00	1.00	1.00	0.00	1.00
Administrative Assistant - Mayor's Office	0.25	0.25	0.25	0.00	0.25
	1.25	1.25	1.25	0.00	1.25
Internal Consulting Division:					
Director of Internal Consulting	0.00	1.00	1.00	0.00	1.00
Sustainability Coordinator	1.00	0.00	0.00	0.00	0.00
	1.00	1.00	1.00	0.00	1.00
City Attorney Division:					
City Attorney	1.00	1.00	1.00	0.00	1.00
Assistant City Attorney	1.00	1.00	1.00	0.00	1.00
Senior Secretary - City Attorney	1.00	1.00	1.00	0.00	1.00
	3.00	3.00	3.00	0.00	3.00
Communications & Marketing Division:					
Communications & Marketing Director	1.00	1.00	1.00	0.00	1.00
Community Outreach Coordinator	1.00	1.00	1.00	0.00	1.00
Administrative Assistant - Mayor's Office	1.00	1.00	1.00	0.00	1.00
	3.00	3.00	3.00	0.00	3.00
Government Channel Division:					
Television Center Manager	0.00	1.00	1.00	0.00	1.00
Programming Coordinator	0.00	1.00	1.00	0.00	1.00
Production Technician	1.00	2.25	2.25	0.00	2.25
Government Channel Manager	1.00	0.00	0.00	0.00	0.00
Associate Producer	1.00	0.00	0.00	0.00	0.00
Production Specialist	1.25	0.00	0.00	0.00	0.00
	4.25	4.25	4.25	0.00	4.25
Internal Audit Division:					
Internal Auditor	1.00	1.00	1.00	0.00	1.00
	1.00	1.00	1.00	0.00	1.00
City Clerk/Treasurer Division:					
City Clerk/Treasurer	1.00	1.00	1.00	0.00	1.00
Deputy City Clerk	1.50	1.50	1.50	0.00	1.50
Document Management Manager	1.00	1.00	1.00	0.00	1.00
Senior Secretary - City Clerk	1.00	1.00	1.00	0.00	1.00
Office & Records Assistant	0.50	0.50	0.50	0.00	0.50
Intern I	0.50	0.50	0.50	0.00	0.50
	5.50	5.50	5.50	0.00	5.50

City of Fayetteville, Arkansas
Personnel by Activity & Division

Activity / Division / Title	Budgeted 2010	Budgeted 2011	Budgeted 2012 Active	Budgeted 2012 Frozen	Budgeted 2012 Total
City Prosecutor Division:					
Prosecuting Attorney	1.00	1.00	1.00	0.00	1.00
Deputy City Prosecutor	1.00	1.00	1.00	0.00	1.00
Office Manager/Hot Check Administrator	1.00	1.00	1.00	0.00	1.00
Senior Legal Assistant	2.00	2.00	2.00	0.00	2.00
Hot Check Program Clerk	1.00	1.00	1.00	0.00	1.00
Legal Assistant	1.00	1.00	1.00	0.00	1.00
Secretary - Prosecutor's Office	1.00	1.00	1.00	0.00	1.00
Clerk	0.50	0.50	0.50	0.00	0.50
Law Clerk	0.50	0.50	0.50	0.00	0.50
	9.00	9.00	9.00	0.00	9.00
Fayetteville District Court Division:					
District Judge	1.00	1.00	1.00	0.00	1.00
District Court Administrator	1.00	1.00	1.00	0.00	1.00
Court Services Officer	1.00	0.50	0.50	0.00	0.50
Lead Court Clerk	1.00	1.00	1.00	0.00	1.00
Deputy Court Clerk II	2.00	2.00	2.00	0.00	2.00
Deputy Court Clerk I	5.50	6.00	5.00	1.00	6.00
	11.50	11.50	10.50	1.00	11.50
Total General Government Personnel	41.50	41.50	40.50	1.00	41.50

City of Fayetteville, Arkansas
Personnel by Activity & Division

Activity / Division / Title	Budgeted 2010	Budgeted 2011	Budgeted 2012 Active	Budgeted 2012 Frozen	Budgeted 2012 Total
FINANCE AND INTERNAL SERVICES ACTIVITY:					
Finance Director Division:					
Finance Director	1.00	1.00	1.00	0.00	1.00
Administrative Assistant - Mayor's Office	0.25	0.25	0.25	0.00	0.25
	1.25	1.25	1.25	0.00	1.25
Billing & Collections Division:					
Billing & Collections Manager	1.00	1.00	1.00	0.00	1.00
Billing & Collections Coordinator	1.00	1.00	1.00	0.00	1.00
Financial Analyst - Business Office	1.00	1.00	1.00	0.00	1.00
Senior Customer Service Representative	4.00	4.00	4.00	0.00	4.00
Customer Service Representative I	10.00	10.00	10.00	0.00	10.00
	17.00	17.00	17.00	0.00	17.00
Human Resources Division:					
Human Resources Director	1.00	1.00	1.00	0.00	1.00
Senior Human Resources Officer	1.00	1.00	1.00	0.00	1.00
Human Resources Administrator	1.00	1.00	1.00	0.00	1.00
Benefits Administrator	1.00	1.00	0.00	1.00	1.00
Human Resources Assistant	1.00	1.00	1.00	0.00	1.00
Intern I	0.50	0.00	0.00	0.00	0.00
	5.50	5.00	4.00	1.00	5.00
Accounting & Audit Division:					
Accounting Director	1.00	1.00	1.00	0.00	1.00
Accounting Manager - Payroll & Pension	1.00	1.00	1.00	0.00	1.00
Accounting Manager - Investment & Cash	1.00	1.00	1.00	0.00	1.00
Fixed Assets/Investment Coordinator	1.00	1.00	1.00	0.00	1.00
Contract/Grant Financial Accountant	1.00	1.00	1.00	0.00	1.00
Accountant - Payroll	1.00	1.00	1.00	0.00	1.00
Accountant - Revenues	1.00	1.00	1.00	0.00	1.00
Accounting Clerk - Payables	1.00	1.00	1.00	0.00	1.00
Accounting Clerk - Receivable	1.00	1.00	1.00	0.00	1.00
Accounting Clerk - Cash	1.00	1.00	1.00	0.00	1.00
Accounting Clerk - Data Entry	1.00	1.00	1.00	0.00	1.00
Intern I	0.50	0.50	0.00	0.50	0.50
	11.50	11.50	11.00	0.50	11.50
Budget & Research Division:					
Budget Director	1.00	1.00	1.00	0.00	1.00
Senior Research Analyst	1.00	1.00	1.00	0.00	1.00
Financial Analyst - Budget	1.00	1.00	1.00	0.00	1.00
Budget Analyst	1.00	1.00	0.00	1.00	1.00
	4.00	4.00	3.00	1.00	4.00

City of Fayetteville, Arkansas
Personnel by Activity & Division

Activity / Division / Title	Budgeted 2010	Budgeted 2011	Budgeted 2012 Active	Budgeted 2012 Frozen	Budgeted 2012 Total
Building Maintenance Division:					
Building Maintenance Superintendent	1.00	1.00	1.00	0.00	1.00
Building Maintenance Project Manager	1.00	1.00	0.50	0.50	1.00
Crew Leader - Building Maintenance	1.00	1.00	1.00	0.00	1.00
Crew Leader - Building Services	1.00	1.00	1.00	0.00	1.00
Maintenance Worker II - Building Maintenance	1.00	1.00	1.00	0.00	1.00
Maintenance Worker I - Building Maintenance	1.00	1.00	1.00	0.00	1.00
HVAC Technician	1.00	1.00	1.00	0.00	1.00
Senior Secretary - Building Maintenance	1.00	1.00	1.00	0.00	1.00
Custodian	6.50	6.50	6.50	0.00	6.50
	14.50	14.50	14.00	0.50	14.50
Purchasing Division:					
Purchasing Manager	1.00	1.00	1.00	0.00	1.00
Purchasing Agent	1.00	1.00	1.00	0.00	1.00
Purchasing Technician	1.00	1.00	1.00	0.00	1.00
Intern I	0.50	0.50	0.50	0.00	0.50
	3.50	3.50	3.50	0.00	3.50
Information Technology Division:					
Information Technologies Director	1.00	1.00	1.00	0.00	1.00
GIS Coordinator	1.00	1.00	1.00	0.00	1.00
Systems Analyst	1.00	1.00	1.00	0.00	1.00
Systems Administrator	1.00	1.00	1.00	0.00	1.00
Database Administrator	1.00	1.00	0.00	1.00	1.00
Network Engineer	1.00	1.00	1.00	0.00	1.00
Senior Programmer/Analyst	1.00	1.00	1.00	0.00	1.00
GIS Technician	4.00	4.00	4.00	0.00	4.00
Business Systems Analyst	1.00	1.00	1.00	0.00	1.00
Help Desk Analyst	1.00	1.00	1.00	0.00	1.00
	13.00	13.00	12.00	1.00	13.00
Total Finance and Internal Services Personnel	70.25	69.75	65.75	4.00	69.75

City of Fayetteville, Arkansas
Personnel by Activity & Division

Activity / Division / Title	Budgeted 2010	Budgeted 2011	Budgeted 2012 Active	Budgeted 2012 Frozen	Budgeted 2012 Total
POLICE ACTIVITY:					
Central Dispatch Division:					
Dispatch Manager	1.00	1.00	1.00	0.00	1.00
Assistant Dispatch Manager	1.00	1.00	1.00	0.00	1.00
Dispatch Shift Supervisor	2.00	2.00	2.00	0.00	2.00
Dispatch Trainer	2.00	2.00	2.00	0.00	2.00
Dispatcher III	7.00	9.00	9.00	0.00	9.00
Dispatcher II	2.00	3.00	3.00	0.00	3.00
Dispatcher I	9.00	6.00	5.00	1.00	6.00
	24.00	24.00	23.00	1.00	24.00
Police Division:					
Police Chief	1.00	1.00	1.00	0.00	1.00
Deputy Chief of Police	2.00	2.00	1.00	1.00	2.00
Police Captain	3.00	3.00	3.00	0.00	3.00
Police Lieutenant	5.00	5.00	5.00	0.00	5.00
Police Sergeant	15.00	15.00	15.00	0.00	15.00
Police Corporal	53.00	57.00	52.00	1.00	57.00
Police Officer	42.00	38.00	35.00	3.00	38.00
IT Manager - Police	1.00	1.00	1.00	0.00	1.00
Systems Analyst	1.00	1.00	1.00	0.00	1.00
Support Services Manager	1.00	1.00	1.00	0.00	1.00
Financial Coordinator - Police	1.00	1.00	1.00	0.00	1.00
Property/Evidence Manager	1.00	1.00	1.00	0.00	1.00
Senior Crime Scene Technician	1.00	1.00	1.00	0.00	1.00
Records Coordinator	1.00	1.00	1.00	0.00	1.00
Senior Secretary - Police	5.00	5.00	4.00	1.00	5.00
Senior Police Support Specialist	2.00	2.00	2.00	0.00	2.00
Police Support Specialist	7.50	7.50	7.50	0.00	7.50
Police Clerk	2.00	2.00	2.00	0.00	2.00
Police Clerk Imaging	0.00	0.50	0.50	0.00	0.50
Transcriptionist	1.50	1.50	1.00	0.50	1.50
Park Patrol	1.13	1.10	0.50	0.60	1.10
Clerk	0.50	0.00	0.00	0.00	0.00
	147.63	147.60	136.50	7.10	147.60
Total Police Personnel	171.63	171.60	159.50	8.10	171.60

City of Fayetteville, Arkansas
Personnel by Activity & Division

Activity / Division / Title	Budgeted 2010	Budgeted 2011	Budgeted 2012		
			Active	Frozen	Total
FIRE ACTIVITY:					
Fire Division:					
Fire Chief	1.00	1.00	1.00	0.00	1.00
Assistant Fire Chief	2.00	2.00	2.00	0.00	2.00
Fire Battalion Chief	3.00	3.00	3.00	0.00	3.00
Fire Battalion Chief - Fire Marshall	1.00	1.00	1.00	0.00	1.00
Fire Battalion Chief - Training Officer	1.00	1.00	1.00	0.00	1.00
Fire Captain - Training Officer	1.00	1.00	1.00	0.00	1.00
Fire Captain - Assistant Fire Marshall	3.00	3.00	2.00	1.00	3.00
Fire Captain	30.00	30.00	30.00	0.00	30.00
Fire Captain - Safety Officer	1.00	1.00	1.00	0.00	1.00
Driver/Operator/Firefighter	27.00	27.00	27.00	0.00	27.00
Firefighter	40.00	40.00	39.00	1.00	40.00
Life Safety Education Specialist	1.00	1.00	1.00	0.00	1.00
Financial Analyst - Fire	1.00	1.00	0.50	0.50	1.00
Secretary - Fire	1.00	1.00	1.00	0.00	1.00
IT Analyst - Fire	1.00	1.00	1.00	0.00	1.00
	114.00	114.00	111.50	2.50	114.00
Total Fire Personnel	114.00	114.00	111.50	2.50	114.00

City of Fayetteville, Arkansas
Personnel by Activity & Division

Activity / Division / Title	Budgeted 2010	Budgeted 2011	Budgeted 2012 Active	Budgeted 2012 Frozen	Budgeted 2012 Total
COMMUNITY PLANNING & ENGINEERING ACTIVITY:					
Development Services Division:					
Development Services Director	1.00	1.00	1.00	0.00	1.00
Office Manager - Development Services	1.00	1.00	1.00	0.00	1.00
	2.00	2.00	2.00	0.00	2.00
City Planning Division:					
Senior Planner - Current Planning	1.00	1.00	1.00	0.00	1.00
Planner - Current Planning	2.00	2.00	2.00	0.00	2.00
Planning Technician - Current Planning	1.00	1.00	1.00	0.00	1.00
Senior Secretary - Current Planning	1.00	1.00	1.00	0.00	1.00
Senior Planning Clerk	1.00	1.00	1.00	0.00	1.00
Permit Clerk	1.00	1.00	0.00	1.00	1.00
Director of Current Planning	1.00	1.00	1.00	1.00	1.00
	8.00	8.00	7.00	2.00	8.00
Sustainability & Strategic Planning Division:					
Director of Sustainability & Strategic Planning	0.00	1.00	1.00	0.00	1.00
Designer & Project Coordinator	1.00	1.00	1.00	0.00	1.00
Planner - Long Range	1.00	1.00	1.00	0.00	1.00
Strategic Planning & Internal Consulting Director	1.00	0.00	0.00	0.00	0.00
	3.00	3.00	3.00	0.00	3.00
Engineering Division:					
City Engineer	1.00	1.00	1.00	0.00	1.00
Assistant City Engineer	2.00	2.00	1.00	1.00	2.00
Staff Engineer	3.00	3.00	3.00	0.00	3.00
Review Engineer	1.00	1.00	1.00	0.00	1.00
Trails Coordinator	1.00	1.00	1.00	0.00	1.00
Surveyor	1.00	1.00	1.00	0.00	1.00
Land Agent II	1.00	1.00	1.00	0.00	1.00
Land Agent I	2.00	2.00	2.00	0.00	2.00
CAD Drafter	2.00	2.00	2.00	0.00	2.00
PW Projects Inspector	5.00	4.00	4.00	0.00	4.00
Land Survey Technician	1.00	1.00	1.00	0.00	1.00
Engineering Services Coordinator	1.00	1.00	1.00	0.00	1.00
Public Works Inspection Manager	0.00	1.00	1.00	0.00	1.00
	21.00	21.00	20.00	1.00	21.00

City of Fayetteville, Arkansas
Personnel by Activity & Division

Activity / Division / Title	Budgeted 2010	Budgeted 2011	Budgeted 2012 Active	Budgeted 2012 Frozen	Budgeted 2012 Total
Building Safety Division:					
Building Official - Plans Examiner	1.00	1.00	0.00	1.00	1.00
Building Official - Safety	1.00	1.00	1.00	0.00	1.00
Inspector - Commercial & Residential	3.00	2.00	2.00	0.00	2.00
Inspector - Residential	2.00	3.00	3.00	0.00	3.00
Permit Technician	1.00	1.00	1.00	0.00	1.00
Inspections Clerk	1.50	1.50	0.00	1.50	1.50
Clerk Typist	0.50	0.50	0.50	0.00	0.50
	10.00	10.00	7.50	2.50	10.00
Community Services Division:					
Community Services Director	1.00	1.00	1.00	0.00	1.00
Community Resources Administrator	1.00	1.00	1.00	0.00	1.00
Housing Manager	1.00	1.00	1.00	0.00	1.00
Code Compliance Officer	5.00	5.00	5.00	0.00	5.00
Community Services Project Coordinator	1.00	1.00	1.00	0.00	1.00
Administrative Assistant - Community Resources	1.00	1.00	1.00	0.00	1.00
Intern II	0.50	0.50	0.50	0.00	0.50
	10.50	10.50	10.50	0.00	10.50
Animal Services Division:					
Animal Services Superintendent	1.00	1.00	1.00	0.00	1.00
Animal Services Program Administrator	1.00	1.00	1.00	0.00	1.00
Animal Services Program Manager	1.00	1.00	1.00	0.00	1.00
Veterinarian	1.00	1.00	1.00	0.00	1.00
Veterinary Assistant	1.00	1.00	1.00	0.00	1.00
Animal Services Officer	3.00	3.00	3.00	0.00	3.00
Secretary - Animal Services	1.00	1.00	1.00	0.00	1.00
Shelter Attendant	6.80	6.80	6.80	0.00	6.80
	15.80	15.80	15.80	0.00	15.80
Total Community Planning & Engineering Personnel	70.30	70.30	65.80	5.50	70.30

City of Fayetteville, Arkansas
Personnel by Activity & Division

Activity / Division / Title	Budgeted 2010	Budgeted 2011	Budgeted 2012 Active	Budgeted 2012 Frozen	Budgeted 2012 Total
TRANSPORTATION, PARKING & UTILITIES ACTIVITY:					
Parking & Telecommunications Division:					
Parking & Telecommunications Manager	1.00	1.00	1.00	0.00	1.00
Telecommunications Engineer	1.00	1.00	1.00	0.00	1.00
Account Clerk - Parking	1.00	1.00	2.00	0.00	2.00
Field Operations Supervisor - Parking	1.00	1.00	1.00	0.00	1.00
Parking Enforcement Officer	4.00	4.00	4.00	0.00	4.00
	8.00	8.00	9.00	0.00	9.00
Transportation Services Division:					
Transportation Services Director	1.00	1.00	1.00	0.00	1.00
Assistant Transportation Manager	2.00	2.00	2.00	0.00	2.00
Management Accounting Coordinator	1.00	1.00	1.00	0.00	1.00
Financial Coordinator - Operations	1.00	1.00	1.00	0.00	1.00
Operations Assistant	2.00	2.00	2.00	0.00	2.00
Office Manager - Transportation	1.00	1.00	1.00	0.00	1.00
Senior Field Operations Supervisor	2.00	2.00	2.00	0.00	2.00
Field Operations Supervisor - Transportation	2.00	2.00	2.00	0.00	2.00
Traffic Control Supervisor	1.00	1.00	1.00	0.00	1.00
Traffic Signal Technician	3.00	3.00	3.00	0.00	3.00
Traffic Technician	2.00	2.00	2.00	0.00	2.00
Construction Lead Worker	0.00	7.00	7.00	0.00	7.00
Crew Leader - Transportation	2.00	1.00	1.00	0.00	1.00
Maintenance Worker - Transportation Facility	1.00	1.00	1.00	0.00	1.00
Maintenance Worker IV - Asphalt	5.00	7.00	7.00	0.00	7.00
Maintenance Worker IV - Concrete	2.00	1.00	1.00	0.00	1.00
Maintenance Worker IV - Construction	3.00	3.00	3.00	0.00	3.00
Maintenance Worker IV - Drainage	3.00	3.00	3.00	0.00	3.00
Maintenance Worker IV - Right of Way	1.00	1.00	1.00	0.00	1.00
Maintenance Worker IV - Trails	2.00	1.00	1.00	0.00	1.00
Maintenance Worker III - Transportation	20.00	20.00	20.00	0.00	20.00
Maintenance Worker I - Transportation	4.50	4.50	4.50	0.00	4.50
Clerk Typist	1.00	1.00	1.00	0.00	1.00
Maintenance Worker II - Transportation	1.00	0.00	0.00	0.00	0.00
Lead Maintenance Worker	5.00	0.00	0.00	0.00	0.00
	68.50	68.50	68.50	0.00	68.50

City of Fayetteville, Arkansas
Personnel by Activity & Division

Activity / Division / Title	Budgeted 2010	Budgeted 2011	Budgeted 2012 Active	Budgeted 2012 Frozen	Budgeted 2012 Total
Utilities Director Division:					
Utilities Director	1.00	1.00	1.00	0.00	1.00
Administrative Assistant - Mayor's Office	0.50	0.50	0.50	0.00	0.50
Construction & Contract Manager	1.00	1.00	1.00	0.00	1.00
Capital Projects & Contracts Engineer	1.00	1.00	1.00	0.00	1.00
Staff Engineer - Water & Wastewater	1.00	1.00	1.00	0.00	1.00
Utilities Project Coordinator	1.00	1.00	1.00	0.00	1.00
	5.50	5.50	5.50	0.00	5.50
Water & Sewer Maintenance Division:					
Water/Sewer Operations Manager	1.00	1.00	1.00	0.00	1.00
Water Services Supervisor	1.00	1.00	1.00	0.00	1.00
Meter Reader	9.00	9.00	9.00	0.00	9.00
Meter Operations Assistant	1.00	1.00	1.00	0.00	1.00
Field Service Representative	3.00	3.00	3.00	0.00	3.00
Water Services Technical Supervisor	1.00	1.00	1.00	0.00	1.00
Meter Maintenance Technician	3.00	3.00	3.00	0.00	3.00
Backflow Prevention Operations Assistant	1.00	1.00	1.00	0.00	1.00
Backflow Prevention Technician	1.00	1.00	1.00	0.00	1.00
Field Superintendent - Water & Wastewater	2.00	2.00	2.00	0.00	2.00
Lead Warehouse Attendant	1.00	1.00	1.00	0.00	1.00
Pump & Tank Technician	3.00	3.00	3.00	0.00	3.00
Crew Leader - Water/License	12.00	12.00	12.00	0.00	12.00
Water Field Service Representative	3.00	3.00	3.00	0.00	3.00
Maintenance Worker IV - Water/Sewer License	4.00	5.00	5.00	0.00	5.00
Maintenance Worker IV - Water/Sewer No License	4.00	4.00	4.00	0.00	4.00
Warehouse Attendant - Water/Sewer	2.00	2.00	2.00	0.00	2.00
Office Manager - Water/Sewer	1.00	1.00	1.00	0.00	1.00
Operations Clerk - Water/Sewer	2.00	2.00	2.00	0.00	2.00
Maintenance Worker III - Water/Sewer	15.00	14.00	14.00	0.00	14.00
GIS Technician - Water/Sewer	1.00	1.00	1.00	0.00	1.00
	71.00	71.00	71.00	0.00	71.00

City of Fayetteville, Arkansas
Personnel by Activity & Division

Activity / Division / Title	Budgeted 2010	Budgeted 2011	Budgeted 2012 Active	Budgeted 2012 Frozen	Budgeted 2012 Total
Solid Waste & Recycling Division:					
Solid Waste Director	1.00	1.00	1.00	0.00	1.00
Solid Waste Operations Supervisor	1.00	1.00	1.00	0.00	1.00
Waste Reduction Coordinator	1.00	1.00	1.00	0.00	1.00
Office Manager - Solid Waste	1.00	1.00	1.00	0.00	1.00
Solid Waste Commercial Representative	1.00	1.00	1.00	0.00	1.00
Secretary - Solid Waste	2.00	2.00	2.00	0.00	2.00
Crew Leader II SW	0.00	1.00	1.00	0.00	1.00
Crew Leader - Solid Waste	4.00	2.00	2.00	0.00	2.00
Route Driver	40.00	39.00	39.00	0.00	39.00
Relief Driver	3.00	4.00	4.00	0.00	4.00
Custodian - Solid Waste	1.00	1.00	1.00	0.00	1.00
Scale House Attendant	1.00	1.00	1.00	0.00	1.00
Recycling Attendant	0.00	1.00	1.00	0.00	1.00
Maintenance Worker III - Solid Waste	1.00	1.00	1.00	0.00	1.00
	57.00	57.00	57.00	0.00	57.00
Fleet Operations Division:					
Fleet Operations Superintendent	1.00	1.00	1.00	0.00	1.00
Fleet Operations Supervisor	1.00	1.00	1.00	0.00	1.00
Fleet Services Support Manager	1.00	1.00	1.00	0.00	1.00
Lead Equipment Mechanic	2.00	2.00	2.00	0.00	2.00
Equipment Mechanic III	3.00	3.00	3.00	0.00	3.00
Equipment Mechanic II	5.00	4.00	4.00	0.00	4.00
Equipment Mechanic I	2.00	3.00	3.00	0.00	3.00
Automotive Parts Specialist	1.00	1.00	1.00	0.00	1.00
Fleet Operations Clerk	1.00	1.00	1.00	0.00	1.00
Fleet Warranty/Materials Coordinator	1.00	1.00	1.00	0.00	1.00
Equipment Maintenance Worker	0.50	0.50	0.50	0.00	0.50
	18.50	18.50	18.50	0.00	18.50
Aviation Division:					
Airport Director	1.00	1.00	1.00	0.00	1.00
Financial Coordinator - Airport	1.00	1.00	1.00	0.00	1.00
Administrative Assistant - Airport	1.00	1.00	1.00	0.00	1.00
Lead Maintenance Worker	1.00	1.00	1.00	0.00	1.00
Maintenance Worker III - Airport	1.00	1.00	1.00	0.00	1.00
Maintenance Worker II - Airport	1.00	1.00	0.00	1.00	1.00
	6.00	6.00	5.00	1.00	6.00
Total Transportation, Parking & Utilities Personnel	234.50	234.50	234.50	1.00	235.50

City of Fayetteville, Arkansas
Personnel by Activity & Division

Activity / Division / Title	Budgeted 2010	Budgeted 2011	Budgeted 2012 Active	Budgeted 2012 Frozen	Budgeted 2012 Total
PARKS & RECREATION ACTIVITY:					
Parks & Recreation Division:					
Parks & Recreation Director	1.00	1.00	1.00	0.00	1.00
Recreation Superintendent	1.00	1.00	1.00	0.00	1.00
Parks Maintenance Superintendent	1.00	1.00	1.00	0.00	1.00
Parks Maintenance Supervisor	1.00	1.00	1.00	0.00	1.00
Horticulturist	2.00	2.00	2.00	0.00	2.00
Park Planning Superintendent	1.00	1.00	1.00	0.00	1.00
Park Planner II	1.00	1.00	1.00	0.00	1.00
Park Planner	1.00	1.00	1.00	0.00	1.00
Urban Forester	1.00	1.00	1.00	0.00	1.00
YRCC Director	1.00	1.00	1.00	0.00	1.00
YRCC Program Coordinator	1.00	1.00	1.00	0.00	1.00
Recreation Programs Assistant II	0.20	0.60	0.60	0.00	0.60
Recreation Programs Assistant	0.60	0.40	0.40	0.00	0.40
Financial Coordinator - Parks & Recreation	1.00	1.00	1.00	0.00	1.00
Crew Leader - Athletic Fields	1.00	1.00	1.00	0.00	1.00
Crew Leader - Forestry Services	1.00	1.00	1.00	0.00	1.00
Crew Leader - Grounds Maintenance	1.00	1.00	1.00	0.00	1.00
Crew Leader - Turf	1.00	1.00	1.00	0.00	1.00
Recreation Programs Manager - Soccer	1.00	1.00	1.00	0.00	1.00
Recreation Programs Manager Youth Softball	0.00	1.00	1.00	0.00	1.00
Recreation Programs Manager - Softball	2.00	1.00	1.00	0.00	1.00
Maintenance Worker - Parks Facilities	2.00	2.00	2.00	0.00	2.00
Senior Secretary - Parks & Recreation	1.00	1.00	1.00	0.00	1.00
Maintenance Worker IV - Parks	5.00	5.00	4.00	1.00	5.00
Maintenance Worker III - Parks	4.00	4.00	4.00	0.00	4.00
Maintenance Worker II - Parks	7.00	7.00	6.00	1.00	7.00
Maintenance Worker I - Parks	4.24	4.24	4.24	0.00	4.24
Horticultural Assistant II	3.00	3.00	3.00	0.00	3.00
Secretary - Parks & Recreation	1.00	1.00	1.00	0.00	1.00
Cashier	0.20	0.20	0.20	0.00	0.20
Pool Manager	0.35	0.35	0.35	0.00	0.35
Assistant Pool Manager	0.40	0.40	0.40	0.00	0.40
Lifeguard	3.01	3.01	3.01	0.00	3.01
Site Supervisor	0.65	0.65	0.65	0.00	0.65
Camp Counselor	1.00	1.00	1.00	0.00	1.00
Urban Forestry Intern	0.50	0.50	0.50	0.00	0.50
YRCC Recreation Assistant	0.20	0.00	0.00	0.00	0.00
	54.35	54.35	52.35	2.00	54.35
Total Parks & Recreation Personnel	54.35	54.35	52.35	2.00	54.35

City of Fayetteville, Arkansas
Frozen Personnel Positions by Activity & Division

Activity / Division / Title	Frozen 2010	Frozen 2011	Frozen 2012
GENERAL GOVERNMENT ACTIVITY:			
Fayetteville District Court Division:			
Deputy Court Clerk I	0.00	1.00	1.00
FINANCE AND INTERNAL SERVICES ACTIVITY:			
Human Resources Division:			
Benefits Administrator	0.00	1.00	1.00
Accounting & Audit Division:			
Intern I	0.50	0.50	0.50
Budget & Research Division:			
Budget Analyst	1.00	1.00	1.00
Building Maintenance Division:			
Building Maintenance Project Manager	0.50	0.50	0.50
Information Technology Division:			
Database Administrator	0.00	0.00	1.00
Business Systems Analyst	0.00	1.00	0.00
Central Dispatch Division:			
Dispatcher I	0.00	1.00	1.00
Police Division:			
Deputy Chief of Police	1.00	1.00	1.00
Police Corporal	1.00	3.00	3.00
Police Officer	0.00	1.00	1.00
Senior Secretary - Police	0.00	1.00	1.00
Transcriptionist	0.00	0.50	0.50
Park Patrol	0.60	0.60	0.60
FIRE ACTIVITY:			
Fire Division:			
Fire Captain - Assistant Fire Marshall	0.00	1.00	1.00
Firefighter	1.00	1.00	1.00
Financial Analyst - Fire	0.50	0.50	0.50

City of Fayetteville, Arkansas
Frozen Personnel Positions by Activity & Division

Activity / Division / Title	Frozen 2010	Frozen 2011	Frozen 2012
COMMUNITY PLANNING & ENGINEERING ACTIVITY:			
City Planning Division:			
Permit Clerk	1.00	1.00	1.00
Director of Current Planning	1.00	1.00	1.00
Engineering Division:			
Assistant City Engineer	1.00	1.00	1.00
Building Safety Division:			
Building Official - Plans Examiner	1.00	1.00	1.00
Inspections Clerk	0.00	1.50	1.50
TRANSPORTATION, PARKING & UTILITIES ACTIVITY:			
Aviation Division:			
Maintenance Worker II - Airport	0.00	1.00	1.00
PARKS & RECREATION ACTIVITY:			
Parks & Recreation Division:			
Maintenance Worker IV - Parks	0.00	1.00	1.00
Maintenance Worker II - Parks	0.00	1.00	1.00
Total Frozen Positions	10.10	24.10	24.10

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM

Since 1988, the City of Fayetteville has produced a five year Capital Improvements Program (CIP). The CIP examines the infrastructure and capital needs of the City for the next five years. The CIP is reviewed and updated biennially to reflect the changing needs of the community and changes in available funding for financing capital projects. The CIP should be considered as a financial planning tool that lists the City's capital improvement projects and schedules the projects for funding and implementation. The CIP should also be considered one of the primary policy making instruments utilized by the Mayor and City Council. The City's practice has been to adopt the CIP for the forthcoming five year period and then incorporate the projects for the following two years into the next two budget processes.

The subsequent pages provide a summary of the 2012 Capital Improvements Program listed by improvement area, followed by a listing of the capital projects which the City plans for 2012.

2012 Capital Improvements (By Funding Source)

Project Description	2012 Projects 2010-2014 CIP	2012 Proposed Budget
Impact Fee Fund:		
Police Impact Improvements	$ 272,000	$ 104,000
Water Impact Improvements	771,000	446,000
Wastewater Impact Improvements	514,000	287,000
Fire Impact Improvements	265,000	84,000
	1,822,000	921,000
Parks Development Fund:		
Regional Park Development	321,000	216,000
Wilson Park Improvements	0	253,000
Neighborhood Park Development	100,000	109,000
Gulley Park Improvements	230,000	0
Brooks-Hummel Nature Preserve Land Purchase	73,000	77,900
Other Park & Safety Improvements	0	20,000
	724,000	675,900

2012 Capital Improvements (By Funding Source)

Project Description	2012 Projects 2010-2014 CIP	2012 Proposed Budget
Sales Tax Capital Improvements Fund:		
Audit Expense	6,700	7,300
Stormwater Quality Management/Nutrient Reduction	175,000	175,000
Other Drainage Improvements	200,000	200,000
Fire Facility Maintenance	25,000	25,000
Fire Mobile Radios	20,000	20,000
AccessFayetteville Technical Improvements	25,000	25,000
Document Management	30,000	30,000
Geographic Information System (GIS)	65,000	65,000
Local Area Network (LAN) Upgrade	125,000	125,000
Microcomputer / Printer Replacements	0	85,700
Microcomputer Replacements	68,000	0
Printer Replacements	15,000	0
Data Center Upgrade	70,000	70,000
Library Computer Replacements	23,000	23,000
Library Material Purchases	336,500	336,500
Building Improvements	362,600	362,600
P.E.G. Television Center - Equipment	54,000	54,000
Field Camera Replacement	60,000	0
On-Screen Graphics Generator Upgrade	0	20,000
Studio Camera & Lighting Upgrades/Replacements	0	85,000
Telecommunication Systems Upgrades	60,000	60,000
Forestry, Safety & ADA Compliance	28,500	108,500
Lights of the Ozarks	23,000	23,000
Other Park & Safety Improvements	10,000	10,000
Tree Escrow	101,000	101,000
Police Building Improvements	25,000	25,000
Police Technology Improvements	50,000	50,000
Police Unmarked Vehicles	30,000	70,000
Police Specialized Equipment	70,000	50,000
Police Bicycle Replacement	10,000	0
Police Equipment Replacement	10,000	0
Police MVR Replacement	185,000	185,000
Old Wire Road-Mission to Crossover	300,000	300,000
Zion Road - Vantage to Crossover	150,000	150,000
Street ROW / Intersection / Cost Shares	100,000	0
Trail Development	1,361,000	1,361,000
In-House Pavement Improvements	1,865,000	1,865,000
Sidewalk Improvements	785,000	635,000
Traffic Signal Improvements	150,000	0
	6,974,300	6,702,600

2012 Capital Improvements (By Funding Source)

Project Description	2012 Projects 2010-2014 CIP	2012 Proposed Budget
Shop Fund:		
Police/Passenger Vehicles - Replacement	414,000	320,000
Construction Equipment - Replacement	104,000	105,000
Solid Waste Equipment - Replacement	1,100,000	1,556,000
Backhoes/Loaders - Replacement	372,000	274,000
Medium/Heavy Utility Trucks Replacement	292,000	197,000
Tractors/Mowers - Replacement	409,000	108,000
Light/Medium Trucks - Replacement	675,000	302,000
Other Vehicles/Equipment - Replacement	529,000	453,000
Shop Improvements	0	295,000
	3,895,000	3,610,000
Water & Sewer Fund:		
Business Office Improvements	12,000	50,000
Upgrade/Replace Lift Stations - WWTP	238,000	112,000
Plant Pumps & Equipment - WWTP	119,000	119,000
Building Improvements - WWTP	36,000	36,000
Phosphorus Standards	0	50,000
Irrigation Reels - WWTP	143,000	143,000
W/S Relocations for Street Bond Projects	500,000	500,000
Sanitary Sewer Rehabilitation	1,750,000	330,000
Water Replace - Huntsville, Crossover to Van Hoose	1,869,000	1,239,500
Water System Rehabilitation & Replacement	143,000	143,000
Backflow Prevention Assemblies	12,000	12,000
Water Meters	330,000	330,000
	5,152,000	3,064,500
Parking Fund:		
Parking Lot Improvements & Overlays	29,000	28,000
Parking Lot Improvements & Overlays - Entertainment Dist.	0	10,000
	29,000	38,000
Solid Waste Fund:		
Compactor Boxes	119,000	119,000
Compost Site Slab Expansion	14,000	14,000
North / Central Recycling Drop Off Facility	455,000	455,000
	588,000	588,000
	$ 19,184,300	$ 15,600,000

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM DIRECTIONAL INFORMATION

Introduction

The Capital Improvements Program (CIP) for the City of Fayetteville examines the infrastructure and capital needs of the City for the next five years. The CIP will be reviewed and updated on an annual basis to reflect the changing needs of the community and changes in available monies for financing capital projects. The City's philosophy concerning the use of the CIP is that it should be considered as a financial planning tool that lists the City's capital improvement projects, places the projects in a priority order, and schedules the projects for funding and implementation. The CIP should be considered as a major policy tool for the Mayor and City Council.

Capital Improvement Policy

The CIP is approached as a valuable tool to be used in the development of **responsible** and **progressive** financial planning. The program is developed in accordance with the financial policies of the City. The policies and the CIP form the basis for making various annual capital budget decisions and support the City's continued commitment to sound, long-range financial planning and direction. The City's official Capital Improvements Policy is as follows:

- The City will prepare a biennial update of a five year CIP, which will provide for the orderly maintenance, replacement, and expansion of capital assets.
- The CIP will identify long-range capital projects and capital improvements of all types, which will be coordinated with the annual operating budget to maintain full utilization of available sources.
- When preparing the CIP, the City will seek to identify all viable capital projects and capital improvements required during the subsequent five year period. These projects and improvements will be prioritized by year and by funding source. Every attempt will be made to match projects and improvements with available funding sources. Future operating costs associated with a project or an improvement will also be given consideration in the establishment of priorities.
- The City will seek Federal, State, and other funding to assist in financing capital projects and capital improvements.
- The City will incorporate the reasonable findings and recommendations of the City's Boards, Commissions, Committees, and Citizens' task forces as they relate to capital projects and improvements.
- The City will seek input on the establishment of projects and project priorities from the public by holding hearings.

What Projects Are in the CIP

Projects and their cumulative component areas totaling $10,000 or more should be included in the CIP. Projects costing less than $5,000 are not considered capital and are funded through program operating budgets. Projects that cost between $5,000 and $10,000 are handled through the budget process. Attempts will be made to fund these capital items through operating funds.

Projects in the CIP can include:

- obligations for labor and materials and contractors involved in completing a project
- acquisition of land or structures
- engineering or architectural services, professional studies, or other administrative costs
- expenses for City vehicles and equipment
- renovating or expanding City facilities, grounds, or equipment

Financing

The City finances capital improvements on essentially a pay-as-you-go basis utilizing revenue from the 1% City sales tax originally adopted in 1993, the 1% Parks Development (Hotel, Motel, Restaurant) sales tax adopted in 1996, and operating revenues from the Airport, Shop, Water & Sewer, and Solid Waste funds. The 1% City Sales Tax revenue is divided between General Fund operations and capital. The current split for 2011, which began with the 2008 budget, is 60% for General Fund and 40% for Sales Tax Capital Improvements Fund. Until 2008, the split as established in 2003 was equal. Prior to June 2003, the revenue was divided 75% for Sales Tax Capital Improvements Fund and 25% for General Fund. In addition, long-term debt is considered and utilized only when the City faces a project that is of such importance and sufficient financial magnitude as to warrant a bond issue.

The CIP is not a financing document in and of itself. Rather, the CIP is utilized as a planning document that places projects in the annual budget whereby funds are appropriated for them by the City Council. Prior to actual initiation of project work, required contracts are presented to the Mayor or City Council, as appropriate, for final approval of expending funds.

Project Cost Determination

All projects are first costed in current or 2009 dollars. Then a determination of the year the project is expected to start is made. Finally, a determination of the projected cost of the improvement is made by referring to the "Project Cost Table" that provides the inflation multiplier to be used for the project in the anticipated year.

Project Cost Table for CIP 2010-2014

Inflation Recommendations

3% factor - This factor should be used in calculating all project categories.

Year	3% Factor
2010	1.030
2011	1.062
2012	1.095
2013	1.129
2014	1.164

Example: A street project that costs $1,000,000 in 2009 dollars, which is expected to be done in 2010, would use the inflation factor of 1.030. To get the expected cost of the project in 2012 dollars, multiply $1,000,000 by 1.095, which equals $1,109,500.

Priority Selection of Projects

The adopted CIP will rely on priorities defined by the Mayor, City Council, community, and City staff. As always, criteria such as government imposed mandates, usefulness to the community, and impact on operational expenses will be reviewed in establishing priorities. A priority is assigned to each project by year and by funding source. Projects for which no funding is anticipated to be available will be placed on an "Unfunded Projects List," which will identify the cost of the project. This list identifies the project as being viable, but one for which no funding is presently available. Unfunded projects may be funded if actual revenue is above projected revenue, if costs on funded projects are below budget, or if another funding source is identified.

The Parks and Recreation Advisory Board, Airport Board, City Council Street Committee, City Council Water & Sewer Committee, and City Council Equipment Committee meetings all provide committee and public input and guidance regarding parks, streets, bridge and drainage improvements, water and sewer improvements, and equipment purchases planned for the next five years.

City of Fayetteville, Arkansas
2012 Capital Projects
Summary

	Sales Tax Capital Improvements Fund	Special Revenue Funds	Enterprise Funds	Shop Fund	Total
Fire Improvements	$ 45,000	$ 84,000	$ 0	$ 0	$ 129,000
Police Improvements	380,000	104,000	0	320,000	804,000
Library Improvements	359,500	0	0 0		359,500
Parks & Recreation Improvements	131,500	675,900	0	0	807,400
Bridge & Drainage Improvements	375,000	0	0	0	375,000
Street Improvements	450,000	0	0 0		450,000
Transportation Improvements	2,500,000	0	0 0		2,500,000
Trail Improvements	1,361,000	0	0 0		1,361,000
Information Technology Improvements	400,700	0	0	0	400,700
Other Capital Improvements	699,900	0	0	295,000	994,900
Wastewater Treatment Improvements	0	0	460,000	0	460,000
Water & Sewer Services Improvements	0	0	392,000	0	392,000
Water & Sewer Improvements	0	733,000	2,212,500	0	2,945,500
Vehicles & Equipment	0	0	0	1,439,000	1,439,000
Off-Street Parking Improvements	0	38,000	0	0	38,000
Solid Waste Improvements	0	0	588,000	1,556,000	2,144,000
	$ 6,702,600	$ 1,634,900	$ 3,652,500	$ 3,610,000	$ 15,600,000

City of Fayetteville, Arkansas
2012 Capital Projects
Comprehensive Detail

	Sales Tax Capital Improvements Fund	Special Revenue Funds	Enterprise Funds	Shop Fund	Total
Fire Improvements					
Fire Mobile Radios	$ 20,000	$ 0	$ 0	$ 0	$ 20,000
Fire Facility Maintenance	25,000	0	0	0	25,000
Fire Improvements	0	84,000	0	0	84,000
	45,000	84,000	0	0	129,000
Police Improvements					
Police Technology Improvements	50,000	104,000	0	0	154,000
Police Unmarked Vehicles	70,000	0	0	0	70,000
Police Building Improvements	25,000	0	0	0	25,000
Specialized Police Equipment	50,000	0	0	0	50,000
Police MVR Replacement	185,000	0	0	0	185,000
Police Vehicles - Replacement	0	0	0	320,000	320,000
	380,000	104,000	0	320,000	804,000
Library Improvements					
Library Materials Purchases	336,500	0	0	0	336,500
Library Computer Replacements	23,000	0	0	0	23,000
	359,500	0	0	0	359,500
Parks & Recreation Improvements					
Forestry, Safety & ADA Compliance	108,500	0	0	0	108,500
Tree Escrow	101,000	0	0	0	101,000
Other Park & Safety Improvements	10,000	0	0	0	10,000
Lights of the Ozarks	23,000	0	0	0	23,000
Regional Park Development	0	216,000	0	0	216,000
Brooks-Hummel Nature Preserve Land Purchase	0	77,900	0	0	77,900
Neighborhood Park Development	0	109,000	0	0	109,000
Wilson Park Improvements	0	253,000	0	0	253,000
Other Park & Safety Improvements	0	20,000	0	0	20,000
	242,500	675,900	0	0	918,400
Bridge & Drainage Improvements					
Stormwater Quality Mgt/Nutrient Reduction	175,000	0	0	0	175,000
Other Drainage Improvements	200,000	0	0	0	200,000
	375,000	0	0	0	375,000
Street Improvements					
Old Wire Road-Mission to Crossover	300,000	0	0	0	300,000
Zion Road - Vantage to Crossover	150,000	0	0	0	150,000
	450,000	0	0	0	450,000
Transportation Improvements					
In-House Pavement Improvements	1,865,000	0	0	0	1,865,000
In-House Sidewalk Improvements	635,000	0	0	0	635,000
	2,500,000	0	0	0	2,500,000
Trail Improvements					
Trail Development	1,361,000	0	0	0	1,361,000
	1,361,000	0	0	0	1,361,000

City of Fayetteville, Arkansas
2012 Capital Projects
Comprehensive Detail

	Sales Tax Capital Improvements Fund	Special Revenue Funds	Enterprise Funds	Shop Fund	Total
Information Technology Improvements					
Document Management	30,000	0	0	0	30,000
Geographic Information System (GIS)	65,000	0	0	0	65,000
Local Area Network (LAN) Upgrade	125,000	0	0	0	125,000
Microcomputer / Printer Replacements	85,700	0	0	0	85,700
Data Center Upgrade	70,000	0	0	0	70,000
AccessFayetteville Technical Improvements	25,000	0	0	0	25,000
	400,700	0	0	0	400,700
Other Capital Improvements					
Building Maintenance					
Building Improvements	362,600	0	0	0	362,600
Government Channel					
P.E.G. Television Center - Equipment	54,000	0	0	0	54,000
Field Camera Replacement	20,000	0	0	0	20,000
On-Screen Graphics Generator Upgrade	85,000	0	0	0	85,000
Parking & Telecommunications					
Telecommunications Systems Upgrades	60,000	0	0	0	60,000
Audit Expense	7,300	$ 0	$ 0	$ 0	$ 7,300
	588,900	0	0	0	588,900
Wastewater Treatment Improvements					
Upgrade/Replace Lift Stations - W.W.T.P.	0	0	112,000	0	112,000
Plant Pumps and Equipment - W.W.T.P.	0	0	119,000	0	119,000
Building Improvements - W.W.T.P.	0	0	36,000	0	36,000
Phosphorus Standards	0	0	50,000	0	50,000
Irrigation Reels - W.W.T.P.	0	0	143,000	0	143,000
	0	0	460,000	0	460,000
Water & Sewer Services Improvements					
Business Office Improvements	0	0	50,000	0	50,000
Backflow Prevention Assemblies	0	0	12,000	0	12,000
Water Meters	0	0	330,000	0	330,000
	0	0	392,000	0	392,000
Water & Sewer Improvements					
Sanitary Sewer Rehabilitation	0	0	330,000	0	330,000
Wastewater Impact Improvements	0	287,000	0	0	287,000
Water System Rehabilitation & Replacement	0	0	143,000	0	143,000
Water Impact Improvements	0	446,000	0	0	446,000
W/S Relocations for Street Bond Fund	0	0	500,000	0	500,000
Water Replace - Huntsville, Crossover/Van Hoose	0	0	1,239,500	0	1,239,500
	0	733,000	2,212,500	0	2,945,500
Vehicles & Equipment					
Medium/Heavy Utility Trucks - Replacement	0	0	0	197,000	197,000
Tractors/Mowers - Replacement	0	0	0	108,000	108,000
Light/Medium Trucks - Replacement	0	0	0	302,000	302,000
Other Vehicles/Equipment - Replacement	0	0	0	453,000	453,000
Construction Equipment - Replacement	0	0	0	105,000	105,000
Backhoes/Loaders - Replacement	0	0	0	274,000	274,000
Shop Improvements	0	0	0	295,000	295,000
	0	0	0	1,734,000	1,734,000

City of Fayetteville, Arkansas
2012 Capital Projects
Comprehensive Detail

	Sales Tax Capital Improvements Fund	Special Revenue Funds	Enterprise Funds	Shop Fund	Total
Off-Street Parking Improvements					
Parking Lot Improvements & Overlays	0	28,000	0	0	28,000
Parking Lot Imp. & Overlays - Entertainment Dist.	0	10,000	0	0	10,000
	0	38,000	0	0	38,000
Solid Waste Improvements					
Compactor Boxes	0	0	119,000	0	119,000
Compost Site Slab Expansion	0	0	14,000	0	14,000
North/Central Recycling Drop Off Facility	0	0	455,000	0	455,000
Sanitation Equipment - Replacement	0	0	0	1,556,000	1,556,000
	0	0	588,000	1,556,000	2,144,000
	$ 6,702,600	$ 1,634,900	$ 3,652,500	$ 3,610,000	$ 15,600,000

City of Fayetteville, Arkansas
2012 Capital Budget

Project Title & Description	2012 Budget
Parking Fund (2130)	
Parking Improvements:	
Parking Lot Improvements and Overlays (06001)	
The City currently has 12 public parking lots and one municipal parking deck that are in the Downtown Square and Dickson Street areas. These are all asphalt surface lots that periodically require general maintenance such as crack seal, seal coat, re-striping, pot hole patching, and bumper block replacement. These lots also require a complete asphalt overlay on a less frequent basis. This parking lot maintenance schedule will provide an overlay of one parking lot annually and general maintenance of the other lots as needed.	$ 28,000
Parking Lot Improvements and Overlays - Entertainment District (11009)	
The City currently has public parking lots that are in the Entertainment District. These are all asphalt surface lots that periodically require general maintenance such as crack seal, seal coat, re-striping, pot hole patching, and bumper block replacement. These lots also require a complete asphalt overlay on a less frequent basis. This parking lot maintenance schedule will provide an overlay of one parking lot annually and general maintenance of the other lots as needed.	10,000
Total Parking Fund Projects:	38,000
Parks Development Fund (2250)	
Parks Development Capital (9255)	
Regional Park Development (02002)	
The Parks and Recreation Master Plan recommends the development of a Regional Park based upon data from public meetings, citizen survey results, a one day steering committee meeting, and interviews with public officials, staff, and community leaders. Possible facilities include baseball, soccer, and softball complexes, as well as trails, tennis courts, sand volleyball courts, pavilions, picnic tables/grills/benches, disc golf, and multi purpose fields. Park facilities would be developed on a priority basis depending upon public desires. With the request for the Lewis Soccer Complex to be returned to the University of Arkansas, there is an urgent need to relocate this facility.	216,000
Brooks-Hummel Nature Preserve Land Purchase (07027)	
The City purchased 13.75 acres located north of the Lake Lucille Spillway in 2007 for a principal amount of $495,000 with an interest rate of six percent annually for five years on the unpaid balance. The City agreed to sell 1.89 acres to the United Presbyterian Church for $68,000. The City also agreed to sell a conservation easement for the property to the Fayetteville Natural Heritage Association for $179,500. This property has been named the Brooks Hummel Nature Preserve by Resolution Number 108-07.	77,900

City of Fayetteville, Arkansas
2012 Capital Budget

Project Title & Description	2012 Budget
Wilson Park Improvements (08002)	
The Wilson Park swimming pool is in need of renovation. The Parks and Recreation Advisory Board discussed the importance of the presence of a pool at Wilson Park. The Board determined it would be best to renovate the exiting pool and look at other sites such as the Regional Park to build a large water park partly due inadequate parking at the current pool location. A structural analysis including a visual analysis and non-destructive testing of the pool and deck area has been completed. The study concluded the need for a full removal and replacement of the pool plaster coating, the pool deck covering and repairs of the box culvert. Construction of the project would begin after the pool is closed in September of 2012 to be completed for the pool opening in June of 2013. Staff is also working on the project scope and renovation of the pool office, dressing rooms, pool mechanical building, and concession stand for a projected cost for phase II of the pool renovations.	253,000
Donations/Grants Contingency (07019)	
Various donations are contributed throughout the year from sources such as Rotary Club of Fayetteville, Southeast Fayetteville Community Center Board, park benches and others. This project budgets for these donations.	20,000
Parks Development Greenspace (9256)	
Neighborhood Park Development (02013)	
This project consists of the development/upgrades of City neighborhood parks. Included in this project is the development of over 20 acres of park land distributed across the City. Bryce Davis Park is located in the NW quadrant, north of Wedington Drive and west of Salem Road and has been expanded to a community park. Hill Place park land is located in the SW quadrant south of Martin Luther King Boulevard, west of Hill Street and Stone Mountain park land is located in the SE quadrant east of Crossover Road, north of Highway 16E. These lands are currently in the City's park system and are in need of development.	98,000
Neighborhood Park Development (02013)	
The flooding in April and May 2011 caused damage to the Stream Restoration Project on Niokaska Creek in Sweetbriar Park. An area near the water line that crosses the creek in the park was damaged. The flood also damaged rock structures and several soil mattresses.	11,000
Total Parks Development Fund Projects:	675,900
Impact Fee Fund (2300)	
Water & Sewer Improvements:	
Water Cost Sharing (02067)	
This project is to provide funding for projects that will be cost shared by the City and developers or individuals. Each project will be approved on a case by case basis. These projects maximize return on each dollar spent by the City because of combining work needed with work being funded by a developer or other entity. Cost shares may include looping water lines, up-sizing water and sewer mains above the required minimum, and extensions beyond the area and needs of a development.	446,000

City of Fayetteville, Arkansas
2012 Capital Budget

Project Title & Description	2012 Budget
Sewer Cost Sharing (02067)	
This project is to provide funding for projects that will be cost shared by the City and developers or individuals. Each project will be approved on a case by case basis. These projects maximize return on each dollar spent by the City because of combining work needed with work being funded by a developer or other entity. Cost shares may include looping water lines, up-sizing water and sewer mains above the required minimum, and extensions beyond the area and needs of a development.	287,000
Fire Improvements:	
Fire Radio Simulcast System - Fire/Police (08076)	
This project will increase the coverage area for the City of Fayetteville's radio system, which includes all city services and enables interoperability statewide. The current system has become inadequate due to growth of the City and maintenance/technical support for this system will become unavailable as the components of the system continue to age. Failure of this communication system is not an option. A simulcast system is imperative for public safety to maintain coverage in all areas. This system provides continuous coverage over a large region using a single set of frequencies. The primary site links information such as route control and audio information to each simulcast subsite. One of the important benefits of a simulcast site is it improves the radio frequency and in-building coverage in weak signal areas. Radio communication is the life line between public safety officers and services during emergency scenarios. Total project cost is quoted to be $7,200,000.	54,000
Fire Traffic Preemption Signals (08046)	
This request is for the purchase of 20 traffic preemption devices to be purchased and installed over the next five years at the busiest intersections in the City. By using these devices, fire apparatus can interrupt traffic signals during an emergency response by changing the signals to red on all sides of the intersection. The one direction being traveled by responding apparatus will be changed to green. Using these devices will help minimize the risk of accidents involving motorists and expensive apparatus. This project will aid in the City's efforts of planned and managed growth as well as improving the mobility of streets and intersections for all users. The ultimate result is maintaining the City's reputation as a safe community.	30,000
Police Improvements:	
Police Radio Simulcast System - Police/Fire (08076)	
This project will increase the coverage area for the City of Fayetteville's radio system, which includes all city services and enables interoperability statewide. The current system has become inadequate due to growth of the City and maintenance/technical support for this system will become unavailable as the components of the system continue to age. Failure of this communication system is not an option. A simulcast system is imperative for public safety to maintain coverage in all areas. This system provides continuous coverage over a large region using a single set of frequencies. The primary site links information such as route control and audio information to each simulcast subsite. One of the important benefits of a simulcast site is it improves the radio frequency and in-building coverage in weak signal areas. Radio communication is the life line between public safety officers and services during emergency scenarios. Total project cost is quoted to be $7,200,000.	104,000
Total Impact Fee Fund Projects:	921,000

City of Fayetteville, Arkansas
2012 Capital Budget

Project Title & Description	2012 Budget
Sales Tax Capital Improvements Fund (4470)	
Transportation Improvements:	
Sidewalk Improvements (02053)	
The goal of this project is to continue to improve the connectivity of the sidewalk system by constructing new sidewalk in selected areas and replacing or repairing sidewalks throughout the City. The City maintains existing sidewalks and has a large inventory of locations where sidewalks are needed. Developers are responsible for construction of sidewalks in new subdivisions and large scale developments. One of the City Council's priority goals is sidewalk connectivity at the current pace of installing approximately four miles of new sidewalk per year.	635,000
In-House Pavement Improvements (02052)	
This program provides for the systematic overlay of approximately 4.1% of existing asphalt streets within the City limits on an annual basis and includes curb cuts, curb and guttering, pavement striping, and preparation costs for the overlays. The goal of this project is to overlay a minimum of 150,000 square yards of asphalt each year. A street evaluation program determines overlay schedules based on existing conditions of streets. The resulting plan is presented to the Street Committee and City Council on an annual basis and implemented upon approval. Overlaying each street within a 15 year cycle is intended to optimize the longevity of roadways and minimize significant maintenance requirements, resulting in fewer complete renovations at a substantially greater cost.	1,865,000
Trail Improvements:	
Trail Development (02016)	
The goal of this project is to provide funding to increase production of the trails program throughout Fayetteville. This funding includes new trail development and asphalt replacement on existing trails. This will be accomplished through the use of personnel within the Transportation Division as approved by the City Council. This funding will allow production to proceed at a reduced cost, thereby providing for an increased rate of trail construction.	1,361,000
Street Improvements:	
Old Wire Road - Mission to Crossover (10011)	
This project is to widen Old Wire Road, from Mission to Crossover from an existing two lane ditch section to two or three lanes with curb and gutter and sidewalks. The funding requested will be adequate for design and other preliminary costs. This will allow the improvements to be designed in preparation for right-of-way acquisition and construction to be funded with excess funds in the 2006 Bond Program or by a future bond issue, or by future sales tax allocations.	300,000
Zion Road - Vantage to Crossover (12010)	
This project is to widen and improve Zion Road, from the end of the improvements recently completed under the Bond Program to Crossover Road. This funding request is to allow design and other preliminary work to begin on the project. The construction will be funded with excess funds in the 2006 Bond Program or by a future bond issue, or by future sales tax allocations.	150,000

City of Fayetteville, Arkansas
2012 Capital Budget

Project Title & Description	2012 Budget
Bridge & Drainage Improvements:	
Stormwater Quality Management/Nutrient Reduction (02097)	
This project includes activities required by the City's agreement with Beaver Water District for nutrient reduction in the White River Watershed and for regulation in the City as required by the EPA National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Permit Regulations as administered by the Arkansas Department of Environmental Quality (ADEQ). A total of $1,435,000 is estimated to be spent on this project from 2010 through 2014.	175,000
Other Drainage Improvements (02108)	
This project will allow for the construction of other drainage improvements where needed. Upper Scull Creek improvements will be funded under this project. In addition, there are numerous small drainage projects that have been identified. These projects are in the process of being prioritized for construction in the future.	200,000
Information Technology Improvements:	
Microcomputer / Printer Replacements (02057)	
This project is for the replacement of failing and outdated personal computers (PC's), AS/400 system printers, and network printers. In order to make use of increased functionality of new PC software, PC hardware must be continuously evaluated and updated. This will help to ensure reliability and the reduction of increasing maintenance costs.	85,700
Local Area Network (LAN) Upgrade (02056)	
This project is to upgrade and expand the City's Local Area Network (LAN) / Network infrastructure. The LAN is used by every division in the City across twenty plus locations connecting approximately 800 devices. Increases in the system's user base and advances in technology have created a need for hardware and operating system upgrades. Future upgrades include replacement of all switches in the primary switch room located at the city administration building with a core chassis based switch that will allow for future growth and higher speed, reliability, and availability.	125,000
Geographic Information System (GIS) (02055)	
Geographic Information Systems (GIS) are organized collections of computer hardware, software, geographic data, and personnel designed to efficiently capture, store, update, manipulate, analyze, and display all forms of geographically referenced information. This system provides necessary information for planning, engineering, Hansen, and public utility projects. Additionally, GIS provides applications to assist many other City divisions including Police, Fire, Transportation, and Parks & Recreation. This project is to upgrade and expand the City's base GIS computer hardware, software, and data collection systems to accommodate growth in the system's applications and user base.	65,000
AccessFayetteville Technical Improvements (04047)	
This project provides funding for technical improvements, enhancements, third party applications, and maintenance of the AccessFayetteville website. AccessFayetteville utilizes a commercial Content Management System (CMS) that is configured and maintained by City staff. The CMS allows end users to add, edit, and approve the content that is displayed on the website.	25,000

City of Fayetteville, Arkansas
2012 Capital Budget

Project Title & Description	2012 Budget
Document Management (02094)	
This project is to add additional scanners and licenses as new applications are added to the Electronic Document Management System (EDMS).	30,000
Data Center Upgrade (12001)	
In 2007, the City Administration Building data center moved off site into leased space due to power, space, and cooling constraints. Some of the leased data center equipment infrastructure is nine years old and will need to be replaced. This project will fund a new data center redundant air conditioning system and replacement of UPS batteries.	70,000
Other Capital Improvements:	
Building Improvements (02046)	
This project consists of the repair and replacement of damaged and worn roofs, HVAC systems, and provides for other improvements (such as remodels) to City owned buildings. This effort consists of preventive maintenance efforts to address the day to day facility operations of City facilities. During the upcoming year, the Building Maintenance Division plans to continue to work in house and through contractors.	362,600
P.E.G. Television Center - Equipment (02061)	
This project is for the replacement of various items of equipment essential to the ongoing operation of the Government Channel and the Television Center.	54,000
On-Screen Graphics Generator Upgrade (12005)	
The on-screen graphic generator creates names, lettering, and other graphics that go on the television screen in video productions in the studio and on the air. The current system has become unstable and is no longer supported by the manufacturer.	20,000
Studio Camera and Lighting Upgrades / Replacement (12008)	
This project allows periodic equipment replacement of some equipment up to and over 15 years old, such as cameras, camcorders, monitors, computers, and video recording devices. Other items include City Hall robotically controlled cameras, portable switching equipment, wireless video transfer equipment, tripods, and furniture.	85,000
Telecommunications Systems Upgrades (04001)	
The City currently has 17 telecommunications systems located throughout various facilities. These systems provide voice communications and voice mail services for all City employees at all City facility locations. Upgrades to these systems are essential to ensure no down time due to failing software and/or hardware and to ensure that all software versions are kept current to provide the most up-to-date technology. With all future upgrades, replacement equipment will be integrated so that all city facilities communicate in unison as if on one main system. Internal and external communications will be significantly enhanced. This system has suffered some serious crashes that have been detrimental to public safety communications. The police and city hall systems are integrated together and are the largest switches of all the facilities.	60,000
Library Improvements:	
Library Materials Purchases (02049)	
This project provides library materials including literature, non-fiction, reference resources, films, books on CD, e-books, and parenting resources. The Fayetteville Public Library seeks to provide a collection of library materials at a level commensurate with benchmark cities, e.g. Lawrence, Ames, Champaign, Denton, Iowa City as well as the national average for cities with a population of 50,000 to 99,000. In 2010, over one million items were borrowed and this upward trend is projected to continue.	336,500

City of Fayetteville, Arkansas
2012 Capital Budget

Project Title & Description	2012 Budget
Library Computer Replacements (04004)	
This project provides rotational replacement of computer resources. Public access computing is a core service ensuring all residents have computer and high speed connectivity. Uses include job searches, completing e-forms, classes, email, research, writing, school assignments, etc.	23,000
Parks & Recreation Improvements:	
Other Park & Safety Improvements (02014)	
A prairie restoration project is ongoing at Lake Fayetteville to convert early succession fields into native prairie and oak savannah habitat. Park staff is working in other park locations to reduce mowing and maintenance cost by re-establishing native grasses, trees, and shrubs. Native grasses and wildflowers are also established along newly constructed trails to reduce maintenance cost. This project will include herbicide applications as needed, seed and plant purchases and installation, prescribed burns, and other related work to establish native grasses, trees, and shrubs.	10,000
Forestry, Safety & ADA Compliance (02045)	
The forestry project consists of tree care, tree/landscape installation, the tree farm, community and school education, mature tree restoration, annual operating charges for the grinder and chipper, and maintenance and removal of hazardous trees in parks and public lands. The National Arbor Day tree give away is also included. Funds are required to maintain a sustainable tree farm and turf resource, eventually reducing the need to purchase trees and sod from outside vendors. A mature tree restoration program consisting of aeration of compacted soil and root stimulation will be utilized in various parks. Funds for unforeseeable emergencies occurring in parks due to inclement weather and vandalism or replacement and renovations of park amenities to meet ADA/safety standards are budgeted each year.	108,500
Lights of the Ozarks (02001)	
The Lights of the Ozarks display was initiated in 1993 by the Chamber of Commerce. The Advertising & Promotion (A&P) Commission gave $40,000 the first year to help establish the event. For the past 18 years, the City has installed the lights and the Chamber of Commerce and the A&P Commission have organized related events. Over 500,000 lights are displayed from Thanksgiving until New Years Eve. The A&P Commission estimates over 300,000 people come to view the display. It is one of the most popular winter festivals in Fayetteville.	23,000
Tree Escrow (08001)	
Funds from this project can be used in a variety of ways such as planting or maintaining trees with either a seasonal FTE or by contract labor or to identify planting spaces using a tree inventory. Funds for this project are deposited through the development processes defined in Chapter 167 of the UDC and must be used within seven years or be refunded. The funds are first spent within the development or within one mile and/or within the appropriate quadrant.	101,000

City of Fayetteville, Arkansas
2012 Capital Budget

Project Title & Description	2012 Budget
Police Improvements:	
Police Technology Improvements (06002)	
This project provides for the upgrade and replacement of computer and networking equipment, which is obsolete and/or malfunctioning. By providing updated equipment, officers will be kept informed of pertinent records. This project includes purchases for increased storage capacity and software to manage digital media files, improve wireless connectivity between the main police facility and substations, and other improvements as they become necessary.	50,000
Police Unmarked Vehicles (06003)	
The Police Department utilizes unmarked vehicles for a variety of tasks, such as gathering intelligence. Other tasks include the following: Conducting pre-raid intelligence for ERT deployment Conducting narcotics operations Patrolling for vandals Patrolling for burglars and thieves Conducting alcohol enforcement patrols Conducting surveillance for all the above activities Any activity that must be kept covert	70,000
Police Building Improvements (02047)	
This project is to repair/replace aging items such as flooring, cabinets, lighting, and small HVAC units in the Police Department building.	25,000
Police Specialized Equipment (02062)	
This project is to replace outdated and/or malfunctioning equipment used during police operations. Equipment items such as tasers, digital cameras, radars, decibel meters, surveillance equipment and other specialized equipment are needed for officers to perform duties.	50,000
Police MVR Replacement (12006)	
This project provides for the replacement of mobile video recorders. The current MVR's were purchased in 2007 and have a five year life expectancy. MVR's are an important component of each patrol unit by documenting evidence to support prosecution and makes citizen complaints more easily investigated.	185,000
Fire Safety Improvements:	
Fire Facility Maintenance (02006)	
This project is for major repairs to existing facilities that cannot be funded through the normal operating budget. It includes but is not limited to central station's roof repairs and fire escape replacements, remodeling of existing stations, and structural repairs for the central fire station.	25,000
Mobile Radios (10015)	
This project is to replace obsolete hand held and mobile station radios. This project will allow four to five radios to be replaced each year. The estimated replacement cost is $3,500 per radio.	20,000
Audit Expense	7,300
Total Sales Tax Capital Improvements Fund Projects:	6,702,600

City of Fayetteville, Arkansas
2012 Capital Budget

Project Title & Description	2012 Budget
Water & Sewer Fund (5400)	
WWTP Capital (5800)	
Upgrade/Replace Lift Stations - W.W.T.P. (02068)	
The lift stations provide a vital function in the overall treatment of wastewater. The stations are exposed to extreme wear conditions and must be upgraded routinely. Additionally, new developments within the City increase the flow to various stations requiring additional or higher capacity equipment.	112,000
Plant Pumps and Equipment - W.W.T.P. (02069)	
Many pieces of the WWTP equipment are essential to the wastewater treatment process. The equipment may suffer catastrophic failure and become unusable with little advance warning. The plant cannot operate and continue to produce permit complying effluent without adequate equipment. The project allows WWTP personnel to adapt to the needs of each season and year and still maintain compliance.	119,000
Building Improvements - W.W.T.P. (02032)	
This project is for structural maintenance, repair, and replacement of the existing buildings or parts of the buildings at both wastewater treatment plants.	36,000
Irrigation Reels - W.W.T.P. (11010)	
This project will replace the twelve existing reels that were purchased between 1985 and 1987. With a life expectancy of approximately 20 years, maintenance is becoming more extensive and costly. The irrigation reels are used to apply treated wastewater to the land application site, as described in the State approved Waste Management Plan and the State Land Application Permit. The effluent irrigation helps to minimize discharge to the White River during the summer months, therefore reducing the nutrient loadings of ammonia and phosphorus to the receiving stream. It also helps to stimulate growth of the Bermuda grass, therefore enhancing phosphorus uptake from the soil.	143,000
Phosphorus Standards Management(10027)	
This project supports efforts by the City operating independently or as part of a regional northwest Arkansas team, relating to phosphorus and other potential changes to stream standards, water quality standards and regulations, and wastewater discharge requirements. Some of the funds may be paid into regional efforts coordinated through Northwest Arkansas Regional Planning, the Northwest Arkansas Council, or other cooperative efforts.	50,000
Meter Operations Capital (1840)	
Water Meters (02065)	
This project is for the replacement of old water meters damaged beyond repair and expansion meters for new water service. Additional radio-read units will be installed on water meters that are located in difficult areas such as fenced back yards, alleys, inside buildings, and other time consuming locations.	330,000
Backflow Prevention Assemblies (02066)	
This project is for installation or replacement of backflow prevention assemblies on City facilities to meet backflow prevention mandate orders by the Arkansas Department of Health (ADH).	12,000

City of Fayetteville, Arkansas
2012 Capital Budget

Project Title & Description	2012 Budget
Business Office Improvements (03038)	
This project is for various improvements in business office hardware, safety features, and office configuration. Specific improvements include the purchase of additional blue-bar printers to increase employee efficiency and installation of an emergency alarm system to notify the Police Department in the event of an unsafe condition or disruptive customer.	50,000
Capital Water Mains (5600)	
W/S Relocations for Street Bond Projects (11011)	
This project is for various water and sewer relocations for street bond projects where the street bond fund does not have sufficient funds to cover the utility relocations or where the water and/or sewer lines are to be increased in capacity. Projects are to be paid by Water & Sewer revenue bond funds.	500,000
Water System Rehabilitation & Replacement (12009)	
This project provides for upgrading, replacing, or rehabilitating existing water infrastructure consisting of water storage, pumping, and distribution assets system wide. Specific work will be determined based on the need to stop leaks, reduce water loss, increase local or area flow and/or pressure in areas with insufficient capacity, in order to meet current and projected future domestic, commercial and industrial flow, and fire flow demands. It may create loops and replace or rehabilitate pipes, pump stations, and/or storage assets.	143,000
Water Replace - Huntsville, Crossover to Van Hoose (11012)	
This project is to install approximately 19,000 feet of 12" water line on Huntsville Road (Highway 16) between Crossover Road (Highway 265) and Van Hoose Drive. The project is required for several reasons: the soil is corrosive and the existing 8" line experiences numerous major breaks; the need for an increase in the capacity of the line feeding the area served by this line has been identified in every water mater plan performed starting in 1988; some of the higher elevation areas south of Huntsville Road experience low pressure during high water usage; and the fire protections available in the area needs to be increased.	1,239,500
Sewer Mains Construction (5700)	
Sanitary Sewer Rehabilitation (02017)	
This project will reduce storm and ground water flows into the system which cause sewer overflows and is required to meet state and federal laws. Negotiations with the ADEQ produced the agreement that as long as the City continues to pursue rehabilitation, no enforcement action will be initiated. Rehabilitation is required in areas with wet weather overflows to allow continued development. This project includes replacing and lining existing sewer mains and manholes, upgrading lift stations, and building relief lines. Design flows for the new West Side WWTP are based on continued rehabilitation. Minisystems 6, 9, 9x, 14A, 14B, 20 and Greenland require all work field study, analysis, design, and construction.	330,000
Total Water & Sewer Fund Projects:	3,064,500

City of Fayetteville, Arkansas
2012 Capital Budget

Project Title & Description	2012 Budget
Solid Waste Fund (5500)	
Solid Waste Improvements	
Compost Site Slab Expansion (10002)	
This project is to concrete the current composting pad to improve operations within the composting program. Increased waste diversion through composting of organic wastes, will be the result of this project. Modifying the composting permit from a class "Y", designating yard waste only, to a class "O" for organics will necessitate the concreting of the current site over a period of three years in order to effectively operate an organics composting program. Storm water drainage / detention improvements will also be a part of the expansion. Operating an organics composting operation requires frequent turning of rows which presently is hindered by rain events rendering the pad unusable for the compost row turner unless the pad is dry. Turning of rows allows more oxygen into the process thereby reducing odors, which will be a major concern when operating a class "O" facility.	14,000
Solid Waste Compactors (10001)	
The drop box program utilizes compactor boxes to efficiently handle solid waste from large quantity generators. Compactor boxes decrease the frequency of collection and are serviced with existing drop box trucks. The aesthetics are improved by having a compactor as opposed to multiple dumpsters to service. Many businesses desire this type of collection. The division is competitively pursuing accounts currently serviced by private franchised haulers.	119,000
North / Central Recycling Drop Off Facility (12004)	
Recycling drop offs provide the most cost effective option for expanding the recycling program to service multi-family and others not serviced through the curbside program. Expanding drop offs to other areas in the City will provide more convenient opportunities to recycle, expand recycling and environmental education opportunities, and increase volunteer opportunities. Drop off size can be functional in a 200' x 200' area; however, landscaping and educational components should be considered. This project may provide funds for a land purchase based on site availability. The north/central expansion is planned for 2012.	455,000
Total Solid Waste Fund Projects:	588,000

City of Fayetteville, Arkansas
2012 Capital Budget

Project Title & Description	2012 Budget
Shop Fund (9700)	
Other Capital Improvements (1920)	
Shop Improvements (12007)	
This project is to increase efficiency by installing a drive-on in-floor lift, a two post lift, and an overhead crane, building a storage shed to house the new lube system, and modifying the current in-floor lift. The last upgrade of equipment for technicians was in 1997.	295,000
Fleet Operations Capital (1920)	
Police/Passenger Vehicles - Replacement (02081)	
The purpose of this project is to replace obsolete or high maintenance vehicles which are no longer suited for service. 2012 purchases include: three mid-size sedans, six police package Tahoes, one police package motorcycle, and on mid-size sport utility.	320,000
Solid Waste Equipment - Replacement (02082)	
The purpose of this project is to replace obsolete or high maintenance sanitation vehicles which are no longer suited for solid waste collection or recycling. 2012 purchases include two front loader units, three side loader units, and two recycling units.	1,556,000
Construction Equipment - Replacement (02077)	
The purpose of this project is to replace obsolete or high maintenance vehicles which are no longer suited for regular service. 2012 purchase is for a dozer.	105,000
Heavy Utility Trucks - Replacement (02079)	
The purpose of this project is to replace obsolete or high maintenance vehicles which are no longer suited for regular service. 2012 purchases include a truck tractor and a dump truck.	197,000
Tractors/Mowers - Replacement (02083)	
The purpose of this project is to replace obsolete or high maintenance vehicles which are no longer suited for regular service. 2012 purchases include a hay baler, two brush mowers, and a mower.	108,000
Light/Medium Trucks - Replacement (02078)	
The purpose of this project is to replace obsolete or high maintenance vehicles which are no longer suited for regular service. 2012 purchases include seven trucks.	302,000
Other Vehicles/Equipment - Replacement (02080)	
The purpose of this project is to replace obsolete or high maintenance vehicles which are no longer suited for regular service. 2012 purchases include two plows, a pump, a truck mounted sewer cleaner, a semi trailer, and a sidewalk sweeper.	453,000
Backhoes/Loaders - Replacement (02076)	
The purpose of this project is to replace obsolete or high maintenance vehicles which are no longer suited for regular service. 2012 purchases include four backhoes.	274,000
Total Shop Fund Projects:	3,610,000
Total Capital Improvements Program - 2012 Projects	$ 15,600,000

City of Fayetteville's Debt Position

The City of Fayetteville has established a practice and policy of paying for all capital projects and capital improvements on a pay-as-you-go basis using current revenues, whenever possible. If a project or improvement is of sufficient size and need that it cannot be financed with current revenues, long-term debt will be recommended. The basis for this policy is that the City has maintained a commitment to infrastructure improvement and maintenance. The City also considers the cost versus the benefits of debt financing. A recommendation is made only when the benefits outweigh the costs. The City's debt policy also states that the City will attempt to refinance outstanding debt if a determination is made that the City will benefit by reduced interest expense over the remaining life of the bonds.

Like most municipalities, the City of Fayetteville borrows funds through tax exempt municipal bonds. The City carefully analyzes each proposed bond issue to determine the need for the improvement, its useful life, and current and future revenues available to provide debt service. Existing debt service requires resources from both general governmental resources and enterprise fund resources.

Bond Ratings

The City's debt policy says that the communications will be maintained with the bond rating agencies and that the City will continue to strive for improvements in the City's bond rating. Such communications are vitally important due to the fact that, generally speaking, the higher rating a city has the lower the interest rate that must be paid. As such, the City will periodically confer with the rating agencies to update them on the financial status of the City.

The two major investment services for bond ratings are Standard & Poor's Corporation and Moody's Investor Service. The following schedule briefly describes the ratings provided by the respective agencies for municipal bonds.

Moody's and Standard & Poor's Credit Ratings for Municipal Bonds

Ratings		Description
Moody 's	Standard & Poor's	
Aaa	AAA	Best quality, extremely strong capacity to pay principal and interest.
Aa	AA	High quality, very strong capacity to pay principal and interest.
A-1 A	A	Upper medium quality, and strong capacity to pay principal and interest.
Baa-1 & Baa	BBB	Medium grade quality, adequate capacity to pay principal and interest.
Ba and lower	BB and lower	Speculative quality, low capacity to pay principal and interest.

Description of Outstanding Bonds

Special Obligation Bonds

Sales & Use Tax Refunding and Capital Improvement Bonds, Series 2005B: The bonds are special obligations of the City payable from receipts from a three-quarter of one percent citywide sales and use tax. The proceeds of the bonds are for the purpose of financing a portion of the costs of certain improvements to the City's wastewater treatment plants and sewerage and related facilities. The original issue amount was $45,000,000.

Property Tax Increment Interest Accretion Bonds (Highway 71 East Square Redevelopment District No. 1 Project), Series 2005: The bonds are special obligations of the City payable solely from the Property Tax Increment of the District and monies in the funds and accounts established under the Indenture. The proceeds of the bonds were issued for the purpose of financing the costs of acquisition of certain real property within the City, the demolition of existing structures thereon, site preparation in connection therewith and the construction of sidewalk and crosswalk improvements. The original issue amount was $3,725,000.

Sales and Use Tax Capital Improvement Bonds, Series 2006A: The bonds are special obligations of the City secured by and payable solely from receipts from a one-quarter and a three-quarter of a one percent citywide sales and use tax. The proceeds of the bonds are for the purpose of financing a portion of the costs of certain improvements to the City's wastewater treatment plants, sewerage and related facilities, to certain City streets, and to the City's trail system. The original issue amount was $50,000,000.

Sales and Use Tax Capital Improvement RLF, Series 2006: The City of Fayetteville issued Not to Exceed $20,000,000 Sales and Use Tax Bond Series 2006 through the Arkansas Natural Resources Commission bond program commonly referred to as the Revolving Loan Fund (RLF). The bonds were issued for financing a portion of the costs of improvements to the City's wastewater treatment plants, sewerage and related facilities. The 2006 bonds are special obligations of the City secured by and payable solely from receipts of the .75% city-wide sales and use tax approved by the voters to support the project. All $20,000,000 in bonds has been issued.

Sales and Use Tax Capital Improvement Bonds, Series 2007A: The bonds are special obligations of the City secured by and payable solely from receipts from a one-quarter and a three-quarter of a one percent citywide sales and use tax. The proceeds of the bonds are for the purpose of financing the costs of certain improvements to the City's wastewater treatment plants, sewerage, and related facilities. The original issue amount was $14,340,000.

Sales and Use Tax Capital Improvement Bonds, Series 2009A: The bonds are special obligations of the City secured by and payable solely from receipts from a one-quarter and a three-quarter of a one percent citywide sales and use tax. The proceeds of the bonds are for the purpose of financing a portion of the costs of certain improvements certain City streets and to the City's trail system. The original issue amount was $11,250,000.

Revenue Bonds

Hotel & Restaurant Gross Receipts Tax Refunding, Series 2003: These bonds are special obligations of the City and were issued for the purpose of refinancing the Hotel & Restaurant Gross Receipts Tax Refunding bonds, Series 1998. The bonds are payable solely from amounts received by the City from a 1% Hotel & Restaurant Gross Receipts tax. As a result of the refunding, the City has a projected net present value savings of approximately $334,000 over the remaining life of the bonds. The original issue amount was $6,335,000.

Water & Sewer System Refunding, Series 2002B: The bonds are payable solely from the net revenues derived from the operation of Fayetteville's water and sewer system. The proceeds of the bonds were used to refund Series 1994 and Series 2000 water and sewer system bonds. The refundings were issued to take advantage of lower interest rates, to restructure existing bond covenants, and to mitigate any interest risk on the variable interest rate of the Series 2000 bond issue. The original issue amount was $6,540,000.

Water & Sewer System Refunding, Series 2004: The bonds are payable solely from the net revenues derived from the operation of Fayetteville's water and sewer system. The proceeds of the bonds were used to refund Series 1999 water and sewer system bonds. The refundings were issued to take advantage of lower interest rates, to restructure existing bond covenants, and to mitigate any interest risk on the variable interest rate of the Series 1999 bond issue. The original issue amount was $6,090,000.

Water & Sewer System, Series 2009A: The bonds are payable solely from the net revenues derived from the operation of Fayetteville's water and sewer system. The bonds do not constitute an indebtedness of the City within the meaning of any constitutional or statutory debt limitation or restriction. The issuance of the Series 2009 Bonds shall not directly, indirectly or contingently obligate the City to levy or pledge any taxes whatsoever or to make any appropriation for the payment of the Series 2009 Bonds. The original issue amount was $8,210,000.

Notes Payable

Brooks-Hummel Land Purchase, 2007: In June 2007, the City entered into a promissory note with Forrest F. Brooks Revocable Trust for the purchase of 13.75 acres of land for $495,000. The agreement terms included $167,000 to be paid at closing and the remaining $328,000 to be paid annually in five installments plus 6% interest on the unpaid balance.

City of Fayetteville, Arkansas
Bonds Outstanding
December 31, 2011

Description	Outstanding			
	Bond Issue	Due Dates	Interest Rates	Amount
Special Obligation Bonds				
Sales and Use Tax Capital Refunding & Capital Improvement Bonds, Series 2005B	2005	2009-2015	3.957-4.00%	$ 18,415,000
Tax Increment Interest Accretion Bonds	2005	2006-2029	6.50%	3,345,000
Sales and Use Tax Capital Improvement Bonds, Series 2006A	2006	2006-2021	3.00-5.00%	47,470,000
Sales and Use Tax Capital Improvement Revolving Loan Fund (RLF)	2006	2009-2018	3.00%	14,611,968
Sales and Use Tax Capital Improvement Bonds, Series 2007A	2007	2007-2026	4.20-4.47%	12,740,000
Sales and Use Tax Capital Improvement Bonds, Series 2009A	2009	2015-2021	3.00-3.85%	10,945,000
				107,526,968
Revenue Bonds				
Hotel & Restaurant Gross Receipts Tax Refunding	2003	2004-2015	2.55-3.55%	2,475,000
Water & Sewer System Refunding, Series 2002B	2002	2004-2017	4.15-4.95%	4,085,000
Water & Sewer System Refunding, Series 2004	2004	2004-2012	2.8-4.00%	1,515,000
Water & Sewer System, Series 2009	2009	2009-2020	2.10-3.70%	8,210,000
				16,285,000
Notes Payable				
Brooks-Hummel Land Purchase	2007	2008-2012	6.00%	73,459
				73,459
				$ 123,885,427

City of Fayetteville, Arkansas
2012 Debt Service Payment Schedule

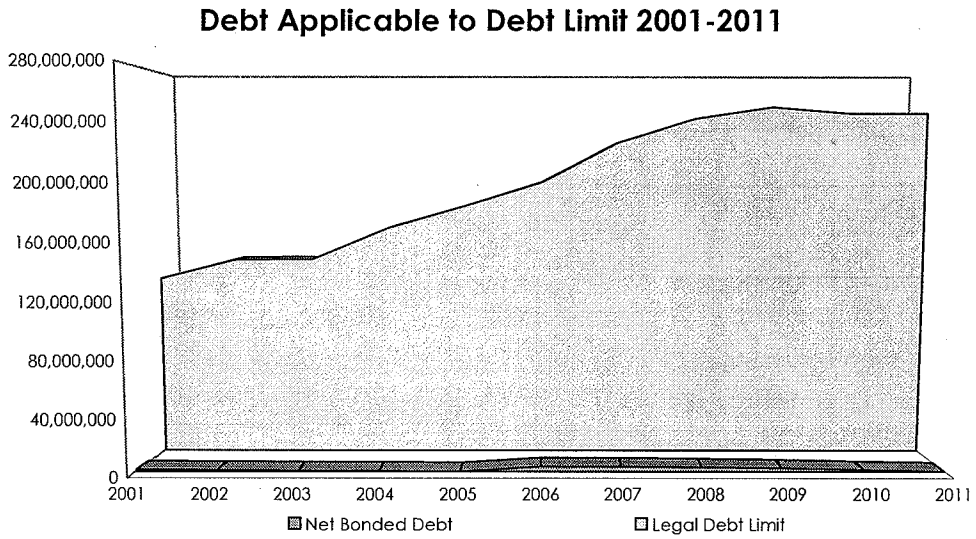
Description	Bond Issue	Principal	Interest	Total
Special Obligation Bonds				
Sales and Use Tax Capital Refunding & Capital Improvement Bonds, Series 2005B	2005	$ 8,200,000	$ 736,600	$ 8,936,600
Sales and Use Tax Capital Improvement Bonds, Series 2006A	2006	0	2,116,076	2,116,076
Sales and Use Tax Capital Improvement Bonds, Series 2007A	2007	0	622,725	622,725
Sales and Use Tax Capital Improvement Revolving Loan Fund (RLF)	2006	1,905,656	424,173	2,329,829
Sales and Use Tax Capital Improvement Bonds, Series 2009A	2009	0	403,226	403,226
		10,105,656	4,302,800	14,408,456
Revenue Bonds				
Hotel & Restaurant Gross Receipts Tax Refunding	2003	590,000	83,648	673,648
Water & Sewer System Refunding, Series 2002B	2002	605,000	195,505	800,505
Water & Sewer System Refunding, Series 2004	2004	1,515,000	60,600	1,575,600
Water & Sewer System, Series 2009A	2009	0	250,232	250,232
		2,710,000	589,985	3,299,985
Notes Payable:				
Brooks-Hummel Land Purchase	2007	73,459	4,408	77,867
		73,459	4,408	77,867
Total Debt Service Payments		$ 12,889,115	$ 4,897,193	$ 17,786,308

City of Fayetteville, Arkansas
Computation of Legal Debt Margin
December 31, 2011

General Obligation Debt Limit

Debt margin is a calculation based on the assessed value of property located within the City limits. The debt limit is established by state statute and is limited to 20% of assessed value.

2011 Assessed Value		$ 1,249,812,400 *
Debt Limit - 20% of Assessed Value		249,962,480
General Obligation Bonds Payable	$ 0	
Less: Debt Service Fund	0	
Total Debt Applicable to Debt Limit		0
Legal Debt Margin		$ 249,962,480



Enterprise Fund Debt Limit (Revenue Bond Debt)

Enterprise fund debt is established by the cash flow for each enterprise fund. For example, the Water & Sewer Fund must be able to generate sufficient cash flows to meet normal operating and capital, as well as provide sufficient resources to meet the annual debt service requirements. Prior to issuing enterprise fund bonds, an analysis of current revenues and expenses is conducted to determine the revenues required to support a bond issue.

Special Obligation Bond Debt Limit

Special obligation bond debt is limited by the maximum amount of the special source (such as sales tax) can generate within terms of bond covenants.

** Note: The assessed value does not include City utilities.*

City of Fayetteville, Arkansas
Total Debt to Maturity Schedule - All Funds
December 31, 2011

	Principal Amount					
Maturity Year	Beginning Balance	Additions	Reductions	Ending Balance	Interest	Annual Debt Requirement
2011	136,499,475	0	12,614,048	123,885,427	5,368,668	17,982,716
2012	123,885,427	0	12,889,115	110,996,312	4,897,193	17,786,308
2013	110,996,312	0	12,558,255	98,438,057	4,400,180	16,958,435
2014	98,438,057	0	5,832,594	92,605,463	3,932,763	9,765,357
2015	92,605,463	0	12,853,727	79,751,736	3,730,739	16,584,466
2016	79,751,736	0	12,716,708	67,035,028	3,197,471	15,914,179
2017	67,035,028	0	13,256,592	53,778,436	2,658,919	15,915,511
2018	53,778,436	0	13,828,436	39,950,000	2,090,771	15,919,207
2019	39,950,000	0	12,040,000	27,910,000	1,541,067	13,581,067
2020	27,910,000	0	11,060,000	16,850,000	1,034,030	12,094,030
2021	16,850,000	0	8,205,000	8,645,000	669,594	8,874,594
2022	8,645,000	0	1,255,000	7,390,000	310,644	1,565,644
2023	7,390,000	0	1,315,000	6,075,000	247,893	1,562,893
2024	6,075,000	0	1,385,000	4,690,000	182,144	1,567,144
2025	4,690,000	0	1,345,000	3,345,000	123,281	1,468,281
2026	3,345,000	0	0	3,345,000	62,081	62,081
2027	3,345,000	0	0	3,345,000	0	0
2028	3,345,000	0	0	3,345,000	0	0
2029	3,345,000	0	3,345,000	0	12,900,310	16,245,310
		$ 0	$ 136,499,475		$ 47,347,748	$ 183,847,223

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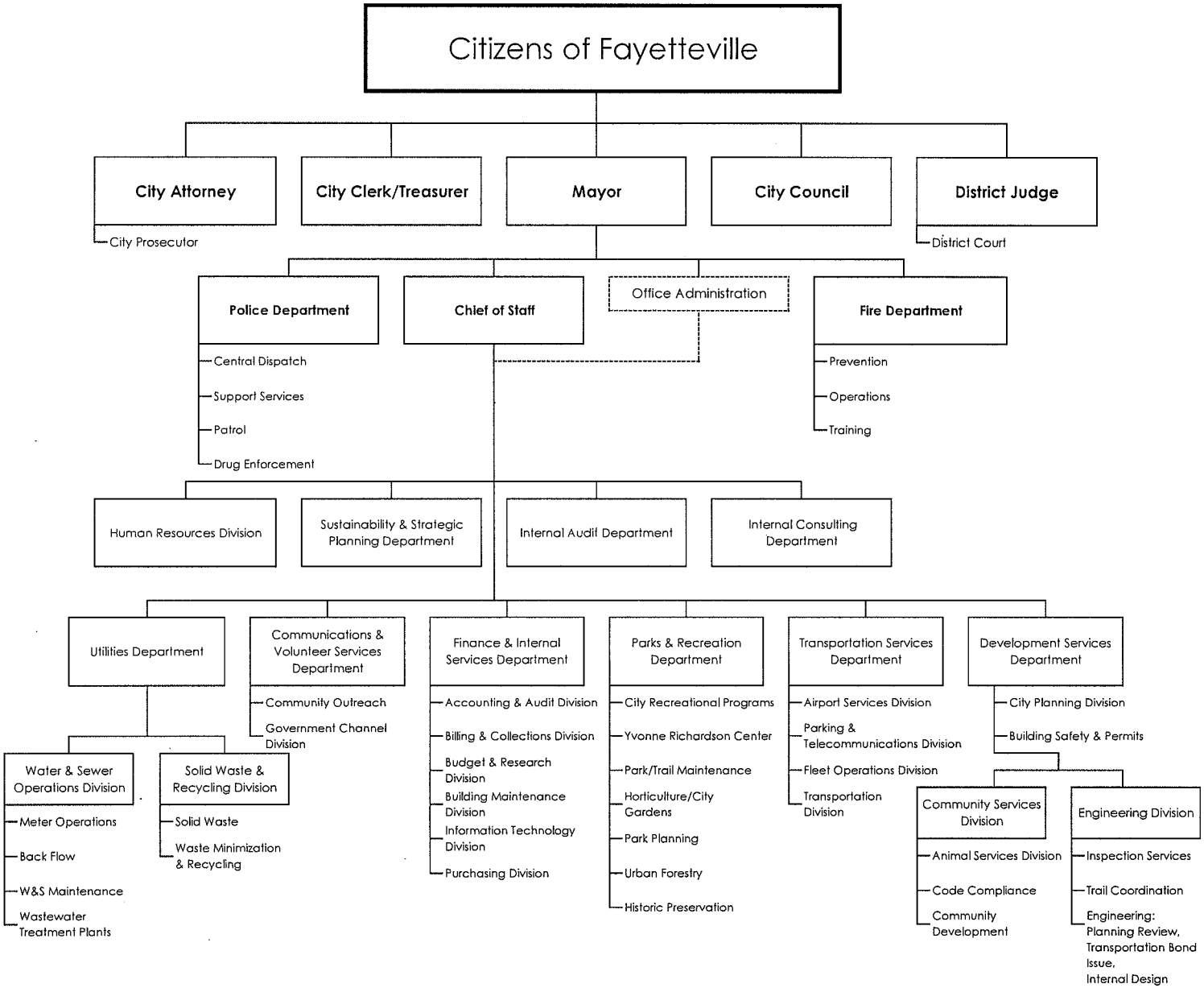
City of Fayetteville, Arkansas

Organizational Chart



Officials of the City of Fayetteville, Arkansas

Elected Officials

Mayor	Lioneld Jordan	479.575.8330	mayor@ci.fayetteville.ar.us
Ward 1, Position 1	Adella Gray	479.442.4958	Ward1_pos1@ci.fayetteville.ar.us
Ward 1, Position 2	Brenda Boudreaux	479.442.3095	Ward1_pos2@ci.fayetteville.ar.us
Ward 2, Position 1	Mark Kinion	479.521.7632	Ward2_pos1@ci.fayetteville.ar.us
Ward 2, Position 2	Matthew Petty	479.442.5536	Ward2_pos2@ci.fayetteville.ar.us
Ward 3, Position 1	Justin Tennant	479.973.5202	Ward3_pos1@ci.fayetteville.ar.us
Ward 3, Position 2	Bobby Ferrell	479.442.3535	Ward3_pos2@ci.fayetteville.ar.us
Ward 4, Position 1	Rhonda Adams	479.442.4612	Ward4_pos1@ci.fayetteville.ar.us
Ward 4, Position 2	Sarah Lewis	479.442.5415	Ward4_pos2@ci.fayetteville.ar.us
City Attorney	Kit Williams	479.575.8313	kwilliams@ci.fayetteville.ar.us
City Clerk/Treasurer	Sondra Smith	479.575.8323	City_clerk@ci.fayetteville.ar.us
District Judge	Rudy Moore	479.587.3590	rmoore@ci.fayetteville.ar.us

Management Staff

Executive Staff			
Chief of Staff	Don Marr	479.575.8330	dmarr@ci.fayetteville.ar.us
Acting Police Chief	Greg Tabor	479.587.3565	police@ci.fayetteville.ar.us
Fire Chief	David Dayringer	479.575.8365	fire@ci.fayetteville.ar.us
Senior Department Directors			
Communications & Marketing Director	Lindsley Smith	479.575.8330	lsmith@ci.fayetteville.ar.us
Development Services Director	Jeremy Pate	479.575.8265	jpate@ci.fayetteville.ar.us
Finance Director	Paul A. Becker	479.575.8330	pbecker@ci.fayetteville.ar.us
Parks & Recreation Director	Connie Edmonston	479.444.3471	parks_and_recreation@ci.fayetteville.ar.us
Transportation Services Director	Terry Gulley	479.575.8228	transportation@ci.fayetteville.ar.us
Utilities Director	David Jurgens	479.575.8330	djurgens@ci.fayetteville.ar.us
Division Heads			
Accounting Director	Marsha Hertweck	479.575.8281	accounting@ci.fayetteville.ar.us
Billing & Collections Manager	Rainy Laycox	479.521.1258	rlaycox@ci.fayetteville.ar.us
Budget Director	Kevin Springer	479.575.8347	budget_research@ci.fayetteville.ar.us
Building Maintenance Superintendent	Larry Rennie	479.575.8363	building_services@ci.fayetteville.ar.us
City Engineer	Chris Brown	479.575.8206	engineering@ci.fayetteville.ar.us
City Prosecutor	Casey Jones	479.575.8377	cjones@ci.fayetteville.ar.us
Community Services Director	Yolanda Fields	479.575.8260	community_services@ci.fayetteville.ar.us
Director of Aviation	Ray Boudreaux	479.718.7642	rboudreaux@ci.fayetteville.ar.us
Dispatch Manager	Kathy Stocker	479.587.3555	police@ci.fayetteville.ar.us
District Court Administrator	Dena Stockalper	479.587.3591	district_court@ci.fayetteville.ar.us
Fleet Operations Superintendent	Dennis Pratt	479.444.3495	fleet@ci.fayetteville.ar.us
Government Channel Manager	Fritz Gisler	479.444.3434	fgisler@ci.fayetteville.ar.us
Human Resources Director	Missy Leflar	479.575.8278	mleflar@ci.fayetteville.ar.us
Information Technologies Director	Scott Huddleston	479.575.8320	information_technology@ci.fayetteville.ar.us
Internal Auditor	Vicki Deaton	479.575.8261	vdeaton@ci.fayetteville.ar.us
Internal Consulting Director	Karen Minkel	479.575.8271	kminkel@ci.fayetteville.ar.us
Parking & Telecommunications Manager	Sharon Waters	479.575.8280	parking@ci.fayetteville.ar.us
Purchasing Manager	Peggy Vice	479.575.8256	purchasing@ci.fayetteville.ar.us
Solid Waste & Recycling Manager	Carrol Hill	479.575.8398	solid_waste@ci.fayetteville.ar.us
Sustainability & Strategic Plan. Director	John Coleman	479.575.8272	jcoleman@ci.fayetteville.ar.us
Water & Wastewater Operations Manager	Will Winn	479.575.8386	water_and_sewer_maintenance@ci.fayetteville.ar.us

City of Fayetteville, Arkansas
2012 Operating Budget
Outside Agency Funding

	Actual 2010	Budgeted 2011	Estimated 2011	Budgeted 2012
General Fund (1010):				
Ozark Regional Transit	$ 254,000	$ 254,000	$ 254,000	$ 254,000
Fayetteville Boys & Girls Club	57,600	205,350	205,350	205,350
Community Access Television	93,000	93,000	93,000	93,000
NWAEDD (Senior Center)	23,350	53,350	53,350	53,350
Razorback Transit	50,000	50,000	50,000	50,000
Ozark Military Museum	6,000	6,000	6,000	6,000
Arkansas Air Museum	6,000	6,000	6,000	6,000
*NWA Regional Planning	36,937	36,937	36,937	40,469
*Central Emergency Medical Service	247,500	270,000	270,000	270,000
	774,387	974,637	974,637	978,169
Parks Development Fund (2250):				
Fayetteville Boys & Girls Club	147,750	0	0	0
NWAEDD (Senior Center)	30,000	0	0	0
	177,750	0	0	0
Total Outside Agency Funding	$ 952,137	$ 974,637	$ 974,637	$ 978,169

* These Outside Agencies Have Interlocal Governmental Agreements.

LISTING OF ACRONYMS

A&P ..... Advertising & Promotion
ADA ..... Americans with Disabilities Act
ADEQ ..... Arkansas Department of Environmental Quality
ADH ..... Arkansas Department of Health
AED ..... Automated External Deliberator
AEP ..... Arkansas Electric Power
AHTD ..... Arkansas Highway Transportation Department
AMP ..... Aircraft Maintenance Professionals
BMX ..... Bicycle Motocross
BOD ..... Biochemical Oxygen Demand
CAD ..... Computer Aided Design
CAFR ..... Comprehensive Annual Financial Report
CALEA ..... Commission on Accreditation for Law Enforcement Agencies
CAT ..... Community Access Television
CD ..... Compact Disc
CDBG ..... Community Development Block Grant
CIP ..... Capital Improvements Program
CMS ..... Content Management System
COLA ..... Cost of Living Adjustment
CPI ..... Consumer Price Index
CPR ..... Cardiovascular Pulmonary Resuscitation
DOT ..... Department of Transportation
DTF ..... Drug Task Force
DWI ..... Driving While Intoxicated
ED ..... Economic Development
EDI ..... Economic Development Initiative
EDMS ..... Electronic Document Management System
EMS ..... Emergency Medical Services
EMT ..... Emergency Medical Technician
EPA ..... Environmental Protection Agency
ERT ..... Emergency Response Team
FAA ..... Federal Aviation Administration
FAR ..... Federal Aviation Regulation
FASB ..... Financial Accounting Standards Board
FBO ..... Field Based Operator
FCC ..... Federal Communication Commission
FEDC ..... Fayetteville Economic Development Council
FEMA ..... Federal Emergency Management Agency
FHWA ..... Federal Highway Administration
FOIA ..... Freedom of Information Act
FTE ..... Full-Time Equivalent
GA ..... General Aviation
GAAP ..... Generally Accepted Accounting Principles
GASB ..... Governmental Accounting Standards Board
GFOA ..... Government Finance Officers Association
GHG ..... Greenhouse Gas

LISTING OF ACRONYMS, (continued)

GIS ..... Geographic Information System
HIRL ..... High Intensity Runway Lights
HMI ..... Human Machine Integration
HMR ..... Hotel/Motel Restaurant Tax
HOME ..... HOME Grant Program
HUD ..... Housing & Urban Development
HVAC ..... Heating, Ventilation, and Air Conditioning
IPP ..... Industrial Pretreatment Program
ISO ..... International Standards Organization
IT ..... Information Technology
LAN ..... Local Area Network
LED ..... Light Emitting Diode
LOPFI ..... Local Police and Fire Retirement
MDT ..... Mobile Data Terminal
MGD ..... Million Gallons per Day
MLK ..... Martin Luther King
MRF ..... Materials Recovery Facility
MUTCD ..... Manual on Uniform Traffic Control Devices
MVR ..... Mobile Video Recorder
NPDES ..... National Pollutant Discharge Elimination System
NWA ..... Northwest Arkansas
O&M ..... Operation & Maintenance
ORT ..... Ozark Regional Transit
PAPI ..... Precision Approach Path Indicator
PC ..... Personal Computer
PEG ..... Public/Education/Government
PO ..... Purchase Order
PRAB ..... Parks & Recreation Advisory Board
RFP ..... Request for Proposals
ROW ..... Right-of-Way
RLF ..... Revolving Loan Fund
RTU ..... Remote Terminal Units
SCADA ..... Supervisory Control & Data Acquisition
TIF ..... Tax Increment Financing
TSS ..... Total Suspended Solids
UDC ..... Unified Development Code
USACE ..... United States Army Corps of Engineers
UV ..... Ultra Violet
W&S, W/S ..... Water & Sewer
WSIP ..... Wastewater System Improvements Project
WWT ..... Wastewater Treatment
WWTP ..... Wastewater Treatment Plant
W/WW ..... Water/Wastewater
YRCC ..... Yvonne Richardson Community Center

GLOSSARY

ACCOUNT GROUP. A self-balancing set of accounts which are not a fund or a fiscal entity. General Fixed Assets Account Group and General Long-Term Debt Account Group are such examples.

ACCOUNTING SYSTEM. Records and procedures that discover, record, classify, and report information on the financial position and operations of a governmental unit or any of its funds.

ACCRUAL. Revenue and expenses are recorded when they are incurred.

AD VALOREM. A basis for levy of taxes upon property based on value.

AGENCY FUND. A fund consisting of resources received and held by the governmental unit as an agent for others.

APPROPRIATION. An authorization granted by the board to incur liabilities for specific purposes.

ASSETS. Probable future economic benefits obtained or controlled by a particular entity as a result of past transactions or events.

BALANCED BUDGET. A budget balanced by fund, for all funds maintained by the City, in which total anticipated revenues must equal or exceed the budgeted expenditures for each fund.

BOND. A written promise to pay a specified sum of money, called the face value or principal amount, at a specified date or dates in the future, called the maturity date(s), together with periodic interest at a specified rate.

BOND DISCOUNT. The excess of the face value of a bond over the price for which it is acquired or sold.

BOND PREMIUM. The excess of the price at which a bond is acquired or sold over its face value.

BONDED DEBT. The portion of indebtedness represented by outstanding bonds.

BUDGET. A financial operating plan consisting of estimates of proposed expenditures for a given period and the proposed means of financing them.

BUDGET CONTROL. The control or management of the approved Budget for the purpose of keeping expenditures within the limitations of available appropriations and available revenues.

BUDGET DOCUMENT. The instrument used by the budget-making authority to present a comprehensive financial program to the appropriating body.

BUDGET MESSAGE. A general discussion of the budget as presented in writing by the Mayor to the City Council. The message contains an explanation of the principal budget items and recommendations regarding the financial policy for the coming year.

CAPITAL BUDGET. This budget deals with large expenditures for capital items normally financed by borrowing. Usually capital items have long-range returns, useful life spans, are relatively expensive, and have physical presence such as buildings, roads, sewage systems, etc.

GLOSSARY, (continued)

CAPITAL IMPROVEMENT. Any property, asset, or improvement with an estimated value greater than five thousand dollars, and estimated life or usefulness of one or more years, including land, interest therein and including constructions, enlargements, and renovations.

CAPITAL IMPROVEMENT PROGRAM. An approach or technique for identifying and forecasting capital outlay decisions that a government expects to make over a five year period.

CAPITAL OUTLAY. Expenditures that result in the acquisition of or addition to fixed assets.

CAPITAL PROJECTS FUND. A fund created to account for all resources to be used for the acquisition or construction of designated fixed assets.

CASH. Legal tender or coins that can be used in exchange for goods, debt, or services. This includes the value of assets that can be converted into cash immediately

CONSTRUCTION WORK IN PROGRESS. The cost of construction work that has been started but not yet completed and placed in service.

CONTINGENCY FUND. Funds set aside for unforeseen expenses of uncertain amounts or funds set aside for known expenses, such as salary increases, but uncertain amounts.

CONTRACTUAL SERVICE. An agreement to perform a service or task by external organizational units. A group of accounts which cover the above as well as travel and training and other miscellaneous services.

DEBT SERVICE. The amount of money necessary to pay interest on an outstanding debt, the principal of maturing material serial bonds, and the required contributions to a sinking fund for term bonds.

DEBT SERVICE FUND. A fund established to finance and account for the payment of interest and principal on all general obligation debt, serial and term, other than that payable exclusively from special assessments and revenues from fiduciary and proprietary funds.

DEMAND. Demand is the external factor that demonstrates the "need" for a program. Demand data enables decision-makers to adjust services and costs to respond to changes in direction for the service.

DEPARTMENT. Departments are the major organizational subdivisions. They have a broad overall purpose. In the City of Fayetteville organization structure, each department is comprised of one or more divisions.

DEPRECIATION. Expiration in the service life of fixed assets, attributable to wear and tear, deterioration, action of the physical elements, inadequacy, and obsolescence.

DESIGNATED FUND. Funds created to account for assets set aside for a specific purpose.

DIVISION. Divisions are the major functional sub-divisions and correspond roughly to the departmental hierarchy formerly used by the City. Each Division reports to one of more departments.

GLOSSARY, (continued)

EFFECTIVENESS. Effectiveness data enables decision-makers to see that quality does not suffer as productivity increases, and that constituents are satisfied with services.

ENCUMBRANCE. An account used to record the estimated amount of contracts, salary commitments and purchase orders that are chargeable to an appropriation.

ENTERPRISE FUND. A fund established to finance and account for the acquisition, operation, and maintenance of governmental facilities and services which are entirely or predominantly self-supporting by user charges.

EXPENDITURE. Accounts which are kept on either the accrual basis or modified accrual basis of accounting and designates the cost of goods delivered or services rendered, whether paid or unpaid, including expenses and capital outlays.

EXPENSE. Charges incurred for operation, maintenance, interest, and other charges that will benefit the current year.

FIDUCIARY FUND. Any fund held by a governmental unit as an agent or trustee.

FISCAL YEAR. A 12-month period of time to which the annual budget applies and at the end of which a governmental unit determines its financial position and the results of its operations.

FIXED ASSET. Long-term assets that are intended to be held or used, such as land, buildings, machinery, furniture, and other equipment.

FRANCHISE TAX. Fees levied on a corporation in return for granting a privilege sanctioning a monopoly or permitting the use of public property, usually subject to regulation set by the governing body.

FULL-TIME EQUIVALENT POSITION (FTE). A part-time position converted to the decimal equivalent of a full-time position based on 2,080 hours per year. For example, a summer lifeguard working for four months, or 690 hours, would be equivalent to .33 of a full-time position.

FUND. A fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liabilities and residual equities, or balances, and changes therein, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations.

FUND BALANCE. Fund equity of a fund or in Governmental Funds, the amount assets exceed liabilities. Unrestricted Fund Balance is available for appropriation.

FUND EQUITY. The excess of assets over liabilities. A portion of the equity may be reserved, restricted or designated; the remainder is Fund Balance.

GENERAL FIXED ASSETS ACCOUNT GROUP. A self-balancing group of accounts set up to account for the general fixed assets of a governmental unit.

GENERAL FUND. A fund used to account for all transactions of a governmental unit that are not accounted for in another fund, such as police and fire services.

GLOSSARY, (continued)

GENERAL LONG-TERM DEBT ACCOUNT GROUP. A self-balancing group of accounts set up to account for long-term debt which is legally payable from general revenues.

GOAL. A goal is a statement of desired conditions to be maintained or achieved through the efforts of an organization. Actual total achievement may be impossible, but the goal is a standard against which to measure progress toward ideal conditions. A goal is a definition of results toward which the work of the organization is directed.

GOVERNMENTAL FUND. A generic classification adopted by the National Council on Governmental Accounting to refer to all funds other than proprietary and fiduciary funds. General fund, special revenue funds, capital projects funds, debt service funds, and special assessment funds are all examples of governmental fund types.

GRANT. A contribution by one governmental unit to another unit. The contribution is usually made to aid in the support of a specified function or for the acquisition or construction of fixed assets.

INCOME. A term used to represent the excess of revenues earned over the expenses incurred in carrying on an enterprise operation.

INTERGOVERNMENTAL REVENUE. Revenue from other governments. Grants, entitlements, and shared revenues are types of intergovernmental revenue.

INTERNAL SERVICE FUND. A fund established to finance and account for services and commodities furnished by a designated department to other departments. Amounts expended by the fund are reestablished from either operating earnings or by transfers from other funds.

INVESTMENT. Securities held for the production of income in the form of interest and dividends.

LIABILITY. Probable future sacrifices of economic benefits arising from present obligations of a particular entity to transfer assets or provide services to other entities in the future as a result of past transactions or events.

LINE-ITEM. A detailed classification of an expense or expenditure classified by object within each Division.

LONG-TERM DEBT. Debt with a maturity of more than one year after the date of issuance.

MODIFIED ACCRUAL BASIS. Governmental funds use the modified accrual basis of accounting. Revenues are recognized in the period in which they become both available and measurable. Expenditures are recognized at the time a liability is incurred.

NET INCOME. A term used in governmental enterprise to designate the excess of total revenues over total expenses.

NONOPERATING EXPENSE. Proprietary fund expenses incurred in performance of activities not directly related to supplying the basic service by a governmental enterprise.

NONOPERATING INCOME. Proprietary fund income that is not derived from the basic operations of such enterprises.

GLOSSARY, (continued)

OBJECT CODE. Expenditure classification according to the types of items purchased or services obtained; for example, personnel services, materials and supplies, contractual service, and capital.

OBJECTIVE. An objective is a decision about the amount of progress to be made within a specified period of time. It states in measurable and quantitative terms the results to be achieved within a specified time and plans the incremental steps to achieve the goal.

OPERATING TRANSFER. Legally authorized interfund transfers from a fund receiving revenue to the fund that makes expenditures.

ORDINANCE. A formal legislative enactment by the governing board of a municipality. If it is not in conflict with any higher form of law, such as a state statute or constitutional provision, it has the full force and effect of law within the boundaries of the municipality to which it applies.

PERFORMANCE BUDGET. A budget which relates appropriations to work loads. By featuring unit measures, performance budgets are believed to express official and citizen interest in the managerial value of efficiency.

PERFORMANCE MEASURES. Performance measures provide a means of identifying the level of service provided. Performance measures include a measurement of Demand, Workload, Productivity, and Effectiveness.

PROGRAM. Operating units within a Division. Each program represents a specific type of activity within its Division aimed at providing a service for which the City is responsible.

PROGRAM BUDGET. A budget which relates appropriations to goals. Budget makers practicing this approach strive to appropriate sums to non-organization, goal-oriented cost centers. Program budgeting is believed to express official and citizen interest in planning and in the effective use of resources.

PROGRAM OBJECTIVES. A program objective is a decision about the amount of progress to be made within a specified period of time in reducing the gap between real conditions and the ideal conditions described in the Program Description. It states in measurable quantitative terms the results to be achieved within a specified time and plans the incremental steps to achieve them.

PRODUCTIVITY. Unit cost (productivity data) enables decision-makers to measure efficiency, as opposed to total expenditures. Productivity unit costs can also be used to quickly estimate the cost of adding more service or savings realized from reductions in service.

PROPRIETARY FUND. Sometimes referred to as "income-determination" or "commercial-type" funds. Examples are enterprise and internal service funds.

RESERVE. An account that records a portion of the fund equity that must be segregated for some future use and which is not available for further appropriation or expenditure.

RETAINED EARNINGS. The accumulated earnings of an enterprise or internal service fund that have been retained in the fund and that are not reserved for any specific purpose.

GLOSSARY, (continued)

REVENUE. Additions to fund financial resources other than from interfund transfers and debt issue proceeds.

SPECIAL REVENUE FUND. A fund established to account for revenues from specific taxes or other earmarked revenue sources that by law are designated to finance particular functions or activities of government.

TAX. A compulsory charge levied by a governmental unit for the purpose of raising revenue. These revenues are used to pay for services or improvements provided for the general public benefit.

UNRESERVED FUND BALANCE. The amount remaining in a fund that is not reserved for some future use and which is available for further appropriation or expenditure.

USER CHARGE. A charged levied against users of a service or purchasers of a product of an enterprise or internal service funds.

WORKLOAD. Workload data answers the question about how much service is being provided, as well as how output is meeting service demand. Workload data is also the basis, along with total expenditures, for unit cost or productivity indicators.

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Fayetteville
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2012 Budget Summary

November 8, 2011

Total Fund Budget Overview

Chart of Governmental Fund Types

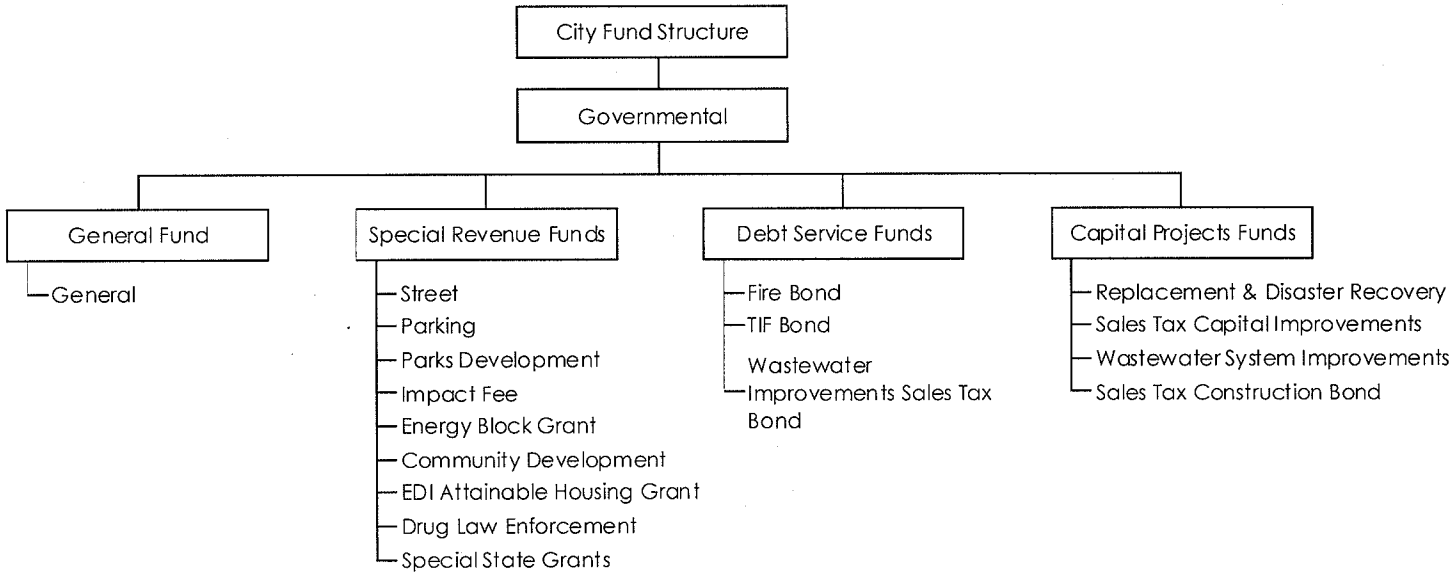
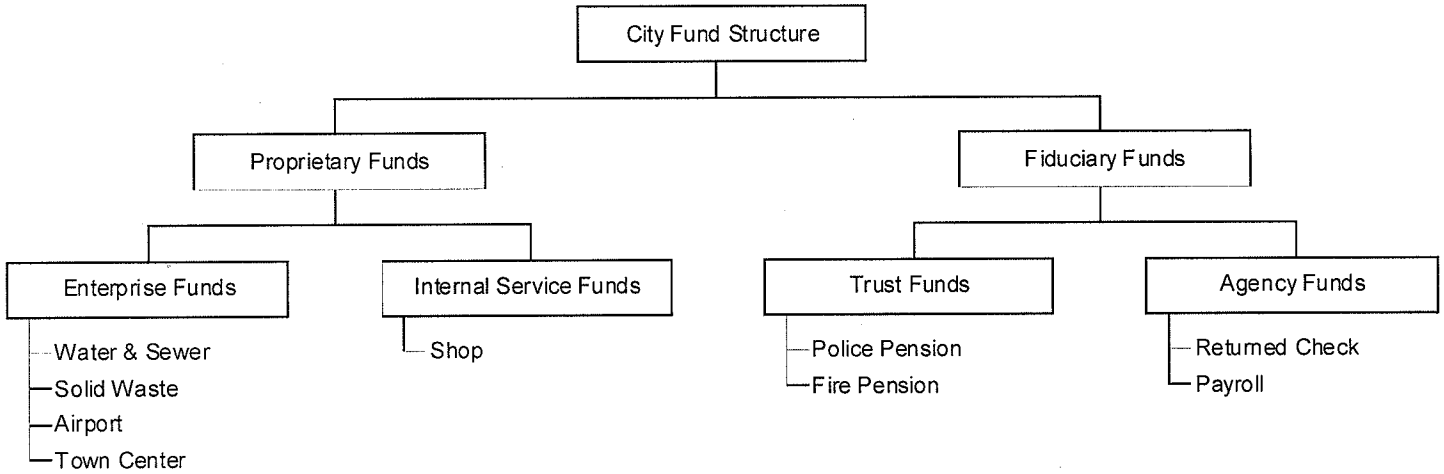


Chart of Proprietary and Fiduciary Fund Types



Summary Fund Totals as Percent of Total Budget

Fund Totals as a Percent of Budget

Funding Sources	Adopted 2011 Budget	Adopted 2011 % Total	Proposed 2012 Budget	Proposed 2012 % Total
General	$ 33,885,500	28.6%	$ 34,139,200	28.1%
Water & Sewer	30,901,000	26.1%	30,908,000	25.6%
Sales Tax Bond	15,373,700	13.0%	16,372,400	13.5%
Solid Waste	9,208,300	7.8%	9,950,100	8.2%
Shop	7,239,900	6.1%	8,231,500	6.8%
Sales Tax Capital Improvements	6,390,000	5.4%	6,702,600	5.5%
Street	4,390,000	3.7%	4,706,600	3.9%
Parks Development	2,424,600	2.0%	2,358,000	1.9%
Police Pension	1,692,800	1.4%	1,633,000	1.3%
Fire Pension	1,480,400	1.2%	1,470,000	1.2%
Parking	1,065,100	0.9%	1,101,800	0.9%
Impact Fee	1,260,000	1.1%	921,000	0.8%
Airport	770,800	0.6%	768,000	0.6%
Town Center	702,700	0.6%	695,200	0.6%
Community Development Block Grant	695,800	0.6%	589,000	0.5%
Drug Law Enforcement	494,000	0.4%	544,000	0.4%
TIF Bond	63,700	0.1%	100,000	0.1%
Wastewater System Improvements Project	0	0.0%	97,600	0.1%
Fire Bond	424,800	0.4%	0	0.0%
Replacement & Disaster Recovery	45,100	0.0%	41,000	0.0%
Sales Tax Construction Bond	6,000	0.0%	2,000	0.0%
	$ 118,514,200	100.0%	$ 121,331,000	100.0%

Percentage Increase 2012 over 2011 is $2,816,800 or 2.3%

Summary of Fund Expenditures (In Dollars)

Category:	Adopted 2011	Proposed 2012	Change In Dollars	2012 % of Total Budget
Personnel Services	$ 42,092,155	$ 42,466,864	$ 374,709	35.5%
Materials & Supplies	4,527,208	4,234,456	(292,752)	3.8%
Services & Charges	16,052,793	16,090,288	37,495	13.5%
Maintenance	3,975,581	4,508,422	532,841	3.4%
Fuel	2,946,398	3,460,493	514,095	2.5%
Internal Charges	3,944,052	4,354,031	409,979	3.3%
Purchased Water	6,500,000	6,500,000	0	5.5%
WWTP Operations	7,712,706	7,799,391	86,685	6.5%
Total Operating Expenses	87,750,893	89,413,945	1,663,052	74.0%
Transfers Out	1,233,000	330,600	(902,400)	1.0%
Debt Service	18,732,207	20,104,105	1,371,898	15.8%
Capital	10,798,100	11,482,350	684,250	9.1%
Total Expenses	$ 118,514,200	$ 121,331,000	$ 2,816,800	100.0%

Operating Increase is $1,663,052 or 1.9%

Transfers Out, Capital, and Debt Service Increase is $1,153,748 or 3.7%

Total Increase is $2,816,800 or 2.3%

2012 General Fund Summary

Fayetteville
ARKANSAS

2012 General Fund Proposed Budget - Revenue Highlights

Revenue Source	Actual 2010	Estimated 2011	Budgeted 2012	Change Between 2010/2011 Amount	%
Sales Tax Revenue	$ 19,910,291	$ 20,549,000	$ 20,549,000	$ -	0.0%
Property Tax Revenue	1,631,854	1,488,000	1,523,000	35,000	2.4%
Franchise Fees	4,904,603	4,874,400	4,880,100	5,700	0.1%
Building Permits	479,286	533,000	479,400	(53,600)	-10.1%
All Other Revenue	6,831,867	7,114,500	6,147,400	(967,100)	-13.6%
Investment Earnings	130,534	61,900	62,300	400	0.6%
	$ 33,888,435	$ 34,620,800	$ 33,641,200	$ (979,600)	-2.8%

- Sales Tax for 2012 is approximately 3.2% over 2010 actual revenue and flat over 2011 estimated collections.
- Property Tax for 2012 is projected to be up 2.4% compared to the estimated 2011 collections. This estimate is based on assessed value.
- Franchise fees are projected to be relativity flat compared to the 2011 estimate.
- Building permits are projected to be lower compared to the 2011 estimate.
- Investment Earnings are projected to be relativity flat compared to the 2011 estimate.
- All other revenue for is projected to be lower compared to 2011 estimated revenue.
- All other revenue includes Federal and State grants and related funding.

2012 Proposed General Fund Expenditure Budget:

(Changes Between Adopted 2011 and Proposed 2012)

	Budget
2011 General Fund Adopted Expense Budget:	$ 33,885,500
Additions:	
LOFPI Police Pension	52,589
LOFPI Fire Pension	52,570
Health Insurance (Rate Increase)	21,871
Fuel	51,550
Motorpool Charges	54,614
Election Cost (General Election)	30,000
Police Jail Contract	10,500
Utilities	14,400
Other	12,613
Software Maintenance	59,807
	360,514
Reductions:	
Personnel Turnover & Other	(7,182)
Insurance - Personal Liability / Vehicles	(17,480)
Radio Maintenance	(82,152)
	(106,814)
	$ 34,139,200

2012 Proposed General Fund Expenditure Budget:

(Changes Between Adopted 2009 and Proposed 2012)

		Budget
2009 General Fund Adopted Expense Budget:	$	35,801,900
Additions:		
Salaries/Wages & Pension (including LOFPI)		475,083
Health Insurance (Rate Increase)		157,755
Unemployment Insurance		80,000
Software Maintenance		97,143
Election Cost		45,000
Police Jail Contract		10,500
Utilities		14,400
Bad Debt Expense		10,000
		889,881
Reductions:		
2010 Budgeted Positions Held in 2011 & Frozen Positions	$	(1,058,971)
Salary Contingency (Wage Increases for 2010)		(325,398)
Fire/Police Overtime		(225,000)
Parking Enforcement Program (Shifted to Parking Fund)		(201,948)
Contract Services & Lease Expense		(112,176)
Fuel		(45,039)
Radio Maintenance		(82,152)
Washington, D.C. Lobbyist		(85,000)
Increase Cost Allocations		(70,000)
Vehicle Replacement Charges & General Motorpool Charges		(13,000)
Public Notification & Uniforms/Equipment		(51,910)
Planning Commissioners Salaries		(43,596)
Publications/Dues & Travel & Training & Radio Maintenance		(26,315)
Pension Administration Fee & Long Term Disability and Life Insurance		(34,082)
Other		(177,994)
		(2,552,581)
2012 Proposed Budget General Fund	$	34,139,200

2012 Proposed General Fund Shortfall

		Budget
2012 General Fund Proposed Revenue Budget:	$	33,641,200
2012 General Fund Proposed Expense Budget:	$	34,139,200
2012 Short Fall	$	(498,000)

General Fund
Unobligated Fund Balance Analysis
Estimated 12/31/2011

Fund Balance 01/01/2011	$ 10,100,000
Increase in Reserves Due to 2011 Operations	1,100,000
Required Reserve (60 Days of Operations)	(5,650,000)
2012 Use of Reserves	(498,000)
Estimated Available Reserve as of 12/30/2012	$ 5,052,000

AGENDA REQUEST

FOR: COUNCIL MEETING OF NOVEMBER 15, 2011

FROM:

ALDERMAN BOBBY FERRELL and **ALDERMAN MARK KINION**

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

ADM 11-3782: (Cottage Housing Development): An Ordinance to Adopt ADM 11-3782 Cottage Housing Development

APPROVED FOR AGENDA:

Bobby Ferrell
Alderman

11-8-11
Date

Mark Kinion
Alderman

11-01-2011
Date

City Attorney
(as to form)

10-31-2011
Date

Packet Prepared by:

Leif Olson
Associate Planner

10-31-2011
Date

left on the Second Reading at the Nov. 15, 2011 CC Mtg.

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
John Coleman, Sustainability and Strategic Planning Director

From: Leif Olson, Planner

Date: September 23, 2011

Subject: ADM 11-3782 Cottage Housing Development Ordinance

RECOMMENDATION

Staff and the Planning Commission recommends approval of an ordinance amending Chapter 164: Supplementary Zoning Regulatons of the Unified Development Code by adopting ADM 11-3782 Cottage Housing Development.

BACKGROUND

In 2010 City Staff began the process of updating the City's long range comprehensive plan, City Plan 2030, which resulted in a complete update with identified action steps related to the six goals. One of the action steps related to the goal "Create opportunities for attainable housing" was to draft and adopt a cottage housing development ordinance.

Cottage housing development is defined as "a cluster of detached single family homes, restricted in size and of high architectural quality, oriented around common open space." Cottage housing development is modeled after traditional housing development patterns that existed in the past. Cities in the Pacific Northwest region of the U.S. began developing innovative cottage housing ordinances a decade ago as a solution for the lack of attainable housing in their communities. Small in scale, cottage housing developments fit well into existing neighborhoods on vacant or underutilized land; for this reason they are an effective tool for infill and revitalization. As the median family size continues to decline, 2.2 people per household in according to the 2010 Census, this form of housing will be in high demand by a fast growing demographic, most notably singles, families of 3 or less and retirees. Fee simple or condominium ownership of individual cottage housing units promotes neighborhood stability. In these ways, cottage housing developments can promote infill, reduce sprawl, and create opportunities for attainable housing.

Staff anticipates that the majority of cottage housing development proposals will be infill situations on sites that have access to existing infrastructure such as streets, water and sewer service. Therefore, it is imperative that

cottage housing development be compatible with the existing built environment. This ordinance is purposely intended to be very prescriptive in terms of how and where cottage housing development is designed and constructed. The draft ordinance has been reviewed and amended by Planning, Engineering, Solid Waste and Fire Department staff.

Specifically, the ordinance would address the following City Plan 2030 goals:

Goal 1 - We will make appropriate infill and revitalization our highest priorities.

Goal 2 - We will discourage suburban sprawl.

Goal 6 - We will create opportunities for attainable housing.

The Cottage Housing Development ordinance is proposed to be inserted into Chapter 164: Supplementary District Regulations. The following are some of the important standards and regulations to ensure that Cottage Housing Developments are compatible with adjoining land uses:

- Permitted as a use by right in multi-family zoning districts and as conditional use in all single-family zoning districts.
- Review process dependent on the size and scale of the project – small projects (> 1 acre) processed as Site Improvement Plans – large projects (< 1 acre) processed as Large Scale Developments.
- A minimum of 4 cottage housing units and a maximum of 12 cottage housing units in a Cottage Housing Development.
- A minimum separation of 1,000 linear feet between Cottage Housing Developments.
- Cottage Housing Developments in multi-family zoning districts are limited to the density of the underlying zoning district – Cottage Housing Developments in single family zoning districts are restricted to no more than two times the underlying density allowed.
- The lot are minimum is 750 sq.fFt. This would allow for a small 500 sq. ft. dwelling with 250 sq. ft. of private open space.
- Building setbacks are set by the underlying zoning district – with the exception that separation requirements between structures are a minimum of 10 feet.
- Cottages are limited to a maximum of 1,100 sq. ft. of conditioned living space.
- Cottages shall be oriented towards the street or around a common open space.
- A minimum of 300 sq. ft. of common open space and 250 sq. ft. of private open space is required for each cottage.
- Adequate and appropriate parking shall be provided for each cottage, through though the parking may be clustered together.
- Fire Department access is required for all structures – Sprinkler systems are required for cottages located 150 ft. or more from the designated Fire Department access area.
- All Cottage Housing Developments are required to obtain a drainage permit and perform any drainage studies or detention requirements according to UDC Ch. 170: Stormwater Management, Drainage and Erosion Control.
- Solid Waste service should be primarily residential (trash carts and recycling bins). Exceptions may be allowed for Cottage Housing Developments located in primarily commercial areas of the City.
- Architectural standards apply to all structures within a Cottage Housing Development in order to ensure quality design and compatibility with the surrounding neighborhood.

- The applicant may request a variance from the minimum 1,000 ft. separation requirement between Cottage Housing Developments and from the maximum number of units allowed.

DISCUSSION

On September 12, 2011 the Planning Commission voted 6-3-0 in favor of a recommendation of approval for ADM 11-3782 Cottage Housing Development Ordinance.

BUDGET IMPACT

None.

Handed out at Agenda Session 11/8/11

ORDINANCE NO. _____

AN ORDINANCE TO ENACT §164.22 **COTTAGE HOUSING DEVELOPMENT** INTO THE UNIFIED DEVELOPMENT CODE, TO AMEND §162.01 TO ADD (RR) UNIT 44 *COTTAGE HOUSING DEVELOPMENT* AND TO AMEND CHAPTER 161 **ZONING DISTRICT** TO AUTHORIZE COTTAGE HOUSING DEVELOPMENTS AS A RIGHT IN MULTI-FAMILY RESIDENTIAL DISTRICTS AND AS A CONDITIONAL USE IN SINGLE FAMILY RESIDENTIAL DISTRICTS

WHEREAS, the City of Fayetteville has long sought to increase the availability of quality affordable housing for its citizens; and

WHEREAS, the City of Fayetteville has an established policy to encourage in-fill development and the mixture of different types and sizes of single family housing within neighborhoods; and

WHEREAS, providing for a properly planned clustering of small, high quality, detached single family houses (cottages) within a neighborhood of larger lots and homes can provide attractive, compatible and affordable housing for our citizens.

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 enacts §164.22 **Cottage Housing Development** (as shown on Exhibit A) into the Unified Development Code of Fayetteville.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends §162.01 to add use unit:

"(RR) Unit 44. Cottage Housing Development.

(1) Description. Unit 44 is provided in order that cottage housing developments are permitted by right in multi-family zoning districts and by Conditional Use Permit in single family zoning districts.

(2) Included uses.

Cottage Housing Developments

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends Chapter161: **Zoning Regulations** of the U.D.C. to add "*(RR)* Use Unit 44 Cottage Housing Development" as a use by right in multi-family residential districts and as a conditional use in single family residential district as more specifically identified by Exhibit B.

PASSED and **APPROVED** this 15th day of November, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

Exhibit "A"

164.22 Cottage Housing Development

(A) *Purpose.* The purpose of the cottage development ordinance is to encourage innovation and variety in housing while ensuring compatibility with established neighborhoods, and to provide opportunities for ownership of detached single-family dwellings for a population diverse in age, income and household size.

(B) *Applicability.* Cottage housing development is permitted to be located as identified in Chapter 161: Zoning Regulations of the Unified Development Code, however, zoning and development regulations such as density, bulk and area, building area, street frontage requirements, lot splits and other standards for cottage housing development shall follow the criteria adopted in this chapter.

(C) *Development Review Process.* For the purpose of development review cottage housing developments less than one acre shall be processed as a Site Improvement Plan. Cottage housing development on lots larger than one acre shall be processed as a Large Scale Development. If individual cottage housing unit lots are created the cottage housing development shall be processed through the subdivision platting process.

(D) *Cottage Housing Development Size, Separation Requirements and Existing Structures.*

(1) *Number of Cottage Housing Units Permitted.* Cottage housing development shall contain a minimum of four and a maximum of 12 cottages located in a cluster, on no less than one half acre.

(2) *Cottage Housing Development Separation Requirement.* Cottage housing developments shall have a minimum separation from other cottage housing developments of not less than 1,000 feet.

(3) *Existing Nonconforming Structures.* On a lot to be used for a cottage housing development, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cottage density.

(E) *Zoning Regulations.* The parent tract prior to development shall conform to the zoning criteria of the underlying zoning district.

(1) *Density.* Zoning Districts that allow cottage housing development as a Use by Right shall conform with the density requirement of the underlying zoning district. Zoning districts that allow cottage housing developments as a Conditional Use shall be allowed a density not to exceed two times the maximum density allowed in the underlying zoning district.

(2) *Lot Width Minimum.* There is no lot width requirement for individual cottage housing units.

(3) *Lot Area Minimum.* The lot area minimum for cottage housing unit lots is 750 square feet.

(4) *Land Area per Dwelling Unit.* The land area per dwelling unit requirement is 750 sq. ft.

(5) *Setback Requirements.*

(a) All structures shall have a minimum separation of ten feet, measured from edge of eave to edge of eave, from other structures or cottages within the cottage housing development.

(b) The setback from the exterior property lines of the original parent tract shall be set by the underlying zoning district.

(6) *Building Height Regulations.* The height for all structures in a cottage development shall not exceed the permitted height requirement of the underlying zoning district.

(7) *Building Area.* There is no minimum building area requirement for individual cottage housing unit lots.

DRAFT

(8) *Accessory Dwelling Units*. Accessory dwelling unit s are not permitted in cottage housing developments.

(F) *Common Property Maintenance*. Community buildings, parking areas and common open space shall be owned and maintained commonly by the cottage housing development residents, through a condominium associations, a homeowners' association or a similar mechanism, and shall not be dedicated to the City.

(G) *Development Standards.* All cottage developments are subject to the following standards:

(1) *Floor Area*. The total conditioned space floor area of each cottage shall not exceed 1,100 square feet.

(a) Cottages shall have a maximum first floor area or footprint of no more than 900 sq. feet, excluding covered or attached porches.

(b) Future additions to any cottage housing unit shall meet the requirements of this chapter.

(c) Floor area that does not count towards the total conditioned space floor area permitted for a cottage housing unit includes:

(i) Architectural projections such as utility closets no greater than eighteen inches in depth and six feet in width, bay windows and fireplaces.

(ii) Spaces with a ceiling height of six feet or less measured to the exterior walls, such as interior attic eaves.

(2) *Cottage Orientation*. The fronts of all cottage housing units shall be oriented around the common open space or towards the street, with the following exception:

(a) A maximum of 1 cottage in a cottage housing development is allowed to be located in an area that does not front onto the common open space or street right of way. These units shall be located within 25 feet of the common open space and shall have direct pedestrian access to the common open space and the street.

(3) *Open space*.

(a) The required common open space shall be provided in one contiguous parcel.

(b) A minimum of 300 square feet of common open space shall be provided per cottage housing unit. Common open space with a dimension of less than 20 feet shall not be included in the calculation.

(c) Each cottage housing unit shall be provided with a private open space of 250 square feet with no dimension of less than 10 feet. Private open space should be contiguous to each cottage, for the exclusive use of the cottage resident.

(d) Parking areas, driveways and common pedestrian access shall not be counted as open space.

(4) *Fences*. Fencing in cottage housing development should be respectful of the context of the surrounding neighborhood and should accentuate the common and private open spaces.

(a) Fencing located between a cottage housing unit and a public street or the common open space shall not exceed 48" in height.

(5) *Parking Requirements and Standards.* Parking areas should be located within the cottage housing development in such a way as to maintain the character along the public street and to minimize the noise and light impacts on private residences and public spaces. Reductions in parking space allowances are not permitted in cottage housing developments. Permitted on-street parking spaces adjacent to a projects frontage may count towards the parking requirements of the development subject to approval by the Zoning and Development Administrator. Parking standards for cottage housing developments shall be as follows:

(a) The required number of parking spaces for each cottage shall be determined according to the square footage of the cottage housing unit.

DRAFT

(i) Cottages less than 1,000 sq. ft. shall have 1.5 parking spaces provided.

(ii) Cottages over 1,000 sq. ft. shall have 2 parking spaces provided.

(b) Parking lots containing five or more parking spaces shall comply with the parking lot construction and design standards located in Chapter 172: Parking and Loading of the City's Unified Development Code.

(c) Parking lots shall be located a minimum of 25' back from the public right-of-way.

(d) Shared covered parking shall be designed to be similar and compatible to the design, materials and roof pitches used for the cottage housing units.

(e) Parking space dimensions shall comply with Chapter 172: Parking and Loading of the Unified Development Code.

(6) *Bicycle Parking.* Bicycle parking should be located in a common area and preferably be covered to protect the long term storage of bicycles. It is recommended that cottage housing developments should provide one unsheltered bicycle rack or the equivalent sheltered space to store two bicycles per cottage housing unit.

(7) *Fire Department Access.* Fire department access shall be determined at the time of development review. Any part of structure in a cottage housing development that is located more than 150 feet from Fire Department vehicle access, as measured by an approved route around the exterior of the buildings or facilities, shall have a fire department approved sprinkler system.

(8) *Pedestrian Connectivity.* All buildings and common spaces shall be served by a pedestrian circulation system that connects to an existing or planned sidewalk or trail system.

(9) *Utilities.* Individual cottage housing units shall have a unique connection to the main water and sewer lines. Main water and sewer lines on private property servicing cottage housing unit developments shall be located in a dedicated easement.

(10) *Community Buildings.* Community buildings and common pavilions less than 2,000 sq. ft. are permitted by right in cottage housing development. These structures shall be architecturally integrated with the architectural style of the cottage housing development.

(11) *Stormwater/Grading.* Cottage housing developments shall comply with the grading, drainage and stormwater provisions set forth in the Unified Development Code Chapter 169 and 170. A drainage permit application shall contain sufficient information and plans to allow the City Engineer to determine whether the project complies with these requirements.

(12) *Solid Waste Service.* For the purposes of solid waste collection cottage housing developments are considered a residential use and should receive residential solid waste service (individual carts and recycling bins). In certain instances, it may be necessary to service cottage housing developments with commercial solid waste collection equipment (dumpsters). This may occur when a project is located in a predominately commercial area serviced by commercial solid waste pick up. It is incumbent on the developer to design solid waste service into the cottage housing development plan early in the process. The final determination of solid waste service and pick-up areas will be made at the time of development review. Specific requirements for residential and commercial solid waste pick-up shall be as follows:

(a) Residential solid waste service requires a designated location adjacent to the street curb for trash carts and recycling bins. This location shall be kept clear of obstructions on the designated solid waste pick-up day. If this location is also used for on-street parking it shall be clearly marked and a sign posted restricting use for the designated solid waste pick-up day. A minimum linear distance of 9 ft. is required to accommodate each cottage housing unit's trash cart and recycling bin.

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(b) Commercial solid waste service requires a dumpster location that is freely accessible for front end loading and screened from public view.

(c) Solid waste facilities shall be located behind the front building setback line and shall be screened from the right-of-way and adjacent property owners by either architectural treatments or vegetative screening.

(H) *Building Design Standards.* Building design shall provide variety and visual interest in order to provide compatibility with the character of the surrounding neighborhood. These standards are intended to avoid the repetitive use of the same building design, structural features, detailing or finishes within the cottage housing development.

(1) *Variety in Cottage Housing Units Floor Plans and Architectural Treatments.* In cottage housing developments no two structures shall be identical in terms of exterior finishes. All cottage housing units shall differ from each other by utilizing at least two of the following options:

(a) Variations in building material finishes such as clapboard, shake shingles, stone, brick, etc., and building color;

(b) Variations in adjacent cottage housing unit floor plans that alter the location of exterior windows and doors;

(c) Variations in the size of main floor area and/or building height of adjacent structures; or

(d) A front porch with a minimum width no less than 50% of the front building façade. Front porches shall have a minimum depth of 6 feet. No structurally identical front porches shall be located on adjacent cottage housing units.

(2) *Required Architectural Elements.* A cottage housing unit with a front porch that is credited for meeting the requirements of section 164.22(H)(1) above shall not be credited with meeting the requirements of this section. All cottage housing units in a cottage housing development shall contain a minimum of two of the following building features or treatments:

(a) Porch.

(b) Variations in roof shapes or gables between adjacent structures.

(c) Roof brackets.

(d) Bay windows.

(e) Dormers.

(f) Chimneys.

(g) Other similar features or treatments as approved by the Zoning and Development Administrator.

(I) *Variances from the minimum Cottage Housing Development Requirements.* An applicant may request a variance for specific requirements of the cottage housing development ordinance from the Planning Commission. Notification of adjoining and adjacent property owners shall conform to the requirements of Chapter 157: Notification and Public Hearings of the City's Unified Development Code. A variance of the following standards of the cottage housing development ordinance may be requested:

(1) *Number of cottage housing units permitted.*

(2) *Cottage housing development separation requirement.*

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Exhibit "B"

161.04 RSF-.5	Conditional Use Permit
161.05 RSF-1	Conditional Use Permit
161.06 RSF-2	Conditional Use Permit
161.07 RSF-4	Conditional Use Permit
161.08 RSF-7	Conditional Use Permit
161.09 RSF-8	Conditional Use Permit
161.10 RT-12	Use by Right
161.11 RMF-6	Use by Right
161.12 RMF-12	Use by Right
161.13 RMF-18	Use by Right
161.14 RMF-24	Use by Right
161.15 RMF-40	Use by Right
161.16 Neighborhood Services	Use by Right
161.17 R-O	Use by Right
161.18 C-1	Use by Right
161.19 Community Services	Use by Right
161.20 C-2	Use by Right
161.21 Urban Thoroughfare	Use by Right
161.22 C-3	Use by Right
161.23 Downtown Core	Use by Right
161.24 Main Street/Center	Use by Right
161.25 Downtown General	Use by Right
161.26 Neighborhood Conservation	Conditional Use Permit

ADM 11-3782: Administrative Item (UDC CH. 164: SUPPLEMENTARY DISTRICT REGULATIONS – COTTAGE HOUSING DEVELOPMENT): Submitted by THE CITY OF FAYETTEVILLE PLANNING DIVISION. The request is to amend Chapter 164 of the Unified Development Code (UDC) to permit cottage housing development.

Leif Olson, Planner, gave the staff report and outlined the key points of the Cottage Housing Ordinance with a power point presentation.

Commissioner Cabe opened the floor for public comment.

Rob Sharp addressed the commission and expressed his support of the ordinance. Sharp commented on the fact that the ordinance was very prescriptive in order to achieve a high quality product. **Sharp** discussed the need in Fayetteville for smaller housing units to serve the growing demographic of singles, couples, retirees, etc.

Commission Cabe closed the floor for public comment.

Commissioner Chesser asked if the architectural requirements would preclude modern architectural styles.

Leif Olson stated that the ordinance is not prescriptive in regard to architectural style.

Commissioner Chesser commented that he felt that the Cottage Housing Ordinance should be permitted by right in single family zoning districts.

Commissioner Chesser stated that he would have a hard time supporting this ordinance if it did not allow CHD's in single family zoning districts by right.

Commissioner Earnest stated his support of the ordinance.

Commission Cabe asked if existing non-conforming structures would count as a housing unit in the total number of housing units permitted in the development.

Leif Olson stated that an existing structure that would remain on the property after the development was completed would count as one of the housing units allowed in the development.

Commission Cabe asked if any other cities permitted well done parking areas to count in the square footage of open space required per dwelling unit.

Leif Olson indicated that none of the twenty or so CHD ordinances that staff looked at allowed parking areas to count for the required open space requirement.

Commissioner Cabe asked if the language regarding the inclusion of bicycle racks or designated bike storage should be strengthened to a requirement instead of a recommendation.

Leif Olson indicated that staff removed the requirement for bike storage because a City Council sponsor of the ordinance requested that change. Olson stated that the City does require bike racks for commercial projects but not for any single family type projects but that staff would encourage developers to include bike storage facilities in their design.

Commissioner Cabe asked if a variance could be added in order to allow for less variation in the architectural requirements.

Leif Olson stated that the ordinance could be amended in order to allow for that possibility.

Commissioner Hoskins asked if there is anything in the ordinance that would preclude someone from having a garage attached to a cottage housing unit.

Leif Olson stated that the requirement is that the footprint of the home shall not exceed 900 square feet.

Commissioner Hoskins asked if staff had seen any of these developments that had garages attached to the cottages.

Leif Olson and Andrew Garner both indicated that they had not found examples with garages attached.

Commissioner Hoskins asked about the square foot requirement for the cottages and whether the City should allow for units larger than 1,100 square feet. Hoskins asked staff about the square footage requirements of peer cities that had adopted CHD.

Leif Olson stated that of the approximately 20 peer cities ordinances reviewed the square footage was typically limited to 1,000 to 1,300 square feet.

Commissioner Hoskins asked if it would make sense to allow for cottage housing units that are larger than 1,100 square feet. **Hoskins** stated that the 1,100 sq. ft. would limit the market for these housing units. **Hoskins** discussed the various demographic trends and what buyers are looking for.

Leif Olson stated that the limited square footage requirement is in place for the purposes of scale and compatibility and that once you get up over a certain square footage it is no longer a cottage but a house. **Olson** stated that staff felt strongly that 1,100 sq. ft. was appropriate to ensure that the units were small enough in scale.

Commissioner Hoskins indicated that he felt 1,100 sq. ft. is too small and that the inconvenience of parking and walking to a cottage unit may turn off some potential buyers. **Hoskins** stated that it would be very difficult to locate a garage in a unit with a maximum first floor footprint of 900 sq. ft.

Leif Olson stated that the cottage housing ordinance is designed to be very prescriptive and that it is a very specific tool that will not appeal to all developers or potential buyers. **Olson** discussed the fact that this type of development would appeal to a niche market that would not necessarily see the fact that the housing unit did not have a garage as a negative.

Commissioner Hoskins stated that he thought it was a great ordinance and he thanked staff for bringing it forward.

Commissioner Chesser discussed the square footage requirement and suggested that some flexibility might be desirable. **Chesser** suggested allowing a percentage overage of the maximum sq. ft. allowed.

Leif Olson discussed the ability for the developer to do fee simple or condominium ownership and that the incentive for the developer was to be able to create individual lots for each cottage that did not have to have street frontage so long as the parent tract met the requirements of the underlying zoning district. **Olson** stated that the prescriptive requirements of the ordinance such as the 1,100 sq. ft. maximum are intended to ensure that the

housing built would be small in scale and not a cluster of large homes without street frontage.

Commissioner Hoskins stated that his issue with the ordinance was that the footprint was limited to 900 sq. ft. and the limited ability to have a garage within that area.

Commissioner Cabe stated that he felt that the ability for each cottage housing unit to have direct car access would be limited due to the cost of providing private streets in such a small cluster of size limited homes. **Cabe** discussed the CHD ordinance as a tool that will be used as an alternative development pattern and that we shouldn't try to shoehorn this ordinance in order to meet what is the perceived current real estate market. **Cabe** indicated that he thought these developments would be tucked into vacant and underutilized land in the core of Fayetteville instead of on the fringe of the City. Discussion followed regarding carports and garages.

Rob Sharp stated that a garage is not necessarily integral to a housing unit and the fact that the social interactions that take place walking is a viewed as a positive aspect of these developments. **Sharp** also discussed that he felt it was important to get a few of these built and then come back and revisit the ordinance to see what was and wasn't working.

Commissioner Earnest pointed out that this is only a tool to help meet the changing demographics. **Earnest** acknowledged that the PZD process existed for developers to do innovative projects and that variations of these type of projects can still be approved with the PZD.

Motion:

Commissioner Earnest made a motion to forward ADM 11-3782 to the City Council with a recommendation for approval. **Commissioner Bunch** seconded the motion. **Upon roll call the motion passed with a vote of 6-3-0 (Commissioners Chesser, Honchell, and Hoskins voting 'no').**

ORDINANCE NO. _____

AN ORDINANCE TO ENACT §164.22 **COTTAGE HOUSING DEVELOPMENT** INTO THE UNIFIED DEVELOPMENT CODE

WHEREAS, the City of Fayetteville has long sought to increase the availability of quality affordable housing for its citizens; and

WHEREAS, the City of Fayetteville has an established policy to encourage in-fill development and the mixture of different types and sizes of single family housing within neighborhoods; and

WHEREAS, providing for a properly planned clustering of small, high quality, detached single family houses (cottages) within a neighborhood of larger lots and homes can provide attractive, compatible and affordable housing for our citizens.

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 enacts §164.22 **Cottage Housing Development** (as shown on Exhibit A) into the Unified Development Code of Fayetteville.

PASSED and **APPROVED** this 15th day of November, 2011.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

12/6/2011
City Council Meeting Date
Agenda Items Only

Greg Tabor	Police	Police
Submitted By	**Division**	**Department**

Action Required:

Schedule a public hearing to determine if a Certificate of Public Convenience and Necessity should be issued to Green Cab Company.

N/A	$ -	
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 — Date 11-18-11

City Attorney — Date Nov 21, 2011

Finance and Internal Services Director — Date 11/21/11

Chief of Staff — Date 11/21/11

Mayor — Date 11/23/11

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office — ENTERED 11-18-11

Received in Mayor's Office — ENTERED 11/21/11

Comments:

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
POLICE DEPARTMENT
100-A West Rock Street
Fayetteville, AR 72701
P (479) 587-3555 F (479) 587-3522

TO: Mayor Lioneld Jordan and Members of the City Council

FROM: Greg Tabor, Chief of Police

DATE: November 18, 2011

RE: Request for Public Hearing on a Certificate of Public Convenience and Necessity for Green Cab Company

Recommendation:

The council should schedule a public hearing to determine if a Certificate of Public Convenience and Necessity should be issued to Green Cab Company.

Background:

Fayetteville City Ordinance §117.81 requires operators of taxicab services to obtain a Certificate of Public Convenience and Necessity prior to operation.

Discussion:

The applicants have provided a completed application, proof of insurance and financial statements. The applicants have asked for approval to operate 4-10 hybrid cabs.

Budget Impact:

None

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE GREEN CAB COMPANY TO OPERATE WITHIN THE CITY OF FAYETTEVILLE

WHEREAS, a public hearing has been held about the advantages and disadvantages concerning the issuance of a Certificate of Public Convenience and Necessity for the Green Cab Company; and

WHEREAS, after consideration of the public hearing and other facts and considerations, the City Council had determined that further taxicab service in the City of Fayetteville is required and desirable for our citizens' public convenience and necessity; and

WHEREAS, the City Council has determined that the Green Cab Company is fit, willing and able to perform such public transportation services and to conform to the provisions of Article IV **TAXICABS** of Chapter 117 of the Fayetteville Code; and

WHEREAS, the City Council has determined that Green Cab Company's proposed hours of service and rate schedule are reasonable to meet the public need.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes City Clerk Sondra Smith to issue a Certificate of Public Convenience and Necessity to the Green Cab Company and authorizes the Green Cab Company to operate as many as _____ taxicabs pursuant to this Certificate.

PASSED and **APPROVED** this 6th day of December, 2011.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

(6) The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant;

(7) The hours between which the applicant proposes to provide taxicab or limousine service to the general public, and the days, if any, on which the applicant does not propose to provide taxicab service to the general public, and;

(8) The rate schedule which the applicant proposes to use to charge passengers.

(C) Upon the filing of an application, the City Clerk shall fix a time and place for a public hearing thereon. Written notice of such hearing shall be given to the applicant and to all persons possessing current and valid Certificates of Public Convenience and Necessity. Any interested person shall have the right either in person or by representatives of their own choosing, to be present at all such hearings and to introduce evidence and to be heard either in support of or opposition to the issuance of a certificate.

(D) *Findings of the City Council.*

(1) If the City Council finds that further taxicab or limousine service in the city is required by the public convenience and necessity and that the applicant is fit, willing, and able to perform such public transportation and to conform to the provisions of this subchapter, then the city clerk shall issue a certificate stating the name and address of the applicant, the number of vehicles authorized under the certificate and the date of issuance; otherwise, the application shall be denied.

(2) The City Council shall deny any application in which the proposed hours of service or the proposed rate schedule are found to be unreasonable to meet the public need.

(3) In making the above findings, the City Council shall take into consideration the number of taxicabs or limousines already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions, and the character, experience, and responsibility of the applicant.

(Code 1965, §§20-17--20-20; Ord. No. 1910, 4-3-73; Ord. No. 2716, 4-21-81; Code 1991, §117.32; Ord 4623, 10-05-04; Ord. 4661, 12-21-04)

117.33 Liability Insurance

No Certificate of Public Convenience and Necessity shall be issued or continued in operation unless there is in full force and effect automobile liability insurance for each vehicle. The insurance shall have limits of not less than $25,000 for personal injury to, or death of, any one person in any one accident, and liability limits of $50,000 for personal injury to, or death of, two or more persons in any one accident, and $25,000.00 for injury to or destruction of property or others in any one accident. The insurance shall be maintained with an insurance company authorized to do business in the state. A certificate evidencing such insurance shall be filed with the finance director.

(Code 1965, §20-21; Ord. No. 1910, 4-3-73; Ord. No. 3038, 10-2-84; Code 1991, §117.33; Ord. 4661, 12-21-04)

117.34 Licensing Requirements

(A) Decal required.

No certificate shall be issued or continued in operation unless the holder thereof has secured an annual permit decal for each vehicle granting the right to engage in the taxicab business. Permit decals shall be placed on the rear window of the permitted vehicle, and be clearly visible at all times. The licensing shall be for the calendar year, with holders required to file annual renewal applications and fees at least thirty (30) days prior to the end of each year; and shall be in addition to any other license fees or charges established by proper authority and applicable to the holder or the vehicle or vehicles under his operation and control. All vehicles so licensed shall be required to show proof of the purchase of for hire tags from the State of Arkansas.

(B) Surety Bond required.

No certificate shall be issued unless and until the applicant shall file with the City Clerk a surety bond in the amount of $100.00, conditioned upon the applicant establishing, maintaining, and continuing the proposed service until such time as the certificate issued to the applicant is cancelled, withdrawn, or has expired.

(C)Radio dispatch required.

Every certificate holder shall maintain a radio dispatch system in operation during the hours of operation set forth in the application for the Certificate of Public Convenience and Necessity, capable of providing reasonably prompt service in response to requests received by telephone. Two-way radios are the preferred system. Citizens Band (CB) radios shall not be used. Any holder of a Certificate of Public Convenience and Necessity at the time of passage of this ordinance shall have six (6) months from the effective date thereof to comply with this provision.

Certificate of Public Convenience & Necessity Application/Renewal

As required to comply with Chapter 117 of the Fayetteville Code of Ordinances

Applicant Name	Address	Phone Number
Matt Powell.	2633 Miles View Rd. Fay. 72701	
Brad Audrain	65 N. Fletcher Fay. 72701	901-490-9943
Sarah Diebold	2275 Blue Mesa Fay 72703	479-530-3558

Name of Business: Green Cab Company, Inc.

Phone Number:

Business Location: Underwood Plaza 609 West Dickson Street Suite 112 Fayetteville, AR 72701

Mailing Address: See above Business Address

Type of Business (Sole Proprietor, Corporation, LLC): Corporation

Name and address of all owners, officers and stockholders:

Bradley Audrain Vice-President 65 N. Fletcher Fayetteville, AR 72701

Matthew Powell President 2633 Miles View Rd. Fayetteville, AR 72701

Sarah Diebold Secretary 2275 Blue Mesa Dr. Fayetteville, AR 72703

Name of person to whom complaints should be directed:

Bradley Audrain (901) 490-9943

Financial status of applicant (Attach financial statement or profit and loss statement)

New business - See attached tax returns of all officers.
Operating loan thru Arvest Bank - loan officer is Clay Reed.

List any unpaid judgments against any of the owners, officers and stockholders and the nature or acts giving rise to said judgments:

N/A

Describe the experience of all owners, officers and stockholders in the transportation of passengers:

All owners, officers and stockholders have clean driving records and are proven good citizens in Fayetteville. Green Cab Co. will background check, run motor vehicle report and drug screen all qualified applicants.

Give any facts you believe tend to prove the necessity of granting a certificate:

There is a shortage of available cab service in entertainment district on weekends. For consumers concerned with the welfare of the environment, there is NO other all hybrid cab company in operation in our area. All cabs are brand new and all drivers will be uniformed. State of the art GPS technology used for safety of passengers and vehicles - see attached.

List the number of vehicles that will be under your operation or control: 4 at start

Minimum and Maximum number of vehicles to be permitted: 4 (Minimum) 10 (Maximum)

List the location of proposed depots and terminals:

Stand located in front of "The Dickson" on Dickson St. or at the corner of West St. and Dickson for peak hours of business (if possible) - Dispatch offices and parking spots for cabs located at: 609 West Dickson Street Suite 112 Fayetteville, AR 72701

Describe the color scheme or insignia to be used to designate your vehicle:

Attached - All cabs will be black in color with logo. Initial 4 cabs will be Toyota Prius Hybrids

List your days and hours of operation:

7 days a week - 24 hours per day on peak days and 6am - 3am on non-peak days.

List any days you do not propose to provide taxicab service to the general public:

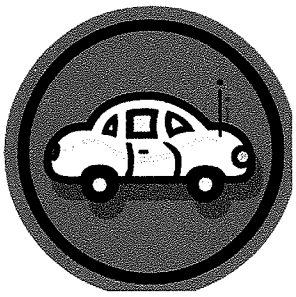
Possibly Christmas day only - open all other days.

List your proposed passenger rate schedule:

See attached. rate schedule for per mile and airport shuttle rates.

Sgt. Dan W. Harter
Police Department Representative

11-8-11
Date



green cab co.

609 West Dickson Street

Suite 112

Fayetteville, AR 72701

www.ridegreencab.com

Pricing

$3.50 Cab Entry

$2.60 per mile

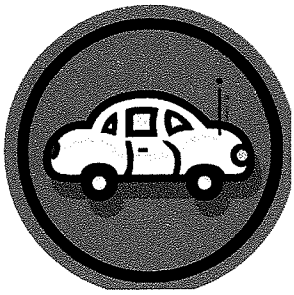
$2.00 each additional passenger

$0.50 per minute wait time

$50 flat rate Fayetteville/XNA

$40 flat rate Rogers or Bentonville/XNA

Corporate Bulk Rates Available



green cab co.

609 West Dickson Street

Suite 112

Fayetteville, AR 72701

www.ridegreencab.com

Green Cab Co vs. Competition

- Green Cab Co. is the environmentally friendly option
- Fast, Friendly, Professional Service
- All drivers are uniformed and wear clear, visible name tags
- Drivers are all drug tested randomly and background checked
- All cars are brand new Black Toyota Prius with Green Cab. Co logo (purchased locally)
- Ability to book rides via phone, online, text or email
- Utilize state of the art GPS tracking software to ensure driver and passenger safety which monitor location, geographic boundaries and speed in real time
- Convenient dispatch location attached to The Dickson parking garage – allows drivers to leave car in safe, covered environment

PREMIUM FINANCE AGREEMENT - Truth-in-Lending Disclosure

LENDER:

30833 Northwestern Highway - Suite 220, Farmington Hills, Michigan 48334
P.O. Box 257 - Southfield, MI 48037-0257
(248) 932-9020 (800) 477-7889 Fax (248) 932-9043

U/W_____ Contract Date_____

Account No._____

Royal Premium Budget Inc.
A KAUFMAN GROUP COMPANY

Type of Loan
- PERSONAL
- X COMMERCIAL
- ADDTN'L PREMIUM

AGENT/BROKER (NAME AND BUSINESS ADDRESS)	INSURED (NAME AND RESIDENCE OR BUSINESS ADDRESS)
Offenhauser and Company 518 Pine St Texarkana TX 75501 (903) 793-5511 PRODUCER CODE	Green Cab Company, Inc. 609 W. Dickson Street Suite 112 Fayetteville AR 72701

A	TOTAL PREMIUMS $ 36,454.08	PAYMENT SCHEDULE			
		NUMBER OF INSTALLMENTS	AMOUNT OF EACH INSTALLMENT	WHEN PAYMENTS ARE DUE	
B	DOWN PAYMENT $ 9,338.52	9	3,229.60	FIRST INSTALLMENT DUE 12/02/2011	INSTALLMENT DUE DATES 2nd (Monthly)
C	AMOUNT FINANCED THE AMOUNT OF CREDIT PROVIDED ON YOUR BEHALF $ 27,115.56				
D	FINANCE CHARGE THE DOLLAR AMOUNT THE CREDIT WILL COST YOU $ 1,950.84				
E	DOC STAMP TAXES (Florida Only) $ 0.00				
F	TOTAL OF PAYMENTS AMOUNT PAID AFTER MAKING ALL SCHEDULED PAYMENTS $ 29,066.40				
G	A.P.R. THE COST OF YOUR CREDIT AS A YEARLY RATE 16.950 %				

SCHEDULE OF POLICIES

POLICY PREFIX AND NUMBER	POLICY EFFECTIVE DATE	NAME OF INSURANCE CARRIER AND NAME OF MANAGING GENERAL AGENT	TYPE OF COVERAGE	POLICY TERM	GROSS PREMIUM
APP350946157	11/02/2011	NEW-CO - Scottsdale Insurance Company NEW-GA - AR01	BusAutc FIN TXS/FEES ERN TXS/FEES	12	34,752.00 1,402.08 300.00 0.00
		TOTAL PREMIUMS MUST AGREE WITH BOX "A" ABOVE >>>>			$ 36,454.08

Quote Number: 000001036539

TO THE INSURED:

If you sign below, you acknowledge receipt of a copy of this Agreement and you agree to the provisions BOTH ON THE FIRST AND THE SECOND PAGE OF THIS AGREEMENT. You further agree that you are irrevocably appointing LENDER your ATTORNEY-IN-FACT to cancel the policies as outlined on page 2 #9 in this agreement.

1. Do not sign this agreement before you read it or if it contains any blank spaces.
2. You are entitled to a completely filled-in copy of this agreement, keep a copy of this agreement to protect your legal rights.
3. Under the law, you have the right to pay off in advance the full amount due and under certain conditions to obtain a partial refund of the service charge. (In Florida after witholding $20.00)

IF FOR ANY REASON YOU DO NOT RECEIVE YOUR PAYMENT COUPONS OR INVOICE FOR INSTALLMENTS DUE, YOU MUST STILL MAKE YOUR PAYMENTS ON THE ABOVE DATE TO THE ABOVE ADDRESS.

The insured may request the Spanish language disclosure before signing any documents if required by state law. El prestatario puede solicitar un acceso equivalente en espanol.

DATE	PRINT NAME OF INSURED	SIGNATURE OF INSURED	TITLE

QIV#000001036539 PRN:110811 CFG:STD15 RT:STD CRD:10 BP:Coupon P/F:0.00 SUB:G00025 RPBZZ

PRODUCERS WARRANTIES AND REPRESENTATIONS:

Remittance: 9,338.52 **Retention:** 0.00

THE UNDERSIGNED WARRANTS AND GUARANTEES:
(1) The insured has received a copy of this Agreement, and the Required Federal Truth-In-Lending disclosures for Personal Lines Insurance, if applicable, (2) The policies hereon are in full force and effect and the information in the schedule of policies and the premiums are correct, except in the case of assigned risk or residual market policies. (3) The insured has authorized this transaction and recognizes the security interest assigned herein. (4) To hold in trust for LENDER any payments made or credited to the insured through or to the undersigned, directly, indirectly, actually or constructively by any of the insurance companies and to pay the monies to LENDER upon demand to satisfy the then outstanding indebtedness of the insured. (5) There are no exceptions to the policies other than those indicated and the policies comply with LENDER's eligibility requirements.(6) There are NO AUDIT OF REPORTING FORM POLICIES, POLICIES SUBJECT TO RETROSPECTIVE RATING OR TO MINIMUM EARNED PREMIUMS TO BE EARNED FOR THE FULL TERM OF THE POLICIES, IF POLICY IS SUBJECT TO A MINIMUM EARNED PREMIUM IT IS _____(7) The policies can be cancelled by the insured or the company on 10 days written notice and the unearned premiums will be computed on a pro-rata or short-rate table (in MD pro-rata). (8) The undersigned represents that a proceeding in bankruptcy, receivership or insolvency has not been instituted by or against the named insured or if the named insured is the subject of such a proceeding, it is noted on this Agreement in the space in which the insured's name and address is placed.

DATE _____ SIGNATURE OF AGENT OR BROKER _____

Royal Premium

30833 Northwestern Hwy, Suite 220
Farmington Hills, MI 48334
P: 800.477.7889 F: 248.932.9043
www.royalpremium.com

FINANCING INSTRUCTIONS

Dear Agent:

Attached is a Premium Finance Agreement for your insured's policy. Simply complete the following checklist of requirements and submit to Royal Premium to activate the loan:

- ☐ **Signed Premium Finance Agreement: The Premium Finance Agreement must be signed by both the insured and the producer (except in those states that allow the producer to sign on behalf of the insured in which case the producer may sign for both).**
- ☐ **Copy of Underwriting Binder and Invoice if available: A copy of the underwriting binder and invoice should be submitted with the Premium Finance Agreement, if available. The binder/declarations page must include the policy term, policy number, names of insurance companies, names of general agents, policy premiums, taxes, and fees.**
- ☐ **Complete Insured Information: The insured's information must be complete including name, mailing address, and phone number.**
- ☐ **Signed by Producer.**
- ☐ **Down Payment Check less your Commission: An agency check, payable to Royal Premium, for the down payment less your full commission, to be enclosed with the original signed Agreement.**
- ☐ **First Installment Payment Check (if needed) – The first installment will be due thirty (30) days from the earliest policy effective date. Any payment(s) due within 10 days of the date the finance agreement is submitted should be collected and sent along with the signed finance agreement. This will expedite funding to the companies and/or brokers.**

To Activate the Loan, Mail the following:

1. **Signed Premium Finance Agreement**
2. **Copy of underwriting binder and invoice**
3. **Down payment less your commission**
4. **1st installment if needed**

A legible copy of the Premium Finance Agreement, Binder, and Invoice may be faxed to 248-932-9043 or emailed to financing@royalpremium.com

All original documents and checks should be mailed to:
Royal Premium
PO Box 257
Southfield, MI 48037-0257

Contact our office with any questions at 800.477.7889. Thank you for the opportunity to service your financing needs.

Thank you for your business,

Royal Premium

MANDATORY FORMS - COMMERCIAL AUTO

SCOTTSDALE INSURANCE COMPANY®

SCHEDULE OF FORMS AND ENDORSEMENTS

Policy No. _____ _____ Effective Date: _____
12:01 A.M., Standard Time

Named Insured _____ Agent No. 03002

COMMON FORMS

UTS-COVPG	12-09	Cover Page
OPS-D-1	12-00	Common Policy Declarations
UTS-SP-2	12-95	Schedule Of Forms and Endorsements
IL 00 17	11-98	Common Policy Conditions
IL 00 21	9-08	Nuclear Energy Excl
UTS-9g	5-96	Service of Suit Clause
UTS-74g	8-95	Punitive Excl
UTS-119g	1-00	Min Earned Cancellation Prem

AUTO-TRUCKERS-GARAGE FORMS

CAS-SD-1	4-06	Business Auto Supplemental Dec
UTS-234	4-06	Covered Autos Schedule
CA 00 01	3-06	Business Auto Cov
CAS-2	10-92	Mileage Limitation-Commercial

CA0162
IL0909
CA9928
CA2108
CA2166
CA3128
CA9903

ADDITIONAL FORMS

CA56 PASSENGER LOADING & UNLOADING EXCLUSION

Burns & Wilcox
40 Years of Excellence

Kirkpatrick Plaza, 10800 Financial Ctre Pwy, Suite 270, Little Rock, AR 72211
Phone: (501) 221-3363 OR (800) 429-7572 Fax: (501) 221-1246

TO: Offenhauser & Company Attn: bsparks@fwoins.com
RE: Green Cab Company, Inc.

DATE: 11/8/2011
Page 1 of 1

WE ARE PLEASED TO OFFER THE FOLLOWING QUOTATION:

LOCATION(S) OF RISK:
1: 609 W. Dickson Street Suite 112, Fayetteville, AR 72701

PROPOSED EFFECTIVE PERIOD: 11/02/11 AT 12:01 AM TO 11/02/12 AT 12:01 AM STD TIME AT RISK LOCATION.

FORM OF COVERAGE: COMMERCIAL AUTOMOBILE OCCURRENCE

APPLICATION NO: APP350946157

INSURER(S):

Line Of Business	Supplier(s)	Participation
Auto Liability	Scottsdale Insurance Company	100.00 %
Auto Physical Damage	Scottsdale Insurance Company	100.00 %

LIMITS / DEDUCTIBLES:

Loc	Sub	Coverage	Limit(s)	Deductible(s)	Co Ins
1		Combined Single Limit	$1,000,000		
1		Medical Payments / Any One Person	$5,000		
1		Underinsured Motorist	$500,000		
1		Uninsured Motorist CSL	$500,000		
1		Uninsured Motorist Split Limits / Property Damage	$500,000		
1		Collision	$100,000	1,000	
1		Comprehensive	Included w/Limits	1,000	

TOTAL CHARGES:

Premium:	$	27,764.00	Auto Liability
Premium:	$	6,988.00	Auto Physical Damage
Fee:	$	300.00	Policy Fee (Fully Earned)
Tax:	$	1,402.08	Surplus Lines Tax - BusAuto
TOTAL:	$	36,454.08	

100% MINIMUM & DEPOSIT
TERM MINIMUM PREMIUM:
25.00 % EARNED
MINIMUM PREMIUM = $8,688.00

COMMISSION: 10.00 % OF PREMIUM

EXCLUSIONS:
Per attached forms list

ENDORSEMENTS:
Per attached forms list

CONDITIONS: PLEASE REVIEW THIS CAREFULLY AS IT MAY DIFFER FROM COVERAGES AND LIMITS REQUESTED.
Complete signed and dated application, supplemental application and um/uim form required to bind coverage. Based on 4 taxi's going 50 miles or less. Subject to favorable mvr's.

THE ABOVE COVERAGES ARE THE ONLY COVERAGES OFFERED. ANY COVERAGE REQUESTED IN THE APPLICATION THAT DIFFERS FROM THE ABOVE IS NOT INCLUDED. THE INSURANCE IS SUBJECT TO THE TERMS, CONDITIONS, LIMITATIONS, AND FORMS OF THE POLICY(S) IN CURRENT USE BY THE COMPANY.

PAYMENT: $32,978.88 DUE IN 30 DAYS FROM EFFECTIVE DATE.

WE APPRECIATE YOUR BUSINESS. NO BINDING AUTHORITY IS CONVEYED TO ANY AGENT. FLAT CANCELLATIONS NOT ALLOWED. QUOTATION IS GOOD FOR 30 DAYS.

B&W PRODUCER: Mark P Carter

Quote# 1036539 - Green Cab Company, Inc.

Payment Coupon

Quote Number: 1036539

11/8/2011 2:43:19 PM

To Our Customer...

Thank you again for selecting **Royal Premium Budget**. For your convenience, we are providing you with a coupon for your first installment which is due on 12/2/2011 12:00:00 AM.

You should be receiving a coupon booklet shortly, however, if you do not, please use this coupon to make your first installment. Please be aware that your first installment is still due on 12/2/2011 12:00:00 AM and will be considered late if not received in our office by 12/2/2011 12:00:00 AM **even if you do not receive your coupon booklet from us.**

If you do not receive your coupon booklet within 5-10 days, please call us at (248) 932-9020 and we will verify your correct address and send out a new set of coupons.

Please return the Coupon below with your Payment

Payment Coupon	Account	Payment#
Make check payable to:	Agent: NEW-AGT Quote: 1036539	1

Royal Premium Budget
P.O. BOX 257 ,
SOUTHFIELD, MI 48037-0257

☐ Have you moved? Please check this box and print your new address on the back.

BORROWER:

Green Cab Company, Inc.
609 W. Dickson Street Suite 112,
Fayetteville, AR 72701

If Payment is Received By	Regular Payment Amount
12/2/2011	$3,229.60

If Payment is Received After	Late Payment Amount
12/2/2011	$3,391.08

PROVISIONS OF YOUR SECURITY AGREEMENT

1. PROMISE OF REPAYMENT: The insured requests LENDER to pay the premiums on the policies shown on the first page of this agreement. The insured promises to pay to LENDERat its office the amount stated in Block "F" on the first page of this agreement, according to the Payment Schedule shown on that page, subject the rest of the terms of this Security Agreement.
2. SECURITY INTEREST: The insured assigns to LENDER as security for the total amount payable in this Agreement any and all unearned premiums, and states where applicable dividends which may become payable and if the policy is fully earned, all loss payments under said policies which reduce the unearned premium. The insured gives to LENDER a security interest in all items mentioned in this paragraph.
3. DEFAULT CHARGES: Insured agrees that if any installment is more than 10 days past due it will pay to LENDER a default charge in an amount up to 5% of the installment or the maximum permitted by applicable state law, in MD not to exceed $8.00 Personal, $100.00 Commecial. In FL, not to exceed $10.00 Personal.
4. FINANCE CHARGE: The finance charge, shown in Box "D" on the front side of this Agreement, begins to accrue on the earliest policy effective date and continues until all funds are paid in full. In California this agreement is subject to a minimum finance charge of $25.00 plus the Producer Fee shown in Box "D".
5. THIS AGREEMENT BECOMES A CONTRACT: This Agreement becomes a binding contract when LENDER mails a written acceptance to the insured.
6. WARRANTY OF ACCURACY: The insured warrants to LENDER that the insurance policies listed in the above schedule have been issued to the insured and are in full force and effect and except in case of assigned risk or residual market policies, that the insured has not assigned any interest in the policies except for the interest of mortgagees and loss payees.
7. REPRESENTATION OF SOLVENCY: The insured represents that it is not insolvent or presently the subject of any insolvency proceeding.
8. CANCELLATION: LENDER may cancel the insurance policies and the unpaid balances due to LENDER shall be immediately payable by the insured if any of the following occur: (a) The insured does not pay any installment according to the terms of this Agreement; (b) When an insurance contract is cancelled, the insurer shall return any gross unearned premiums that are due under the contract computed pro-rata or short-rate table (in MD pro-rata) excluding any fees to the lender within a reasonable time not exceeding 45 days of cancellation date.
9. POWER OF ATTORNEY - LIMIT OF LIABILITY: The insured irrevocably appoints LENDER its Attorney-in-Fact with full authority to cancel the insurance policies, receive all sums assigned to LENDER or in which it has granted LENDER a security interest and LENDER may execute and deliver on the insured's behalf all documents, instruments of payment and all forms. All forms and notices of any kind relating to the insurance policies in furtherance of this Agreement. LENDER's liability to any person or corporation on the exercise of its authority to cancel the insurance policies is limited to the amount of the principle balance, except if LENDER willfully fails to mail the notices required by law. When LENDER effects cancellation in accordance with state law, the insured will be responsible for attorney's fees (not a salaried employee) and other costs in any unsuccessful action filed as a result thereof to the extent permitted by applicable state law.
10. MONEY RECEIVED AFTER NOTICE OF CANCELLATION: Any payments made to LENDER after LENDER's Notice of Cancellation of the insurance policies has been mailed may be credited to the insured's account without affecting the acceleration of this Agreement and without any liability or obligation on LENDER's part to request the reinstatement of the cancelled policies. Any money LENDER receives from an insurance company shall be credited to the amount due LENDER with any surplus being paid over to the insured. No refund of less than $1.00 shall be made, not applicable to VA. If there is a balance due after LENDER receives the unearned premiums from the insurance company then the insured will pay the balance to LENDER with interest at the rate shown on this Agreement. Any money received after notice of cancellation has been sent may be applied to the outstanding indebtedness of any balance of this contract owed by insured and shall not be construed as a reinstatement of the insurance policy.
11. PREPAYMENT: Insured has the right to prepay the entire outstanding balance in full at any time before the due date of the final installment Upon prepayment in full, or upon cancellation and full payment to LENDER, insured will be entitled to receive a refund of the Finance Charge to be computed by the Rule of 78's ("Sum of the Years Digits") method, or the actuarial method, as required or permitted by the applicable law. If cancellation occurs, the insured agrees to pay a Finance Charge on the balance due at the rate on the reverse side of this Agreement until it is paid in full, or until such other date as is required by applicable state law. Insured agrees to pay LENDER reasonable attorney's fees, (In FL, not exceeding 20% of amount due,) and collections costs under the terms and conditions hereof and to the extent and amount permitted by applicable state law.
12. INSURANCE AGENT OR BROKER: The insurance agent or broker named on this Agreement is the insured's agent, and LENDER is not legally bound by anything the agent or broker represents to the insured, orally or in writing other than indicated on this agreement.
13. SPECIAL INSURANCE POLICIES: If the insurance policy issued to the insured is auditable or is a reporting form policy or subject to retrospective rating, then the insured promises to pay the insurance company the earned premium computed in accordance with the policy provisions which is in excess of the amount of premium advanced by LENDER which the insurance company retains.
14. SUCCESSORS AND ASSIGNS: All legal rights given to LENDER shall benefit LENDER's assigns. The insured will not assign the policies without LENDER's written consent except for the interest of mortgagees and loss payees.
15. MISSING AND INCORRECT INFORMATION: If the policy has not been issued at the time of signing this Agreement. The policy numbers of the insurance policies may be left blank and may be subsequently inserted in this Agreement. In addition, insured authorizes LENDER or the agent or broker to correct on this Agreement at any time, if incorrect, the name of the insurance companies, the policy numbers and the installment due dates. LENDER will notify the insured of the corrected and/or inserted information on its written notice of acceptance.
16. ADDITIONAL PREMIUMS: The money paid by LENDER is only for the premium as determined at the time the insurance policy is issued. LENDER's payment shall not be applied by the insurance company to pay for any additional premiums owed by the insured as a result of any type of misclassification of this risk. The insured agrees to pay the company any additional premiums which become due for any reason. LENDER may assign to the company any rights it has against the insured for premiums due the company in excess of the premiums returned to LENDER.
17. AGENT'S WARRANTIES: To convince LENDER to enter this Agreement and accept the security underlying this Agreement, the person executing this Agreement, if not the insured, warrants severally and as the duly authorized agent of the insured: that he is the duly authorized agent of the insured appointed specifically to enter into this transaction on the insured's behalf; that he can perform any act the insured could or should perform with respect to this transaction; that he will hold in trust for LENDER any payments made or credit to the insured through the undersigned or to the undersigned, directly, indirectly, actually or constructively, by any of the insurance companies and that he will pay the monies to LENDER upon demand to satisfy the then outstanding indebtedness of the insured.
18. ASSIGNMENT: All of LENDER's rights under this Agreement shall inure to its successors and assigns. This Agreement may not be assigned by the insured except as provided for in this Agreement.
19. DOCUMENT AND GOVERNING LAW: This document is the entire Agreement between LENDER and the insured and can only be changed in writing and signed by both parties. The laws of the state of insured's residence as set forth above will govern this Agreement. If any provision of this Agreement is held to be invalid or unenforceable, the validity and enforceability of the remaining provisions shall not be impaired.
20. ARIZONA: Interest charge calculated on 1/365 days.
21. NON-REFUNDABLE FEES: The insured agrees to pay lender non-refundable service charge (AZ $10.00, VA $15.00), returned check (AZ $10.00, FL $15.00, MD $25.00, MS $15.00, VA $20.00) and cancellation fees (MD $15.00, MS $15.00) under the terms and conditions hereof and to the extent and amount permitted by applicable state law.

ARKANSAS UNINSURED MOTORISTS COVERAGE SELECTION/REJECTION (SUPPLEMENT TO THE APPLICATION)

Policy Number:	**Policy Effective Date:**
Company:	**Producer:**
Applicant/Named Insured:	

Arkansas law permits you to make certain decisions regarding Uninsured Motorists Coverage and Underinsured Motorists Coverage. This document briefly describes these coverages and the options available.

You should read this document carefully and contact us or your agent if you have any questions regarding Uninsured Motorists Coverage and Underinsured Motorists Coverage and your options with respect to these coverages.

This document includes general descriptions of coverage. However, no coverage is provided by this document. You should read your policy and review your Declarations Page(s) and/or Schedule(s) for complete information on the coverages you are provided.

Uninsured Motorists Coverages

Bodily Injury Uninsured Motorists Coverage provides insurance protection to an insured for compensatory damages which the insured is legally entitled to recover from the owner or operator of an uninsured motor vehicle because of bodily injury caused by an automobile accident. Also included are damages due to bodily injury that result from an automobile accident with a hit-and-run vehicle whose owner or operator cannot be identified.

Property Damage Uninsured Motorists Coverage provides insurance protection to an insured for compensatory damages which the insured is legally entitled to recover from the owner or operator of an uninsured motor vehicle because of property damage caused by an automobile accident. Also included are damages due to property damage that result from an automobile accident with a hit-and-run vehicle whose owner or operator cannot be identified.

Unless rejected, your policy must include Bodily Injury Uninsured Motorists Coverage at limits not less than: (1) split limits of $25,000 for each person, subject to $50,000 for each accident with respect to bodily injury; or (2) a single limit of $50,000. You may select optional higher limits up to the policy's liability limits. If you purchase Bodily Injury Uninsured Motorists Coverage, then you may also select Property Damage Uninsured Motorists Coverage up to the policy's liability limits or you may reject such coverage.

Please indicate your choice from **A.**, **B.** or **C.** as follows:

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A. Selection Of Bodily Injury Uninsured Motorists Coverage AND Property Damage Uninsured Motorists Coverage

By completing this section, you are selecting BOTH Bodily Injury Uninsured Motorists Coverage AND Property Damage Uninsured Motorists Coverage in connection with your automobile liability policy.

Please indicate your choice by initialing next to the appropriate item(s) in **1.** OR **2.** and signing below. Please note that we only offer Bodily Injury Uninsured Motorists Coverage and Property Damage Uninsured Motorists Coverage up to the Liability Coverage limits of your policy, even though higher limits may appear below.

(Initials) _____ **1. I select Bodily Injury Uninsured Motorists Coverage at limit(s) equal to the minimum limits required by Arkansas law AND Property Damage Uninsured Motorists Coverage as indicated below. I acknowledge that I have been offered Bodily Injury Uninsured Motorists Coverage at limit(s) up to the liability limits of my policy. I reject any increased limits of Bodily Injury Uninsured Motorists Coverage that are higher than the minimum limits required by Arkansas law.**

(Choose either the Split Limits option or the Combined Single Limit option:)

(Initials)	Split Limits Bodily Injury And Property Damage	OR	(Initials)	Combined Single Limit
_____	$ 25,000/50,000/25,000		_____	$ 75,000

OR

(Initials) _____ **2. I select Bodily Injury Uninsured Motorists AND Property Damage Uninsured Motorists Coverage at the following limit(s):**

(Choose one Split Limits Bodily Injury option AND one Property Damage limit option, OR one Combined Single Limit option from the following:)

(Initials)	Split Limits Bodily Injury	(Initials)	Property Damage	OR	(Initials)	Combined Single Limit
_____	$ 50,000/100,000	_____	$ 50,000		_____	$ 100,000
_____	100,000/300,000	_____	100,000		_____	250,000
_____	250,000/500,000				_____	350,000
_____	500,000/1,000,000				_____	500,000
					_____	1,000,000
_____	_____ (Other)	_____	_____ (Other)		_____	_____ (Other)

_____ _____

Signature Of Applicant/Named Insured **Date**

 © ISO Properties, Inc., 2006

B. Rejection Of Property Damage Uninsured Motorists Coverage AND Selection Of ONLY Bodily Injury Uninsured Motorists Coverage

By completing this section, you are rejecting Property Damage Uninsured Motorists Coverage and selecting ONLY Bodily Injury Uninsured Motorists Coverage in connection with your automobile liability policy.

Please indicate your choice by initialing next to the appropriate item(s) in **1.** OR **2.** and signing below. Please note that we only offer Bodily Injury Uninsured Motorists Coverage up to the Liability Coverage limits of your policy, even though higher limits may appear below.

(Initials) _____ 1. I reject Property Damage Uninsured Motorists Coverage and select ONLY Bodily Injury Uninsured Motorists Coverage at limits equal to the minimum limits required by Arkansas law. I acknowledge that I have been offered Bodily Injury Uninsured Motorists Coverage at limit(s) up to the liability limits of my policy. I reject any increased limits of Bodily Injury Uninsured Motorists Coverage that are higher than the minimum limits required by Arkansas law.

(Choose either the Split Limits Bodily Injury option or the Combined Single Limit option from the following:)

(Initials)	Split Limits Bodily Injury	OR	(Initials)	Combined Single Limit
_____	$ 25,000/50,000		_____	$ 50,000

OR

(Initials) _____ 2. I reject Property Damage Uninsured Motorists Coverage and select ONLY Bodily Injury Uninsured Motorists Coverage at the following limit(s):

(Choose one Split Limits Bodily Injury option OR one Combined Single Limit option from the following:)

(Initials)	Split Limits Bodily Injury	OR	(Initials)	Combined Single Limit
_____	$ 50,000/100,000		_____	$ 100,000
_____	100,000/300,000		_____	250,000
_____	250,000/500,000		_____	350,000
_____	500,000/1,000,000		_____	500,000
			_____	1,000,000
_____	_____ (Other)		_____	_____ (Other)

_____ _____

Signature Of Applicant/Named Insured **Date**

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C. Rejection Of BOTH Bodily Injury Uninsured Motorists Coverage AND Property Damage Uninsured Motorists Coverage

By initialing and signing below, you are rejecting Bodily Injury Uninsured Motorists Coverage AND Property Damage Uninsured Motorists Coverage in its entirety.

(Initials)

_____ **I reject BOTH Bodily Injury Uninsured Motorists Coverage AND Property Damage Uninsured Motorists Coverage.**

_____ _____

Signature Of Applicant/Named Insured **Date**

 © ISO Properties, Inc., 2006

November 15, 2011

Sgt. Jay Harter

Fayetteville Police Department

RE: Green Cab Co – Application for Permit

Sgt. Harter,

I am writing in regard to the Application for Permit for Green Cab Co, a new business in Fayetteville. I am Sarah Sparks Diebold residing at 2275 Blue Mesa Rd. Fayetteville, AR 72701 and have lived at this address for approximately 5 years. I have lived in Fayetteville since August, 1991, first as a student, then as a productive resident.

In the course of my time in Fayetteville I have owned both Countryside Apartments on Deane Street and most recently Friendly Liquor on North College. I have since sold both businesses. During my time here, I have been current on all local, county, state and federal taxes and have no outstanding judgements against me of any nature. In addition, I have no arrest of any kind on my record.

Green Cab Company is being funded thru a combination of personal assets and an operating loan from Arvest Bank. Clay Reed is the loan officer and Regina R. Young, CPA would both be happy to answer any questions regarding my financial stability to start this much needed business. Regina would also be able to attest to my former business activity for the apartments and liquor store. I pride myself in running profitable, ethical and fully legal business entities.

On a side note, this idea stemmed from research around other towns similar to Fayetteville where the hybrid cab concept has worked well. I personally have struggled many times to secure a cab, especially in the entertainment district which has been frustrating. Green Cab Company will offer safe, secure and professional rides for our citizens all while doing something better for the environment.

Please don't hesitate to contact me at 479-530-3558 should you have any further questions.

Sincerely,

Sarah Sparks Diebold

Sarah Sparks Diebold

Green Cab Company

Secretary/Treasurer

November 15, 2011

Sgt. Jay Harter

Fayetteville Police Department

RE: Green Cab Co – Application for permit

Sgt. Harter,

I am writing this letter in regard to the Application for Permit for Green Cab Co., a proposed new business to be headquartered in Fayetteville. My name is Matt Powell and I reside at 2633 Miles View Rd. Fayetteville, AR 72703. My family and I have lived at this residence since March, 2003. I grew up in Fayetteville, moved to Tulsa, OK for college then to California and Texas for work. I have resided in Fayetteville for the past 18 years now.

Since returning to Fayetteville I have had various employment opportunities. I currently work at Covidien Surgical in medical sales. I have worked for this company for approximately 11 years. I left the company in 2003 to start/operate a document imaging company that was based out of Southern Missouri that I later sold to a competitor in January, 2007. Some of my most valuable experiences that I have are running my own company where I managed the sales division and handled all business development relationships.

Green Cab Co is being funded thru a combination of personal assets and an operating loan from Arvest Bank. Clay Reed is the loan officer for the company. I am in good financial standing and have no unpaid judgements against me. Daniel McCormick is my CPA and he would be happy to answer any questions regarding my financial stability. Our mission for the Green Cab Co is to reduce the carbon footprint for Northwest Arkansas by offering a taxi service that is environmentally friendly, clean, technologically advanced, and affordable for consumers. This is a well thought out and researched company and we are confident that it will be a successful addition to Northwest Arkansas' transportation industry by offering a greener alternative to driving.

Feel free to call me any time if you should have any more questions. You can reach me at 479.790.9909.

Sincerely,

Matt Powell

Matt Powell

President

Green Cab Company

November 14, 2011

Sgt. Jay Harter
Fayetteville Police Department

RE: Green Cab Co – Application for Permit

Sgt. Harter,

I am writing in regards to the Application for Permit for Green Cab Co, a new business in Fayetteville. My name is Bradley Collins Audrain residing at 65 N. Fletcher Ave., Fayetteville, AR 72701 and I have lived at this address for approximately 2 years. Prior to this, I was a law student at the U of A, and I lived at 65 N. Greenbriar, Fayetteville 72703 for approximately 4 years. I have lived in Fayetteville since August of 2002, first as a student, and now as a resident.

During my time in Fayetteville, I received my Bachelor of Science degree in Business Administrative Management, a minor in both Real Estate Finance and Psychology and I received my Juris Doctorate from the Leflar Law School in May of 2010. Before changing career paths, I worked at Jones Law Firm, P.L.C. as a law clerk and later as an associate from May of 2007 until April of 2011. I have been current on all local, county, state and federal taxes and have no outstanding judgments against me of any nature. In addition, I have no arrests of any kind on my record.

My projected role in Green Cab Company is to run the daily business operations as well as market our idea to the community in Fayetteville. I commit to adhere to the Fayetteville Code of Ordinances and Title XI Business Regulations for any and all Green Cab Company activity in the future. I am confident that our business plan will help to fill a fill a need and create a partnership with the city of Fayetteville for many years to come.

Not only has this hybrid cab concept thrived in similar cities with large Universities, but also my own personal experiences have shown that there is a need for more cabs in Fayetteville. In 2010, after waiting on a cab for approximately two hours, I was mugged while attempting to walk up Dickson St. trying to get home. While I still believe that Fayetteville is a very safe city and a great place to raise a family, I do think that my situation could easily have been averted with a more reliable cab service located right where my problem occurred.

Please don't hesitate to contact me at (901) 490-9943 should you have any further questions.

Sincerely,

Bradley Collins Audrain
Vice President, Green Cab Company, Inc.

RECEIVED
NOV 01 2011
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

October 31, 2011

City Council
Fayetteville Arkansas
113 W Mountain Street
Fayetteville, Arkansas 72701

Dear City Council Members,

Re-zoning request RZN 11-3960: Rezone (1730 N Old Wire Road/Williams & Cooper, 369) appeared before the Fayetteville Planning Commission on Monday, October 24, 2011. The Planning Commission voted 4-3 to approve this re-zone, but five or more votes are required for the re-zone to be automatically forwarded to the City Council for approval.

The intention of this letter is to formally appeal the request to rezone the 8.6 acres located at 1730 N Old Wire Road from its current RSF-4 zoning to Neighborhood Conservation with a bill of assurance that prohibits attached and multi-family dwellings and limits the number of single family homes to no more than 50.

This rezone request was submitted following an extensive review of the City Plan 2025, Future Land Use Plan, Master Street Plan and Zoning maps. This rezone was presented to the Fayetteville Planning Commission with the City Planning Staff's support and recommendation for approval. Your thorough consideration of this request would be appreciated as it is believed that this rezone meets all of the guidelines set forth for land development under the plans referenced above.

Please contact Jackson Williams 479.841.3639 or Tim Cooper 479.2336.6629 with any questions you may have regarding this rezone.

Sincerely,

Jackson Williams

From: Jeremy Pate
To: Branson, Lisa
CC: Garner, Andrew; JACKSON.WILLIAMS@SBCGLOBAL.NET
Date: 11/1/2011 3:46 PM
Subject: Re: Appeal RZN 11-3960 Old Wire Rd. Williams & Cooper

Lisa,
Andrew will prepare the necessary background information for this appeal and submit it to your office by the next request deadline. That places this item on the December 06 City Council meeting.

thanks,
Jeremy

_____
Jeremy C. Pate
Development Services Director
City of Fayetteville, Arkansas

>>> Lisa Branson 11/1/2011 1:59 PM >>>
Jeremy,

Attached is an appeal letter regarding Rezoning request RZN 11-3960: (1730 N Old Wire Road/Williams & Cooper). Will you please let me know if you will be providing back up information regarding the appeal and what City Council agenda date this will be on?

Thanks,
Lisa

Lisa Branson
Deputy City Clerk

City of Fayetteville
113 W Mountain
Fayetteville, AR 72701
(479) 575-8323
lbranson@ci.fayetteville.ar.us

TDD (Telecommunications Device for the Deaf): (479) 521-1316

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Andrew Garner, Senior Planner

Date: October 25, 2011

Subject: RZN 11-3960 (1730 N. Old Wire Road)

RECOMMENDATION

On October 24, 2011 The Planning Commission voted 4-3-0 to forward the subject item to the City Council with a recommendation for approval (Commissioners Hoskins, Griffin, and Honchell voted "no", Commissioners Earnest and Bunch were absent). This rezoning request failed to the receive five (5) positive votes necessary to be forwarded to City Council. The applicant has appealed the Planning Commission's decision to the City Council. Staff recommends approval of an ordinance to rezone the subject property from RSF-4, Residential Single-Family, 4 dwelling units per acre, to NC, Neighborhood Conservation, subject to a Bill of Assurance that would limit the total number of dwellings to 50 and restrict the use to single family detached dwellings.

BACKGROUND

The property is zoned Residential Single-Family Four Units Per Acre (RSF-4), and contains 8.6 acres located at 1730 Old Wire Road. The site contains a single family home and pasture with access to the home off of a long driveway to Old Wire Road. The site is surrounded by three existing neighborhoods and undeveloped property including the Regency Estates Neighborhood to the north, Spring Creek North Addition to the east, Ramsey Addition to the south, and undeveloped single family out-lots on Old Wire Road to the west. Access to this property is available from Old Wire Road, Samantha Avenue to the north, Charlee Avenue to the east, and Ramsey Avenue to the south. The western portion of the property adjacent to Old Wire Road is located within the floodplain of Niokaska Creek.

The request is to rezone the property from RSF- 4, Residential Single Family Four Units per Acre, to NC, Neighborhood Conservation. The applicant has offered a Bill of Assurance that would not permit duplexes or multi-family residences and a limit of 50 single family lots, a gross density of 5.8 units per acre. The applicant has stated that the intent is to develop the property for smaller single family lots than permitted by the underlying RSF-4 zoning district and in a traditional pattern.

DISCUSSION

Fourteen members of the public spoke at the October 24, 2011 Planning Commission meeting with comments centered around traffic congestion, pedestrian and vehicular safety, home values, and local flooding problems. The unofficial draft meeting minutes are included in this staff report.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 11-3960, FOR APPROXIMATELY 8.60 ACRES, LOCATED AT 1730 NORTH OLD WIRE ROAD FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION, SUBECT TO A BILL OF ASSURANCE.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from RSF-4, Residential Single-Family, 4 units per acre, to NC, Neighborhood Conservation, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

Section 3: That this property is subject to a Bill of Assurance offered by the property owner and runs with the land, which limits the use of the property to exclude duplexes and multi-family dwellings and the number of single family lots to 50 as shown in Exhibit "C" attached hereto and made a part thereof.

PASSED and **APPROVED** this day of , 2011.

APPROVED: ATTEST:

By: _____ By: _____
LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

EXHIBIT "A"

RZN11-3960

Close Up View

WILLIAMS & COOPER

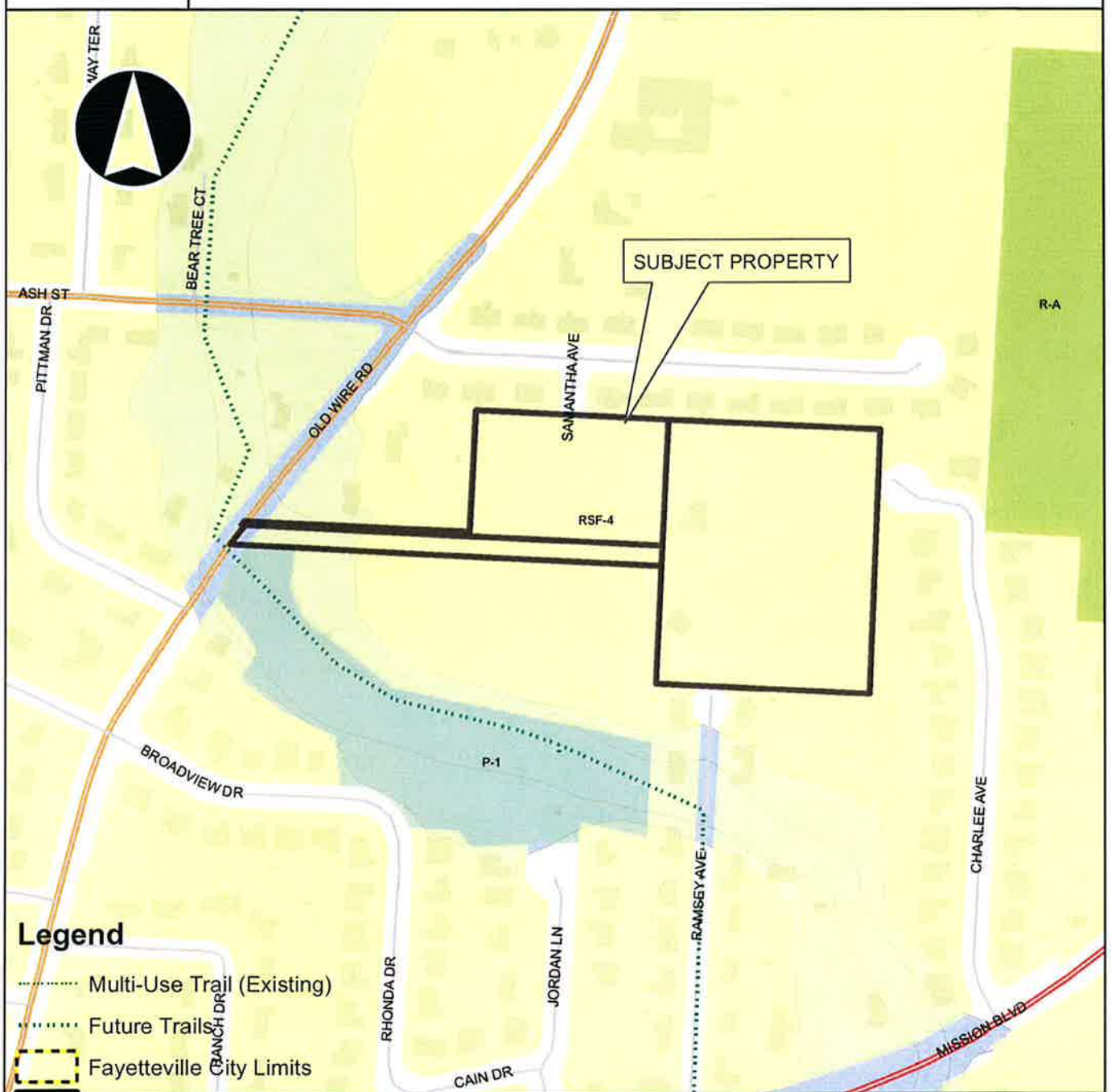


EXHIBIT "B"
RZN 11-3960
Page 1 of 2

LEGAL DESCRIPTION: **PARCEL: 765-13432-000**
PART OF THE SOUTHEAST (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 3, IN TOWNSHIP 16 NORTH OF RANGE 30 WEST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; TO-WIT; BEGINNING AT A POINT 660 FEET WEST OF THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT, AND RUNNING WITH A FENCE EAST 443.4 FEET; THENCE NORTH 0°10' WEST 542 *FEET* TO A FENCE; THENCE WITH FENCE WEST 439.4 FEET; THENCE SOUTH 0°10' WEST 542 FEET TO THE POINT OF BEGINNING. ALSO, A PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 3, TOWNSHIP 16 NORTH, RANGE 30 WEST, DESCRIBED AS A STRIP OF LAND 41.5 FEET WIDE NORTH AND SOUTH, FURTHER DESCRIBED AS BEGINNING AT A POINT 660.4 FEET WEST AND 242 FEET NORTH OF THE SOUTHEAST CORNER OF SAID 80 ACRE TRACT; THENCE NORTH 41.5 FEET; THENCE WEST 851.6 FEET TO CENTER LINE OF OLD WIRE ROAD; THENCE SOUTHWESTERLY WITH CENTERLINE OF SAID ROAD TO A POINT DUE WEST OF THE POINT OF BEGINNING; THENCE EAST TO THE POINT OF BEGINNING. AND A PART OF THE SOUTH HALF (S1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION THREE (3) TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT 660 FEET WEST AND 283.5 FEET NORTH OF THE SOUTHEAST CORNER OF SAID 80 ACRE TRACT, AND THENCE NORTH 260 FEET; THENCE WEST 663.6 FEET, MORE OR LESS TO THE CENTER LINE OF OLD WIRE ROAD THENCE SOUTHWESTERLY WITH THE CENTER LINE OF SAID OLD WIRE ROAD 328 FEET, MORE OR LESS, TO A POINT DUE WEST OF THE BEGINNING POINT; THENCE EAST 853 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, CONTAINING FOUR AND FIVE-TENTHS (4.5) ACRES, MORE OR LESS. LESS AND EXCEPT PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) AND PART OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION THREE (3), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT; FROM THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE 114) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION THREE (3) TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, PROCEED WEST, 1049.00 FEET, THENCE NORTH 00 DEGREES 10 MINUTES 00 SECONDS EAST 292 FEET, TO THE POINT OF BEGINNING, THENCE WEST 456.09 FEET TO A POINT IN THE CENTERLINE OF OLD WIRE ROAD, THENCE ALONG SAID CENTERLINE NORTH 36 DEGREES 03 MINUTES 15 SECONDS EAST 154.62 FEET, THENCE DEPARTING SAID CENTERLINE EAST 365.46 FEET, THENCE SOUTH 00 DEGREES 10 MINUTES 00 SECONDS WEST 125.00 FEET, TO THE POINT OF BEGINNING, AND CONTAINING 1.179 ACRES, MORE OR LESS, ALL IN WASHINGTON COUNTY, ARKANSAS AND SUBJECT TO A ROAD EASEMENT ALONG THE WEST SIDE AND AN EASEMENT FOR A GAS LINE AS SHOWN. AND, LESS AND EXCEPT PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) AND PART OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION THREE (3), TOWNSHIP 16 NORTH RANGE 30 WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT; FROM THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 3, TOWNSHIP 16 NORTH, RANGE 30 WEST, PROCEED WEST, 1,049.00 FEET,

EXHIBIT "B"
RZN 11-3960
Page 2 of 2

THENCE NORTH 00 DEGREES 10 MINUTES 00 SECONDS EAST 417 FEET, TO THE POINT OF BEGINNING, THENCE WEST 365.46 FEET CO A POINT IN THE CENTERLINE OF OLD WIRE ROAD, THENCE ALONG SAID CENTERLINE NORTH 36 DEGREES 03 MINUTES 15 SECONDS EAST 154.62 FEET, THENCE DEPARTING SAID CENTERLINE EAST 274.82 FEET, THENCE SOUTH 00 DEGREES 10 MINUTES 00 SECONDS WEST 125.00 FEET TO THE POINT OF BEGINNING, AND CONTAINING 0.918 ACRES, MORE OR LESS ALL IN WASHINGTON COUNTY, ARKANSAS AND SUBJECT TO A ROAD EASEMENT ALONG THE WEST SIDE AND AN EASEMENT FOR A GAS LINE AS SHOWN.

EXHIBIT "C"

BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") W-Bar Investments, LLC, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

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

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

1. The use of Petitioner's property shall be limited to Single Family Detached units. Multi Family and or Duplex units will not be allowed.

2. Other restrictions including number and type of structures upon the property are limited to a maximum of 50 single family lots with no more than two stories.

3. Specific activities will not be allowed upon petitioner's property include the development and or construction of Multi Family and or Duplexes.

4. (Any other terms or conditions) None.

5. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

EXHIBIT "C"
Page 2 of 2

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above. I. Jackson Williams, as the owner, developer or buyer (Petitioner) **voluntarily offer** all such assurances and sign my name below.

10-12-11
Date

Jackson Williams
Printed Name

P.O. Box 366
Address
Fayetteville, AR
72702

Signature

NOTARY OATH

STATE OF ARKANSAS |
COUNTY OF ~~WASHINGTON~~ Benton | **.ss**

And now on this the 12th day of October, 2011, appeared before me, Jackson Williams, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

Stephanie R. Hyde
NOTARY PUBLIC

My Commission Expires:

10-31-2013

Stephanie R. Hyde
Notary Public - Arkansas
My Commission Exp. 10-31-2013

Fayetteville
ARKANSAS

PC Meeting of October 24, 2011

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Andrew Garner, Senior Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~October 17, 2011~~ *Updated October 25, 2011*

RZN 11-3960: Rezone (1730 N. OLD WIRE ROAD/WILLIAMS & COOPER, 369): Submitted by JACKSON WILLIAMS AND TIM COOPER for property located at 1730 N. OLD WIRE ROAD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY FOUR UNITS PER ACRE and contains approximately 8.6 acres. The request is to rezone the property to NC, Neighborhood Conservation, subject to a Bill of Assurance. Planner: Andrew Garner

BACKGROUND:

Property Description: The property is zoned Residential Single-Family Four Units Per Acre (RSF-4), and contains 8.6 acres located at 1730 Old Wire. The site contains a single family home and pasture with access to the home off of a long driveway to Old Wire Road. The site is surrounded by three existing neighborhoods and undeveloped property as indicated in *Table 1*. Access to this property is available from Old Wire Road, Samantha Avenue to the north, Charlee Avenue to the east, and Ramsey Avenue to the south. The western portion of the property adjacent to Old Wire Road is located within the floodplain of Niokaska Creek.

Table 1
Surrounding Zoning and Land Use

Direction from Site	Land Use	Zoning
North	Single family residential on Ash Street (Regency Estates)	RSF-4, Residential Single-Family Four Units Per Acre
South	Single family and two-family residential on Ramsey Street (Ramsey Addition)	RSF-4, Residential Single-Family Four Units Per Acre
East	Single family residential on Charlee Avenue (Spring Creek North Addition)	RSF-4, Residential Single-Family Four Units Per Acre
West	Single family residential and undeveloped out-lots on Old Wire Road	RSF-4, Residential Single-Family Four Units Per Acre

Proposal: The request is to rezone the property from RSF- 4, Residential Single Family Four Units per Acre, to NC, Neighborhood Conservation. The applicant has offered a Bill of Assurance that

would not permit duplexes or multi-family residences and a limit of 50 single family lots, a gross density of 5.8 units per acre. The applicant has stated that the intent is to develop the property for smaller single family lots than permitted by the underlying RSF-4 zoning district and in a traditional pattern.

Public Comment: Staff has received calls and in-person inquiries about the rezoning. The main comments have been regarding local flooding issues associated with Niokaska Creek and access to the surrounding neighborhoods.

RECOMMENDATION:

Staff recommends forwarding RZN 11-3960 to the City Council with a recommendation for approval based on findings stated herein.

PLANNING COMMISSION ACTION: Required YES

Date: October 24, 2011 ☐ **Tabled** ☐ **Forwarded** **X Denied**
Motion: Chesser **Second: Winston**
Vote: 4-3-0 (Commissioner Honchell, Hoskins, Griffin voted 'no'
Note: Motion to forward failed due to lack of five positive votes.

CITY COUNCIL ACTION: Required YES
☐ **Approved** ☐ **Denied**
Date:

INFRASTRUCTURE:

Streets: The site has access to Samantha Avenue, Charlee Avenue, Ramsey Avenue, and Old Wire Road. Samantha Avenue, Ramsey Avenue, and Charlee Avenue are improved two lane residential city streets. Old Wire Road is a two lane city street with no sidewalks and with open ditches in this location. Street improvements will be evaluated at the time of development. Connections to all street stub-outs will be required at the time of development in accordance with the City's Access Management ordinance.

Water: Public water is available to the property. There is an 8" water main stubbed out to the property from Charlee Avenue and a 6" main stubbed out along Samantha Avenue. Public water main improvements will need to be extended through the property to provide domestic and fire flow for any proposed development.

Sewer: Sanitary sewer is available to the site. There is a 12" public main running through the middle of this property. Public mains may need to be extended within the property to serve any proposed development. The capacity of the existing mains may need to be evaluated with any proposed development.

Drainage: Standard improvements and requirements for drainage will be required for any development. The design engineer will be responsible for addressing any drainage issues at this location with the development design. An increase in peak flow will not be allowed with any development of this property. This property is affected by the 100-year floodplain and the Streamside Protection Zones associated with Niokaska Creek.

Police: The Fayetteville Police Department has not expressed concerns with this request.

Fire: The Fayetteville Fire Department has not expressed concerns with this request.

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2025 Future Land Use Plan designates a majority of this site as **Residential Neighborhood Area** and a small portion of the site associated with the Niokaska Creek floodplain as **Natural Area**.*

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: Staff finds the proposal is highly consistent with the land use planning objectives, principles and policies, as evidenced by the number of guiding policies for Residential Areas this proposal meets including Residential Area Policy F to:

> "S*ite new residential areas accessible to roadway, alternative transportation modes, community amenities, schools, infrastructure, and retail and commercial goods and services."*

This site is surrounded by existing roads with three street stub-outs to the site. The site is in the core of the City and within walking distance of an elementary school, a church, and close proximity to downtown.

The proposed rezoning is also highly consistent with the six major goals of City Plan 2030 as follows:

City Plan 2030 Goals	RZN 11-3960 Compliance With City Plan 2030
Goal 1: We will make appropriate infill and revitalization our highest priorities.	This proposed rezoning would allow infill in a well-developed area of Fayetteville. The property is surrounded by existing development and infrastructure within walking distance of an elementary school. Future development of this site permitted under the proposed zoning district would provide the opportunity for improvements and revitalization to existing infrastructure. The proposal would allow 'appropriate' single-family infill compatible with the surrounding primarily single-family neighborhoods.
Goal 2: We will discourage suburban sprawl.	By permitting infill development at a slightly higher density than the existing zoning, the proposed rezoning discourages suburban sprawl on the perimeter of the City. Future development allowed because of this rezoning would be able to take advantage of proximity to existing utility and public infrastructure and services more than a sprawling development on the periphery.
Goal 3: We will make traditional town form the standard.	The NC zoning district is a form-based district with a build-to zone that would require development in a traditional town form.
Goal 4: We will grow a livable transportation network.	Development of this site allowed under the proposed zoning will provide an opportunity to provide vehicular and pedestrian connection between three isolated neighborhoods. The requirements under the City's development codes for street connections would improve connectivity in this area of the City, providing more options to residents and those traveling through the area.
Goal 5: We will assemble an enduring green network.	Preservation of greenspace would be reviewed and required during development.
Goal 6: We will create opportunities for attainable housing.	The variety of lot sizes allowed because of the rezoning could lead to a mixed-income neighborhood in this area of the City. Consistent with the intent of this goal, the proposed rezoning is not an isolated attainable housing project all under one zoning district, but rather reflects the opportunity to create a more traditional urban neighborhood with households of varying types, sizes, and economic means.

Rezoning the property will accommodate both the future land use plan for residential uses, and also allow for a variety of uses and housing types, sizes and development pattern, thus providing more choices for more citizens. The proposed zoning for single family residences is also compatible with the existing land uses and zoning in the immediate area. Adjacent developments include residential subdivisions zoned RSF-4 (maximum four units per acre) to the north, east, and south, and undeveloped and large lot single family residences to the west. The NC zoning will allow for smaller single family homes introducing variety of residential housing types in this infill location within walking distance of Root Elementary School. Most of the adjacent lots to the north and east are low density single family residential, with the exception of a few duplexes along

Ramsey Avenue to the south. The Charleston Place neighborhood is approximately 1,000 feet to the northeast of this site and is developed in a traditional pattern with similar lot sizes as would be allowed in the proposed NC zoning. The NC zoning is a form-based zoning that requires a traditional design and the opportunity for narrow lots and houses closer to the street, consistent with land use planning policies, and common in other developed areas of the City.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **As discussed in Finding No. 1, the proposed zoning is justified as it is compatible with the surrounding zoning and land uses and consistent with the City's Future Land Use Plan. The property could be developed under the existing zoning regulations, however the NC zoning is justified in order to provide variety in lot sizes and to meet market demand for smaller lots.**

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: **The proposed zoning will generate the potential for additional traffic on the surrounding street system over the existing RSF-4 zoning. As stated in the Bill of Assurance, this rezoning would yield a total of 50 single family lots (a density of 5.8 units per acre), subject to preliminary plat approval. The street improvements required as part of the development should be adequate to account for these additional vehicle trips, but would be evaluated at the time of preliminary plat. Street connections to all adjacent street stub-outs would be recommended in compliance with the City's Access Management ordinance. This street connectivity should improve overall traffic flow and pedestrian connectivity in this area.**

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **The proposed zoning would potentially increase population density. The proposed zoning would allow for a total of 16 additional single family lots on this property over the existing zoning. However, this increase in single-family residences is consistent with land use, zoning, and development patterns in the immediate vicinity, as well as the current underlying zoning district. This site is located within the core of the City with adequate surrounding infrastructure.**

Increased load on public services was taken into consideration and recommendations from Engineering, Fire, and Police Departments are included in this report. Significant adverse impacts to public services would not result with the incorporation of standard improvements as part of the development.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

   a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
   b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	15 ft.

(F) *Building height regulations.*

Building Height Maximum	45 ft.

Height regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.
(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10)

161.26 Neighborhood Conservation

(A) *Purpose.* The *Neighborhood Conservation* zone has the least activity and a lower density than the other zones. Although *Neighborhood Conservation* is the most purely residential zone, it can have some mix of uses, such as civic buildings. *Neighborhood Conservation* serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the Neighborhood Conservation district is a residential zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 10	Three-family dwellings
Unit 12	Limited Business *
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities

(C) *Density.* 10 Units Per Acre.

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single Family	40 ft.
Two Family	80 ft.
Three Family	90 ft.

(2) *Lot area minimum.* 4,000 Sq. Ft.

(E) *Setback regulations.*

Front	The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	5 ft.
Rear	5 ft.
Rear, from center line of an alley	12 ft.

(F) *Minimum buildable street frontage.* 40% of lot width.

(G) *Height regulations.* Maximum height is 3 stories or 45 feet which ever is less.

(Ord. 5128, 4-15-08; Ord. 5312, 4-20-10

RZN 11-3960: Rezone (1730 N. OLD WIRE ROAD/WILLIAMS & COOPER, 369): Submitted by JACKSON WILLIAMS AND TIM COOPER for property located at 1730 N. OLD WIRE ROAD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY FOUR UNITS PER ACRE and contains approximately 8.6 acres. The request is to rezone the property to NC, Neighborhood Conservation, subject to a Bill of Assurance.

Andrew Garner, Senior Planner, gave the staff report.

Tim Cooper, applicant, discussed the proposed rezoning.

Public Comment:

Harry Jackson, property owner to the south and west, discussed that his concern is having access to his property after this subdivision is built. He does not want to be landlocked.

Kevin Sanchez, 1273 East Ash Street, read an email that he sent to the Planning Commission objecting to the rezoning for a number of reasons.

Aubrey Shepherd, discussed that this site is the beginning of the prairie. He discussed that flooding will get worse with this rezoning. We need to protect the watershed.

Sallie Kelley, lives on Ash Street, moved there in 1994. She discussed that it took two years to work to resolve a drainage problem on her property. She stated concerns with making the drainage problems worse.

Jonice Adams, 1630 Charlee Avenue, opposed to the rezoning because of the higher density will not fit in with the neighborhood. She discussed that there is a huge amount of traffic on Mission in the morning. It is very difficult to get out of Charlee onto Mission. She discussed concerns with Charlee being connected. There is angle and site distance issues with the intersection of Charlee and Mission.

Ann Ratcliff, 1750 Charlee Avenue, opposes the rezoning request because of flooding issues and safety issues. On Charlee there are children before and after school. There are families that walk their kids up and down the street. I cannot imagine a worse safety issue. I ask you to retain the cul-de-sac on Charlee. The proposed homes would not be the same size as surrounding homes. We do not have sidewalks to accommodate pedestrian traffic.

Laura Lindsey, lives on Charlee Avenue, I oppose this because we have children. There are 15-20 people that park on Charlee every morning and walk kids. You are going to take out someone, there is going to be a death and I don't want it to be my children. The safety issues are bad, we bought because this was a cul-de-sac and you are going to make it a cut-through. There are so many things wrong with this. We have so many cars parking on this street already. You would not want this on our street so why put it on ours. You are going to change the whole continuity of our neighborhood. You can't put that many cars on our street. She described the pedestrian crossing guards. You are talking an additional 500-1000 cars per day on our street. We bought in this neighborhood because it was a quiet safe street. You don't want this in your backyard so don't put it in our front yard.

Tom Sawyer, lives on Ramsey Avenue. He described previous rezonings that were approved including Summit Place and Ruskin Heights that will put more homes on Mission. Root and Vandergriff Elementary are at capacity. This should go through the school boards. I don't want people cutting through on Ramsey. We bought or rent on Ramsey for a reason because it is a quiet dead-end street near Root. We don't want traffic cutting through. We get people parking on our street and running across Mission Boulevard not at the cross walk. Was Ramsey ever

designed as a cut-through?

Garner discussed that Ramsey Avenue was designed as a through street and the right-of-way stubs out all the way to the property line. He also discussed that Samantha Street and Charlee Avenue stub-outs also were intended to be through streets as well. He discussed that the location of street stub-outs and through streets is not something that is determined with a rezoning request.

Cabe stated that we are only considering land use. We are not considering street connections. We are strictly looking at whether this property should be rezoned. We are just looking at land use. Development is not part of this proposal.

Jana Berton, 1702 Charlee, lived there since 1992. I have several concerns including children that live and play on Charlee. We bought on this street because it is a charming cul-de-sac. My children walked to and from school. She discussed that traffic is bad in the morning and afternoon around Root Elementary. We will have a lot of cars turning and cutting through our street. It will affect the safety of our children on Charlee and Ash street. I am concerned with smaller high-density units adversely affecting the values of our homes. We're concerned with protecting our homes and the size of units coming in affecting our property values.

Kit Williams, City Attorney, clarified that roads are not evaluated now but traffic can be considered. He discussed other items that can be considered with a rezoning including compatibility.

Dale Thompson, 1690 Charlee Avenue, we have been there since 2001. We bought here primarily because of the good school system. His primary concern is because of the smaller lot sizes. Part of the reason they bought on Charlee was because of the house size. The other thing is the traffic. He discussed traffic in the morning and the afternoon and kids being safe on Charlee. He discussed flooding in this area and that the drainage system needs to be evaluated closely. He is against this rezoning.

Amy Rosetti, 1657 Charlee Avenue, my husband and I are opposed to this rezoning. There is a lot of traffic and it is unsafe. One time I had to call Root School because it was so tight cars couldn't even get through Charlee. One time on Saturday morning my daughter and I were in a wreck exiting Charlee onto Mission. There is speeding at other times of the day when the school is not in. The police do not patrol this area. I am concerned with the traffic. She discussed concerned with the proposed small homes and lack of greenspace and no place for the water to go.

Michelle Hightower, 1645 Charlee Avenue. I am opposed to the rezoning primarily because the density is much different than surrounding neighborhoods. The density and look will be different. I don't think there is a need to put housing like that. I have concerns with those homes being closer to the road. I am concerned with safety. I have four children. We only have sidewalks on one side. If our road is a connector, we are not in compliance with sidewalks. She discussed concerns with the creek and changes in the end of the creek causing flooding on their homes. There are already some flooding issues. Has there been a study to address the creek? There should be some assurances that nothing will happen to our property because of the homes back there.

Debbie Heller, 1621 Charlee Avenue, they are in the floodplain. She described flooding issues on her property. Everyday cars park in front of my house, I have to time when I am going to leave my home because it is so congested.

Laura Lindsey (again) said she has pictures of the water and flooding and can show pictures right now.

Andy Hightower, 1645 Charlee Avenue, discussed that you could consider traffic. We get a preview of what

Charlee will be if it is it a cut-through about once a day when someone thinks it is a cut-through and it is terrifying how fast they go. It is terrifying how fast they leave. I have four children and my concern is their safety. He talked about the vision of the City being a safe community and said Charlee is a safe street now and would like to keep it that way.

No more public comment was presented.

Commissioner Chesser discussed the potential for cul-de-sac streets being connected. Were the developer to develop right now by right could the developer connect those streets?

Garner discussed that, yes, we described that in the rezoning report that all three of those streets were planned to be connected, and the City's ordinances would more than likely require all three of those streets to be connected with any residential subdivision on this property at the current RSF-4 zoning or the proposed NC zoning. The comments we're hearing about those streets being used as street stub-outs would be an issue whether or not the property were rezoned or not.

Commissioner Chesser discussed that under the current zoning it appears they could develop 34 units and under the proposed zoning they could develop 50 units. Is that correct?

Garner stated 'yes', the proposed zoning would allow 16 additional homes over what is existing.

Chesser asked about City Plan and connectivity.

Garner discussed that it is a strong policy of our City Plan and ordinances for connections within and throughout neighborhoods and streets in the city and to try to prevent dead-end streets and cul-de-sacs.

Chesser asked about schools and their input of a rezoning.

Garner discussed that impacts to schools is one of the legal findings for a rezoning. The City notifies the schools of rezoning requests but he was not aware of the City ever receiving comments from the school districts for a rezoning.

Chesser asked about the neighborhood being required to follow storm water requirements.

Garner stated that we did bring up the flooding issues to City Engineering staff. Garner read a statement from the Assistant City Engineer that is in the rezoning staff report regarding storm water and drainage requirements at the time of development.

Commissioner Winston asked the City Attorney about highest and best use.

Kit Williams, City Attorney, discussed that highest and best use is something you can consider along with many other factors. Compatibility is the primary consideration for a rezoning.

Commissioner Winston stated that there will be some development on this land whether it is under the existing zoning or the proposed zoning, and there will be some connections through the streets that you all are concerned about. There is no way to imagine that is not going to happen. He discussed that he thinks about this in terms of development patterns. The NC development pattern is preferable to the RSF-4 development pattern. It will allow more diversity to the living situations in the City and I'm generally in favor of that. I do want to point out that the neighborhood is absolutely right that when these streets are connected people using these streets to get their kids

to the school will use these streets in a way that is not safe. The condition is such a mess that I live right around the corner that I avoid the situation. Something needs to be done with other developments in the area. There will be more traffic and more traffic. Root School is a mess and it is unsafe. I'm not sure that rezoning this to NC will have enough of an impact to say that we should not do it. There is another question that we have to deal with regarding Root School and traffic in the area.

Garner discussed that City staff and administration and the alderman are aware of traffic issues in the area. He discussed that within the past year or so one of the alderman requested staff to do a street connectivity study in the area so staff completed an east-west connectivity study. We realize there are pinch-points where traffic is funneled all in to one area, such as Mission. So we looked at getting additional connections between and through neighborhoods to alleviate some of these issues. We are planning on installing a traffic signal at Mission/Old Wire Road as one of the first improvements along Old Wire Road. The City is aware of the traffic issues and we are trying to find some solutions.

Winston discussed that when development of this site occurs there would be different storm water requirements than when this area was initially developed.

Garner discussed the current storm water and detention requirements, and the possibility of downstream improvements depending on the extent of the project and status of the existing drainage system.

Commissioner Winston asked about the streamside protection ordinance.

Garner stated that it was in the streamside protection zone but that the creek doesn't really run through the site but barely cuts through the southwest corner.

Commissioner Chesser asked about downstream improvements.

Garner discussed that determination would be based on the development.

Commissioner Chesser asked about public comment from the person that stated they may be landlocked.

Garner discussed that location of streets would be determined at the time of preliminary plat. He stated that he had spoken to Mr. Jackson and it does appear that based on the dimensions and layout of the properties there would likely be one or two stub-outs.

Harry Jackson came up and indicated his concern with being landlocked.

Commissioner Chesser discussed concerns with the cul-de-sacs being extended but that even if we did nothing with the rezoning they could extend the streets by right. The question is will there be 34 or 50 houses built there. Given the goals of the City to do infill in sites just like this and to make that infill more walkable rather than less, and given the goals of the City to provide affordable housing he would like to make a motion to forward.

Motion:

Commissioner Chesser made a motion to forward RZN 11-3960 to the City Council with a recommendation for approval. **Commissioner Winston** seconded the motion.

Commissioner Honchell asked about bringing a new subdivision into an older neighborhood like this and the sidewalk requirements. The destination of choice will be to walk or ride to the school. What is the ordinance for

sidewalks? Development on this site will generate a ton of foot traffic down Charlee and Ramsey.

Garner discussed that City ordinance requires that almost all street cross sections in our Master Street Plan requires new streets to have sidewalks on both sides of the street. In some cases a development might warrant offsite sidewalk improvements if the project generates enough pedestrian traffic.

Commissioner Honchell asked about the maximum number of units per acre being four units?

Garner stated 'yes'.

Commissioner Honchell discussed safety, traffic, and flooding. I won't be in favor of the applicant on this one.

Upon roll call the motion to forward failed with a vote of 4-3-0 (Commissioners Honchell, Hoskins, and Griffin voting 'no'). The rezoning failed to be forwarded due to a lack of five positive votes.

Kit Williams, City Attorney, described the appeal process and requirements for the applicant to appeal the Planning Commission's decision to City Council.

There being no further business, the meeting was adjourned at 7:40 PM.

Date 10/18/11

Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Pate,

This document is in response to the request for comments on proposed RZN 11-3960: (1730 N. Old Wire Road / Williams & Cooper, 369): submitted by Jackson Williams and Tim Cooper for property located at 1730 N. Old Wire Road. The property contains approximately 8.6 acres.

It is the opinion of the Fayetteville Police Department that this RZN will not substantially alter the population density, and will not create an appreciable or undesirable increase in the load on police services. This RZN will not create an appreciable increase in traffic danger and congestion.

Sincerely,

Captain William Brown
Fayetteville Police Department

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
FIRE DEPARTMENT
Fayetteville Center Street
Fayetteville, AR 72701
P (479) 575-8365 F (479) 575-0471

Zoning Review

To: Andrew Garner, Amy Sloan

From: Captain Mark Stevens

Date: October 26, 2011

Re: RZN 11-3960

This development will be protected by Engine 5 located at 2979 N. Crossover Road.
It is 2 miles from the station with an anticipated response time of 4 minutes to the beginning of the development.
The Fire Department anticipates 19 (12 EMS - 7 Fire/Other) calls for service each year after the development is completed and maximum build-out has occurred of 10 units per acre as allowed by this zoning.

Item (G) would require any building to meet the requirements of the fire code section D105 to be no farther than 30 feet from the street since this zoning allows for a 3 story building not to exceed 45 feet in height to be built. I refer you (E) the setback regulations.

The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

If you have any questions please feel free to contact me.

Captain Mark Stevens
Assistant Fire Marshal
Fayetteville Fire Department

Rezoning Request
Written Description
1730 N Old Wire Road
Fayetteville, Arkansas 72703
Parcel Number 765-13432-000

This 8.6 acre parcel is currently owned by the Torbett Family Revocable Trust, Janice Torbett, Trustee. The property is currently pending purchase by W-Bar Investments, LLC, Jackson Williams, Member.

The current zoning on this parcel is RSF-4 which the minims allow for single family 70 ft / 8000 sq ft / setbacks of 15 front / 5 sides / 15 rear on the lots. The current estimated development cost coupled with the land cost premium on such a well located parcel directly dictates the need for a Neighborhood Conservation zone. Neighborhood Conservation serves to promote and protect neighborhood character and is duly suited for this residential parcel. The Neighborhood Conservation zone allows for minimums on single family 40 ft / 4000 sq ft / setbacks of within 25' in front / 5' on the side / 5' in the rear and 12' from the center alley line in the rear. The NC zone specifically meets the needs and characteristics for the development plan for this parcel. The current proposed development plan for this parcel includes only single family detached homes designed for smaller families who are not interested in having a large yard to maintain; rather their interest lay in having a well kept small footprint in a highly desirable location.

This parcel is bordered on three sides by platted residential subdivisions and located between the existing Principal Arterial thoroughfare of Mission Blvd to the South and the existing Collector thoroughfares of Old Wire Road and Sycamore Street to the West. The appearance and signage of this proposed development will mesh with the existing residential feel and function and will serve to only enhance the desirability of the area.

There is an existing 12" gravity flow sewer line dissecting this parcel from North to South. There is also a 36" sewer line to the West at Old Wire Road, an 8" line on Ash Street to the North, a 6" line on Charlee Avenue to the West and a 10" line in the creek to South, all of which are gravity flow. There is an existing 36" water line located at Old Wire Road, and 8" on both

Ash Street and Charlee Avenue thus there should be no significant or undesirable increase on the load of the water and sewer facilities.

Neighborhood Conservation by definition is a residential zone and is compatible with the surrounding properties current uses as well as those detailed in the Future Land Use 2030 plan as a Residential Neighborhood Area. The goal of this rezoning matches the existing goals of the current City Plan 2025 long range master plan in the areas of infill, encompassing the traditional town form, having a low impact on the existing transportation system, maintaining a green focus as well as filling a need in Fayetteville for a smaller, well located home for small families. The location of the subject parcel is such that there are many opportunities for connectivity to existing dead end streets, sidewalks and bike paths.

This zoning request is justified and needed at this time as the small families in Fayetteville have very limited options for small footprint single family homes located near the Fayetteville City Centers, shopping, entertainment, schools, art and culture.

When one considers the location of this parcel and the goals of the Fayetteville City Plan 2025, Future land Use Plan and Master Street Plan the conclusion can be made that this proposed rezoning coupled with the development plans will stand to support the overall goals of these plans and NOT appreciably increase traffic danger, congestion, or the load on the existing schools.

The ever escalating cost of new subdivision infrastructure designed and built to the thorough City of Fayetteville standards coupled with the premium for well located, undeveloped infill property dictates the need for a change in this property's existing zoning classification. The effort set forth in making this zoning change will benefit and fill a much needed and currently unfulfilled niche for the smaller families in Fayetteville who choose to live on a well located smaller footprint in town.

BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") W-Bar Investments, LLC, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

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

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

1. The use of Petitioner's property shall be limited to Single Family Detached units. Multi Family and or Duplex units will not be allowed.

2. Other restrictions including number and type of structures upon the property are limited to a maximum of 50 single family lots with no more than two stories.

3. Specific activities will not be allowed upon petitioner's property include the development and or construction of Multi Family and or Duplexes.

4. (Any other terms or conditions) None.

5. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, Jackson Williams, as the owner, developer or buyer (Petitioner) **voluntarily offer** all such assurances and sign my name below.

10-12-11
Date

Jackson Williams
Printed Name

P.O. Box 366
Address
Fayetteville, AR
72702

Signature

NOTARY OATH

STATE OF ARKANSAS }
} .ss
COUNTY OF ~~WASHINGTON~~ Benton }

And now on this the 12th day of October, 2011, appeared before me, Jackson Williams, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

Stephanie R. Hyde
NOTARY PUBLIC

My Commission Expires:

10-31-2013

Stephanie R. Hyde
County Of Benton
Notary Public - Arkansas
My Commission Exp. 10/31/2013

Cindy Monreal - Protest of RZN 11-3960 Williams/Cooper

From: Kevin and Charity Sanchez <ksanche@gmail.com>
To: Cindy Monreal <cmonreal@ci.fayetteville.ar.us>
Date: 10/20/2011 5:56 PM
Subject: Protest of RZN 11-3960 Williams/Cooper

Dear Fayetteville Planning Department,

My wife and I protest the rezoning request RZN 11-3960. We have the following concerns: 1) The request is to rezone to neighborhood conservation which could potentially dramatically increase the density from 4 to 10 units per acre. The current and surrounding subdivisions are all 4 units per acre but the actual densities are less than 4. We agree that this location is a prime and desirable location in Fayetteville and that land cost and home cost is at a premium which is why we wish to preserve the resale value of our home. This alone is not a reason that would "dictate" the need for a neighborhood conservation zone. We cannot afford to have our investment diminished by many more smaller and cheaper units on lot sizes smaller to that of our own. 2) The planning commission has already rezoned the Summit Place subdivision to NC and so the argument that there isn't enough of or limited options for NC zoning that would be desirable to smaller families is not factual. 3) The collector street of Old Wire Road is already taxed with heavy morning traffic and I have difficulty as it is between 7:45 and 8:15 crossing it to get to Sycamore. One logical connection to the proposed development is via Samantha & E. Ash St., but I am very concerned about the amount of traffic that would be generated from a NC zone vs. that of a RSF-4. Not only would I have to wait for traffic already traveling those roads, but I would have to wait behind tens of other vehicles from a more dense zoning as well. This rezoning WOULD appreciably increase traffic danger and congestion. There is a sight distance problem at the intersection of Sycamore & Old Wire rd that would be made worse by the added traffic. 4) Any connection to N. Ramsey St. would severely make things worse as parents would use it and Samantha & Ash as a cut thru or staging area for pick-up & drop-off for Root elementary school. 5) We already have a rainwater runoff issue with the current site with its use as agricultural. If the impervious surface is further increased beyond that of a RSF-4 it will make conditions worse for us and our neighbors. Any development activity will have to be seriously monitored. 6) The width of the streets is of concern along with the sidewalk widths. I would like to see 50 ROW to mirror that found in Regency estates. I would also like to be re-assured that sidewalk connections would be made with adjacent subdivisions including those with sidewalks along Old Wire road. ROW any less is very hazardous when two vehicles cannot pass each other if there is a car parked in the road as demonstrated by E. Amber drive or N. Woolsey. 7) I tried to contact the applicants and have a meeting with them regarding my concerns and they were non-responsive.

Sincerely,

Kevin & Charity Sánchez

On Wed, Oct 5, 2011 at 3:25 PM, Cindy Monreal <cmonreal@ci.fayetteville.ar.us> wrote:

Hi,
Attached is the files that were turned in for this project.
Thank you
Cin
Cindy Monreal
Senior Planning Secretary
City of Fayetteville
PH: 479.575.8268
email: cmonreal@ci.fayetteville.ar.us

RZN11-3960

Current Land Use

WILLIAMS & COOPER

RZN11-3960

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

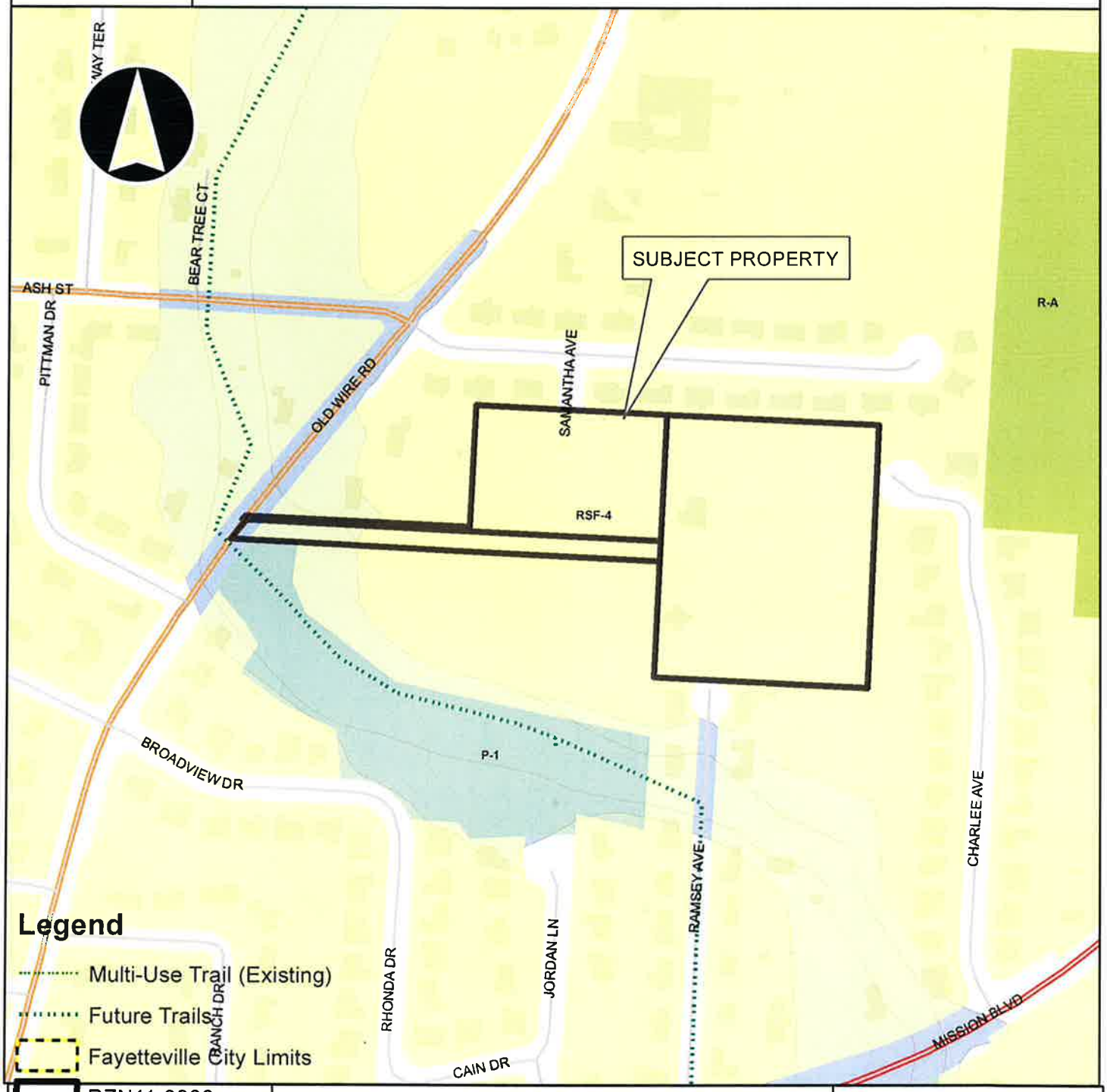
Planning Area

0 125 250 500 750 1,000 Feet

RZN11-3960

Close Up View

WILLIAMS & COOPER



Overview

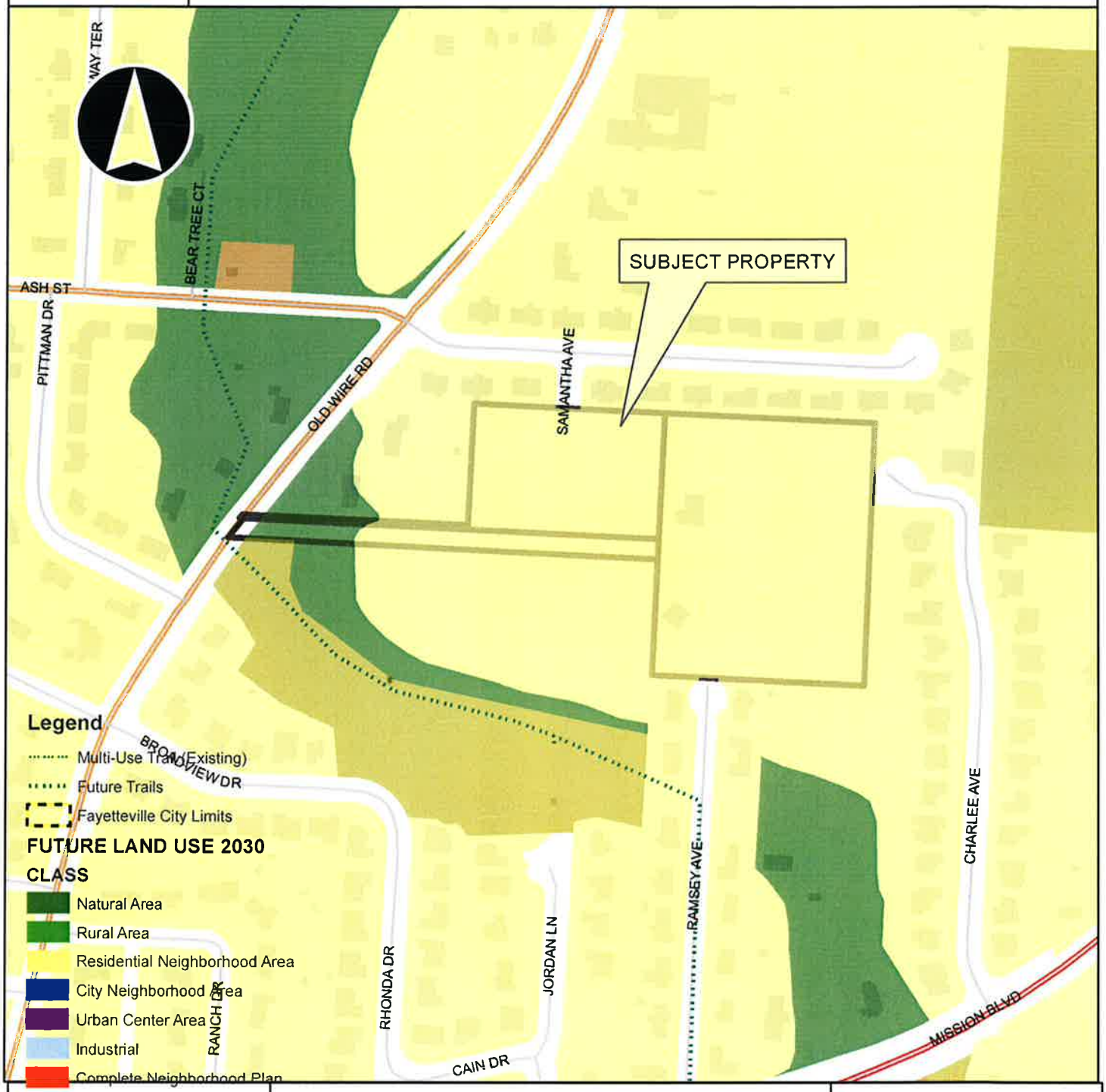
- RZN11-3960
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area

0 125 250 500 750 1,000 Feet

RZN11-3960

Future Land Use

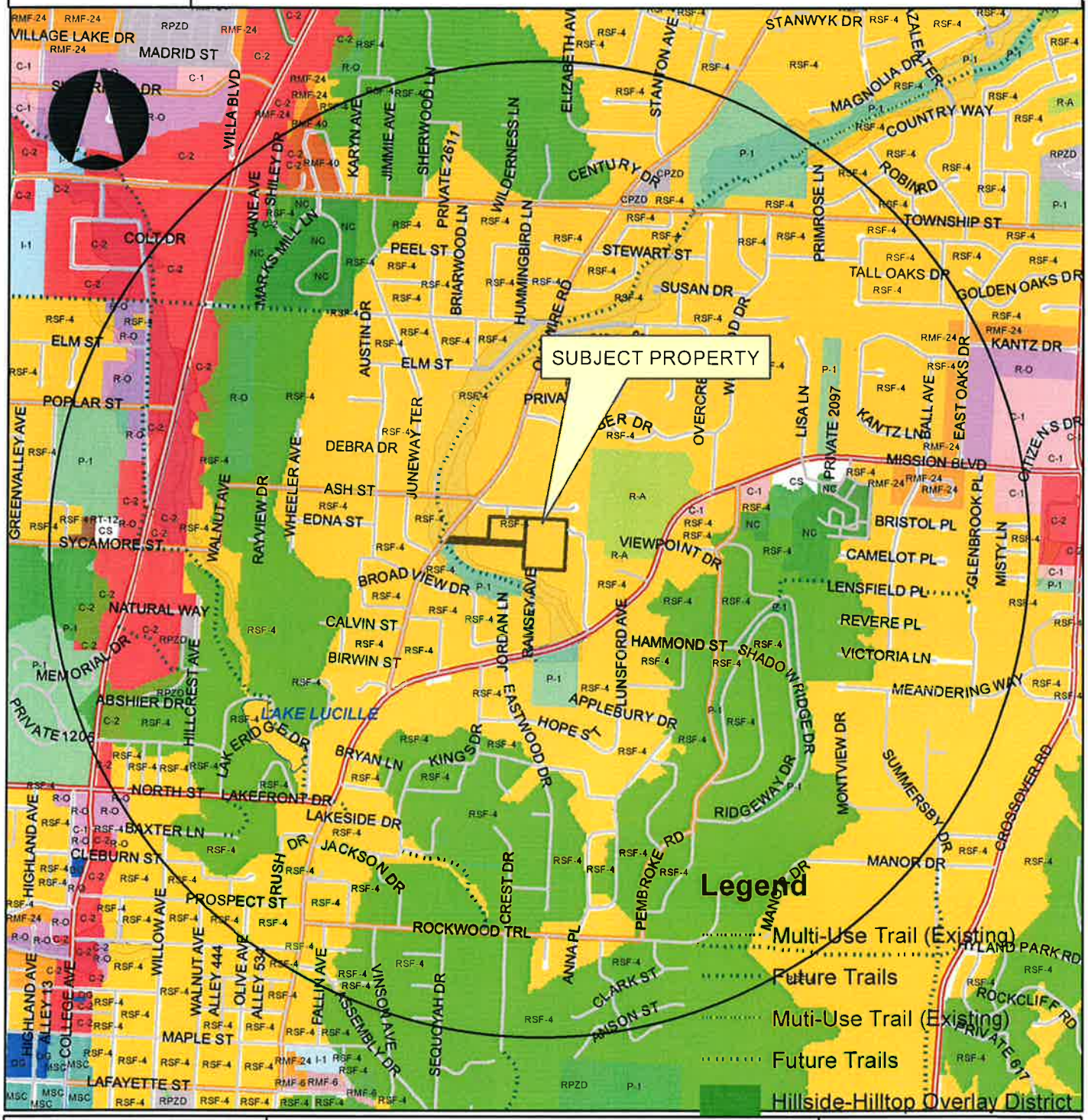
WILLIAMS AND COOPER



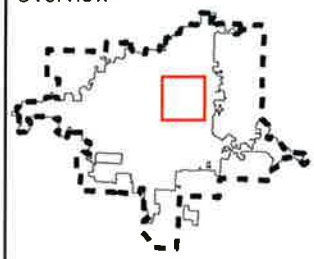
RZN11-3960

One Mile View

WILLIAMS AND COOPER



Overview



Legend

Subject Property

RZN11-3960

Boundary

RZN11-3960

Design Overlay District

Planning Area

Fayetteville

0 0.25 0.5 1 Miles

City of Fayetteville Staff Review Form

City Council Agenda Items

12-6-11
~~12/18/2011~~
City Council Meeting Date
Agenda Items Only

John Goddard	1	Information Technology	Finance
Submitted By		**Division**	**Department**

Action Required:

Name an alleyway that extends from Center St. to Dickson St. and Parallel with School Ave. There are a number of residential units that are accessed only by this alley, which is a concern for emergency response to these addresses. The proposed name for this alley is "Midtown" (see attached map).

$400.00	$ 41,020.00	
Cost of this request	Category / Project Budget	Program Category / Project Name
2100.5315.5212.00	$ 39,896.91	
Account Number	Funds Used to Date	Program / Project Category Name
	$ 1,123.09	Street
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Department Director — Date: 11/15/2011

City Attorney — Date: 11/16/2011

Finance and Internal Services Director — Date: 11-16-2011

Chief of Staff — Date: 11-16-11

Mayor — Date: 11/17/11

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office: 11-15-11 P04:34 RCVD

Received in Mayor's Office: ENTERED 11/16/11

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan

Thru: Scott Huddleston SH

From: John Goddard

Date: 11/15/2011

Subject: Naming an alley 'Midtown' to aid in emergency response

DESCRIPTION:

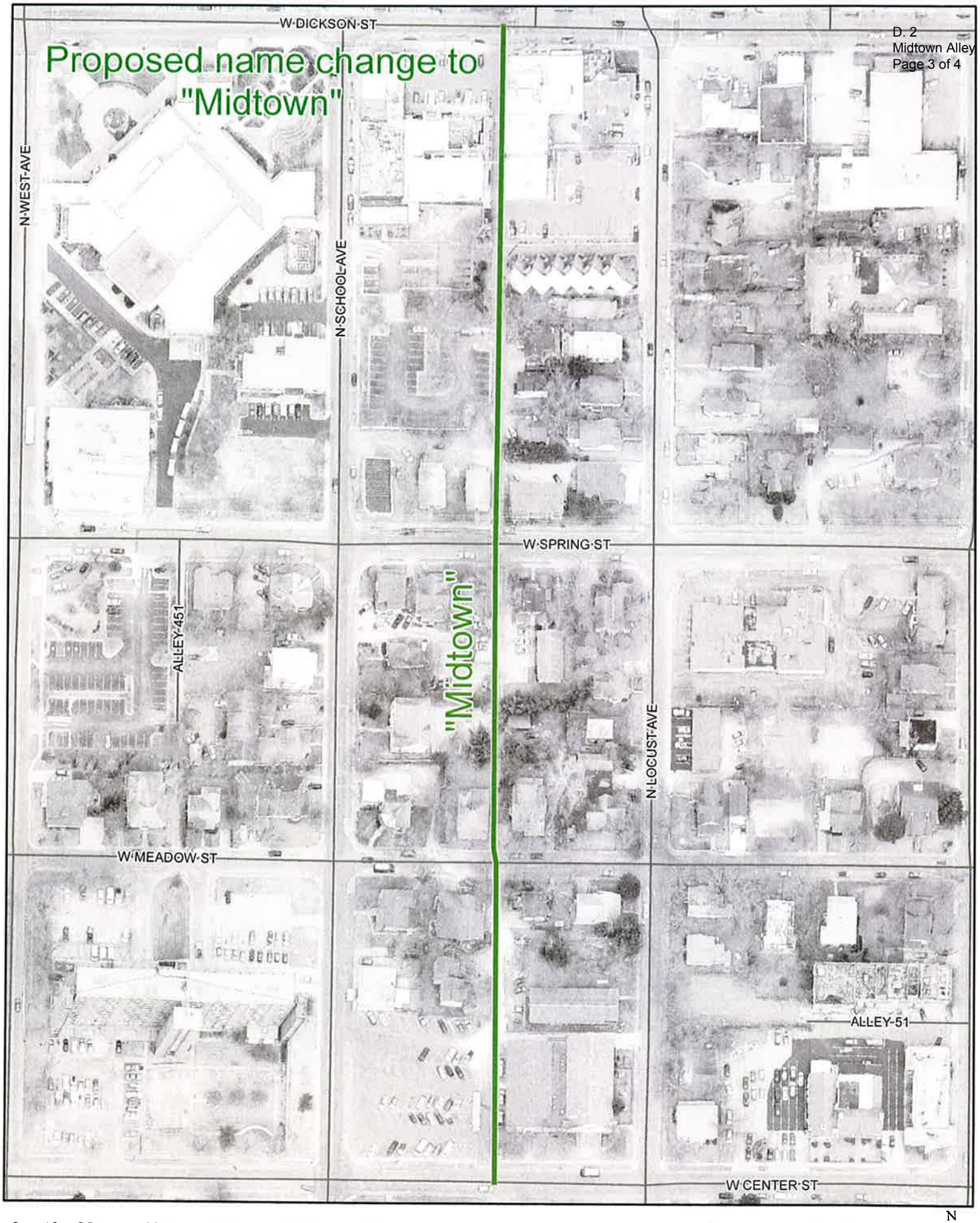
This is a proposal to name an alley. The purpose is to help emergency responders to locate residential units that are accessed from an alley. This alley extends between Center Street and Dickson Street, and paralell with School Ave (see attached Map)

RECOMMENDATION:

Name Alleyway (currently an unnamed right-of-way) giving it the name 'Midtown'.

BUDGET IMPACT:

$400.00 for street signs



0 40 80 160 240 320 Feet

Proposed Name change to "Midtown"

N

RESOLUTION NO. _____

A RESOLUTION TO NAME THE ALLEY THAT RUNS FROM DICKSON STREET SOUTH TOWARD CENTER STREET BETWEEN SCHOOL AVENUE AND LOCUST AVENUE FOR 911 PURPOSES "MIDTOWN ALLEY"

WHEREAS, some residential structures have been built behind houses in the three blocks between School Avenue and Locust Avenue south of Dickson Street; and

WHEREAS, some of these structures front only on an unnamed alley and are difficult to locate or access off the street address of the primary structure on the street which is how the 911 call is dispatched.

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 names the alley running north and south between Dickson Street and Center Street "Midtown Alley" to facilitate emergency 911 response.

PASSED and **APPROVED** this 6th day of December, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

12/6/2011
City Council Meeting Date
Agenda Items Only

Alison Jumper	Park Planning	Parks and Recreation
Submitted By	**Division**	**Department**

Action Required:

Tree Preservation Area Modification for Hilton Garden Inn submitted by Jorgensen and Associates for property located on Lot 3 of the Hilton Garden Inn subdivision on Shiloh Drive. The property is zoned C-2,Thoroughfare Commercial. The request is to vacate the 0.09 acre tree preservation area.

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** ☐

Connie Edmonston — Department Director — 11-17-11 Date

City Attorney — 11-18-11 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Paul A. Becker — Finance and Internal Services Director — 11-18-2011 Date

Received in City Clerk's Office 11-17-11 P05:17 RCVD Kim G.

Chief of Staff — 11-21-11 Date

Received in Mayor's Office ENTERED 11/18/11

Mayor — 11/23/11 Date

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director
Jeremy Pate, Development Services Director

From: Alison Jumper, Park Planning Superintendent

Date: November 15, 2011

Subject: Tree Preservation Area Removal for Hilton Garden Inn

BACKGROUND

The subject property is located within the previously approved Hilton Garden Inn Large Scale Development. An approximately 4,103 square foot (0.09 acre) tree preservation area was recorded on an easement plat in 2009; however the project was never built. The tree preservation area includes approximately seven trees. Species include hackberry, bois d'arc willow and black locust, many of which which were rated as low and mid priority as documented on a 2007 tree preservation plan for Homewood Suites by Hilton and in the tree preservation plan for the Hilton Garden Inn as submitted in 2008. Additionally, none of the species are considered significant as outlined in the City of Fayetteville Landscape Manual and the willow and locust trees are listed as invasive/less desirable. The trees have since been damaged by the 2009 ice storm.

DISCUSSION

The applicant is requesting to remove the 4,103 tree preservation area entirely. Mitigation for removal of these trees equates to (19) 2" caliper large species trees using the high priority mitigation ratio. The applicant proposes utilizing Low Impact Development design features throughout the development. Providing additional mitigation trees in strategic locations at a rate of 150% of the required mitigation would provide larger areas of canopy and shade for the building and parking areas.

RECOMMENDATION

Staff reccommends approving the removal of the tree preservation area with the following conditions:

1. No tree removal shall occur prior to development approval for this project.
2. The applicant shall plant a minimum of (29) 2" caliper large species mitigation trees on the property and deposit a three year maintenance bond with the City of Fayetteville prior to obtaining a certificate of occupancy.

BUDGET IMPACT

None.

Attachments:
Exhibit A- Recorded Tree Preservation Easement
Exhibit B- Aerial Photo of Subject Property
Exhibit C- Photos of Existing Tree Preservation Area
Applicant's request

RESOLUTION NO. _____

A RESOLUTION TO VACATE ABOUT ONE-TENTH OF AN ACRE OF A TREE PRESERVATION EASEMENT TO BE MITIGATED BY THE PLANTING OF 29 LARGE SPECIES TREES AND DEVELOPING THE LOT UTILIZING LOW IMPACT DEVELOPMENT STANDARDS

WHEREAS, a Large Scale Development was approved but not constructed on this property; and

WHEREAS, as part of the Large Scale Development the developer had dedicated about one-tenth of an acre for a tree preservation easement; and

WHEREAS, a new Large Scale Development is being proposed whose developer wishes the City Council to vacate this one-tenth of an acre tree preservation easement in exchange for planting about 50% more large species trees than would normally be required for mitigation and for developing the property utilizing Low Impact Development standards pursuant to Chapter 179 of the U.D.C.; and

WHEREAS, §167.04(L)(2) authorizes the City Council to approve the vacation of a tree preservation easement if such vacation "is in the best interest of the City 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 vacates the existing one-tenth of an acre tree preservation easement for the Hilton Garden Inn Large Scale Development plat on the condition that the developer/owner plants at least twenty-nine (29) large species trees (2" caliper) on this site, bonds the trees for three years, and develops this site in conformity with Chapter 179 **Low Impact Development Code** of the U.D.C.

PASSED and **APPROVED** this 6th day of December, 2011.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

(5) *Maintenance agreement and landscape establishment guarantee.* All plans requesting on-site mitigation or off-site forestation shall include a binding three year maintenance and monitoring plan, which shall hold the applicant responsible for the health of all planted trees.

(a) Approval of a plan requesting on-site mitigation or off-site forestation shall be contingent upon the applicant depositing with the city either currency, bond irrevocable letter of credit or other surety, in an amount equal to the estimated cost of materials and labor of trees at the time of planting. The bond, irrevocable letter of credit, or other surety must cover the entire three year maintenance and monitoring period. The applicant shall submit cost estimates to the urban forester.

(b) Upon completion of the three year landscape establishment period, the urban forester shall inspect the site and determine whether 90% of the trees are healthy and have a reasonable chance of surviving to maturity. Upon such finding, the city shall release the currency, bond, or letter of credit.

(c) In the absence of such a finding, the applicant shall be notified to replace any unhealthy or dead trees, or take other appropriate action as approved by the urban forester. If the applicant does not take remedial steps to bring the property into compliance, the city shall use the necessary monies from the landscape establishment guarantee to do so.

(d) In the event trees are injured or destroyed by natural disasters, including but not limited to, tornadoes, straight-line winds, ice storms, fire, floods, hail, or lightning strikes, or through the independent actions of third parties, the applicant shall be relieved of the responsibility of replanting the tree or trees so affected.

(K) *Tree preservation plan review form.* The urban forester shall use a standardized form for all recommendations or administrative determinations made regarding an applicant's tree preservation plan.

(1) The form shall clearly indicate whether the urban forester is making a final administrative determination, or a recommendation to the Planning Commission or City Council.

(2) The form shall also clearly indicate the applicant's plan is "APPROVED," "DISAPPROVED," or "CONDITIONALLY APPROVED," and explain the reasoning therefore.

(3) A statement shall appear on the form explaining the process by which a final administrative determination may be appealed in accordance with Chapter 155 of the Unified Development Code.

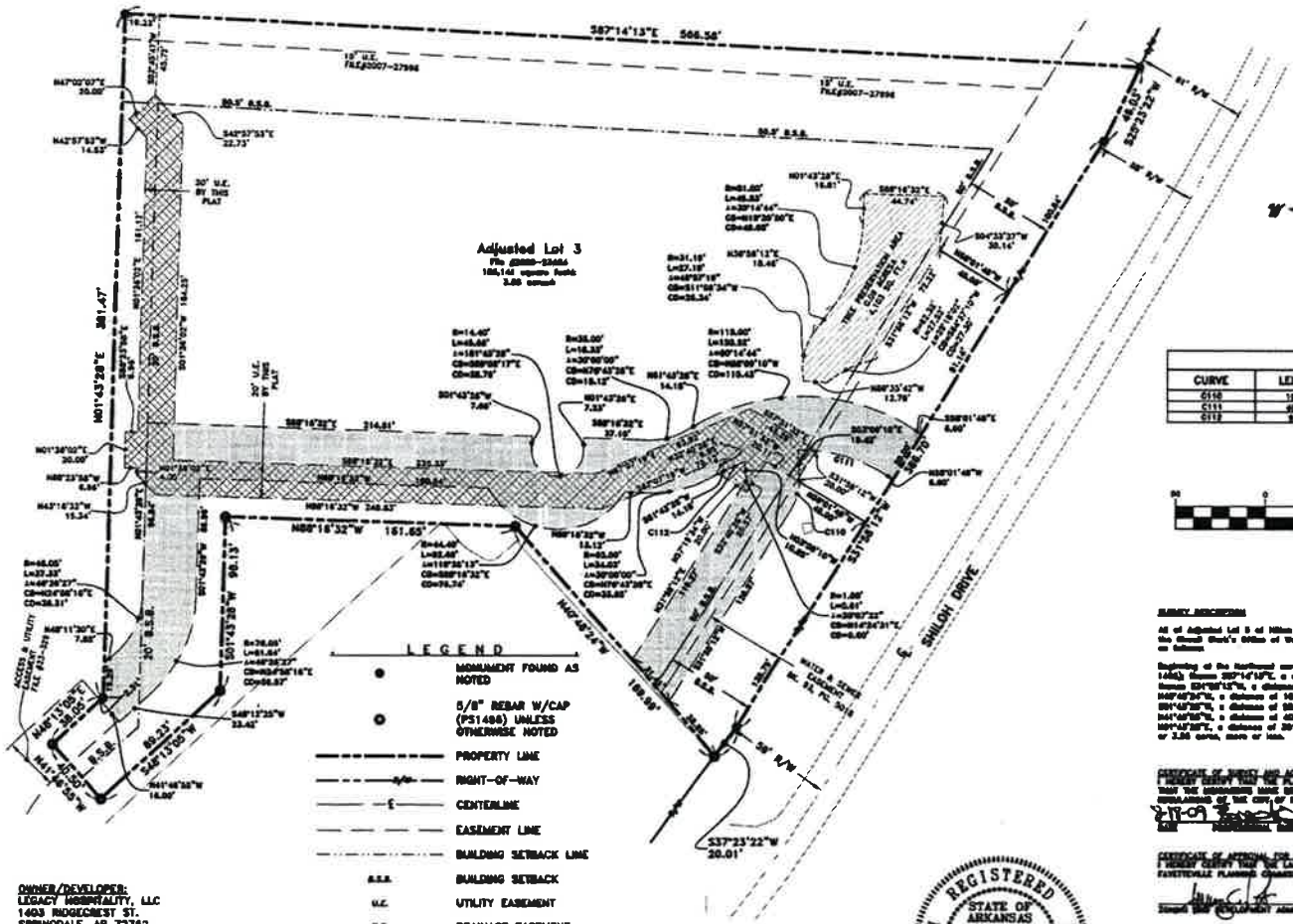
(4) The urban forester shall sign and date the form, and ensure that a copy becomes part of the permanent file for the project.

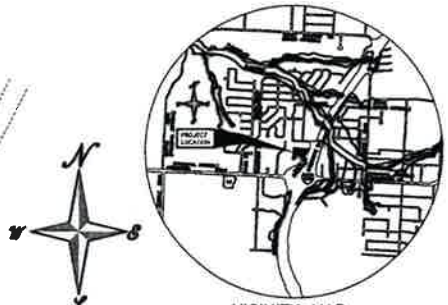
(L) *Continuing preservation and protection under approved tree preservation plans.*

(1) In order to ensure that an applicant's heirs, successors, assigns, or any subsequent purchasers of the subject property are put on notice as to the existence and extent of an approved tree preservation plan, tree preservation areas shall be clearly depicted on the easement plats for large scale developments and the final plats for nonresidential subdivisions. This shall be accompanied by a narrative statement describing the nature of the protection afforded, and bearing the signature of the urban forester. Lots in residential subdivisions are expressly exempt from these requirements. If it is impractical to include the actual depiction of the canopy to be preserved on the easement plat, or final plat itself, a note cross referencing an accompanying document shall suffice.

(2) The geographic extent and location of tree preservation areas, once recorded, may only be modified, or abolished with the express approval of the City Council. Applicants requesting such action shall bear the burden of proving to the City Council's satisfaction that such modification or abolition is in the best interest of the City of Fayetteville. Such requests shall be submitted to the urban forester, who shall ask the city clerk to place it on the agenda of the next regularly scheduled City Council meeting.

(3) Property owners wishing to remove diseased or dead trees from within a recorded tree preservation area shall seek prior approval from the urban forester, who shall determine if such removal is consistent with sound arboricultural and horticultural practices, as well as the intent of this chapter. Any tree so removed shall be replaced with a tree of like or similar species, unless the urban forester determines that natural replacements of





VICINITY MAP
N.T.S.

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C110	19.00'	21.00'	50°37'22"	S14°24'21"W	18.71'
C111	49.89'	85.00'	33°39'33"	N74°46'44"W	49.20'
C112	9.17'	85.00'	6°18'37"	S84°46'38"W	9.17'

GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)
1 inch = 50 ft.

OWNER/DEVELOPER:
LEGACY HOSPITALITY, LLC
1403 RIDGECREST ST.
SPRINGDALE, AR 72762
(479) 872-1884

SURVEYOR:
H2 ENGINEERING
2827 MILLENNIUM DR
SUITE 2
FAYETTEVILLE, AR 72703
(479)-582-4234

REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF ARKANSAS
NO. 1486
8-12-09

Notes:

1. The boundary configuration shown on this survey does not purport to be a trued split, replat or any other subdivision of land as may be defined by city, county, or state law.
2. Except as specifically stated or shown on this plat, the survey does not purport to reflect any of the following which may be applicable to the subject real estate:

   Easements, other than possible easements which were visible at the time of making of this survey; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land-use regulations, or any other facts which an accurate and current title search may disclose.
3. Every document of record reviewed and considered as a part of this survey is noted hereon. Only the documents noted hereon were supplied the surveyor.
4. This plat represents an easement plat of Adjusted Lot 3 of the Property Line Adjustment recorded as File #2008-23464 in the Circuit Clerk's Office of Washington County, Arkansas.
5. Basis of Bearings: Arkansas State Plane Grid North Zone (NAD83) based on City of Fayetteville GIS Monumentation

Notes, continued:

6. This survey is valid only if the drawing includes the seal and signature of the surveyor.
7. A title search was not conducted by a certified title company. All documents were provided by the client/clients and/or researched by H2 Engineering, Inc., and may be subject to record/unrecorded; easements, rights of way, covenants, building setback lines, subdivision restrictions, zoning, land regulations or other facts which an accurate and current title search may reveal.
8. This property is zoned C-2 (Thoroughfare Commercial).
9. Building setbacks for zone C-2 are as follows:

Front	25 Feet/50 Feet, if parking allowed
Side	00 Feet
Side, when contiguous to a residential district	15 Feet
Rear	20 Feet

Doc ID: 013081600001 Type: REL
Kind: PLAT
Recorded: 08/01/2009 at 11:56:08 AM
Fee Amt: Page 1 of 1
Washington County, AR
Betty Stamps Circuit Clerk
File 0023-00000368

SURVEY DESCRIPTION

All of Adjusted Lot 3 of Hilton Garden Inn Property Line Adjustment recorded as File #2008-23464 in the Circuit Clerk's Office of Washington County, Arkansas being also described by metes and bounds as follows:

Beginning at the Northwest corner of the above said Lot 3 being a found 1/2" rebar w/cap (PS 1486); thence S87°14'13"E, a distance of 566.58 feet; thence S37°23'22"W, a distance of 48.03 feet; thence S34°58'15"W, a distance of 205.70 feet; thence S37°23'22"W, a distance of 20.01 feet; thence N88°16'32"W, a distance of 161.65 feet; thence N00°16'28"W, a distance of 101.65 feet; thence S84°46'38"W, a distance of 55.13 feet; thence N48°13'05"W, a distance of 89.23 feet; thence N41°46'55"E, a distance of 42.50 feet; thence N48°13'05"W, a distance of 38.05 feet; thence N01°43'28"E, a distance of 361.47 feet to the Point of Beginning and containing 156,144 square feet or 3.58 acres, more or less.

CERTIFICATE OF SURVEY AND ACCURACY:
I HEREBY CERTIFY THAT THE PLAT SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY AND THAT THE MONUMENTS HAVE BEEN PLACED AS STATED HEREON AS REQUIRED BY THE SUBDIVISION ORDINANCE OF THE CITY OF FAYETTEVILLE, ARKANSAS.

8-12-09
DATE REGISTERED LAND SURVEYOR

CERTIFICATE OF APPROVAL FOR RECORDING:
I HEREBY CERTIFY THAT THE LARGE SCALE DEVELOPMENT PLAN FOR THIS PROJECT WAS APPROVED BY THE FAYETTEVILLE PLANNING COMMISSION AT A MEETING HELD ON December 10, 2008.

DATE
Director, Development Administration

CERTIFICATE OF OWNERSHIP & DEDICATION:
WE, THE UNDERSIGNED OWNERS REPRESENTING ONE HUNDRED PERCENT (100%) OWNERSHIP OF THE REAL ESTATE SHOWN AND DESCRIBED HEREON DO HEREBY DEDICATE FOR PUBLIC OWNERSHIP ALL STREETS AND ALLEYS AS SHOWN ON THIS PLAT FOR PUBLIC SERVICE AS PRESCRIBED BY LAW. THE OWNERS ALSO DEDICATE TO THE CITY OF FAYETTEVILLE AND TO THE PUBLIC UTILITY COMPANIES (INCLUDING ANY CABLE TELEVISION COMPANY HOLDING A FRANCHISE GRANTED BY THE CITY OF FAYETTEVILLE) THE EASEMENTS AS SHOWN ON THIS PLAT FOR THE PURPOSE OF INSTALLATION OF NEW FACILITIES AND THE REPAIR OF EXISTING EASEMENTS. THE RIGHT TO PROHIBIT THE ERECTION OF BUILDINGS, STRUCTURES, OR FENCES WITHIN SAID EASEMENTS AND THE RIGHT TO REMOVE OR TRIM TREES WITHIN SAID EASEMENTS.

8/27/09
DATE
LEGACY HOSPITALITY, LLC
HARRY KRUEMMER, MANAGING MEMBER

CERTIFICATE OF APPROVAL OF UTILITY EASEMENTS:
WE HEREBY CERTIFY THAT ALL UTILITY EASEMENTS PLATTED IN THIS DEVELOPMENT ARE SHOWN AS REQUESTED AND HAVE APPROVED BY THE UNDERSIGNED UTILITIES OF THE CITY OF FAYETTEVILLE, ARKANSAS.

8/21/09
DATE WATER/SEWER

8/21/09
DATE GAS SERVICE

8/21/09
DATE TELEPHONE

8/21/09
DATE CABLE TELEVISION

8/21/09
DATE CITY OF FAYETTEVILLE

TREE PRESERVATION AREA:
THE TREE PRESERVATION AREAS AS INDICATED ON THIS EASEMENT PLAT CONSTITUTE A COVENANT RUNNING WITH THE TITLE OF THE SUBJECT PROPERTY AND ARE BINDING FOR THE PROPERTY OWNERS AND THEIR FUTURE SUCCESSORS, ASSIGNEES OR TRANSFEREES TO PRESERVE, PROTECT AND MAINTAIN EXISTING TREE CANOPY. NO TREE REMOVAL OR LAND DISTURBANCE AS DEFINED WITHIN THE CITY OF FAYETTEVILLE UNIFIED DEVELOPMENT ORDINANCE MAY OCCUR WITHIN THE TREE PRESERVATION AREA UNLESS APPROVED BY THE CITY OF FAYETTEVILLE. PERSONS SEEKING REMOVAL OF SUCH TREE PRESERVATION AREA, OR REQUESTING TO MODIFY THE PROPERTY IN SUCH A WAY AS TO AFFECT THE CANOPY WITHIN, MUST SEEK APPROVAL FROM THE CITY COUNCIL THROUGH A REQUEST MADE BY THE URBAN FORESTER OF THE CITY OF FAYETTEVILLE.

APPROVED BY
CITY OF FAYETTEVILLE URBAN FORESTER
8/21/09
DATE

Exhibit A

CERTIFICATE OF AUTHORIZATION
H2 ENGINEERING INCORPORATED
No. 1105
ARKANSAS ENGINEER

Checked by: EEL
Drawn by: GA
Horizontal Scale: 1"=50'
Vertical Scale: N/A
Date: 25JUN09
Revisions:

State Survey Filing Conv
500-16A-3086-8-07-401-72-1406
City Project Number:
Plat Page: 492

HILTON GARDEN INN
EASEMENT PLAT

PAGE	of
1	

H2 PROJECT NUMBER: 08-08

H2 ENGINEERING, INC.
300 N. College Avenue
Suite 331
FAYETTEVILLE, ARKANSAS 72701
PHONE: (479) 582-4234
FAX: (479) 582-4204

N

0 50 100 200 Feet

Hilton Garden Inn
Exhibit B

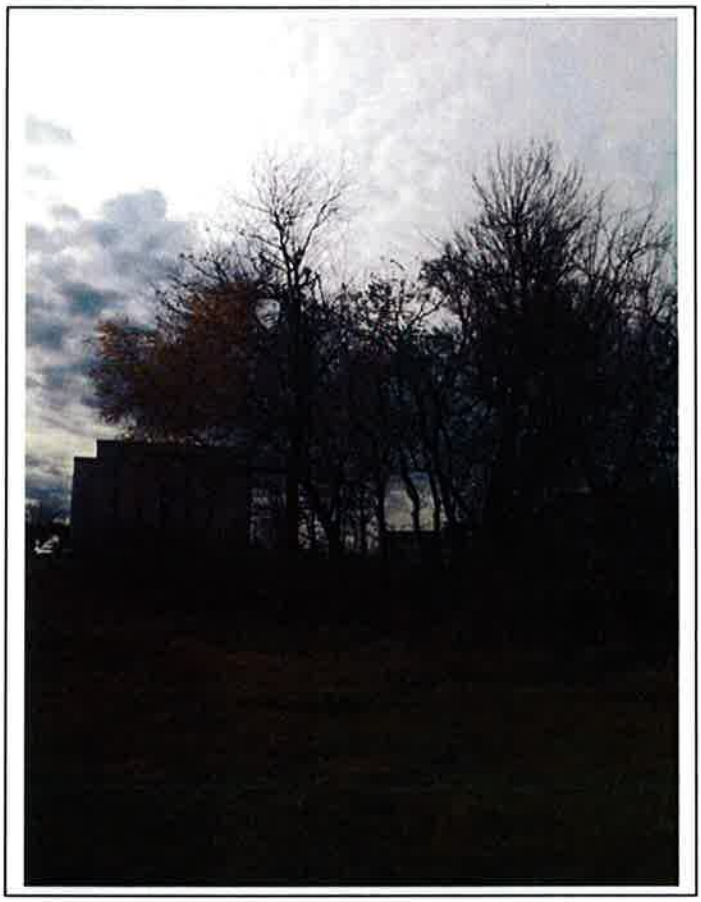


Exhibit C

JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

DAVID L. JORGENSEN, P.E., P.L.S.
JUSTIN L. JORGENSEN, P.E.
BLAKE E. JORGENSEN, P.E.

City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

Attn: Alison Jumper, RLA
Re: The Hilton Garden Inn

Dear Alison;

Please find the attached Site Analysis Plan along with the Vacation Request for the Hilton Garden Inn. This site consists of mostly open field, with the exception of the grove of trees as found on this plat. Slopes are moderate within the 1-5% range. Existing utilities lie on the eastern frontage, and easements as shown on this plat have already been platted; no new easements are planned. The existing tree canopy is ~ 9,000 sq.ft., 2,092 sq.ft. is found in the existing U.E. leaving 6,908 sq.ft. of canopy outside existing U.E. This grove of trees does not contain any significant trees, there are a few locust and some hackberries, ranging from 8"-16" diameter. The health of the trees is fair, with the exception of a few trees that are poor.

As mentioned in our correspondence to the Planning Department, we feel that our proposal will be environmentally advantageous, as the previous plan contained no Low Impact Development features. We also feel that this hotel will garner a lot of attention from various visitors and having these features highlighted throughout this development will reflect positively on our city. Topographically, this tree preservation area lies in an existing swale/basin that naturally lends its self to be converted into a Storm Water Quality Basin. Additionally, by installing the Multi-Use trail at the required 2% above the existing back-of-curb, we will be damming up this tree preservation area, creating a basin that will likely need to be maintained as it will capture debris and trash. As a tree preservation area, we would not be able to maintain this area properly.

We hope that these matters can be taken into consideration as we move forward with this project. Please contact us with any questions or comments.

Thanks for your time.

Blake E. Jorgensen, P.E.

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

12/6/2011
City Council Meeting Date
Agenda Items Only

Alison Jumper	Park Planning	Parks and Recreation
Submitted By	**Division**	**Department**

Action Required:

Tree Preservation Area Modification for Bellafonte Ph. II: Submitted by Appian Centre for Design for property located at Bellafont Gardens Phase II. The property is zoned C-3,Central Business Commercial. The request is to vacate a portion of the 1.66 acre tree preservation area within the Bellafont Subdivision.

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 — 11.17.2011 Date

City Attorney — 11-18-11 Date

Finance and Internal Services Director — 11-18-2011 Date

Chief of Staff — 11-21-11 Date

Mayor — 11/23/11 Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office 11-17-11 P05:17 RCVD

Received in Mayor's Office ENTERED 11/18/11

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director
Jeremy Pate, Development Services Director

From: Alison Jumper, Park Planning Superintendent

Date: November 15, 2011

Subject: Tree Preservation Area Modification for Bellafont Gardens Lot 1

BACKGROUND

The subject property is located within the previously approved Bellfont Gardens Phase II Large Scale Development. Lot 1 in its entirety was platted as a tree preservation area to satisfy a portion of the tree preservation requirements for Bellafont Gardens Phase II. This property reverted back to the original investors who are currently requesting the modification.

The applicant's request is to modify tree preservation by removing approximately 0.53 acres within Lot 1 of Bellafont Gardens to allow for the development of the lot, as indicated on Exhibit A. Additionally, the applicant proposed to dedicate approximately 0.5 acres of land located on the western edge adjacent on Lot 4 of Bellafont Gardens Phase I (Exhibit B).

DISCUSSION

The owner has been working with staff to find a agreeable solution. This request proposed includes dedicating a approximately 0.5 acres or 21,800 square feet of tree preservation area to the south. This is dependent on vacating an existing 20' utility easement along the west side of Lot 4 (see Exhibit C). By vacating this easement, a new tree preservation area can be dedicated adjacent to an existing tree preservation area to the west, making a larger contiguous area for habitat.

RECOMMENDATION

Staff recommends vacating a approximatley 0.53 acres of the 1.66 acre tree preservation area within Lot 1 of Bellafonte Gardens as shown in Exhibit A with the following conditions:

1. The applicant shall vacate the existing 20' utility easemetn and dedicate approximately 0.5 acres of tree preservation area on Lot 4 of Bellafont Gardens by separate document prior to development approval for Lot 1 Bellafont Gardens.

2. Applicant shall plant approximately (52) 2" caliper large species trees in the new tree preservation area on Lot 4 at the time of development of Lot 1. Trees shall be bonded for three years.
3. The applicant shall coordinate with the adjacent property owner and utilize on street parking on Joyce Boulevard to satisfy parking requirements. No parking shall be proposed on Lot 1.

BUDGET IMPACT

None.

Attachments:
Exhibit A-Vacation proposal
Exhibit B- Proposed concept
Exhibit C- Utility/tree preservation area
Exhibit D-Bellafont Final Plat
Applicant's request

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A MODIFICATION OF THE TREE PRESERVATION AREA IN THE BELLEFONT GARDENS DEVELOPMENT TO SHIFT ABOUT ONE-HALF ACRE OF TREE PRESERVATION AREA FROM LOT 1 TO LOT 4

WHEREAS, the City Council has the authority under §167.04 (L)(2) of the U.D.C. to modify the extent and location of tree preservation areas if it is in the best interests of the City of Fayetteville; and

WHEREAS, the City Council has determined that it is in the best interests of the City of Fayetteville to grant the developer's request to modify the existing tree preservation area.

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 modifies the existing tree preservation area for Bellefont Gardens by removing about .53 acres from Lot 1 to allow for development of the lot as shown on Exhibit A and to require dedication of a mitigation of fifty-two (52) 2" caliper large species trees to be planted and bonded by the developer on about .5 acres on Lot 4 in conjunction with the developer vacating an existing 20-foot wide utility easement as shown on Exhibit "B".

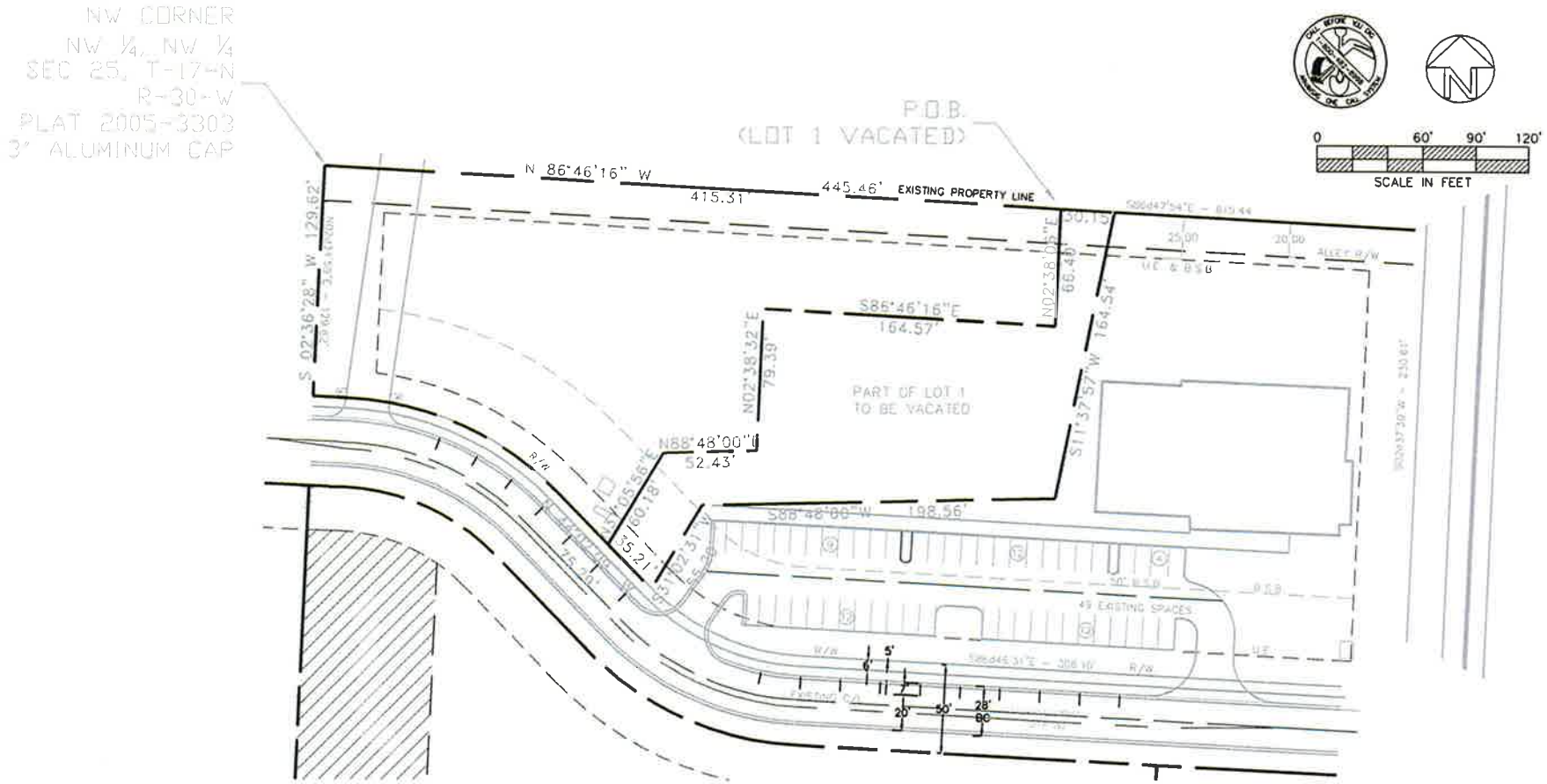
Section 2: That the City Council of the City of Fayetteville, Arkansas hereby determines that no development on Lot 1 may be permitted until the vacation of the utility easement, dedication of the one-half acre tree preservation area, planting of the 52 trees and their bonding had been accomplished by the developer.

PASSED and **APPROVED** this 6th day of December, 2011.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer



LEGAL DESCRIPTION (ORIGINAL LOT 1):

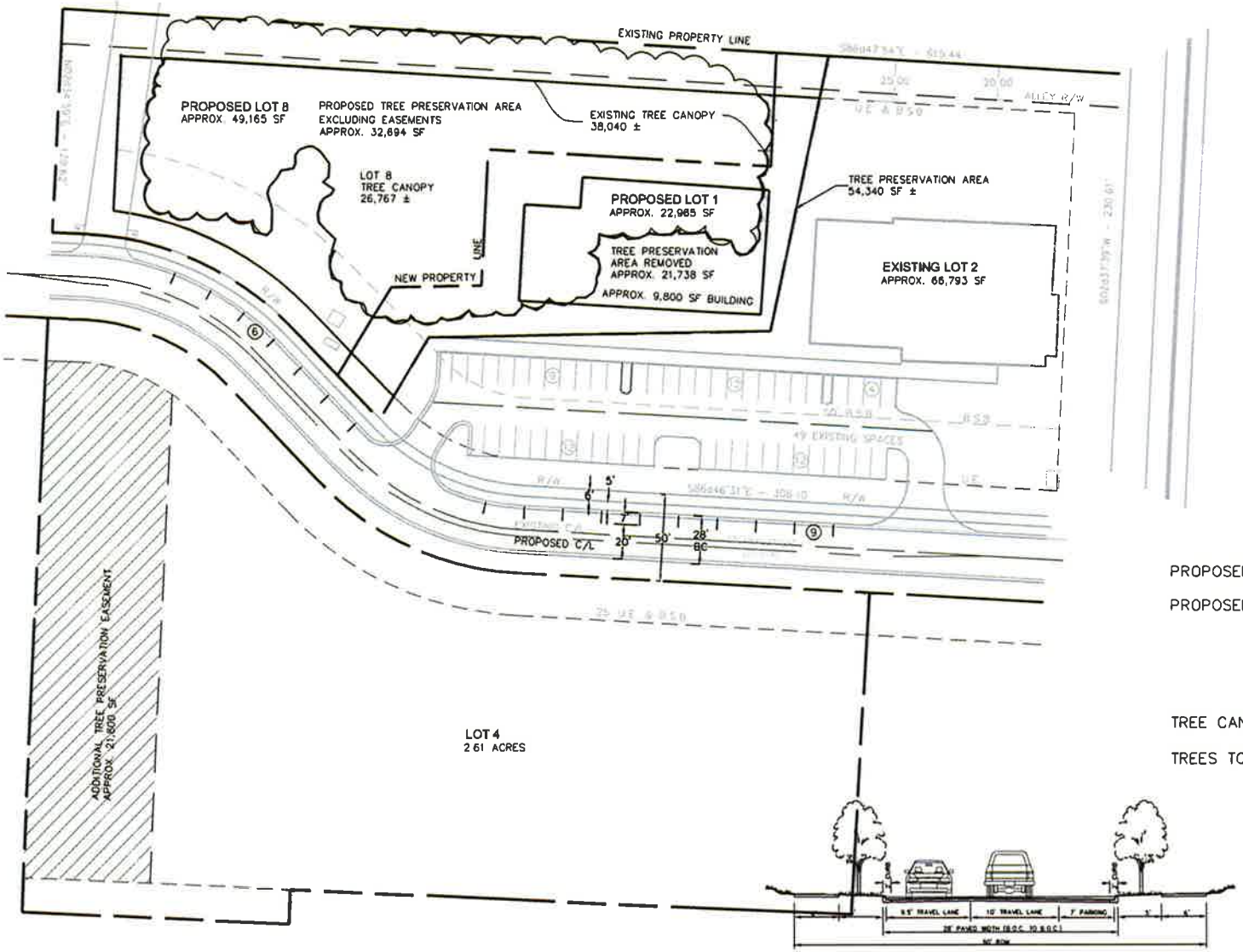
Lot 1 of Bellafont Gardens in Fayetteville, Arkansas, as per plat on file in the Circuit Clerk and Ex-officio Recorder of Washington County, Arkansas.

LEGAL DESCRIPTION (PART OF LOT 1 BEING VACATED):

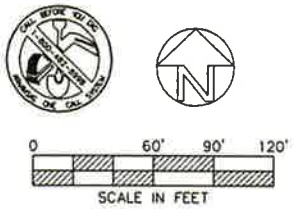
A part of Lot 1 of Bellafont Gardens in Fayetteville, Arkansas, as per plat on file in the Circuit Clerk and Ex-officio Recorder of Washington County, Arkansas and being more particularly described as follows: Beginning at the NW Corner of said Section 25; thence along the north line of the NW ¼, S86°46'16"E 415.31 feet to the P.O.B., thence S86°46'16"E 30.15 feet, thence S11°37'57"W 164.54 feet, thence S88°48'00"W 198.56 feet, thence S31°02'31"W 55.20 feet to the North right-of-way of Stearns Street, thence along said right-of-way N44°02'09"W 35.21 feet, thence leaving said right of way N31°05'56"E 60.18 feet, thence N88°48'00"E 52.43 feet, thence N02°38'32"E 79.39 feet, thence S86°46'16"E 164.57 feet, thence N02°38'06"E 66.40 feet to the P.O.B., containing 0.53 acres.

Exhibit A

Date: 10/20/11			
COUNCIL PROPOSAL	BELLAFONT TREE PRESERVATION FAYETTEVILLE, ARKANSAS		
Scale: 1"=60'			
Page 2 Of 2			
SUBMITTAL 1			



STEARN STREET SECTION
FACING WEST



EXISTING LOT 1 – 72,309 SF
1.66 ACRES

EXISTING LOT 2 – 66,793 SF
1.53 ACRES

EXISTING LOT 4 – 2.61 ACRES

PROPOSED LOT 1: 22,965 SF TOTAL

PROPOSED LOT 8: 49,165 SF
32,694 SF TREE PRES. EASEMENT
26,767 SF TREE CANOPY

LOT 4: APPROX. 21,800 SF TREE PRES. EASEMENT

TREE CANOPY TO BE MITIGATED – APPROX. 11,322 SF

TREES TO BE PLANTED: 52 (2" CAL.)
OR
60 (1.5" CAL.)

*ALL SQUARE FOOTAGE IS APPROXIMATE AND SUBJECT TO EASEMENTS AND SURVEYS

Exhibit B

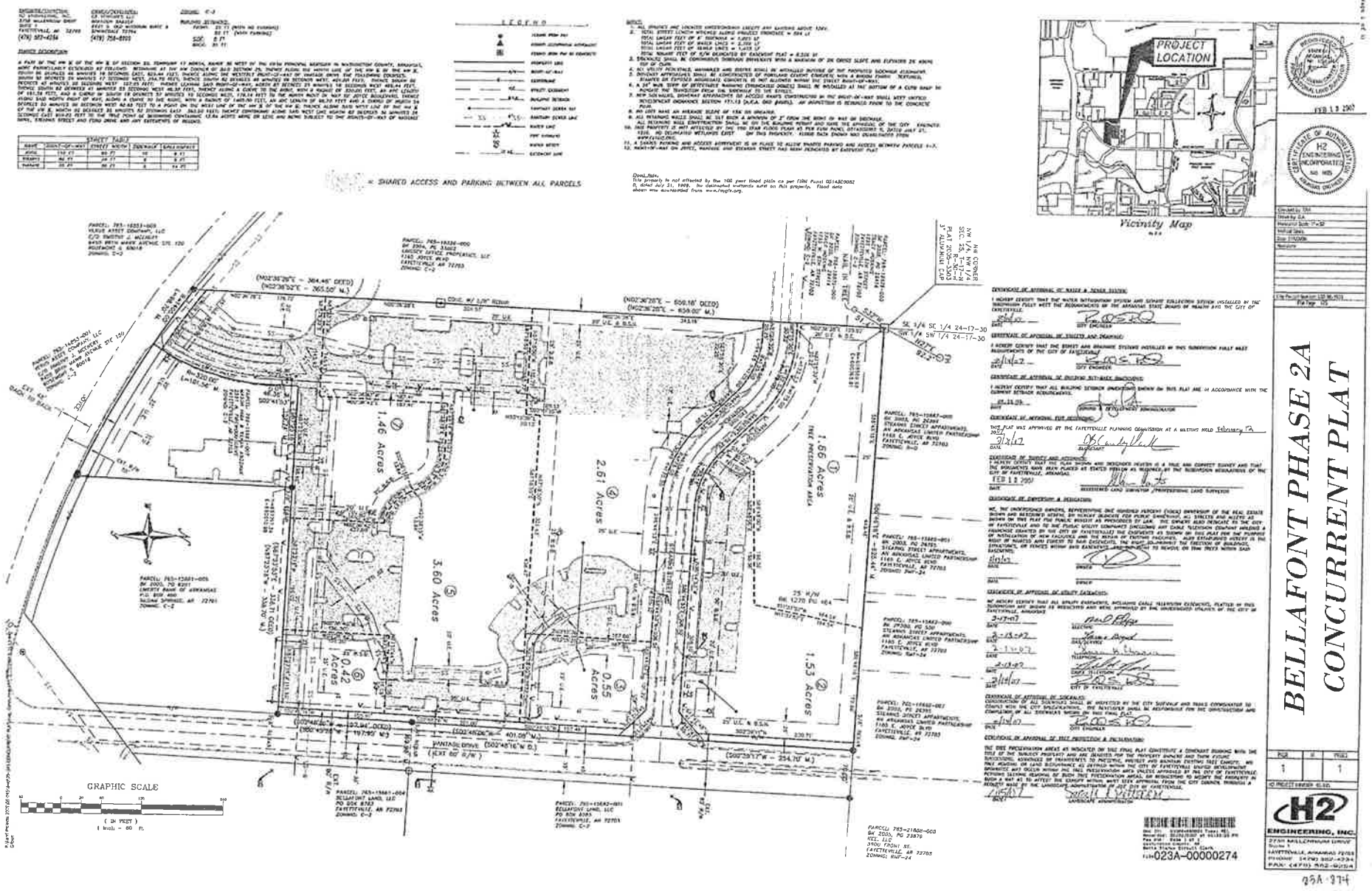
appian
509 WEST SPRING STREET, SUITE 260 FAYETTEVILLE, AR 72701
(479) 203-7067 FAX: (479) 251-1203

Date 10/20/11		Proj. Mngr.	Proj. Arch.
COUNCIL PROPOSAL	BELLAFONT TREE PRESERVATION FAYETTEVILLE, ARKANSAS		
Scale: 1"=60'			
Page 1 Of 2			
Submittal 1			

N

0 25 50 100 150 200 Feet

Bellafont Gardens Exhibit C


BELLAFONT PHASE 2A
CONCURRENT PLAT
PROJECT LOCATION
Vicinity Map
GRAPHIC SCALE
1.46 Acres
2.61 Acres
3.60 Acres
1.66 Acres
1.53 Acres
0.55 Acres
0.42 Acres
PANTANO DRIVE
H2 ENGINEERING, INC.
023A-00000274

October 20, 2011

City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Re: Belafont Tree Preservation

Dear Aldermen and Fayetteville Commissioners,

Lot 1 of the Belafont Subdivision been established as a 1.66 acre Tree Preservation Area of which approximately 80% of the property is covered in trees. Through a series of ill-fated transactions and poor timing, the previous owner defaulted on his loans and Chambers Bank has been the recipient of an unbuildable lot made up of tree preservation.

In order to recoup a portion of its losses, the Bank would like to retain the majority of the tree preservation and create a small lot made up of currently unforested land and some tree canopy. Pending the removal of a utility easement, the owner will plant (52) 2"trees or (60) 1.5" trees and dedicate as easement 21,800 square feet along the west edge of Lot 4. This would mesh well with an existing preservation easement along the east edge of the adjacent lot, which contains what we know as the Lindsey building.

The owner and I have been working for some time now with the City of Fayetteville staff and believe that we have come to an amiable solution. Please review the attached exhibits for the location and size of easements and lots. Feel free to call us with any questions.

Respectfully,

Evan Niehues, RLA
Appian, Inc.
eniehues@appianonline.com

(5) *Maintenance agreement and landscape establishment guarantee.* All plans requesting on-site mitigation or off-site forestation shall include a binding three year maintenance and monitoring plan, which shall hold the applicant responsible for the health of all planted trees.

(a) Approval of a plan requesting on-site mitigation or off-site forestation shall be contingent upon the applicant depositing with the city either currency, bond irrevocable letter of credit or other surety, in an amount equal to the estimated cost of materials and labor of trees at the time of planting. The bond, irrevocable letter of credit, or other surety must cover the entire three year maintenance and monitoring period. The applicant shall submit cost estimates to the urban forester.

(b) Upon completion of the three year landscape establishment period, the urban forester shall inspect the site and determine whether 90% of the trees are healthy and have a reasonable chance of surviving to maturity. Upon such finding, the city shall release the currency, bond, or letter of credit.

(c) In the absence of such a finding, the applicant shall be notified to replace any unhealthy or dead trees, or take other appropriate action as approved by the urban forester. If the applicant does not take remedial steps to bring the property into compliance, the city shall use the necessary monies from the landscape establishment guarantee to do so.

(d) In the event trees are injured or destroyed by natural disasters, including but not limited to, tornadoes, straight-line winds, ice storms, fire, floods, hail, or lightning strikes, or through the independent actions of third parties, the applicant shall be relieved of the responsibility of replanting the tree or trees so affected.

(K) *Tree preservation plan review form.* The urban forester shall use a standardized form for all recommendations or administrative determinations made regarding an applicant's tree preservation plan.

(1) The form shall clearly indicate whether the urban forester is making a final administrative determination, or a recommendation to the Planning Commission or City Council.

(2) The form shall also clearly indicate the applicant's plan is "APPROVED," "DISAPPROVED," or "CONDITIONALLY APPROVED," and explain the reasoning therefore.

(3) A statement shall appear on the form explaining the process by which a final administrative determination may be appealed in accordance with Chapter 155 of the Unified Development Code.

(4) The urban forester shall sign and date the form, and ensure that a copy becomes part of the permanent file for the project.

(L) *Continuing preservation and protection under approved tree preservation plans.*

(1) In order to ensure that an applicant's heirs, successors, assigns, or any subsequent purchasers of the subject property are put on notice as to the existence and extent of an approved tree preservation plan, tree preservation areas shall be clearly depicted on the easement plats for large scale developments and the final plats for nonresidential subdivisions. This shall be accompanied by a narrative statement describing the nature of the protection afforded, and bearing the signature of the urban forester. Lots in residential subdivisions are expressly exempt from these requirements. If it is impractical to include the actual depiction of the canopy to be preserved on the easement plat, or final plat itself, a note cross referencing an accompanying document shall suffice.

(2) The geographic extent and location of tree preservation areas, once recorded, may only be modified, or abolished with the express approval of the City Council. Applicants requesting such action shall bear the burden of proving to the City Council's satisfaction that such modification or abolition is in the best interest of the City of Fayetteville. Such requests shall be submitted to the urban forester, who shall ask the city clerk to place it on the agenda of the next regularly scheduled City Council meeting.

(3) Property owners wishing to remove diseased or dead trees from within a recorded tree preservation area shall seek prior approval from the urban forester, who shall determine if such removal is consistent with sound arboricultural and horticultural practices, as well as the intent of this chapter. Any tree so removed shall be replaced with a tree of like or similar species, unless the urban forester determines that natural replacements of

City Council Authority

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

12/6/2011
City Council Meeting Date
Agenda Items Only

Jesse Fulcher	Planning	Development Services
Submitted By	**Division**	**Department**

Action Required:

ADM 11-3994: Administrative Item (FOREST HILLS R-PZD Amendment No. 1): Submitted by MORRISON SHIPLEY for property located within the Forest Hills PZD. The request is for a major modification to the concept plan and zoning criteria for Planning Area 3, reducing the number of dwelling units from 354 to 240.

	$ -	
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	11.17.2011 Date
City Attorney	11-21-2011 Date
Finance and Internal Services Director	11/21/11 Date
Chief of Staff	11/22/11 Date
Mayor	11/23/11 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office 11-17-11 P05:17 RCVD

Received in Mayor's Office ENTERED 11/21/11

Comments:

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Jeremy Pate, Development Services Director

From: Andrew Garner, Senior Planner

Date: November 16, 2011

Subject: ADM 11-3994 Forest Hills Planned Zoning District Amendment No. 1

RECOMMENDATION

Staff recommends approval of an ordinance to amend the concept plan and zoning criteria for the Forest Hills Planned Zoning District (PZD), reducing the number of multi-family dwelling units from 354 to 240 in Planning Area 3.

BACKGROUND

The Forest Hills PZD Master Development Plan contains approximately 82 acres located between Wedington Drive and Persimmon Street. The PZD approval granted by the City Council 2008 allows for a maximum of 600 dwelling units and approximately 206,000 square feet of nonresidential space within 5 separate planning areas. Each planning area outlines the allowable uses and densities, and provides the general location for access, circulation, building location, parking areas, etc. Detailed engineering plans are submitted as each planning area is developed.

The concept for Planning Area 3, The Trails at Forest Hills, was a multi-family condominium development with 22 buildings and a maximum density of 354 dwelling units on approximately 15 acres. A development group is interested in purchasing and developing the property, but with only three four-story buildings and 192 multi-family units. The modification to the design concept and reduction in density constitute major modifications and may only be approved by the City Council. The Zoning and Development Administrator may approve a reduction in density by up to 20% as a minor modification.

The current property owner is requesting to amend the approved concept plan for Planning Area 3, reducing the required number of dwelling units from 354 to 240. Reducing the density to 240 units will provide greater flexibility for the current owner if the purchase agreement does not occur, and will allow an administrative reduction to 192 units if the development group moves forward with the project.

DISCUSSION

None.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 07-2793 FOREST HILLS TO REVISE THE CONCEPT PLAN AND ZONING CRITERIA FOR PLANNING AREA THREE, REDUCING THE NUMBER OF DWELLING UNITS FROM 354 UNITS TO 240 UNITS.

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

Section 1. That the zoning criteria booklet and plats for R-PZD 07-2793 Forest Hills are hereby amended to reflect the major modification to the concept plan and zoning criteria in Planning Area Three, reducing the number of dwelling units from 354 to 240, as reflected in Exhibit "A."

Section 2. That the Planned Zoning District ordinance and official zoning map of the City of Fayetteville, Arkansas, are hereby amended to reflect the zoning criteria change provided in Section 1 above.

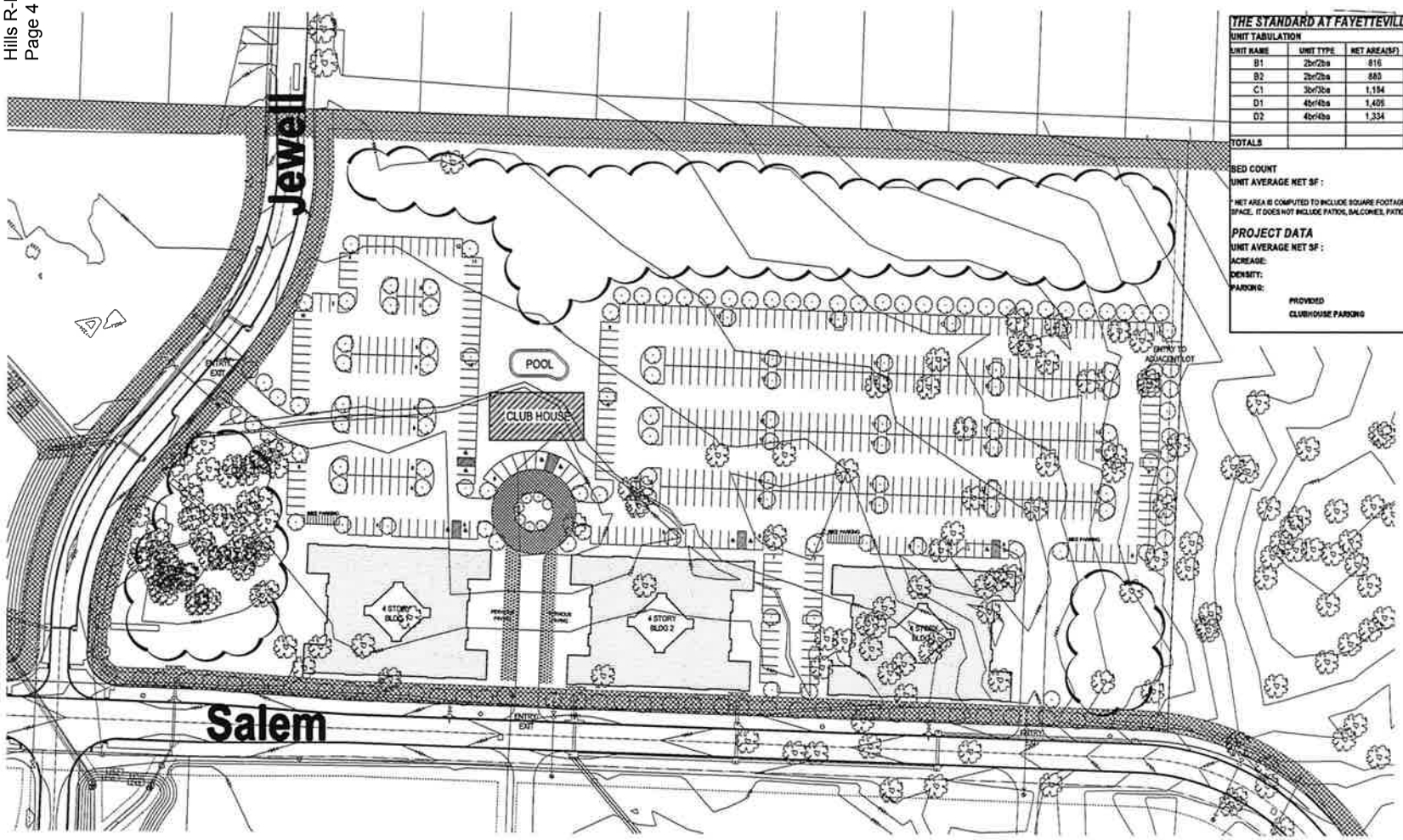
PASSED and **APPROVED** this day of , 2011.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

Exhibit "A"



THE STANDARD AT FAYETTEVILLE				908 DEVELOPMENT GROUP		20011292
UNIT TABULATION						11/2/11
UNIT NAME	UNIT TYPE	NET AREA(SF)	UNIT COUNT	PERCENTAGE	TOTAL AREA	% BREAKDOWN
B1	2br/2ba	816	48	25.00%	39,168	50.00%
B2	2br/2ba	880	48	25.00%	42,240	
C1	3br/3ba	1,184	6	3.13%	7,104	3.13%
D1	4br/4ba	1,409	42	21.88%	59,178	46.88%
D2	4br/4ba	1,334	48	25.00%	64,032	
TOTALS			192	100.00%	211,722	

BED COUNT 570
UNIT AVERAGE NET SF : 1,103

* NET AREA IS COMPUTED TO INCLUDE SQUARE FOOTAGE FROM EXTERIOR FACE OF ALL EXTERIOR FRAME WALLS THAT ENCLOSE A/C SPACE. IT DOES NOT INCLUDE PATIOS, BALCONIES, PATIO/BALCONY STORAGE.

PROJECT DATA

UNIT AVERAGE NET SF : 1,103 S.F.
ACREAGE: 14.31 ACRES
DENSITY: 13.41 UNITS/ACRE
PARKING:
PROVIDED 842 SPACES
CLUBHOUSE PARKING 12 SPACES
1.6 SPACES/BED

SCALE: 1" = 50' (24"x36" SHEET)

N 0' 50' 100' 200'

ARCHITECTURAL SITE PLAN

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The arrangements depicted herein are the sole property of Humphreys & Partners Architects, LP and may not be reproduced in any form without its written permission

Architectural conceptual site plans are for feasibility purpose only. Revisions may occur due to further investigation from regulatory authorities and building code analysis. Dimensions shown are of a strategic intent only. Refer to surveys and civil drawings for technical information and measurements.

THE STANDARD AT FAYETTEVILLE
908 DEVELOPMENT GROUP
11/08/2011 FAYETTEVILLE, AR HPA#11292

HUMPHREYS & PARTNERS ARCHITECTS L.P.
5339 Alpha Road, Suite 300 Dallas, TX 75240 (972) 701-9636 (972) 701-9639
www.humphreys.com marketing@humphreys.com
DALLAS CHARLOTTE IRVINE LAS VEGAS NEW ORLEANS NORFOLK ORLANDO PHOENIX

MORRISON
SHIPLEY
ENGINEERS • SURVEYORS

November 14, 2011

City of Fayetteville
Fayetteville City Council
125 W. Mountain St.
Fayetteville, AR 72701

Re: Multi-Family Development at Forest Hills
Request to Amend PZD Criteria – Density and Layout

Dear City Council,

On behalf of the property owner, Forest Hills Partners LLC, and the developer, 908 Development Group, we are requesting consideration to amend the criteria for density and layout in Planning Area 3, the multi-family portion of the Planned Zoning District (PZD). Forest Hills is located on the south side of Wedington Drive at Salem Road. The property was rezoned to PZD in June 2008 which established a density of 354 residential units for the multi-family development in the district designated for multi-family. The layout consisted of 22 three-story apartment buildings within this planning area. A copy of the PZD Master Land Development Plan is attached to this request for reference.

908 Development Group desires to purchase the property and develop the tract with a student housing complex consisting of 192 residential units in three four-story apartment buildings. We are requesting to reduce the density from 354 units to 240 units which will allow 908 Development Group to request a minor modification for the additional 20% reduction. This will allow Forest Hills Partners LLC greater flexibility if the purchase agreement does not occur. Forest Hills then could request a minor modification to increase the density by 20% to 288 units. A site layout for 908 Development Group is attached to this request.

Thank you for your consideration.

Sincerely,
Morrison-Shipley Engineers, Inc.

Heather M. Robason, P.E.
Project Manager

2407 S.E. Cottonwood Street
Bentonville, AR • 72712
479.273.2209 • Fax 479.273.2553
morrisonshipley.com

PLANNING AREA 3 – CONDOMINIUMS – "THE TRAILS AT FOREST HILLS"

The multi-family portion of Forest Hills will consist of an upscale apartment complex to be developed at a later date. The condominiums will be constructed at a density of 22.72 units per acre. The condominiums will have all the amenities that go along with a development of this type, including a pool, tennis courts, athletic courts, a clubhouse, and walking trails connected to other areas of Forest Hills.

A. Permitted Uses

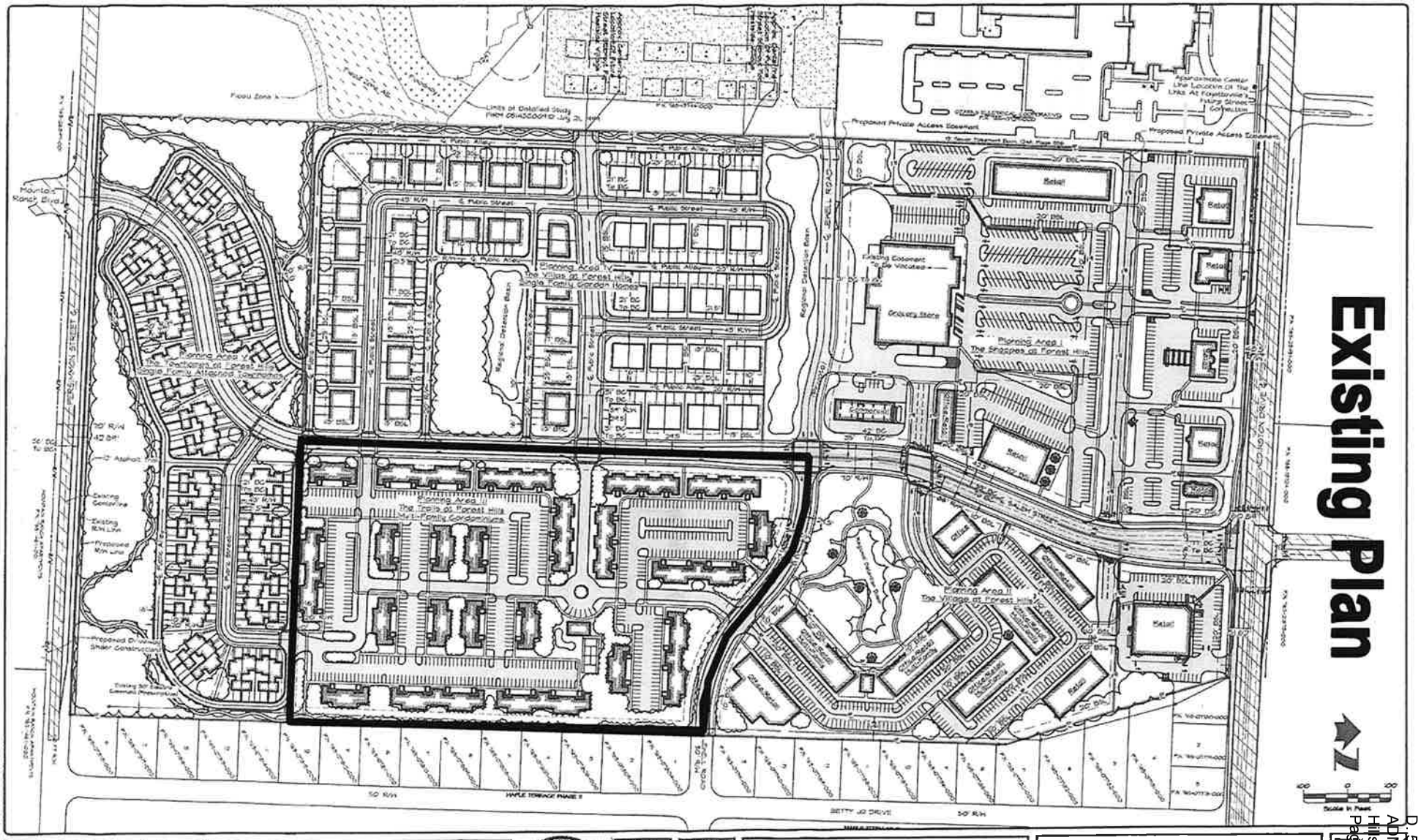
Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings

B. Conditional Uses

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 24	Home occupations

C. Residential Density and Non-Residential Intensity

Planning area acreage:	15.58 acres
Number of dwelling units:	354 units
Non-residential building square feet:	Not Applicable
Residential density:	22.72 units/acre
Non-residential intensity (square feet/acre):	Not Applicable



Revision	By	Date
Revised Per Technical Plat Review Comments	KCR	2-4-07
Revised Per Technical Plat Review Comments	CLD	9-8-09
Revised Per Technical Plat Review Comments	CLD	4-4-08

MORRISON SHIPLEY

ENGINEERS • SURVEYORS

2407 SE Centennial Street • Bentonville, AR 72712 • 479.273.2000 • morrisonshipley.com

STATE OF ARKANSAS REGISTERED PROFESSIONAL ENGINEER No. 11645 HEATHER M. ROBINSON

Drawn By	CLD
Approved By	HMR
Date	4-4-08
Project No.	MAP-04
Vertical Scale	-
Horizontal Scale	100
Profile Scale	100
Drawing Name	FZD 03.01

THE SHOPPES AND RESIDENCES AT FOREST HILLS

Fayetteville, Washington County, Arkansas

MASTER LAND DEVELOPMENT PLAN

Issued for Review

Revision	By	Date
Resubmit For Tentative Plat Review Comments	NCR	3-26-09
Resubmit For Tentative Plat Review Comments	NCR	4-4-09

MORRISON SHIPLEY
ENGINEERS • SURVEYORS

Drawn By: NCR	Vertical Scale: -
Approved By: NCR	Horizontal Scale: 100
Date: 4-4-09	Plotting Scale: 100
Project No: MAP-24	Drawing Name: MAP-24 RTD

THE SHOPPES AND RESIDENCES AT FOREST HILLS
Wedington Drive and Salem Road
Fayetteville, Washington County, Arkansas

RENDERED SITE LAYOUT

Issued for Review

Sheet No. 1 / 1

Rendered Site Layout

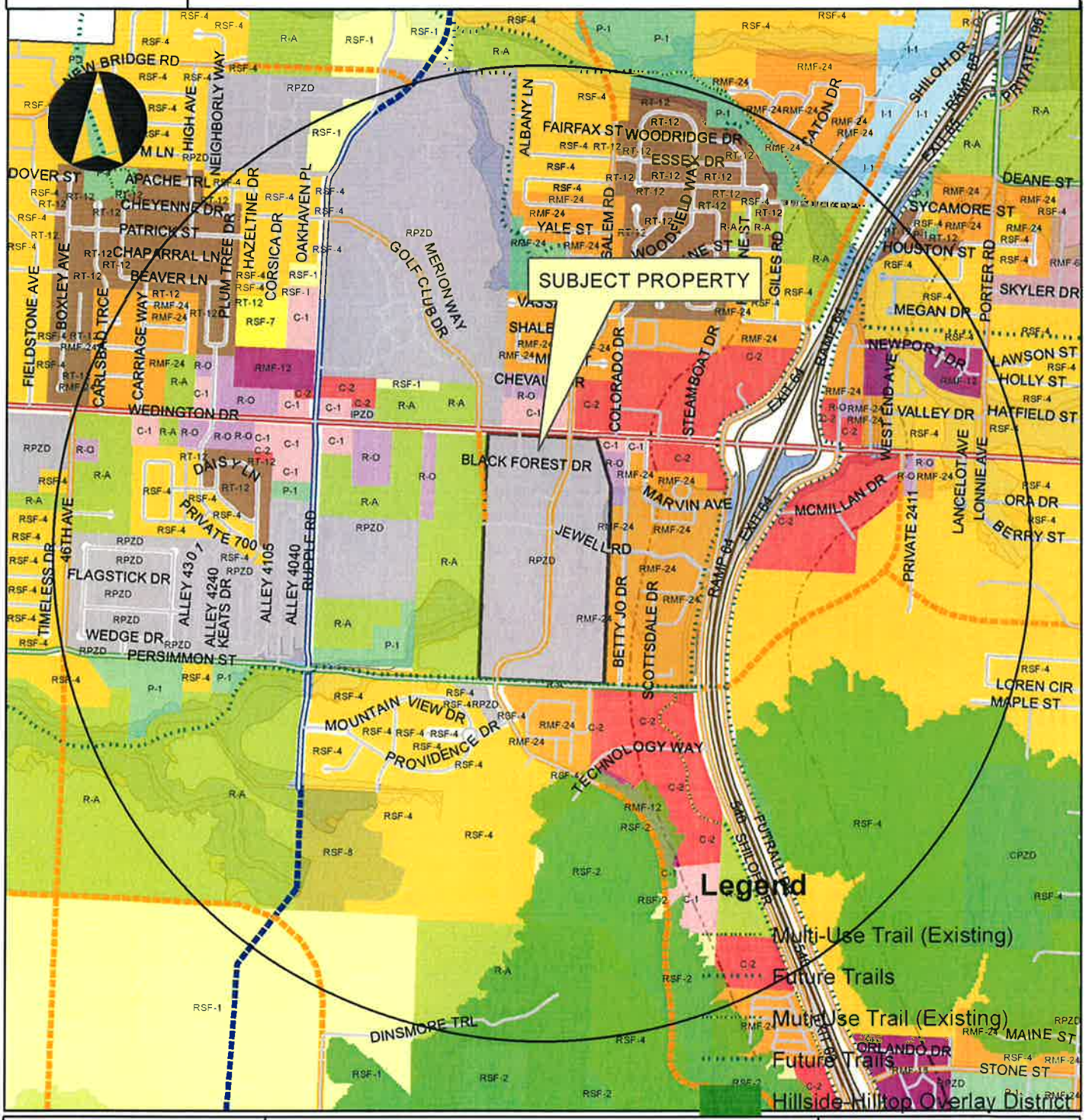
FOREST HILLS

a mixed-use planned zoning development

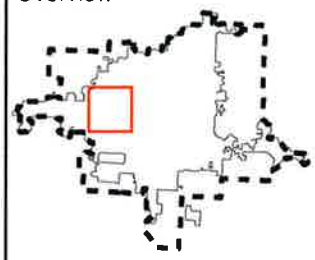
ADM11-3994

One Mile View

FOREST HILLS



Overview



Legend

Subject Property

ADM11-3994

Boundary

ADM 11-3994

Design Overlay District

Planning Area

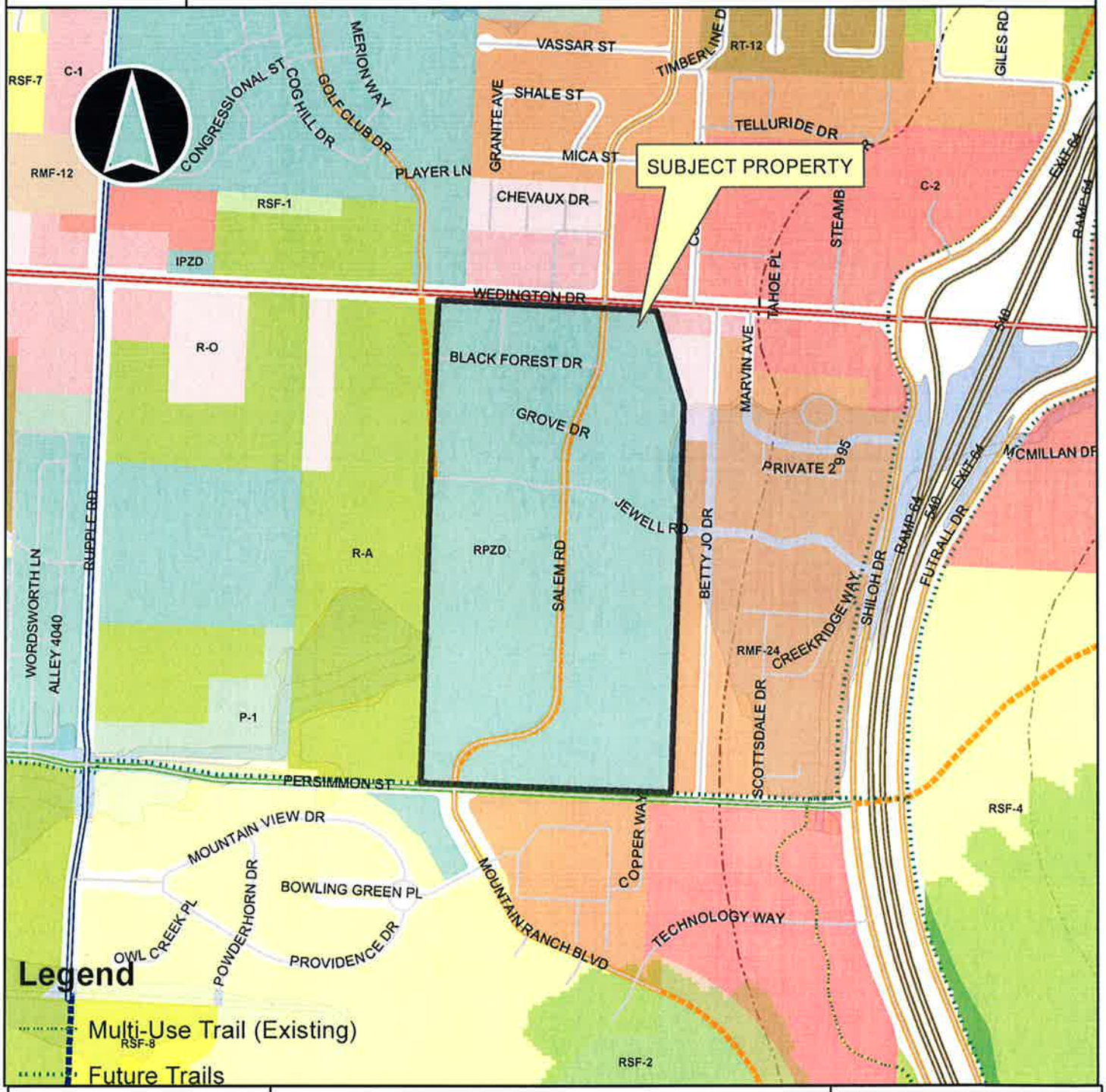
Fayetteville

0 0.25 0.5 1 Miles

ADM11-3994

Close Up View

FOREST HILLS



Overview

- Fayetteville City Limits
- ADM11-3994
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area

0 300 600 1,200 1,800 2,400 Feet

AGENDA REQUEST

FOR: COUNCIL MEETING OF DECEMBER 6, 2011

FROM:

KIT WILLIAMS, CITY ATTORNEY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Repeal §34.27 Of The Code Of Fayetteville And To Enact A Replacement §34.27 **Sale Of Municipally Owned Real Property** Of The Code Of Fayetteville And To Enact An Emergency Clause

APPROVED FOR AGENDA:

City Attorney — Nov 4, 2011 — Date

Utilities Director — 4 Nov 11 — Date

Chief of Staff — 11/4/11 — Date

ENTERED 11/4/11

11-04-11 A11:21 RCVD

Mayor — 11/7/11 — Date

Fayetteville ARKANSAS
www.accessfayetteville.org

Departmental Correspondence

LEGAL DEPARTMENT

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: **Mayor Jordan**
City Council

CC: **Don Marr**, Chief of Staff
David Jurgens, Utilities Director
Paul Becker, Finance Director

FROM: **Kit Williams**, City Attorney

DATE: **November 4, 2011**

RE: **Amending §34.27 Sale of Municipally Owned Real Property**

Earlier this week Utilities Director David Jurgens came to the City Attorney's Office because he needed to sell a water/sewer easement to the Springdale Water and Sewer Commission to replace the existing water/sewer easement the Springdale Water and Sewer Commission was losing because of the widening of Highway 265. Because this would be a sale of a real property interest (the easement), we were concerned that §34.27 **Sale of Municipally Owned Real Property** must be applied.

Even though later amendments to §34.27 gave partial exemptions for sales to public entities, the City Council would probably need to obtain an "independent appraisal" since the Springdale Water and Sewer Commission's appraisal was not "obtained by the city" nor probably "independent" as expressly required by the detailed restrictions of §34.27. The costs of the appraisal and display ad in the newspaper would constitute a significant percentage of this proposed $3,000.00 sale. The 30 day wait after publication of the display ad, certified mail and posting of signs before the City Council could consider the sale will unreasonable delay (two months from the beginning) the Springdale Water and Sewer Commission's work to relocate their mains.

The situation has again brought to the forefront the unnecessary expenses and delays caused by §34.27 when the City Council should be able to use its unhindered authority, sufficient knowledge, and good judgment to decide whether or not to sell city property. This code section was first enacted on January 2, 2002 in an attempt to ensure Fayetteville citizens received the highest amount of money for any city land that might be sold because it was no longer needed for a corporate purpose. Unfortunately, the multiple City Council meetings and Resolutions, notification requirements, multiple publications, appraisals, sealed bidding process, etc. of this code section made selling any city property pursuant to this section almost impossible.

Its expensive process requiring two appraisals and multiple newspaper advertisements resulted in less money received for our citizens the **only time** in a decade that it was actually used to sell property to a private entity. That purchaser was the only bidder and bid only the minimum price set earlier in a public meeting. Our taxpayers had to pay for two independent appraisals, at least four "conspicuous display advertisements" in the paper and certified mail to all adjacent property owners which meant our taxpayers lost money because of the cumbersome and expensive process required by §34.27.

The City Council itself soon saw the real problems this ordinance had caused and began creating exemptions and more exemptions and more exemptions through the years when confronted with the proper need to sell city property to public utilities, nonprofit organizations, government agencies and to private entities for industrial development and for redevelopment. Even with all those exemptions the current §34.27 remains so cumbersome, time consuming and expensive that it works like shackles on the City Council when the City Council members need and should be able to make timely decisions about city property no longer needed for city purposes.

I trust the common sense and careful consideration of the City Council when it comes to decide whether or not to sell city property that is not being used or otherwise not needed for corporate purposes. The City Council can look at the price the City initially paid for some or all of the property it is considering selling. It can look at any existing appraisal on the property or get a new appraisal if needed. The City can properly rezone the property before any sale to ensure the new owner's use will be compatible with its neighbors.

CONCLUSION

The City Council should trust itself to make a wise and informed decision about whether or not to sell city property and to whom and for how much. It does not need the existing code section's expensive, cumbersome and lengthy restrictions on the City Council's own power and discretion to do what is best for our citizens. Thus, I recommend you amend the **Sale of Municipally Owned Real Property** as shown on the attached proposed ordinance to comply with state law and in recognition of the City Council's proven ability to be good stewards of the City's finances and property.

An Emergency Clause is necessary so that the new ordinance can take effect immediately and empower the City Council to sell the requested easement to the Springdale Water and Sewer Commission so as not to delay its construction of mains. Attached is David Jurgens' memo about this easement.

Even though this is not proposed to be brought to you before the City Council meeting of December 6, 2011, I wanted you to know a month early of my proposed amendment so you would have plenty of time to consider this change. Please let me know of any thoughts or concerns about this proposed change.

Fayetteville
ARKANSAS
www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO
MEETING DATE OF DECEMBER 6, 2011
THE CITY OF FAYETTEVILLE, ARKANSAS

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff

From: David Jurgens, Utilities Director
Water/Sewer Committee

Date: November 3, 2011

Subject: Crossover Road- Northern Section- Springdale Water Utilities Easement Acquisition

RECOMMENDATION

City Administration recommends approving the sale of one permanent and one temporary construction easements to the Springdale Water and Sewer Commission for the north section of the Highway 265 AHTD widening project between Joyce Boulevard and the northern City limits.

BACKGROUND

AHTD is widening Crossover Road (Highway 265) between Joyce Boulevard and the northern City limits. They do not allow utilities to remain inside their easement. The area north of Clear Creek receives water service from the Springdale. Just like the City of Fayetteville, Springdale is being required to relocate their utility lines, so they need to acquire land owned by the City for their new easements. This land was purchased by the Water Department in the 1940's as part of Lake Fayetteville.

DISCUSSION

Springdale is relocating their water lines on the east side of Highway 265. To move their lines, they require one permanent easement of 0.383 acres on one tract of land valued at $2,400, and one temporary construction easements valued at $600. The values were established by an appraisal performed by Reed & Associates, and are consistent with Springdale's offers for the remainder of this project. The City's land agents have reviewed this easement; it meets all criteria we would apply when acquiring our own easements.

Sale of City property must comply with §34.27 of Fayetteville's Code of Ordinances, which the City Attorney is recommending be modified due to its complexity and expense. In this case, the cost of specifically complying with the ordinance as currently written would cost almost as much as the revenues received from the sale. This proposed sale complies with the City Attorney's recommended modification of the ordinance, but does not comply with the ordinance as it exists without the proposed modifications.

BUDGET IMPACT

As the land was purchased by the Water/Sewer fund, revenues received from this sale must be entered into the Water/Sewer fund. This will reflect a $3000 in Water/Sewer revenue.

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL §34.27 OF THE CODE OF FAYETTEVILLE AND TO ENACT A REPLACEMENT §34.27 **SALE OF MUNICIPALLY OWNED REAL PROPERTY** OF THE CODE OF FAYETTEVILLE AND TO ENACT AN EMERGENCY CLAUSE

WHEREAS, §34.27 of the Code of Fayetteville was enacted on January 2, 2002 in an attempt to ensure that the citizens of Fayetteville would receive the highest possible amount of money for a parcel of City property if the City Council determined to sell such City property because it no longer served a municipal purpose; and

WHEREAS, the number of notices, publications, appraisals, City Council hearings and public bidding process made this selling process so cumbersome, long and expensive that the ordinance was amended by the City Council in 2002, 2004 and 2005 to provide numerous exemptions from §34.27's requirements for various types of land sales; and

WHEREAS, in the decade of its existence, the full process specified in §34.27 for the sale of City property to a private entity has occurred only once, took months to accomplish and resulted in only a single bidder who purchased the property at the minimum set price for the City land; and

WHEREAS, state law specifically authorizes that only the City Council can sell City land by passing a Resolution or can exchange land with another city by passing an Ordinance, thus ensuring that the City Council will always have the final say in any proposed City land sale or exchange.

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 §34.27 of the Code of Fayetteville and enacts a replacement §34.27 **Sale of Municipally Owned Real Property** of the Code of Fayetteville as shown below:

"**§34.27 Sale of Municipally Owned Real Property**

(A) The City may sell real property only after the City Council has passed a Resolution expressly authorizing such sale. The City Council shall determine whether the property should be rezoned prior to its sale.

(B) Such City Council Resolution shall contain a specific finding by the City Council that the subject real property is no longer needed for municipal purposes.

(C) The City may exchange real and personal property with other cities or Washington County only after authorization by ordinance passed by the City Council. The City Council through such ordinance may place limits on the uses that will be allowed of such property as part of the exchange of property agreement."

Section 2: **Emergency Clause.** That the City Council of the City of Fayetteville, Arkansas hereby finds that this change in the manner in which the City Council can sell city property is essential in expediting the conveyance of a water and sewer easement to the Springdale Water and Sewer Commission in a timely manner and declares that this ordinance is necessary to preserve the public health and therefore an emergency is hereby declared to exist so that this ordinance shall be in full force and effect from the date of its passage and approval.

PASSED and **APPROVED** this 6th day of December, 2011.

APPROVED: ATTEST:

By: _____ By: _____
LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

quarry, because the ordinance was enacted pursuant to subdivision (1) of this section. Contrary to the city's argument, since the quarry was located outside the corporate city limits but within one mile of those limits, the city could not regulate the quarry without a judicial determination that its activities constituted a nuisance, and no such judicial determination had been made; the quarry was not a nuisance per se. Rogers Group, Inc. v. City of Fayetteville, 629 F.3d 784 (8th Cir. 2010).

Public Health.

A town has the authority to legislate for the protection of public health. Phillips v. Town of Oak Grove, 333 Ark. 183, 968 S.W.2d 600 (1998).

14-54-104. Additional powers of cities of the first class.

CASE NOTES

Streets, Alleys, Etc.

Ordinance vacating a street exceeded the scope of subdivision (2) when it attempted to extinguish an abutting landowner's property right of ingress and egress over the street without compensation. Wright v. City of Monticello, 345 Ark. 420, 47 S.W.3d 851 (2001).

Trial court did not err in deciding that § 14-54-303 was controlling for the town to vacate a street, because an incorporated town's ability to vacate a street under § 14-54-303 was independent, and §§ 14-301-301 to 14-301-303 had no application when an incorporated town used its authority under § 14-54-303. Riley v. Town of Higginson, 2009 Ark. App. 294, 307 S.W.3d 34 (2009).

Subchapter 3 — Real and Personal Property

SECTION.
14-54-302. Purchase, lease, and sale authorized.
SECTION.
14-54-304. Property exchange by municipalities.

14-54-302. Purchase, lease, and sale authorized.

(a)(1) Municipal corporations are empowered and authorized to sell, convey, lease, rent, or let any real estate or personal property owned or controlled by the municipal corporations. This power and authorization shall extend and apply to all such real estate and personal property, including that which is held by the municipal corporation for public or governmental uses and purposes.

(2) Municipal corporations are empowered and authorized to buy any real estate or personal property.

(b)(1) Municipal corporations are also empowered and authorized to donate property, or any part thereof, to the federal government or any agency thereof, for any one (1) or more of the following purposes, that is, having the real estate, personal property, or both, activated, reactivated, improved, or enlarged by the donee.

(2)(A) The municipal corporation may donate the fee simple title and absolute interest, without any reservations or restrictions, in and to all real estate, personal property, or both, or any part of the property, to the federal government, if this property was previously conveyed or otherwise transferred by the federal government to the municipal corporation without cost to the municipal corporation.

(B) All other donation instruments shall contain provisions by which the title to the property donated shall revert to the municipal corporation when the donated property is no longer used by the donee for the purposes for which it was donated.

(c) The execution of all contracts and conveyances and lease contracts shall be performed by the mayor and city clerk or recorder, when authorized by a resolution in writing and approved by a majority vote of the city council present and participating.

History. Acts 1935, No. 176, § 2; Pope's Dig., § 9539; Acts 1953, No. 13, § 1; 1959, No. 159, § 1; 1977, No. 823, § 1; 1983, No. 183, § 2; A.S.A. 1947, § 19-2310; Acts 2005, No. 436, § 1.

RESEARCH REFERENCES

U. Ark. Little Rock. L. Rev. Survey of Legislation, 2005 Arkansas General Assembly, Local Government, 28 U. Ark. Little Rock. L. Rev. 373.

CASE NOTES

Contracts Not Formally Authorized.
Absence of a city council's resolution was fatal to the validity and viability of an alleged Memorandum of Understanding between a mayor and the owner of a stagecoach who sought to sell the stagecoach to the city. Dotson v. City of Lowell, 375 Ark. 89, 289 S.W.3d 55 (2008).

14-54-303. Authority of incorporated towns.

CASE NOTES

Proper Authority.
Trial court did not err in deciding that this section was controlling for the town to vacate a street, because an incorporated town's ability to vacate a street under this section was independent, and §§ 14-301-301 to 14-301-303 had no application when an incorporated town used its authority under this section. Riley v. Town of Higginson, 2009 Ark. App. 294, 307 S.W.3d 34 (2009).

14-54-304. Property exchange by municipalities.

Municipalities are authorized to exchange properties, real or personal, with other municipalities or with counties. Provided, any such exchange shall be approved by ordinance of the governing body of the municipality and shall be accomplished in accordance with procedures prescribed by the governing body.

History. Acts 1999, No. 1248, § 2.
Publisher's Notes. Acts 1999, No. 1248 became law without the Governor's signature.

14-54-802

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SECTION.
14-54-902.
14-54-903.

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Current law

An employee of the city shall be permitted to furnish services as an independent contractor to the City only if:

(A) The employee fully discloses his or her direct or indirect financial interest in any contract or service agreement to the City Council and such services are approved by City Council Resolution;

(B) No favoritism is allowed to the city employee over other possible service providers;

(C) Such services are not of the same type as performed by the city employee in his or her regular city job, nor are services for the department wherein the employee works;

(D) The employee's immediate supervisor specifically approves such extension of employee service and ensures it will not adversely affect the employee's regular city employment duties;

(E) City employees who are not within the Parks and Recreation Department are specifically allowed to work as independent contractors as scorekeepers, referees and umpires for the Fayetteville Parks and Recreation Department without the need for a City Council Resolution.

(Code 1965, §2-70; Ord. No. 3013, 6-5-84; Code 1991, §34.26; Ord. 5351, 9-7-10)

State law reference(s)--Purchase, lease and sale authorized, A.C.A. §14-42-107.

34.27 Sale Of Municipally Owned Real Property

(A) Municipally owned real property shall not be offered for sale without the express authorization, by resolution, of the City Council. The City Council shall determine whether the property should be rezoned prior to offering it for sale.

(B) Such resolutions shall contain a specific finding by the City Council that the subject real property no longer serves a municipal purpose.

(C) Two simultaneous and independent appraisals of the real property shall be obtained by the city for the City Council's consideration, dated within six months of the proposed sale.

(D) Public notice shall be given not less than thirty calendar days before the first City Council meeting at which such a resolution is introduced, by all of the following means:

(1) A conspicuous display advertisement placed in a newspaper of general circulation in the city, on at least four separate occasions;

(2) Certified mail, return receipt requested, to all adjacent property owners; and

(3) Signs, prominently displayed, and at all approaches to the subject real property, announcing that the City Council will be considering the sale of the real property, the date on which the sale is to be debated, as well as the telephone number of the mayor's office.

(E) Upon an affirmative vote of the City Council, the city shall solicit sealed bids, at a minimum price set by the City Council, from all interested parties. Bids must equal or exceed the minimum price set by the City Council and the appraised value of the property.

(F) The city shall sell the subject real property to the highest qualified bidder. In the event none of the bids from a qualified bidder equals the minimum price set by the City Council, the city shall reject all bids, and may reopen the bidding, upon City Council approval.

(G) Upon receipt of an acceptable bid, and authorization by a separate resolution of the City Council, the conveyance of the real property shall be performed by the mayor and city clerk.

(H) Exemptions from the requirements of this ordinance:

(1) The sale of the industrial park, business park, and technology park lands are expressly exempt from the provisions of this ordinance. Industrial park land includes all of the land in and around the South Industrial park as specifically identified within the black bold line on the map attached as Exhibit A.

(2) The sale of real property to other public entities or to a non-profit corporation for charitable purposes shall only require a single appraisal, a single display advertisement placed in a newspaper of general circulation in the city, the certified mail, and sign requirements set forth in subsections (D)(2) & (3). Following the setting of a minimum price by the City Council no lower than the appraised value, the public entity or non-profit corporation may purchase the property at that price, and

the sale shall be exempt from the provisions of subsections (E), (F) & (G) of this ordinance.

(3) If the City Council has approved by ordinance the Project Plan for a Redevelopment District that includes the acquisition of real property or buildings with the intent to resell this property to a private developer, this acquired property shall be exempt from the requirements of this section and can be sold by City Council Resolution.

(4) The dedication of real property to the Arkansas State Highway Commission shall be exempt from the requirements of this section and may be dedicated by City Council Resolution.

Note--Ord. 4380, adopted March 19, 2002, enacts provisions for exemptions from the requirements of ordinance; such provisions have been set forth above. This ordinance was enacted with an Exhibit A attached thereto and may be viewed in the office of the city clerk anytime during regular business hours.

(Ord. No. 4358, 1-2-02; Ord. No. 4380, §1, (Ex. A), 3-19-02; Ord. No. 4651, 12-07-04; Ord. 4752, 9-06-05)

State law reference(s)--Purchase, lease and sale authorized, A.C.A. §14-54-302; Bidding process, A.C.A. §14-54-402.

34.28 Purchase By Reverse Internet Auction

(A) Bidders shall be provided instructions and individually secured passwords for access to the reverse Internet auction by either the City, or reverse Internet auction vendor;

(B) The bidding process shall be timed, and the time shall be part of the reverse Internet auction specifications;

(C) The reverse Internet auction shall be held at a specific date and time;

(D) The reverse Internet auction and bidding process shall be interactive with each bidder able to make multiple bids during the allotted time;

(E) Each bidder shall be continually signaled his or her relative position in the bidding process;

(F) Bidders shall remain anonymous and shall not have access to other bidders or bids; and

(G) The City Council shall have access to real-time data including all bids and bid amounts.

(H) The City is authorized to pay a reasonable fee to the reverse Internet auction vendor.

(1) The fee may be included as part of the bids received during the reverse Internet auction and paid by the winning bidder or paid separately by the City.

(a) The City Council retains the right to:

(i) Refuse all bids made during the reverse Internet auction; and

(ii) Begin the reverse Internet auction process anew if the City Council determines it is in the best interest of the city or town.

(Ord. 4724, 7-19-05)

34.29-34.99 Reserved

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

11/15/11
~~10/18/2011~~

City Council Meeting Date
Agenda Items Only

Justine Middleton	Animal Services	Community Services
Submitted By	**Division**	**Department**

Action Required:

Approval of proposed replacement of the pet licensing ordinance with a microchipping ordinance and alteration of current animal sheltering impoundment fees.

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** ☐

SW 10/26/11

Department Director — 09.28.2011 — Date

City Attorney — 9-29-11 — Date

10/27/2011 PAB

Finance and Internal Services Director — 9.29.2011 — Date

Chief of Staff — 10-31-11 — Date

Mayor — 10/31/11 — Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office 09-28-11 P04:59 RCVD — Kim G. — ENTERED SW 10/26/11

Received in Mayor's Office — ENTERED 9/29/11

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

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: October 25, 2011

Subject: Approval of proposed changes to the pet licensing and shelter impoundment fee ordinances

PROPOSAL:

The Animal Services Advisory Board recommended that the possibility of mandatory microchipping, as opposed to the current city licensing program, be explored for the city of Fayetteville. The benefits of microchiping are extensive. If an animal control officer finds a stray animal, he/she will scan the animal. If the animal is chipped, the officer is able to immediately have the name, address, and phone number(s) of the owner and often an emergency contact is listed as well. Being able to get the animal home directly, without ever having to come to the Shelter, reduces the workload of the staff and also is much less stressful for the pet. It also reduces the cost to the City by bypassing the need to vaccinate the animal upon intake and care for and feed the pet until the owner is able to come claim the pet. So far in 2011, we have been able to return 164 more pets to their owners than we did at this time last year. This is at least partly due to the increase in use of microchipping.

Both staff and board members spent considerable time looking at data concerning the effectiveness and the compliance rate with mandatory chipping. It was determined that more citizens already have their pets chipped than have them current on their city licenses in Fayetteville. In addition, microchips cannot be lost or misplaced like collars and tags.

The proposed ordinance changes were modeled partly on the city of Springdale's successful mandatory chipping ordinance and partly on other similar cities as well as what staff felt like would work best for Fayetteville. In addition to switching to mandatory microchipping, there are proposed changes to the animal redemption fees. These changes will help to target the animals that are the biggest concern for animal control, which are pets that are out running loose in the streets. The Shelter takes in between 4,500 and 5,000 pets each year and although many are returned to their owners or adopted, not all of them are. We want to encourage city residents to follow the leash law and keep their pets safe.

The ordinance requires that the information stored on the microchip be kept up to date both with the City and with the microchip company. In order to register a microchip with the City, a citizen will be required to fill out a simple one page form which requests the same basic information that is stored by the microchip company at the national level (name, contact information, breed of animal, etc). There are two main reasons for keeping the

information at the City level as well as the national level. One, in case a microchip company was ever to stop operating the City would still have all the required information in their software system. In addition, having the information stored in the Shelter's software system allows staff to easily access the information and get the pet home in a more timely manner. It can take several minutes to place a call to a microchip company and relay information to them so they will release the owner's information to staff. Currently Animal Control Officers do not carry City issued cell phones with them, so having the information stored in our own system will also prevent that added cost.

Although there may be an initial increased workload for staff to get the newly registered microchips in the system, the workload should drop off steeply after the first rush. The information, once entered, is good for the life of the pet unless someone moves or changes phone numbers. These updates are very simple to do in our system. Updating information with a microchip company is also a simple process that can be done online or over the phone depending on what company issues the chip. The chip the Shelter uses is 24 Hour Petwatch which allows you to update the information stored on the chip at no cost online.

There is a higher charge for the first impoundment with a chip that does not have up to date information. A chip is only as good as the information stored on it. If the address or phone number is incorrect, staff time must be spent trying alternative ways to track down the owner and those efforts are not always succesful.

The current city licensing ordinance provides citizens a strong incentive to have their pets spayed or neutered. A city tag for a neutered pet is only $5 whereas a tag for an unneutered pet is $75—this is a yearly expense. Because microchips can be installed at any vet clinic, it does not makes sense for the ordinance requiring microchipping to have any price discrepancy based on whether the pet has been neutered. Instead, staff and the Advisory Board felt it made more sense to target those incentives towards the pets that were really causing issues—those which are found running loose. This is the reasoning behind changing the redemption fee schedule. Those citizens who have pets that are found running loose are charged higher fees on the first impoundment, but with the option to have the fees drastically reduced if they choose to have their pet neutered at a reduced cost (currently $30). If they do not choose to have their pet neutered, they may pay the higher fee. On the second impoundment, neutering will be manadatory. Any subsquent impoundments will be subject to the lower fees for neutered pets.

It is very important to remember that we only have three animal control officers for a city of over 75,000 people. If we catch a pet running loose multiple times, it only stands to reason that there are many other times that the pet is out loose when we are not there. We are still dealing with a pet overpopulation issue. Despite our best efforts, we still euthanize approximately 30% to 40% of the pets that come through our doors every year. We also take several calls daily about pets that have been hit by cars on our busy streets. It is important for pet owners to take responsibility for their pets.

Unless it is a habitual problem, every effort will be made to return the pet to the owner without the pet ever even entering our Shelter. The redemption fees are set up as a strong deterrent for those pet owners who are constantly letting their pets run loose.

RECOMMENDATION:

Staff, the Animal Services Advisory Board, and the Ordinance Review Committee recommends approval of the proposed changes to the above mentioned ordinances to go into effect on January 1, 2012.

BUDGET IMPACT:

N/a

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 92.01 **DEFINITIONS,** REPEALING AND REPLACING SECTION 92.20 **ANNUAL LICENSE AND TAG,** AMENDING SECTION 92.24 **REDEMPTION OF ANIMALS,** REPEALING SECTION 92.33 **ANIMAL HOBBYIST PERMIT** OF CHAPTER 92: **ANIMALS** OF THE CODE OF FAYETTEVILLE TO REMOVE ANIMAL LICENSING REQUIREMENTS AND ENACT ANIMAL MICROCHIPPING REQUIREMENTS, AND PROVIDING FOR AN EFFECTIVE DATE

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends §92.01 Definitions of the Code of Fayetteville by deleting the definitions of Hobbyist and License and inserting, in alphabetical order location, the following definitions:

Microchip. An identifying integrated circuit placed under the skin of a dog or cat for purposes of identifying the owner of the animal.

Sterilize means to surgically alter an animal so that it cannot reproduce.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby repeals §92.20 Annual License and Tag of the Code of Fayetteville, and enacts a replacement §92.20 Microchipping and Registration Required, as presented in the attached Exhibit "A", which is incorporated herein as if set out word for word.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby amends §92.24 Redemption of Animals of the Code of Fayetteville by deleting subsection (A) of the section and replacing it with a new subsection (A), as presented in the attached Exhibit "B", which is incorporated herein as if set out word for word.

Section 4. That the City Council of the City of Fayetteville, Arkansas hereby amends §92.24 Redemption of Animals of the Code of Fayetteville by deleting subsection (B) of the section and replacing it with a new subsection (B), as presented in the attached Exhibit "C", which is incorporated herein as if set out word for word.

Section 5. That the City Council of the City of Fayetteville, Arkansas hereby repeals §92.33 Annual Hobbyist Permit of the Code of Fayetteville.

Section 6. That this Ordinance shall not become effective until January 1, 2012.

PASSED and **APPROVED** this _____ day of _____, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

92.20 Microchipping and Registration Required

The owner or harborer of any dog or cat four (4) months old or older living in the City must have an RFID microchip implanted in their dog or cat. The RFID number must be registered with the City's Animal Services Division within thirty (30) days of the animal being brought into the City. The identifying RFID microchip number must be registered with the City Animal Services Division within thirty (30) days of the cat or dog being brought into the City or within thirty (30) days of the dog or cat reaching four (4) months of age. At all times, the owner or harborer of a dog or cat living in the City must maintain up-to-date contact information, including address and telephone number, with the City Animal Services Division. The fee for any City performed RFID microchip implant shall be $20.00.

EXHIBIT
A

92.24 Redemption Of Animals

(A) After the expiration of ten (10) days impoundment in the case of a microchipped animal, or the expiration of five (5) days impoundment in the case of an non-microchipped animal, said animal shall become the property of the City, and the City shall be empowered to place for adoption or to destroy and dispose of said animal as provided for in §92.23 (B) above. The animal control officer is hereby authorized to place for adoption or to destroy such animal and dispose of the carcass. For the purpose of this section, the day of taking up shall be counted as the first day of the impoundment.

EXHIBIT
B

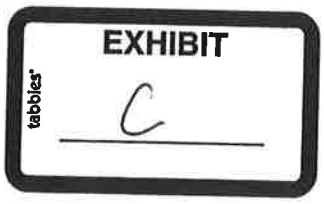
92.24 Redemption Of Animals

(B) Redemption Fees

(1) Fees for Sterilized Animals
An owner reclaiming a sterilized impounded animal shall pay the cost of such impoundment. Said costs are hereby ascertained to be $10.00 for the first impoundment if the animal is sterilized and has a microchip currently registered with up-to-date contact information on file with the City Animal Services Division; $25.00 for the first impoundment if the animal has no microchip or the animal's microchip is not registered with up-to-date contact information on file with the City Animal Services Division. The animal shall be microchipped at the time of redemption at the owner's expense. $50.00 for the second impoundment of a sterilized and microchipped animal within a twelve (12) month period. $100.00 for the third impoundment of a sterilized and microchipped animal within a twelve (12) month period. $200.00 for the fourth impoundment of a sterilized and microchipped animal within a twelve (12) month period.

(2) Fees for Unsterilized Animals
An owner reclaiming an unsterilized impounded animal shall pay the cost of such impoundment. Said costs are hereby ascertained to be $100.00 for the first impoundment on an unsterilized animal with or without a microchip. The animal shall be microchipped at the time of redemption at the owner's expense. At the time of the first redemption the owner of an unsterilized animal shall be offered spay or neuter services at a reduced cost. If sterilization is performed, the impoundment fee will be reduced to $10.00 for animals that are already microchipped and $25.00 for animals that are not microchipped or animals whose microchips are not registered with up-to-date information on file with the City Animal Services Division. $200.00 for the second impoundment within a twelve (12) month period. At such time the animal will be considered a public nuisance and shall be sterilized at the owner's expense. At such time that a third impoundment occurs, the owner shall be required to pay the fees as set forth for the third impoundment of a sterilized animal.

(3) Boarding Fees
In addition to the impoundment fees as provided in subsections (B)(1) and (B)(2) of this section, a boarding fee of $10.00 per day per animal shall be charged for each day such animal is impounded in the animal shelter, together with the cost of having an unvaccinated animal vaccinated for rabies.



Current law

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

CHAPTER 92 ANIMALS

ARTICLE I
GENERAL PROVISIONS

92.01 Definitions

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Abandon. Any person who knowingly deserts an animal on public or private property.

Animal. Any living creature, domestic or wild.

Animal shelter. Any facility operated by a humane society, municipal agency or its authorized agent(s) for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

At large. Not under the physical control of the animal's owner or harborer, or his authorized representative, either by leash, trolley system, or enclosure. An animal intruding upon or damaging the property of another person or upon public property, trespassing on school grounds, harassing passersby or passing vehicles, or interfering with refuse collection, harassing meter readers and not under the physical control referred to herein shall be deemed "running at large." An animal within an automobile or other vehicle shall not be deemed "running at large" if the animal is physically confined to the vehicle. An animal shall not be considered "at large" when on the premises of the owner or harborer thereof and accompanied by the owner or harborer.

Cat. A feline of either sex, including one neutered or sterilized.

City. City of Fayetteville, Arkansas.

Dangerous Animal. Any animal which, when unprovoked, approaches in a manner of attack any person or domestic animal upon the streets, sidewalks, or any other public ground or place.

Dog. A canine of either sex, including one neutered or sterilized.

Enclosure. A fence or pen, or structure forming or causing an enclosure of sufficient strength or construction to contain the specific animal and prevent the animal from escaping. Owners confining dogs or cats by means of an enclosure must provide a minimum space of 100 square feet (10x10) per dog or cat four (4) months of age or older.

Harbor. For a period of three days or more, to keep and care for an animal or provide a premises to which the animal returns.

Hobbyist means a person whose unsterilized dogs or cats are registered with the American Kennel Club, United Kennel Club, Cat Fanciers' Association, The International Cat Association or similar group and who competes or shows their animals at least annually. A 'hobbyist' is also a person who holds a current Arkansas hunting license and uses his or her dogs to hunt at least annually. A 'hobbyist' may not allow his or her animals to produce more than one total litter annually regardless of the number of unsterilized animals owned. A second litter within a hobbyist's property within a twelve month period shall invalidate the hobbyist's permit for twelve months.

to be removed

Kennel means a structure or facility used for the purpose of breeding two or more litters of puppies or kittens within any twelve month period. A facility used for commercially boarding more than three dogs or cats or combination thereof at any time shall be considered a 'Kennel'.

License. A permit and animal tag issued by the city to indicate that an animal is vaccinated against rabies in accordance with city ordinance and that the owner or harborer has remitted to the city the levied permit fee.

Locked Enclosure. A fence or pen, or structure with all gates or entrances locked with a key or combination device. The structure forming or causing an enclosure of sufficient strength or construction to contain the specific animal and prevent the animal from escaping.

Noisy Animals. Any domestic animal which barks, whines, or howls in an unwarranted, or continuous, or loud, or frequent fashion.

Pet Shop means a commercial establishment or facility which regularly sells pets such as dogs, cats, birds, rodents, reptiles and/or fish to the general public. Pet Shops are only allowed in C-1, C-2, C-3, Downtown Core, Mainstreet Center, Downtown General and by Conditional Use in R-O Districts

Restrained. Any animal secured by leash and under the control of owner or harborer. At public events of 100 persons or more, leashes shall be a maximum length of 6 feet. The animal must be within 4 feet of the owner or harborer.

Special Event. A specified or designated public occurrence, affair, or event at which more than three

Current law

92.04 Sale Of Diseased Animals; Kennel And Pet Shop Regulation

(A) It shall be unlawful for any person, pet shop, or kennel to sell, offer to sell, or expose any diseased or poisonous animal or any animal the sale of which is prohibited by federal law.

(B) Every place used as a kennel or pet shop shall be kept in a clean and sanitary condition, and no refuse or waste materials shall be allowed to remain thereon for more than 24 hours. The owner or operator of a kennel or pet shop shall properly treat any diseased animal and shall properly isolate those animals having a disease contagious to animal or human life; provided, any animal which is diseased past recovery shall be destroyed. All animals in a kennel or pet shop shall be humanely treated and properly nourished. Animals shall not be confined in one area in such numbers that access to food and water is not readily available.

(Ord. No. 3588, §2, 1-21-92; Code 1991, §92.04; Ord. 5002, 4-17-07)

Cross reference(s)--Penalty, §92.99.

92.05 Noisy Animals Restricted

It shall be unlawful for any person to keep on his premises or under his control any noisy animal which shall disturb the peace and quiet of any person who may reside within reasonable proximity of the place where such animal is kept. An owner or harborer violating this section may be required to train the animal with a humane "bark collar" or other devices for noise control. The owner or harborer shall be notified of the opportunity to appeal this requirement within 10 days upon issuance of such requirements to the Animal Services Superintendent.

(Ord. No. 3588, §2, 1-21-92; Code 1991, §92.05; Ord. 5002, 4-17-07)

Cross reference(s)--Penalty, §92.99.

92.06 Animal Waste, Offensive Odors Prohibited

(A) The owner of an animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks, recreation areas, public parks, or private property.

(B) It shall be unlawful for any person keeping or harboring any animal to fail to keep the premises where such animal is kept free from offensive odors to the extent that such odors are disturbing to any person residing within a reasonable proximity of said premises; and it shall be unlawful to allow the premises where any animal is kept to become unclean and a threat to the public health by failing to diligently and systematically remove all waste material from the premises.

(Ord. No. 3588, §1, 1-21-92; Code 1991, §92.06; Ord. 5002, 4-17-07)

Cross reference(s)--Penalty, §92.99.

92.07-92.19 Repealed

92.20 Annual License And Tag

(A) Levy and amount of license. There is hereby levied and there shall be collected an animal licensing fee in the amount hereinafter provided on each dog or cat owned or kept within the city. Said fee shall be paid to the city or to a licensed veterinarian. It shall be the duty of any licensed veterinarian collecting a fee under the provisions of this section to remit such fee to the city by the 10th of the month next following the month in which said fee is collected. The issuing veterinarian shall be permitted to keep twenty percent (20%) of the licensing fee collected as a handling fee.

(1) For each neutered male or spayed female the levied fee shall be in the amount of $5.00 annually. The fee for each unspayed female or unneutered male shall be $75.00, with exceptions for any animal under six months of age, the fee shall be $5.00 or the unspayed or unneutered animal is licensed under the hobbyist's permit.

(2) Medical Exemption of Spay and Neuter Surgery .
If an actively licensed and practicing veterinarian believes it would be unwise to subject the animal to the sterilization procedure for medical reasons, a medical exception will be granted. In this case, the veterinarian who makes this determination must provide a signed statement which:

(a) Describes the medical condition that provides grounds for the medical exemption.

(b) Includes his or her opinion as to whether the medical condition is temporary or permanent.

(c) If the condition is temporary, includes a prognosis of the date on which the sterilization can be performed safely.

removed & replaced

removed & replaced

(3) Should a dog or cat be brought into the city, the person owning or keeping such dog or cat shall have 30 days in which to pay the licensing fee levied hereby. Any person failing to pay said fee within such period shall be required to pay an additional fee of $5.00.

(B) Issuance of license receipt and tag. The city official or a licensed veterinarian to whom the fee levied by subsection (A) above is paid shall issue a receipt therefore and shall issue to each person paying said fee a metal tag indicating that said fee has been paid; provided a tag for any dog or cat shall not be issued unless a certificate from a licensed veterinarian is presented which indicates that said dog or cat has been vaccinated for rabies according to state law.

(C) License period. A license, if not revoked, shall be valid for one year from the date of issue. A new license shall be obtained each year by every owner and a new fee paid. An owner shall have 30 days from the date the license expires to obtain a new license without penalty. Any person failing to obtain a license within such period shall be required to pay an additional fee of $5.00.

(D) Tag to be attached to animal in a reasonable manner. It shall be the duty of the owner or keeper of every dog or cat within the city to attach the tag provided for in subsection (B) to said dog or cat in a reasonable manner.

(E) Nothing in this section shall be construed to apply to any dog or cat under the age of three months, or to dogs or cats brought to the city on a temporary basis for show or exhibition.

(Ord. No. 3588, §2, 1-21-92; Code 1991, §92.20; Ord. 5002, 4-17-07)

Cross reference(s)--Penalty, §92.99.

92.21 Rabies Vaccination Required

(A) All dogs and cats in the city and other pets which are subject to rabies shall be vaccinated against rabies according to state law by an accredited veterinarian. A metal tag evidencing such vaccination shall be attached to the harness or collar of every dog in the city, and shall be attached to every cat in the city by a reasonable method. Any person who shall keep any pet which is subject to rabies in the city without first having such pet vaccinated for rabies, at least once a year, shall be guilty of a misdemeanor.

(B) In case a tag for the animal licensing fee or rabies vaccination required by this chapter is lost or destroyed, a duplicate shall be issued by the city upon presentation of a receipt or other verification showing payment of said fee or receipt of such duplicate tag. No tag shall be transferable from one animal to another. No refunds shall be made on any fee from one animal to another. No refunds shall be made on any fee because of the death of the animal or because the owner leaves the city before the expiration of the license period.

(Ord. No. 3557, 7-16-91; Ord. No. 3588, §2, 1-21-92; Code 1991, §92.21; Ord. 5002, 4-17-07)

Cross reference(s)--Penalty, §92.99.
State law reference(s)--"Rabies Control Act", A.C.A. §20-19-301 et seq; Vaccination dogs & cats required, A.C.A. §20-19-305.

92.22 Running At Large Prohibited

(A) It shall be unlawful for the owner or person in charge of any horse, mule, colt, sheep, cow, calf, bull, jack, jenny, goat, hog, or swine of any kind to permit or suffer the same to run at large within the corporate limits of the city at any time.

(B) It shall be unlawful for any person owning or having control of any chickens, turkeys, or other fowl to permit the same to run at large within the city.

(C) It shall be unlawful for the owner or person having charge of any dog or cat to permit or allow such dog or cat to run at large within the corporate limits of the city at any time.

(D) It shall be unlawful for the owner or person having charge of any dog or cat to permit or allow such dog or cat to be without proper restraint at a public event.

(E) The term "permit" shall include the failure of the owner or person having charge of said animal to physically restrain the animal. The animal control officer shall be authorized to enter onto private property for the purpose of impounding an animal found running at large.

(F) Every female dog or cat in heat or estrous shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

(Ord. No. 3588, §2, 1-21-92; Code 1991, §92.22; Ord. 5002, 4-17-07)

Cross reference(s)--Penalty, §92.99.

92.23 Impoundment

removed & replaced

(A) The Fayetteville Animal Shelter is authorized to accept from the animal control officer or any private citizen, and to impound, any dog or cat found running at large in violation of this subchapter. The animal control officer shall not be required to respond to requests to pick up unconfined cats until the person making the request has confined or restrained the animal so that it can readily be taken into custody by the animal control officer. The animal control officer may use humane animal traps or tranquilizers to assist in confining the cat.

(B) Whenever any animal in the animal shelter bears a city tag, it shall be the duty of the animal control officer to notify the owner or the person to whom the tag was issued, if such person or owner can be found, that the animal has been taken up and placed in the animal shelter and will be destroyed or placed for adoption within 10 days unless the fee hereinafter prescribed is paid. If the owner or person to whom the tag was issued cannot be found, the animal control officer shall, by registered mail sent to said person's last known address, notify said person that the animal has been impounded at the animal shelter, and will be destroyed or placed for adoption within 10 days if the fee hereinafter prescribed is not paid. For the purpose of this section, the first day of taking up shall be counted as the first day of the impoundment period provided herein.

(Ord. No. 3588, §2, 1-21-92; Code 1991, §92.23; Ord. 5002, 4-17-07)

92.24 Redemption Of Animals

(A) After the expiration of 10 days impoundment in the case of a licensed animal, or the expiration of five days' impoundment in the case of an unlicensed animal, said animal shall become the property of the city, and the city shall be empowered to place for adoption or to destroy and dispose of said animal as provided for in §92.23 (B) above. The animal control officer is hereby authorized to place for adoption or to destroy such animal and dispose of the carcass. For the purpose of this section, the day of taking up shall be counted as the first day of the impoundment.

(B) An owner reclaiming an impounded animal shall pay the cost of such impoundment. Said costs are hereby ascertained to be $10.00 for the first impoundment if the animal has a rabies vaccination and is currently licensed in the city with current city license and rabies tags attached; $25.00 for the first impoundment if the animal is not currently vaccinated and licensed in accordance with this chapter; animal shall be microchipped at time of redemption at the owner's expense. $50.00 for the second impoundment for the same animal within a 12 month period; at the time of the 1st or 2nd redemption the owner of an intact animal shall be offered spay or neuter services at a reduced cost. If sterilization is performed, the city licensing fee will be reduced to $5 at the first impound. $100.00 fee for the third impoundment for the same animal within a 12 month period;, and at such time an intact animal shall be considered a public nuisance and shall be spayed/neutered at the time of redemption at the owner's expense; and $200.00 for the fourth and subsequent impoundments of the same animal within a 12 month period. In addition to the impoundment fees, a boarding fee of $10.00 per day per animal shall be charged for each day such animal is impounded in the animal shelter, together with the licensing fee for such animal, if the same has not been paid, plus the cost of having an unvaccinated animal vaccinated for rabies.

(C) The owner of an impounded animal who refuses to reclaim his animal may be proceeded against for abandonment under the provisions of §92.02.

(D) No unclaimed dog or cat shall be released for adoption without being sterilized, or without a written agreement from the adopter guaranteeing that such animal will be sterilized, and after the adoption fee has been paid. A voucher will be issued to the adopter and said voucher may be used at the time the animal is sterilized. An adopter who fails to comply with the sterilization provision of the agreement shall be guilty of a misdemeanor.

(Ord. No. 3588, §2, 1-21-92; Code 1991, §92.24; Ord. 5002, 4-17-07)

92.25 Confinement When Person Bitten

Any animal suspected of biting a human shall be quarantined in accordance with the provisions of A.C.A. 20-19-301 (The Rabies Control Act).

(Ord. 5002, 4-17-07)

92.26 Vicious Animals Restricted

(A) Once a citation has been issued by an Animal Services Officer or a complaint has been filed in the district court against the owner or harborer of an animal for violation of this section, the animal shall be relinquished by the owner or harborer to the animal services officer and kept at the animal shelter, the animal shall not be released except on order of the court, which order may also direct the owner or harborer to pay a fine, all impoundment fees, and/or obtain liability insurance in amount to be determined. Upon a finding that such animal is a

removed & replaced

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

6-Dec-11
City Council Meeting Date
Agenda Items Only

David Jurgens	Solid Waste	Utilities
Submitted By	**Division**	**Department**

Action Required:

Approval of an ordinance allowing the inclusion of multi-family recycling costs in the residential unit's solid waste bill.

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

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director	16 Nov 11 Date	Previous Ordinance or Resolution #
		Original Contract Date:
City Attorney	11-18-2011 Date	Original Contract Number:
Finance and Internal Services Director	11/21/11 Date	Received in City Clerk's Office 11-17-11 P03:27 RCVD
Chief of Staff	11-22-11 Date	
Mayor	11/23/11 Date	Received in Mayor's Office ENTERED 11/21/11

Comments:

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff

From: David Jurgens, Utilities Director
Fayetteville Water, Sewer, Solid Waste Committee

Date: November 7, 2011

Subject: Approval of an ordinance allowing the inclusion of apartment recycling costs in apartment solid waste bills

RECOMMENDATION

Staff recommends approval of an ordinance allowing the inclusion of apartment recycling costs in the apartment solid waste bill.

BACKGROUND

Apartment recycling presents significant challenges due to space restrictions, contamination, and the wide variety of apartment configurations within the City. After extensive research and key citizen input, staff has identified a technique that we believe will work to provide recycling to some complexes over 100 units. Specifically, one day each week, we will place a new type container, segmented to allow source separation of four different materials, at an apartment complex. We will simultaneously provide containers dedicated to paper and cardboard recycling for a total of six commodities. This technique will allow and encourage residents who wish to recycle to do so conveniently, while minimizing exposure to contamination and only minimally disrupting apartment complex parking and operations. The City is beginning a pilot of this program the first week of November. Solid waste rates for apartments with individual unit water service start at $9.25 per unit to cover the cost of commercial dumpster service at the complex. The number of units of the apartment complex determines the number of dumpsters required for adequate service, as the owner/manager is required under §50.20 (A)(1) to provide adequate service. The solid waste rate is increased if greater frequency or container size is requested.

DISCUSSION

The cost of providing drop box recycling service to an apartment complex is dictated by location, travel time, and the volume of material deposited. To best comply with state codes and minimize the potential for errors, this proposed ordinance establishes one rate for all units receiving recycling service, when they are individually metered for water (and thus individually charged for solid waste service) or master metered where the complex owner/manager receives the charge for service. The cost of this service has been identified as an average of $0.95 per apartment unit. The proposed ordinance change adds:

> *§50.40 (B) (6). The rate for providing multi-family recycling is $0.95 per month per unit in an apartment complex or multi-family residential complex receiving recycling service. The complex office shall have this same $0.95 per month per unit added to its solid waste bill as if it were an individual unit in the complex. Customers residing in multi-family complexes which do not receive recycling service will not be charged for recycling service.* .

BUDGET IMPACT

Most operational costs of these services will be primarily covered by the revenue and expense impacts: (1) additional customer rate revenue; (2) commodity/recyclable material sales revenue; and (3) ton-for-ton reduction in tipping fees by tons diverted away from the landfill.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §50.40 **RATES FOR SERVICES** OF THE FAYETTEVILLE CODE BY ENACTING A NEW SUBSECTION (B)(6) TO CHARGE $.95 PER MONTH PER MULTIFAMILY UNIT FOR RECYCLING SERVICES WHEN OFFERED

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §50.40 **Rates for Services** by enacting a new subsection (B)(6) as shown below:

> "§50.40 (B)(6). The rate for providing multi-family recycling is $0.95 per month per unit in an apartment complex or multi-family residential complex receiving recycling service. The complex office shall have this same $0.95 per month per unit added to its solid waste bill as if it were an individual unit in the complex. Customers residing in multi-family complexes which do not receive recycling service will not be charged for recycling service."

PASSED and **APPROVED** this 6th day of December, 2011.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

12/6/2011
City Council Meeting Date
Agenda Items Only

Connie Edmonston		Parks & Recreation
Submitted By	**Division**	**Department**

Action Required:

An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Northwest Arkansas Economic Development District in the amount of **$53,350** to provide public recreation services for senior citizens of Fayetteville for 2012.

$53,350	$ 53,350.00	Transfer to Outside Services
Cost of this request	Category / Project Budget	Program Category / Project Name
1010.6600.5718.01	$ -	Transfer to Council on Aging
Account Number	Funds Used to Date	Program / Project Category Name
T0901 T004	$ 53,350.00	General Fund
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Connie Edmonston — Department Director — Date 11-17-11

City Attorney — Date 11-18-2011

Paul A. Becker — Finance and Internal Services Director — Date 11-18-2011

Chief of Staff — Date 11-18-11

Mayor — Date 11/18/11

Previous Ordinance or Resolution # 5377

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office 11-13-11 A08:20 IN

Received in Mayor's Office — ENTERED 11/18/11

Comments: Contingent upon City Council approval of the 2012 proposed budget.

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THE CITY OF FAYETTEVILLE, ARKANSAS
PARKS AND RECREATION DEPARTMENT
113 West Mountain
Fayetteville, AR 72701
P (479) 444-3471 F (479) 521-7714

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan and City Council

Thru: Don Marr, Chief of Staff

From: Connie Edmonston, Parks and Recreation Director

Date: November 18, 2011

Subject: An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville and the Northwest Arkansas Economic Development District, in the amount of $53,350 to provide public recreation services for the citizens of Fayetteville for 2012.

PROPOSAL

The City of Fayetteville began providing financial support for the Council on Aging, Inc. in 1972 for recreation services to senior citizens at the Hillcrest Towers and the Fayetteville Senior Center. This was the beginning of a very successful agreement that continued until the NWAEDD assumed the responsibilities of the Council on Aging in 2005.

The NWAEDD provides recreational programs, meeting the needs of our senior citizen residents at Walker Park's Fayetteville Senior Activity and Wellness Center and Hillcrest Tower. It is the intent of NWAEDD and the Parks and Recreation Department to work in cooperation to enhance the recreation facilities and programs in our City, while not duplicating services in an effort to spend taxpayers' money as effectively as possible. If the NWAEDD were not serving our senior citizen population, the City would need to assume responsibility.

The 2012 budget includes a total of $53,350 to be transferred to the NWAEDD from the General Fund. A resolution of contractual services, as well as an ordinance to waive competitive bidding is required. The contract outlines the services the NWAEDD is providing to the City and the citizens of Fayetteville. We are requesting a waiver of competitive bids to secure the continuity of services provided and because NWAEDD has adequately served our citizens for the past four years.

The agreement for 2012 is similar to the 2011 agreement, adding the designation of Walker Park's Senior Activity and Wellness Center's building as an emergency shelter for the City of Fayetteville due to the location and facility available to house citizens.

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THE CITY OF FAYETTEVILLE, ARKANSAS
PARKS AND RECREATION DEPARTMENT
113 West Mountain
Fayetteville, AR 72701
P (479) 444-3471 F (479) 521-7714

RECOMMENDATION

Fayetteville Parks and Recreation Staff recommends approving the contract with Northwest Arkansas Economic Development District (NWAEDD) to provide public recreation services for the citizens of Fayetteville and waive competitive bid for services.

BUDGET IMPACT

The 2012 budget includes a total of $53,350 for the transfer to the NWAEDD, which is the same as this year. This request is contingent upon City Council approval of the 2012 proposed budget.

If you have any questions regarding the Agenda Request or the Working Agreement, please call me at 444-3473, or email cedmonston@ci.fayetteville.ar.us.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A CONTRACT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE NORTHWEST ARKANSAS ECONOMIC DEVELOPMENT DISTRICT IN THE AMOUNT OF $53,350.00 TO PROVIDE PUBLIC RECREATION SERVICES FOR THE SENIOR CITIZENS OF FAYETTEVILLE FOR 2012

WHEREAS, providing quality recreational opportunities to the senior citizens of our community is of mutual interest to the City of Fayetteville and the Northwest Arkansas Economic Development District, and;

WHEREAS, the Northwest Arkansas Economic Development District is uniquely qualified to provide the continuity of services vital to the efficient provision of recreational opportunities to the senior citizens of Fayetteville because of its long service to Fayetteville citizens and its additional state or federal funding as a nonprofit agency to provide services to our citizens, and;

WHEREAS, were it not for the services offered by the Northwest Arkansas Economic Development District, the City of Fayetteville would be required to assume the duty of providing staff, programming, promotion, and development for senior citizen recreational services.

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 that the above circumstances make formal competitive bidding neither practical nor reasonable and therefore waives the requirements of formal competitive bidding and approves a contract between the City of Fayetteville, Arkansas and the Northwest Arkansas Economic Development District in the amount of $53,350.00 to provide public recreation services for the senior citizens of Fayetteville for 2012. A copy of said contract marked Exhibit "A" is attached hereto and made a part hereof.

PASSED and **APPROVED** this 6th day of December, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

CONTRACT

Between The City of Fayetteville and the
***Northwest Arkansas Economic Development District* (NWAEDD)**

WHEREAS, the Northwest Arkansas Economic Development District (NWAEDD) is uniquely qualified to provide the full range of public recreation opportunities to the senior citizens of Fayetteville; and,

WHEREAS, it is in the best interest of the City of Fayetteville and its citizens to provide operating revenues to the NWAEDD in consideration for the substantial recreational programs provided by the NWAEDD to the senior citizens of Fayetteville.

NOW, THEREFORE, IT IS AGREED:

The City of Fayetteville shall provide the sum of $4,445.83 monthly to the NWAEDD throughout the year of 2012 in consideration of the following duties and obligations to be preformed by the NWAEDD:

A. The NWAEDD shall be responsible for providing staff, programming, promotion, and development for Walker Park's Fayetteville Senior Activity and Wellness Center and Hillcrest Towers Community Center. NWAEDD agrees to use funding from the City to pay for recreational programs designed specifically for senior citizens.

B. NWAEDD shall make substantial portions of its programs or facilities available to Fayetteville citizens (the public) at little or no cost for the needy senior citizens. NWAEDD shall report on a quarterly basis the approximate number of Fayetteville citizens served by its programs.

C. NWAEDD shall provide Walker Park's Fayetteville Senior Activity and Wellness Center as an emergency shelter when deemed necessary by the City of Fayetteville.

D. The NWAEDD shall follow the general Working Procedures and Responsibilities for the City of Fayetteville Parks and Recreation Division and the NWAEDD which is attached as Exhibit A, and is made a part hereof, as if set forth word for word in its entirety.

CITY OF FAYETTEVILLE

BY: _____
LIONELD JORDAN, Mayor

NORTHWEST ARKANSAS ECONOMIC DEVELOPMENT DISTRICT

BY: _____
J. Michael Norton
Executive Director
Title

ATTEST:

BY: _____
Sondra E. Smith, City Clerk / Treasurer

EXHIBIT A

RECREATION IN FAYETTEVILLE

WORKING PROCEDURES AND RESPONSIBILITIES FOR THE CITY OF FAYETTEVILLE PARKS AND RECREATION DIVISION AND THE NORTHWEST ARKANSAS ECONOMIC DEVELOPMENT DISTRICT

This agreement is made and entered into between the City of Fayetteville Parks and Recreation Department (Parks and Recreation) and the Northwest Arkansas Economic Development District (hereinafter referred to as NWAEDD).

WHEREAS, the parties are two of the providers of recreational programs for the citizens of Fayetteville and wish to define a working agreement which may be revised and modified each year upon mutual agreement between the Parks and Recreation Director and the Executive Director of the NWAEDD; and,

WHEREAS, it is the goal of both parties to work in cooperation to enhance the recreation facilities and programs offered by the parties and to act together in meeting the needs of the citizens of Fayetteville; and,

WHEREAS, Walker Park's Fayetteville Senior Activity and Wellness Center has been designated as an emergency shelter for the City of Fayetteville due to the location and facility available to house citizens; and

WHEREAS, increased communications and a new set of operating procedures will assist with the working relationship and will benefit both agencies and their operations; and,

WHEREAS, Parks and Recreation believes the goals of Parks and Recreation and NWAEDD would best be accomplished by defining and streamlining responsibilities and procedures; and, is therefore recommending the merging of facility and program management for all recreation offerings, thereby providing administrative accountability for all services provided to the citizens.

NOW, THEREFORE, in order to define and improve the current working relationship between Parks and Recreation and NWAEDD, the following set of detailed operating procedures and responsibilities are hereby established.

1. NWAEDD shall be responsible for providing staffing, programming and promotion, and development of recreational programs for senior citizens including but not limited to, recreational trips, arts and crafts, music and games.

2. Parks and Recreation shall be responsible for providing or approving the staffing, programming, maintenance, promotion and development of the parks system within the city and the recreational events occurring within the city for all ages.

3. The NWAEDD Executive Director and Parks and Recreation Director shall have periodic meetings to ensure communication between the two entities.

4. It is understood and agreed that the City's annual purchase of services will be negotiated on a yearly basis.

5. The NWAEDD Board of Directors is responsible for the management and operation of annual funding allocation to NWAEDD from the City of Fayetteville and shall have the responsibility for prioritizing the use of such funds.

6. The NWAEDD Executive Director and Parks and Recreation Director will work jointly in opening Walker Park's Fayetteville Senior Activity and Wellness Center as an emergency shelter as deemed necessary by the City of Fayetteville. NWAEDD will utilize funds appropriated by the City of Fayetteville for operational costs as necessary for the emergency shelter.

7. NWAEDD shall schedule a meeting and submit an annual financial report to the Parks and Recreation Director no more than thirty (30) days after the end of the NWAEDD fiscal year, which ends on June 30, 2012. Such report shall detail NWAEDD's use of the City of Fayetteville's funding allocation and accomplishment of performance measures as stated below in number 9.

8. NWAEDD shall comply with the schedules and procedures established by the Budget & Research Division of the City of Fayetteville for annual funding requests.

9. Quarterly reports shall be submitted to the Parks and Recreation Director on, or before, the following dates: April 15, July 15, October 15, and January 15 (2013). These reports shall detail the following performance measures:

   A. Operation of a full service senior center at Walker Park's Fayetteville Senior Activity and Wellness Center and Hillcrest Towers locations to include socialization (recreation) by hosting daily social activities such as bingo, table games, exercise classes, and wellness programs. During the course of the year, an estimated 510 elderly citizens will participate at the two locations.

   B. Recreation opportunities at both locations will continue to provide such wellness recreational activities as Tai Chi and formal exercise classes will be provided on a weekly basis. L.I.F.T Classes and Use it or Lose it classes will be provided on a bi-weekly basis. Dances and music activities will be provided monthly at the Walker Park location.

   C. Walker Park's Fayetteville Senior Activity and Wellness Center and Hillcrest Tower locations will seek partnerships with outside organizations or community groups to assist in a variety of recreation programs and wellness classes.

Transportation will be provided at both the Walker Park's Fayetteville Senior Activity and Wellness Center and Hillcrest Towers for recreational trips and special interest trips, as well as transporting seniors for necessary appointments as scheduled through the Fayetteville Senior Activity and Wellness Center.

E. NWAEDD shall acknowledge the City of Fayetteville's contribution on general marketing flyers, brochures and other general marketing materials.

10. The working procedures and responsibilities contained herein shall become effective January 1, 2012.

CITY OF FAYETTEVILLE

BY: _____
LIONELD JORDAN, Mayor

Attest:

BY: _____
Sondra E. Smith, City Clerk / Treasurer

NORTHWEST ARKANSAS ECONOMIC DEVELOPMENT DISTRICT

BY: _____
J. Michael Norton
Title Executive Director

Attest:

BY: _____
Director Senior Services

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

All purchases under $2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)

All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

Requisition No.:

Date:

P.O Number:

Expected Delivery Date:

Vendor #: 19400

Vendor Name: NWA Economic Development District

Mail Yes:__ No:____

Address:

Fob Point:

Taxable Yes:__ No:____

Quotes Attached Yes:____ No:____

City:

State:

Zip Code:

Ship to code:

Division Head Approval:

Requester: Tracie Martin

Requester's Employee #: 1141

Extension: 406

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Contract Payment for Public Recreation	12	months	4,445.83	$53,350.00	1010.6600.5718.01	T0901 T004		
2					$0.00				
3					$0.00				
4					$0.00				
5					$0.00				
6					$0.00				
7					$0.00				
8					$0.00				
9					$0.00				
10					$0.00				
*	Shipping/Handling		Lot		$0.00				

Special Instructions:

2012 Purchase Order CONTRACT #_____ACH PAYMENT

Subtotal: $53,350.00

Tax:

Total: $53,350.00

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

IT Manager: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____

Revised 1/2/2008

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

12/6/2011
City Council Meeting Date
Agenda Items Only

Connie Edmonston		Parks & Recreation
Submitted By	**Division**	**Department**

Action Required:

An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Fayetteville Youth Center, Inc. in the amount of **$205,350** to provide public recreation services and facilities for the youth and citizens of Fayetteville for 2012.

$'205,350.00	$ 205,350.00	Transfer to Outside Agency
Cost of this request	Category / Project Budget	Program Category / Project Name
1010.6600.5718.00	$ -	Transfer to Boys and Girls Club
Account Number	Funds Used to Date	Program / Project Category Name
T0901 T002	$ 205,350.00	General Fund
Project Number	Remaining Balance	Fund Name

Budgeted Item [x] **Budget Adjustment Attached** [ ]

Department Director — Date 11-17-11

City Attorney — Date 11-18-11

Finance and Internal Services Director — Date 11-18-2011

Chief of Staff — Date 11-18-11

Mayor — Date 11/18/11

Previous Ordinance or Resolution # 5376

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office 11-17-11 P04:02 RCVD

Received in Mayor's Office ENTERED 11/18/11

Comments: Contingent upon City Council approval of the 2012 proposed budget.

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THE CITY OF FAYETTEVILLE, ARKANSAS
PARKS AND RECREATION DEPARTMENT
113 West Mountain
Fayetteville, AR 72701
P (479) 444-3471 F (479) 521-7714

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan and City Council

Thru: Don Marr, Chief of Staff

From: Connie Edmonston, Parks and Recreation Director CE

Date: November 16, 2011

Subject: An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville and the Fayetteville Youth Center, Inc., in the amount of $205,350 to provide public recreation services for the youth and citizens of Fayetteville for 2012.

PROPOSAL:

The 2012 budget includes a total of $205,350 to be transferred to the Fayetteville Youth Center from the General Fund. A resolution of contractual services, as well as an ordinance to waive competitive bidding is required. The contract outlines the services the Fayetteville Youth Center is providing to the City and the citizens of Fayetteville. We are requesting a waiver of competitive bids to secure the continuity of services provided and because the Fayetteville Youth Center has adequately served our citizens since it was created. Please note the Fayetteville Youth Center refers to the operations of the Fayetteville Boys and Girls Club throughout this contractual agreement.

The City of Fayetteville has provided financial support for the Fayetteville Youth Center since 1967. Each year, Parks and Recreation and Youth Center Staffs evaluate operations to determine if we are meeting the needs of the citizens of Fayetteville in the most efficient possible manner. The attached "Working Agreement" helps avoid duplication or competition of programs between the two organizations. It is the intent of both agencies to work together for the common good of the citizens by not providing public funding for multiple competing program offerings. If the Youth Center was not providing recreational services for our youth as well as citizens, the City of Fayetteville would need to assume the responsibility.

The agreement for 2012 is similar to the 2011 agreement with a few changes in the programs offered, as well as the designation of the Fayetteville Boys and Girls Club building as an emergency shelter for the City of Fayetteville due to the location and facility available to house citizens.

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
PARKS AND RECREATION DEPARTMENT
113 West Mountain
Fayetteville, AR 72701
P (479) 444-3471 F (479) 521-7714

RECOMMENDATION:

Fayetteville Parks and Recreation Staff recommends approving the contract with Fayetteville Youth Center, Inc. to provide public recreation services for the citizens of Fayetteville and waive competitive bid for services.

BUDGET IMPACT:

The 2012 budget includes a total of $205,350 for the transfer to the Fayetteville Youth Center. The request is contingent upon City Council approval of the 2012 proposed budget.

If you have any questions regarding the Agenda Request or the Working Agreement, please call me at 444-3473, or email cedmonston@ci.fayetteville.ar.us.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A CONTRACT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE FAYETTEVILLE YOUTH CENTER, INC. IN THE AMOUNT OF $205,350.00 TO PROVIDE PUBLIC RECREATION SERVICES FOR THE YOUTH AND CITIZENS OF FAYETTEVILLE FOR 2012

WHEREAS, providing quality recreational opportunities to the youth and citizens of our community is of mutual interest to the City of Fayetteville and the Fayetteville Youth Center, Inc.; and

WHEREAS, the Fayetteville Youth Center, Inc. and the City of Fayetteville have had a close working relationship for many years; and

WHEREAS, the Fayetteville Youth Center, Inc. has acquired unique expertise and proven competence to effectively and efficiently provide recreational programs and opportunities to Fayetteville citizens; and

WHEREAS, this relationship allows for a continuity of services vital to the efficient provision of recreational opportunities; and

WHEREAS, were it not for the services offered by the Fayetteville Youth Center, Inc., the City of Fayetteville would need to provide a facility and staff, programming, promotion and development for youth recreational services.

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 that the above circumstances make formal competitive bidding neither practical nor reasonable and therefore waives the requirements of formal competitive bidding and approves a contract between the City of Fayetteville, Arkansas and Fayetteville Youth Center, Inc. in the amount of $205,350.00 to provide public recreation services for the youth and citizens of Fayetteville for 2012. A copy of said contract marked Exhibit "A" is attached hereto and made a part hereof.

PASSED and **APPROVED** this 6th day of December, 2011.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

CONTRACT

Between The City of Fayetteville
And
Fayetteville Youth Center, Inc.

WHEREAS, the City of Fayetteville has long been associated with and worked with the Fayetteville Youth Center, Inc. to provide public recreation to the citizens of Fayetteville; and

WHEREAS, the Fayetteville Youth Center, Inc. has long provided public recreation to the youth and citizens of Fayetteville; and

WHEREAS, it remains in the best interest of the City of Fayetteville and its citizens to provide operating revenues to the Fayetteville Youth Center, Inc. in consideration for the substantial recreational programs provided by the Fayetteville Youth Center, Inc. to the youth and citizens of Fayetteville.

NOW, THEREFORE, IT IS AGREED:

The City of Fayetteville shall provide the sum of $17,112.50 monthly to the Fayetteville Youth Center, Inc. throughout the year of 2012 in consideration of the following duties and obligations to be performed by the Fayetteville Youth Center, Inc.:

A. The Fayetteville Youth Center, Inc. shall be jointly responsible with the Fayetteville School System to provide staffing, programming, maintenance, promotion and development for the following facilities: Asbell Gymnasium, Holcomb Gymnasium, Vandergriff Gymnasium and the main facility of the Boys and Girls Club on Rupple Road. The Fayetteville Youth Center, Inc. agrees to use funding from the City to pay for gymnasium supervisors and custodians at these sites.

B. The Fayetteville Youth Center, Inc. shall make a substantial portion of its programs or facilities available to Fayetteville citizens (the public) at little or no cost for needy youth. Although basic membership fees may be required for many Fayetteville residents, needy youth wishing to participate at the Fayetteville Youth Center, Inc. facility shall not be denied access solely because they do not have sufficient funds to pay for a regular membership. The Fayetteville Youth Center, Inc. shall report on a quarterly basis the approximate number of Fayetteville Citizens served by its programs and shall include the number of "scholarships" or free memberships provided to Fayetteville citizens.

C. The Fayetteville Youth Center, Inc. shall provide their facility as an emergency shelter when deemed necessary by the City of Fayetteville.

D. The Fayetteville Youth Center, Inc. shall continue to follow the general Working Procedures and Responsibilities for the City of Fayetteville Parks and Recreation Division and The Fayetteville Youth Center, Inc. which is attached as Exhibit A, and made a part hereof.

CITY OF FAYETTEVILLE

BY: _____
LIONELD JORDAN, Mayor

FAYETTEVILLE YOUTH CENTER, INC.

BY: Gonzalo Dom
CVO
Title

ATTEST:

BY: _____
Sondra E. Smith, City Clerk / Treasurer

EXHIBIT A

RECREATION IN FAYETTEVILLE

WORKING PROCEDURES AND RESPONSIBILITIES FOR THE CITY OF FAYETTEVILLE PARKS AND RECREATION DIVISION AND THE FAYETTEVILLE YOUTH CENTER, INC.

This agreement is made and entered into between the City of Fayetteville Parks and Recreation Department (Parks and Recreation) and the Fayetteville Youth Center, Inc., d/b/a Fayetteville Boys and Girls Club (hereinafter FYC).

WHEREAS, the parties are two of the providers of recreational programs for the citizens of Fayetteville and wish to define a working agreement which may be revised and modified each year upon mutual agreement between the Director of Parks and Recreation and the Executive Director of the Fayetteville Boys and Girls Club; and,

WHEREAS, it is the goal of both parties to work in cooperation to enhance the recreation facilities and programs offered by the parties and to act together in meeting the needs of the citizens of Fayetteville; and,

WHEREAS, the Fayetteville Boys and Girls Club has been designated as an emergency shelter for the City of Fayetteville due to the location and facility available to house citizens; and

WHERAS, increased communication and a new set of operating procedures will assist with the working relationship and will benefit both agencies and their operations; and,

WHEREAS, Parks and Recreation believes the goals of Parks and Recreation and FYC would best be accomplished by defining and streamlining responsibilities and procedures; and, is therefore recommending the merging of facility and program management for all recreation offerings, thereby providing administrative accountability for all services provided to the citizens.

NOW, THEREFORE, in order to define and improve the current working relationship between Parks and Recreation and FYC, the following set of detailed operating procedures and responsibilities are hereby established.

1. FYC shall be responsible for working with the Fayetteville School System to provide staffing, programming, maintenance, promotion and development for the following facilities: Asbell Gymnasium, Holcomb Gymnasium, Vandergriff Gymnasium and the Boys and Girls Club. FYC will be responsible for the hiring, evaluating, and supervising of gymnasium supervisors and custodians at Holcomb, Asbell, and Vandergriff Gymnasiums during the basketball seasons, after school programs and summer day camp programs.

2. Parks and Recreation shall be responsible for providing or approving the staffing, programming, maintenance, promotion and development for the city parks, including the following facilities which are utilized for sport programming; Lake Fayetteville Softball Complex, Gary Hampton Softball Complex, Lewis Street Soccer Complex, Walker Baseball/Soccer Complex, White River Baseball Complex, and the Wilson Park Softball Field. Parks and Recreation shall be responsible for outdoor facilities owned or leased by the City of Fayetteville, excluding the property leased to FYC pursuant to written agreements.

3. FYC shall be responsible for providing or approving the management, staffing, promotion, and development of the following programs and activities. FYC shall coordinate with the Fayetteville School System for use of their facilities. FYC shall be responsible for the majority of sports and activities held at indoor recreation facilities, including but not limited to the following:

   - Basketball
   - Baton
   - Camps
   - Cheerleading
   - Dance
   - Fishing Rodeo
   - Flag Football (Youth)
   - Golf
   - Gymnastics
   - Karate
   - Ping Pong
   - School Kids Connection
   - Swim Lessons
   - Volleyball
   - Tackle Football
   - Track
   - Special Events
   - Summer / School Break Programs
   - Educational Programs
   - Arts and Crafts
   - FYC shall not compete/duplicate with those services listed in paragraph 4, unless agreed upon by the FYC Executive Director and the Parks and Recreation Director.

4. Parks and Recreation shall be responsible for providing or approving the management, staffing, promotion, and development of the following programs and activities. Parks and Recreation shall be responsible for the majority of sports and activities held at outdoor recreation facilities, including but not limited to the following:

   - Baseball

- Kickball
- Softball
- Flag Football (Adult)
- Special Interest Groups
- Sand Volleyball
- Soccer
- Special Events
- Swim Lessons
- Tennis
- Youth Activity Camps
- Yvonne Richardson Community Center Activities
    i. Arts and Crafts
    ii. Educational Programs
    iii. Summer / School Break Programs
    iv. Wrestling
    v. Volleyball (Adult)
    vi. Other Recreational Programs

5. FYC agrees not to establish a program that competes/duplicates with an established program provided by Parks and Recreation. Moreover, FYC agrees to provide Parks and Recreation with information relating to any of its programs including rosters of players and coaches, rules of the league, and similar relevant data upon request by Parks and Recreation. It is the intent of both parties to work together for the common good of the citizens of Fayetteville by not providing public funding for duplicate program offerings. It is understood that FYC and Parks and Recreation both currently provide swim lessons, aquatic programs, and summer/school break programs, and that both parties agree to work together for the common good of both parties.

6. In the event the FYC wishes to offer programs which fall in the general description of paragraph 5 above, which does not believe competes with current Parks and Recreation program, FYC shall provide advance notice of intent to start the program to Parks and Recreation with time to determine whether it is a competing program or not. In the event that FYC offers a program that the Parks and Recreation believes is a duplicate program within the meaning of this document, Parks and Recreation Staff shall give FYC written notices of its assessment. FYC shall either cease operating such program within 30 days of such notice or shall provide a written response to Parks and Recreation that disputes whether such program is in fact a competing program. If FYC fails to cease such program or respond to the assessment from Parks and Recreation, the City may discontinue funding for FYC on the 31st day after such notice. If FYC files a dispute, the issue shall be resolved by City Council and finding of City Council shall be final and not subject to appeal. If FYC fails to cease operation of such a program within 30 days of a decision requiring such cessation by City Council, then the City may stop annual funding to FYC.

7. The FYC Executive Director and Parks and Recreation Director will work jointly in opening the Boys and Girls Club as an emergency shelter as deemed necessary by the Washington County Emergency Operations Center. The Club will utilize funds appropriated by the City of Fayetteville for operational costs as necessary for the emergency shelter.

8. The FYC Executive Director and Parks and Recreation Director shall have periodic meetings to ensure communication between the two entities.

9. It is understood and agreed that the City's annual purchase of services shall be negotiated on a yearly basis.

10. The FYC Board of Directors is responsible for the management and operation of the annual funding allocation to FYC from the City of Fayetteville and shall have the responsibility for prioritizing the use of such funds.

11. As part of the annual funding, FYC agrees to make its facilities available to residents of the City of Fayetteville for a nominal daily fee without the need to purchase a membership to the club.

12. FYC shall schedule a meeting and submit an annual financial report to the City of Fayetteville on or before July 31 of each year. Such report shall detail FYC's use of the City of Fayetteville's funding allocation and accomplishment of performance measures as stated below in number 14.

13. FYC shall comply with schedules and procedures established by the Budget and Research Division of the City of Fayetteville for annual funding requests.

14. FYC shall provide transportation for the Yvonne Richardson Community Center as needed for the following activities including, but not limited to:

    A. Throughout the Summer Fun4Kids Program provide bus transportation each day for the Owl Creek School free lunch program. This should include transportation for up to 50 children from the YRCC to Owl Creek School and back to the YRCC after lunch.
    B. Throughout the Summer Fun4Kids Program provide bus transportation on pre-scheduled afternoons from the YRCC to FYC. Participants in the Summer Fun4Kids program will also have free admittance to the FYC facilities on pre-scheduled afternoons and transportation back to the YRCC at the conclusion of the program day.
    C. Throughout the academic school year provide transportation on designated dates previously agreed upon by both parties as part of the YRCC after school program.
    D. FYC will also provide transportation for YRCC patrons as deemed necessary by FYC Staff and the YRCC Director, provided that these arrangements have been done in a timely matter and are agreed upon by both parties prior to the requested date and time.

E. The transportation schedule outlined above is subject to change upon agreement by the Fayetteville Parks and Recreation Director and the Executive Director of the Boys and Girls Club.

15. Quarterly reports shall be submitted to the Parks and Recreation Director on the following dates: April 15, July 15, October 15, and January 15 (2013). These reports will detail the following performance measures:

A. Provide a minimum of 30 open recreation hours per week at the Donald W. Reynolds Boys and Girls club facilities.
B. Provide a minimum of 10 youth instructional/educational programs.
C. Provide a minimum of three youth sports programs.
D. Provide a minimum of two free community-wide events at the Donald W. Reynolds Boys and Girls club facilities.
E. Provide marketing materials to Fayetteville school children for major sport programs.
F. Implement three customer service surveys for Boys and Girls Club programs.
G. Apply for 10 grants/major corporate sponsorships to provide additional funding to operate the Fayetteville Boys and Girls Club facilities and programs.
H. Include Parks and Recreation logo on organizational web site and acknowledge the City of Fayetteville on sponsor wall located in the Donald W. Reynolds Boys and Girls Club.

The working procedures and responsibilities contained herein shall become effective January 1, 2012.

CITY OF FAYETTEVILLE

BY: _____
LIONELD JORDAN, Mayor

Attest:

BY: _____
Sondra E. Smith, City Clerk / Treasurer

FAYETTEVILLE YOUTH CENTER, INC.

BY: _____

CEO
_____
Title

Attest:

BY: _____

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

All purchases under $2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)

All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

D. 10
Fayetteville Youth Center, Inc

Requisition No.:	Date:
P.O Number:	Expected Delivery Date:

Vendor #: **10485**	Vendor Name: **Donald W. Reynolds Boys/Girls Club**	Mail Yes:__ No:____	
Address:	Fob Point:	Taxable Yes:_ No:___	Quotes Attached Yes:____ No:____
City:	State:	Zip Code:	Ship to code:
Requester: **Tracie Martin**	Requester's Employee #: **1141**	Extension: **406**	Divison Head Approval:

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	**Contract Payment for Public Recreation**	**12**	**months**	**17,112.50**	**$205,350.00**	**1010.6600.5718.00**	**T0901 T002**		
2					**$0.00**				
3					**$0.00**				
4					**$0.00**				
5					**$0.00**				
6					**$0.00**				
7					**$0.00**				
8					**$0.00**				
9					**$0.00**				
10					**$0.00**				
*	Shipping/Handling		Lot		**$0.00**				

Special Instructions:

2012 Purchase Order CONTRACT #_____ACH PAYMENT

Subtotal:	**$205,350.00**
Tax:	
Total:	**$205,350.00**

Approvals:

Mayor: _____ Department Director:_____ Purchasing Manager: _____

Finance & Internal Services Director: _____ Budget Manager: _____ IT Manager:_____

Dispatch Manager:_____ Utilities Manager:_____ Other:_____

Revised 1/2/2008

Agenda Session 11/29/11

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Boudreaux
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
December 6, 2011

A meeting of the Fayetteville City Council will be held on December 6, 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 – Paul Becker**

Agenda Additions:

A. Consent:

1. Approval of the November 15, 2011 City Council meeting minutes.

2. **Animal Services Division Donation:** A resolution approving a budget adjustment in the amount of $20,000.00 representing donation revenue to the Animal Services Division by the estate of Susannah A. Porter and expressing gratitude for the bequest.

3. **Premier Lighting Group:** A resolution to award a bid for 37 LED light fixtures and poles from Premier Lighting Group in the amount of $61,938.00.

4. **KME Renegade Pumper Fire Truck:** A resolution to approve a budget adjustment to reflect $28,550.00 for revenue received because of the sale of a 1997 KME Renegade Pumper Fire Truck.

5. **State and Federal Forfeiture Revenue:** A resolution approving a budget adjustment to recognize state and federal forfeiture revenue and to approve expenditures therefrom, in the amount of $372,107.00.

6. **Fayetteville Police Department Donation Revenue:** A resolution approving a budget adjustment in the amount of $235.00 to recognize donation revenue to the Fayetteville Police Department in support of general recognition and officer service awards.

7. **Mullins Branch Stream Restoration Task Order No. 3:** A resolution to approve Task Order No. 3, Mullins Branch Stream Restoration to the August 3, 2010 Memorandum of Understanding between the City and the Watershed Conservation Resource Center and to approve a Memorandum of Understanding between the City, University and Resource Center for the project which will cost the City $25,000.00.

8. **Richard L. Watson Settlement Agreement:** A resolution approving a settlement agreement with Richard L. Watson, concerning condemnation litigation filed as part of the Cato Springs Road Improvement Project, in the total amount of $9,000.00.

9. **FEMA Reimbursement:** A resolution to approve the attached budget adjustment to reimburse city divisions for expenditures caused by the spring flood and reimbursed by FEMA and/or the State of Arkansas.

Move to NB #7

10. **Springdale Water and Sewer Commission Easement:** A resolution to approve the sale of a permanent water/sewer easement of 0.383 acres and a temporary construction easement adjoining the permanent water/sewer easement along Highway 265 to the Springdale Water and Sewer Commission for $3,000.00.

B. Unfinished Business:

1. **2012 Annual Budget and Work Program:** A resolution adopting the 2012 Annual Budget and Work Program. ***This resolution was tabled at the November 15, 2011 City Council meeting to the December 6, 2011 City Council meeting.***

2. **ADM 11-3782 Cottage House Development:** An ordinance to enact §164.22 Cottage Housing Development into the Unified Development Code, to amend §162.01 to add (RR) Unit 44 Cottage Housing Development and to amend Chapter 161 Zoning District to authorize Cottage Housing Developments as a right in multi-family residential districts and as a conditional use in single family residential districts. ***This ordinance was left on the Second Reading at the November 15, 2011 City Council meeting.***

Left on the Second Reading

C. Public Hearing:

1. **Green Cab Company:** A resolution to approve a certificate of Public Convenience and Necessity for the Green Cab Company to operate within the City of Fayetteville.

D. New Business:

1. **RZN 11-3960 (1730 N. Old Wire Road) Appeal:** An ordinance rezoning that property described in rezoning petition RZN 11-3960, for approximately 8.60 acres, located at 1730 North Old Wire Road from RSF-4, Residential Single-Family, 4 units per acre to NC, Neighborhood Conservation, subject to a Bill of Assurance.

Consent 2. **Midtown Alley:** A resolution to name the alley that runs from Dickson Street south toward Center Street between School Avenue and Locust Avenue for 911 purposes "Midtown Alley."

3. **Hilton Garden Inn Tree Preservation Area Modification:** A resolution to vacate about one-tenth of an acre of a tree preservation easement to be mitigated by the planting of 29 large species trees and developing the lot utilizing low impact development standards.

4. **Bellafont Gardens Tree Preservation Area Modification:** A resolution to approve a modification of the tree preservation area in the Bellafont Gardens development to shift about one-half acre of tree preservation area from Lot 1 to Lot 4.

5. **ADM 11-3994 (Forest Hills R-PZD Amendment No. 1):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2793 Forest Hills to revise the concept plan and zoning criteria for Planning Area Three, reducing the number of dwelling units from 354 units to 240 units.

New Ordinance 6. **Repeal and Replace §34.27 Sale of Municipally Owned Real Property:** An ordinance to repeal §34.27 of the Code of Fayetteville and to enact a replacement §34.27 Sale of Municipally Owned Real Property of the Code of Fayetteville and to enact an emergency clause.

7. **Amend Chapter 92:** An ordinance amending Section 92.01 Definitions, repealing and replacing Section 92.20 Annual License and Tag, amending Section 92.24 Redemption of Animals, repealing Section 92.33 Animal Hobbyist Permit of Chapter 92: Animals of the Code of Fayetteville to remove animal licensing requirements and enact animal microchipping requirements, and providing for an effective date.

8. **Amend §50.40 Rates for Services:** An ordinance to amend §50.40 Rates for Services of the Fayetteville Code by enacting a new subsection (B)(6) to charge $.95 per month per multi-family unit for recycling services when offered.

9. **Northwest Arkansas Economic Development District:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Northwest Arkansas Economic Development District in the amount of $53,350.00 to provide public recreation services for the senior citizens of Fayetteville for 2012.

10. **Fayetteville Youth Center, Inc.:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Fayetteville Youth Center, Inc. in the amount of $205,350.00 to provide public recreation services for the youth and citizens of Fayetteville for 2012.

E. City Council Agenda Session Presentations:

Announcements:

Adjournment:

Add:

Consent: Pick-It Construction - Bid # 11-67

NB#1: Use of Fireworks - Amend '94:05

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

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

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

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

(c) Old business and new business.

(i) Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aides in a City Council meeting as part of their presentation.

(ii) Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

(d) Courtesy and respect. All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

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.

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

Draft
Pre Agenda Meeting 11-23-11

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Boudreaux
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
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Pledge of Allegiance

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2. **Animal Services Division Donation:** A resolution approving a budget adjustment in the amount of $20,000.00 representing donation revenue to the Animal Services Division by the estate of Susannah A. Porter and expressing gratitude for the bequest.

NB #2

3. **Midtown Alley Naming:** A resolution to name the alley that runs from Dickson Street south toward Center Street between School Avenue and Locust Avenue for 911 purposes "Midtown Alley."

4. **Premier Lighting Group:** A resolution to award a bid for 37 LED light fixtures and poles from Premier Lighting Group in the amount of $61,938.00.

5. **KME Renegade Pumper Fire Truck:** A resolution to approve a budget adjustment to reflect $28,550.00 for revenue received because of the sale of a 1997 KME Renegade Pumper Fire Truck.

6. **State and Federal Forfeiture Revenue:** A resolution approving a budget adjustment to recognize state and federal forfeiture revenue and to approve expenditures therefrom, in the amount of $372,107.003.

7. **Fayetteville Police Department Donation Revenue:** A resolution approving a budget adjustment in the amount of $235.00 to recognize donation revenue to the Fayetteville Police Department in support of general recognition and officer service awards.

8. **Mullins Branch Stream Restoration Task Order No. 3:** A resolution to approve Task Order No. 3, Mullins Branch Stream Restoration to the August 3, 2010 Memorandum of Understanding between the City and the Watershed Conservation Resource Center and to approve a Memorandum of Understanding between the City, University and Resource Center for the project which will cost the City $25,000.00.

Off Consent

9. **Pick-It Construction, Inc.:** A resolution to approve a contract between the City of Fayetteville and Pick-It Construction, Inc. in the amount of not-to-exceed $111,054.00 for construction of dugouts and bleacher covers at Walker Park and to approve a budget adjustment of $16,419.00.

New business

10. **Hilton Garden Inn Tree Preservation Area Modification:** A resolution to vacate about one-tenth of an acre of a tree preservation easement to be mitigated by the planning of 29 large species trees and developing the lot utilizing low impact development standards. #3

11. **Bellafont Gardens Tree Preservation Area Modification:** A resolution to approve a modification of the tree preservation area in the Bellafont Gardens development to shift about one-half acre of tree preservation area from Lot 1 to Lot 4. #4

12. **Richard L. Watson Settlement Agreement:** A resolution approving a settlement agreement with Richard L. Watson, concerning condemnation litigation filed as part of the Cato Springs Road Improvement Project, in the total amount of $9,000.00.

13. **FEMA Reimbursement:** A resolution to approve the attached budget adjustment to reimburse city divisions for expenditures caused by the spring flood and reimbursed by FEMA and/or the State of Arkansas.

B. Unfinished Business:

1. **2012 Annual Budget and Work Program:** A resolution adopting the 2012 Annual Budget and Work Program. ***This resolution was tabled at the November 15, 2011 City Council meeting to the December 6, 2011 City Council meeting.***

2. **ADM 11-3782 Cottage House Development:** An ordinance to enact §164.22 Cottage Housing Development into the Unified Development Code, to amend §162.01 to add (RR) Unit 44 Cottage Housing Development and to amend Chapter 161 Zoning District to authorize Cottage Housing Developments as a right in multi-family residential districts and as a conditional use in single family residential districts. ***This ordinance was left on the Second Reading at the November 15, 2011 City Council meeting.***

   Left on the Second Reading

C. Public Hearing:

1. **Green Cab Company:** A resolution to approve a certificate of Public Convenience and Necessity for the Green Cab Company to operate within the City of Fayetteville.

D. New Business:

1. **ADM 11-3994 (Forest Hills R-PZD Amendment No. 1):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2793 Forest Hills to revise the concept plan and zoning criteria for Planning Area Three, reducing the number of dwelling units from 354 units to 240 units.

2. **Repeal and Replace §34.27 Sale of Municipally Owned Real Property:** An ordinance to repeal §34.27 of the Code of Fayetteville and to enact a replacement §34.27 Sale of Municipally Owned Real Property of the Code of Fayetteville and to enact an emergency clause.

3. **Amend Chapter 92:** An ordinance amending Section 92.01 Definitions, repealing and replacing Section 92.20 Annual License and Tag, amending Section 92.24 Redemption of Animals, repealing Section 92.33 Animal Hobbyist Permit of Chapter 92: Animals of the Code of Fayetteville to remove animal licensing requirements and enact animal microchipping requirements, and providing for an effective date.

4. **Amend §50.40 Rates for Service:** An ordinance to amend §50.40 Rates for Services of the Fayetteville Code by enacting a new subsection (B)(6) to charge $.95 per month per multi-family unit for recycling services when offered.

Consent

5. **Springdale Water Utilities Easement Acquisition:** A resolution to approve the sale of a permanent water/sewer easement of 0.383 acres and a temporary construction easement adjoining the permanent water/sewer easement along Highway 265 to the Springdale Water and Sewer Commission for $3,000.00.

6. **Northwest Arkansas Economic Development District:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Northwest Arkansas Economic Development District in the amount of $53,350.00 to provide public recreation services for the senior citizens of Fayetteville for 2012.

7. **Fayetteville Youth Center, Inc.:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Fayetteville Youth Center, Inc. in the amount of $205,350.00 to provide public recreation services for the youth and citizens of Fayetteville for 2012.

NB #1

8. **RZN 11-3960 (1730 N. Old Wire Road) Appeal:** An ordinance rezoning that property described in rezoning petition RZN 11-3960, for approximately 8.60 acres, located at 1730 North Old Wire Road from RSF-4, Residential Single-Family, 4 units per acre to NC, Neighborhood Conservation, subject to a Bill of Assurance.

E. **City Council Agenda Session Presentations:**

Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

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

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

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

(c) Old business and new business.

(i) Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aides in a City Council meeting as part of their presentation.

(ii) Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

(d) Courtesy and respect. All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

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.

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

City Clerk - Re: Fwd: presentation to city council

From: Don Marr
To: City Clerk
Date: 11/1/2011 8:42 PM
Subject: Re: Fwd: presentation to city council

This is fine, The 29th is good.
Don

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

>>> City Clerk 11/1/2011 8:41 PM >>>

>>> City Clerk 10/27/2011 11:17 AM >>>

>>> City Clerk 10/26/2011 5:09 PM >>>
Mayor or Don

Do you approve this presentation for the November 29, 2011 City Council Agenda Session?

City's Annual Stormwater Education Program

Thanks
Sondra

Office of the City Clerk

City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
(479)575-8323
city_clerk@ci.fayetteville.ar.us

TDD (Telecommunications Device for the Deaf): (479) 521-1316

>>> Sarah Wrede 10/26/2011 4:08 PM >>>

City Clerk,
I will be bringing the City's annual stormwater education contract with the Cooperative Extension Service to City Council on 12/6. Would there be availability at agenda session, Nov. 29, for Katie Teague, extension agent, to speak about their education program over the past year and what is coming up for 2012? What is a good length, 10 or 20 minutes?
Thank you,
Sarah

Sarah Wrede, P.E.
Stormwater Engineer
Floodplain Administrator
City of Fayetteville
Phone (479) 575-8208
Fax (479) 575-8202

TDD: (Telecommunications Device for the Deaf) (479) 521-1316

Handed out at the City Council Meeting 12/6/11

Fayetteville
ARKANSAS
www.accessfayetteville.org

Departmental Correspondence

LEGAL DEPARTMENT

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

MEMORANDUM

TO: MAYOR & CITY COUNCIL

FROM: JASON B. KELLEY, ASST. CITY ATTORNEY

CC: DON MARR, CHIEF OF STAFF
KIT WILLIAMS, CITY ATTORNEY

DATE: DECEMBER 6, 2011

RE: USE OF TRADEMARKED NAME FOR CITY ALLEY OR STREET

After learning that a proposal might be brought forward to name an alley in the City "Diagon Alley" as a specific reference to that name's use in the Harry Potter novels, I became concerned about potential federal trademark and/or copyright issues.

The mark "Diagon Alley" is registered with the U.S. Patent and Trademark Office. The mark was filed by Time Warner Entertainment Company, L.P. The last listed owner of the mark is Warner Bros. Entertainment, Inc.

Use of a trademark without the trademark owner's consent may cause legal issues for the City, unless such use could be considered "fair use" under applicable federal law. I am not in a position at this time to determine whether using the name "Diagon Alley" would be "fair use," but since the naming appears to be directly related to taking advantage of the name's notoriety as part of the Harry Potter fictional world, I am doubtful. Only a court could provide an ultimate answer. I am, admittedly, not an expert in the area of intellectual property law. To provide more detailed answers will require more legal research and study.

If it is the Council's desire to use this name, I recommend direct contact be made with the trademark owner to seek permission, lest the City may be unintentionally exposing itself to legal liability. At a minimum, more legal research should be done to determine the City's right to use the name "Diagon Alley" if the Council desires to do so.