

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 20, 2011**

A meeting of the Fayetteville City Council will be held on December 20, 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. Nominating Committee Report - Approved**
- 2. Fayetteville Town Center Report**

Agenda Additions:

A. Consent:

- 1. Approval of the December 6, 2011 City Council meeting minutes. Minutes Removed**
- 2. 2012 Transportation Division Overlay/Sidewalk Projects:** A resolution approving the Transportation Division Overlay/Sidewalk Projects list for 2012.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 215-11

3. **Bid #10-40 Amerlux Exterior LLC:** A resolution authorizing purchase of thirty-seven (37) LED light fixtures and poles in the amount of \$67,667.27 pursuant to Bid #10-40 from Amerlux Exterior LLC (FKA Dynamic Lighting Solution).

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 216-11

4. **2011-2012 Internet Crimes Against Children Task Force Program Continuation Grant:** A resolution accepting a non-matching 2011-2012 Internet Crimes Against Children Task Force Program Continuation Grant from the Arkansas State Police in the amount of \$5,000.00, and approving a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 217-11

5. **Fayetteville Police Department Donation Revenue:** A resolution approving a budget adjustment in the amount of \$1,800.00 recognizing revenue received from various donations to the Fayetteville Police Department in support of general recognition and officer service awards, and expressing gratitude to the donors.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 218-11

6. **Arkansas Recreational Trails Grant:** A resolution approving an agreement of understanding with the Arkansas State Highway and Transportation Department for the acceptance of an Arkansas Recreational Trails Grant in the amount of \$80,000.00 for the construction of Lake Fayetteville Trail (South), and approving a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 219-11

7. **ASPCA Scholarship Donations:** A resolution to accept a scholarship donation in the amount of \$1,561.00 from the American Society for the Prevention of Cruelty to Animals for Animal Control Officer Chris Harrimann to attend a cruelty investigation course at the University of Missouri and to approve a budget adjustment to recognize this revenue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 220-11

8. **Baird, Kurtz & Dobson (BKD), LLP:** A resolution approving a contract with Baird, Kurtz & Dobson (BKD), LLP, in the amount of \$87,000.00 to provide independent audit services to the City of Fayetteville.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 221-11

9. **Pick-It Construction, Inc.:** A resolution to approve a change order with Pick-It Construction, Inc. in the amount of \$19,710.00 and to approve a budget adjustment to recognize a donation from the Fayetteville Youth Baseball League up to \$33,600.00 to complete this project.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 222-11

B. Unfinished Business:

1. **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 resolution was tabled at the December 6, 2011 City Council meeting to the December 20, 2011 City Council meeting.***

THIS ITEM WAS TABLED INDEFINITELY

2. **Naming 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. ***This resolution was tabled at the December 6, 2011 City Council meeting to the December 20, 2011 City Council meeting.***

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 223-11

3. **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 ordinance was left on the Second Reading at the December 6, 2011 City Council meeting.***

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5469

4. **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. ***This resolution was tabled at the December 6, 2011 City Council meeting to the December 20, 2011 City Council meeting.***

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 224-11

5. **Bellefont Gardens Tree Preservation Area Modification:** 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. ***This resolution was tabled at the December 6, 2011 City Council meeting to the December 20, 2011 City Council meeting.***

TABLED TO THE JANUARY 17, 2012 CITY COUNCIL MEETING

6. **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 ordinance was left on the First Reading at the December 6, 2011 City Council meeting.***

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5470

C. New Business:

1. **RZN 11-3971 (Best Way St. & Hollywood Ave.):** An ordinance rezoning that property described in rezoning petition RZN 11-3971, for approximately 25.35 acres, located at the End of Best Way Street and Hollywood Avenue from C-2, Thoroughfare Commercial, to RMF-12, Residential Multi-Family, 12 units per acre.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5471

2. **ADM 11-3993 (UDC Amendment I-1 Zoning District):** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville §161.27 to modify the rear setback requirement in the I-1 zoning district.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5472

3. **Amend Section 33.240:** An ordinance amending Section 33.240: Purposes and Duties of Article XI: Environmental Action Committee of Chapter 33: Departments, Boards Commission, and authorities of the Code of Fayetteville to provide additional authority related to Community Wildlife Habitat Certification.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5473

4. **Kum & Go Appeal:** Appeal of the Planning Commission's determination to limit access for a proposed Kum and Go Large Scale Development at Martin Luther King, Jr Blvd and Hill Avenue.

TABLED TO THE JANUARY 3, 2012 CITY COUNCIL MEETING

D. City Council Agenda Session Presentations:

E. City Council Tour: Monday December 19, 2011 at 4:30 p.m.

Announcements:

Adjournment: 9:35 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.

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

9-0

Subject:	Nominating Committee Report				
Motion To:		Approve			
Motion By:		Ferrell			
Seconded:		Adams			
<u>Approved</u>	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Ferrell	✓			
	Adams	✓			
	Lewis	✓			
	Mayor Jordan				

8-0

Subject:	Consent <i>Minutes removed.</i>				
Motion To:		<i>Approve</i>			
Motion By:		<i>Ferrell</i>			
Seconded:		<i>Tennant</i>			
<i>Minutes pulled Not ready</i> <i>Approved with minutes removed.</i> <i>2/5-11 thru 222-11</i>	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Ferrell	✓			
	Adams	✓			
	Lewis	✓			
	Mayor Jordan				

8-0

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

Subject:	Premier Lighting Group				
Motion To:		<i>Table Indef.</i>			
Motion By:		<i>Boudreaux</i>			
Seconded:		<i>Lewis</i>			
B. 1 Unfinished Business	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Ferrell	✓			
	Adams	✓			
<i>Tabled Indefinitely</i>	Lewis	✓			
	Mayor Jordan				

8-0

Subject:	Naming Alley				
Motion To:		<i>Diagon Alley</i>	<i>Shipley Alley Amendment</i>	<i>Approve Resolution</i>	
Motion By:		<i>Petty</i>	<i>Ferrell</i>	<i>Ferrell</i>	
Seconded:		<i>Kinion</i>	<i>Boudreaux</i>	<i>Lewis</i>	
B. 2 Unfinished Business <i>Passed</i> <i>Alley Name: Shipley Alley</i>	Gray	<i>N</i>	✓	✓	
	Boudreaux	<i>N</i>	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	<i>N</i>	✓	✓	
	Ferrell	<i>N</i>	✓	✓	
	Adams	<i>N</i>	✓	✓	
	Lewis	<i>N</i>	✓	✓	
	Mayor Jordan				

223-11

2-6

Failed

8-0

passed

8-0

Subject:	RZN 11-3960 (1730 N. Old Wire Road) Appeal				
Motion To:		3rd Read	Pass		
Motion By:		Gray			
Seconded:		Ferrell			
B. 3 Unfinished Business <u>Passed</u> 5469	Gray	✓	✓		
	Boudreaux	✓	✓		
	Kinion	✓	✓		
	Petty	✓	✓		
	Tennant	✓	✓		
	Ferrell	✓	✓		
	Adams	✓	✓		
	Lewis	✓	✓		
	Mayor Jordan				

8-0

8-0

Subject:	Hilton Garden Inn Tree Preservation Area Modification				
Motion To:		Approve			
Motion By:		Adams			
Seconded:		Boudreaux			
B. 4 Unfinished Business <u>Passed</u> 224-11	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Ferrell	✓			
	Adams	✓			
	Lewis	✓			
	Mayor Jordan				

8-0

Subject:	Bellefont Gardens Tree Preservation Area Modification				
Motion To:		<i>Sable to</i>			
Motion By:		<i>January 17, 2012</i>			
Motion By:		<i>Lewis</i>			
Seconded:		<i>Tennant</i>			
B. 5 Unfinished Business <i>Sable to</i> <i>January</i> <i>17, 2012</i>	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Petty	<i>Absent during the vote.</i>			
	Tennant	✓			
	Ferrell	✓			
	Adams	✓			
	Lewis	✓			
	Mayor Jordan				

7-0

Subject:	Amend §50.40 Rates for Services				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Lewis</i>	<i>Kinion</i>		
Seconded:		<i>Gray</i>	<i>Tennant</i>		
B. 6 Unfinished Business <i>Passed</i> <i>5470</i>	Gray	✓	✓	✓	
	Boudreaux	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	<i>Absent during the vote.</i>	✓	✓	
	Tennant	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Adams	✓	✓	✓	
	Lewis	✓	✓	✓	
	Mayor Jordan				

7-0

8-0

8-0

Subject:	RZN 11-3971 (Best Way St. & Hollywood Ave.)				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Lewis	Kinion		
Seconded:		Jenell	Lewis		
C. 1 New Business	Gray	✓	✓	✓	
	Boudreaux	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
<u>Passed</u> 5471	Ferrell	✓	✓	✓	
	Adams	✓	✓	✓	
	Lewis	✓	✓	✓	
	Mayor Jordan				

8-0

8-0

8-0

Subject:	ADM 11-3993 (UDC Amendment I-1 Zoning District)				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Lewis	Boudreaux		
Seconded:		Adams	Gray		
C. 2 New Business	Gray	✓	✓	✓	
	Boudreaux	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
<u>Passed</u> 5472	Ferrell	✓	✓	✓	
	Adams	✓	✓	✓	
	Lewis	✓	✓	✓	
	Mayor Jordan				

8-0

8-0

8-0

Subject:		Amend Section 33.240			
Motion To:		Amend to add Subject to City Council approval	2nd Read	3rd Read	Pass
Motion By:		Jernell	Jernell	Lewis	
Seconded:		Lewis	Lewis	Jernell	
C. 3 New Business	Gray	✓	✓	✓	✓
	Boudreaux	✓	✓	✓	✓
	Kinion	✓	✓	✓	✓
	Petty	✓	✓	✓	✓
<u>Passed</u> 5473	Tennant	✓	✓	✓	✓
	Ferrell	✓	✓	✓	✓
	Adams	✓	✓	✓	✓
	Lewis	✓	✓	✓	✓
	Mayor Jordan				

8-0

8-0

8-0

8-0

Subject:		Kum & Go Appeal			
Motion To:		Table to the January 3, 2012 City Council Meeting.			
Motion By:		Boudreaux			
Seconded:		Gray			
C. 4 New Business <u>Tabled to January 3, 2012</u>	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Ferrell	✓			
	Adams	✓			
	Lewis	✓			
Mayor Jordan					

8-0



TO: Mayor Jordan

Kit Williams
City Attorney

THRU: Sondra Smith, City Clerk

Jason B. Kelley
Assistant City Attorney

FROM: Kit Williams, City Attorney

DATE: December 21, 2011

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of December 20, 2011

1. **2012 Transportation Division Overlay/Sidewalk Projects:** A resolution approving the Transportation Division Overlay/Sidewalk Projects List for 2012.
2. **Bid #10-40 Amerlux Exterior LLC:** A resolution authorizing purchase of thirty-seven LED light fixtures and poles in the am amount of \$67,667.27 pursuant to Bid # 10-40 from Amerlux Exterior LLC (FKA Dynamic Lighting Solutions).
3. **2011-2012 Internet Crimes Against Children Task Force Program Continuation Grant:** A resolution accepting a non-matching 2011-2012 Internet Crimes Against Children Task Force Program Continuation Grant from the Arkansas State Police in the amount of \$5,000.00 and approving a budget adjustment.
4. **Fayetteville Police Department Donation Revenue:** A resolution approving a budget adjustment in the amount of \$1,800.00 recognizing revenue received from various donations to the Fayetteville Police Department in support of general recognition and officer service awards and expressing gratitude to the donors.
5. **Arkansas Recreational Trails Grant:** A resolution approving an agreement of understanding with the Arkansas State Highway and transportation Department for the acceptance of an Arkansas Recreational Trails Grant in the amount of \$80,000.00 for the construction of Lake Fayetteville Trail South, and approving a budget adjustment.

6. ASPCA Scholarship Donations: A resolution to accept a scholarship donation in the amount of \$1,561.00 from the American Society for the Prevention of Cruelty to Animals for Animal Control Officer Chris Harrimann to attend a Cruelty Investigation course at the University of Missouri and to approve a budget adjustment to recognize this revenue.

7. Baird, Kurtz & Dobson, LLP: A resolution approving a contract with BKD, LLP, in the amount of \$87,000.00 to provide independent audit services to the City of Fayetteville.

8. Pick-It Construction, Inc.: A resolution to approve a change order with Pick-it Construction, Inc. in the amount of \$19,710.00 and to approve a budget adjustment to recognize a donation from the Fayetteville Youth Baseball League up to \$33,600.00 to complete this project.

9. Naming 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 "Shipley Alley".

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 planting of 29 large species trees and developing the lot utilizing low impact development standards,

11. 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.

12. Amend §33.240: An ordinance amending §33.240 **Purposes and Duties** of Article Xi **Environmental Action Committee** of Chapter 33 **Departments, Boards, Commissions and Authorities** of the Code of Fayetteville to provide additional authority related to Community Wildlife Habitat Certification.

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City Council Meeting
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Call to Order

Roll Call

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113 West Mountain Fayetteville, AR 72701 (479) 575-8323 accessfayetteville.org
Telecommunications Device for the Deaf TDD/TTY (479) 521-1316

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Left on the Second Reading

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- (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.

**Fayetteville Town Center
Annual Report to Fayetteville City Council
December 2011**

- I. Goals (as stated in Article V, Section 507 of the Lease and Agreement between the City of Fayetteville, Arkansas and the A&P Commission of the City of Fayetteville, Arkansas)
- A. Generate increased tourism for Fayetteville.
 - B. Remain financially viable with all debts and obligations paid timely.
 - C. Serve the Fayetteville community by use for local, non-profit groups and other community events.

II. Tourism Review

Total Contracts & Events (January – September)

	2010	2011	Variance
Number of Contracts	151	153	1%
Amount of Sales	\$244,919.96	\$209,114.50	(15%)
Number of Events	188	158	(16%)

III. Increased Tourism

The following list represents FTC participation in events during 2011 that potentially resulted in overnight guests from outside the NWA area. Because the FTC does not track client guest lists, we have no way to accurately determine revenue associated with each event.

Event Name	Event Date
Martin Luther King Jr. Banquet	January 17, 2011
Franklin Covey Seminar	January 26, 2011
SARPA	February 5, 2011
Smart Step Literacy	February 22, 2011
Bassnectar Concert	February 25, 2011
IECA Conference	March 31, 2011
Kappa Scholarship Banquet	April 4, 2011
UA Towers	April 8, 2011
Smart Step Literacy	April 27, 2011
Mutual of Omaha Aha Moments	May 2011
UA Law School Graduation	May 21, 2011
Fayetteville Adult Education Graduation	May 24, 2011
Haas Hall Graduation	May 31, 2011
UA Literacy Symposium	June 23, 2011
Ronnie Brewer Foundation Banquet	July 30, 2011
Various Wedding Receptions	

IV. Financial Viability Summary

	2010 BUDGET	YTD 2011 (August 2011)
Budget	\$416,897.00	\$414,722.00
Revenue	\$260,550.68	\$283,299.96
Expenses	\$267,793.02	\$414,222.16*

*This number includes cost of renovations including carpet and painting facility.

V. Facility Use Summary (January – September)

	2010	2011
Sales (# executed contracts)	153	115
Sales (\$ executed Contracts)	\$284,592.00	\$209,114.50
Collections	\$305,348.40	\$283,299.96

VI. Non-Profit and Community (January – September)

	2010	2011
Total Events	188	158
Non-Profit Events	24	19
Ratio: NP to Total Events	13%	12%

VII. Community Support

- ❖ First Thursdays – Plaza.
- ❖ Girl Scouts Thinking Day.
- ❖ Earth Day Celebration on plaza.
- ❖ Public services including use of plaza to expand local Farmers Market, provision of public restrooms and parking for public events.
- ❖ Parks and Recreation Department Celebration of Trees on Plaza.
- ❖ Use of plaza for peaceful assembly, public speaking (i.e. Peace Rallies, Public Awareness of crippling illnesses such as cancer and leukemia) and political announcements.
- ❖ Local artists displaying their art in the Town Center Lobby offering enrichment of the arts for our community.
- ❖ Fayetteville High School P.S.A.T. testing.
- ❖ Dahli Lama Opening Ceremony on plaza.
- ❖ A list of non-profit events at the Town Center is available upon request.

VIII. Feedback

Gray/Carpenter Reception – Everything was amazing!!! You all made it so easy for us to pull off an awesome night! Thank you so much.

Arkansas High School Coaches Association Clinic – Great facility and excellent service.

Fayetteville Public Schools – The staff was a pleasure to work with.

ABC Home Inspection Institute – Great accommodations and we will continue to use the facility year after year.

IX. Fayetteville Town Center Staff

- Sandra Bennett, Facilities Manager
- Lynn Gill, Sales Director
- Collin Brunner, Event Coordinator
- Ashden White, Maintenance & Custodial

X. Supporting Documentation (not included with report unless otherwise noted)

- Income Statements: Actual vs. Budget 2010 and 2011 – included.
- 2010 General Ledger
- 2011 General Ledger
- Customer Evaluation Summary

A. 5 V11.0425
Fayetteville Police Department
Donation Revenue
Investment Number
Page 1 of 2

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION	
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Acceptance of donations to the Fayetteville Police Department in support of officer service awards banquet.

TOTAL BUDGET ADJUSTMENT

EXHIBIT

A

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A CHANGE ORDER WITH PICK-IT CONSTRUCTION, INC. IN THE AMOUNT OF \$19,710.00 AND TO APPROVE A BUDGET ADJUSTMENT TO RECOGNIZE A DONATION FROM THE FAYETTEVILLE YOUTH BASEBALL LEAGUE UP TO \$33,600.00 TO COMPLETE THIS PROJECT

WHEREAS, the City of Fayetteville did not have sufficient funds budgeted to complete the entire improvement project for the Walker Park ball fields; and

WHEREAS, the Fayetteville Youth Baseball League has offered to donate up to \$33,600.00 to complete this project which enables the City to approve change orders to add back parts of the project which had to be removed for lack of funding.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a change order to the existing contract with Pick-It Construction, Inc. so that all of the Walker Park dugout and fan bleacher improvements can now be constructed.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment for up to \$33,600.00 in donation revenue as needed to complete this whole Walker Park project, with the proviso that the City will expend all of its budgeted revenue (including contingency) first and use only that portion of the \$33,600.00 donation as needed to complete the project and will return to Fayetteville Youth Baseball League any money not necessary to completely pay for this project.

PASSED and APPROVED this 20th day of December, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

A. 9 V11.0425
~~Pick-It Construction, Inc.~~

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION	
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Precision

Kum & Go has a vibrant history of growth and innovation. We attribute this success to our outstanding associates and how they approach our business each and every day. Our culture is built upon **seven core values** including:

Caring **FAMILY** **Teamwork**
Discipline *Integrity* **PROFESSIONALISM** *Work Ethic*

These core values heavily influence how Kum & Go is able to provide our customers with positive experiences, friendly services and quality products. We continually seek ways to improve how we interact with our customers. When they stop in our stores, we want to help them get on their way faster and make their lives easier.

At Kum & Go, we make smart decisions by using facts, sound data and timely information. Our research guides us to make these decisions and we take pride in knowing our offerings have been specially selected with our customers in mind.

We follow a simple philosophy when it comes to environmental stewardship and sustainability: *let's make a difference in how we do business and build our stores.*

We strive to be a responsible retailer and a good corporate citizen in the communities in which we serve.

We Go All Out!

Passion

"For those of us who work with Kyle and Sharon on a regular basis, we see first-hand the compassion, caring and commitment that they have toward improving the communities in which Kum & Go does business."

— Dennis N. Folden, Chief Operating Officer

Kum & Go shares 10 percent of our profits with charitable and educational causes each year. Our dedication to giving back extends to a variety of important charitable causes.

In 2010, Kum & Go President and CEO Kyle J. Krause, along with his wife, Sharon received the Outstanding Individual Philanthropist of the Year award by the Association of Fundraising Professionals in Iowa.

Kyle J. Krause, along with his wife, Sharon, were also honored with *The Des Moines Register's* "2010 Iowa Star Award." This prestigious award recognizes central Iowans who have given back to the community and made an extraordinary difference.



People

Customer Testimonials

"The infectious smile and engaging way of Kirby, Smile Project Winner #10, will pick you up... The 22 year-old Sioux City native has only worked at this Kum & Go since July, but she's already taken ownership of her customers' happiness and satisfaction...I've been a regular there for about a month and found her at the counter, holding a caffeine-free diet Pepsi in one hand and a Kit-Kat in the other for me."

— Unsecret Mystery Shopper, West Des Moines, Iowa



"I travel clear across town because of how they treat me as a customer and because I feel like they are my family...that's what I call phenomenal service they were my heroes."

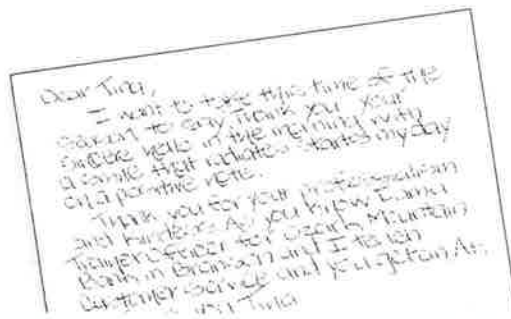
— Letter from Peggy W. of Burlington, Iowa

"Thank you for your professionalism and kindness...you get an A+"

— Handwritten Note from Nitabelle S. of Branson, Missouri

"He proceeded to go out in the rain and change her tire...for a customer who had her hands full with two young kids..."

— Email about Mick R. at Store 2091 in West Des Moines, IA



"...Kum & Go, because of that experience, I will stop & shop, as often as possible."

— Online Blog by Dave H.

"Stephanie went over to the man and immediately took action to save his life..."

— Going All Out! Nomination from Kum & Go Associate



Fast Facts

5th

largest privately held,
company-operated
convenience store chain
in the United States

10%

of annual profits go
to charitable and
educational causes
each year

4,000

Kum & Go associates

About Kum & Go

- 400,000 daily customers
- 430+ stores in 11 states
- Inc. 5000: #20 in total revenue
- Forbes ranking: #238

(largest privately held company) 2008 & 2009

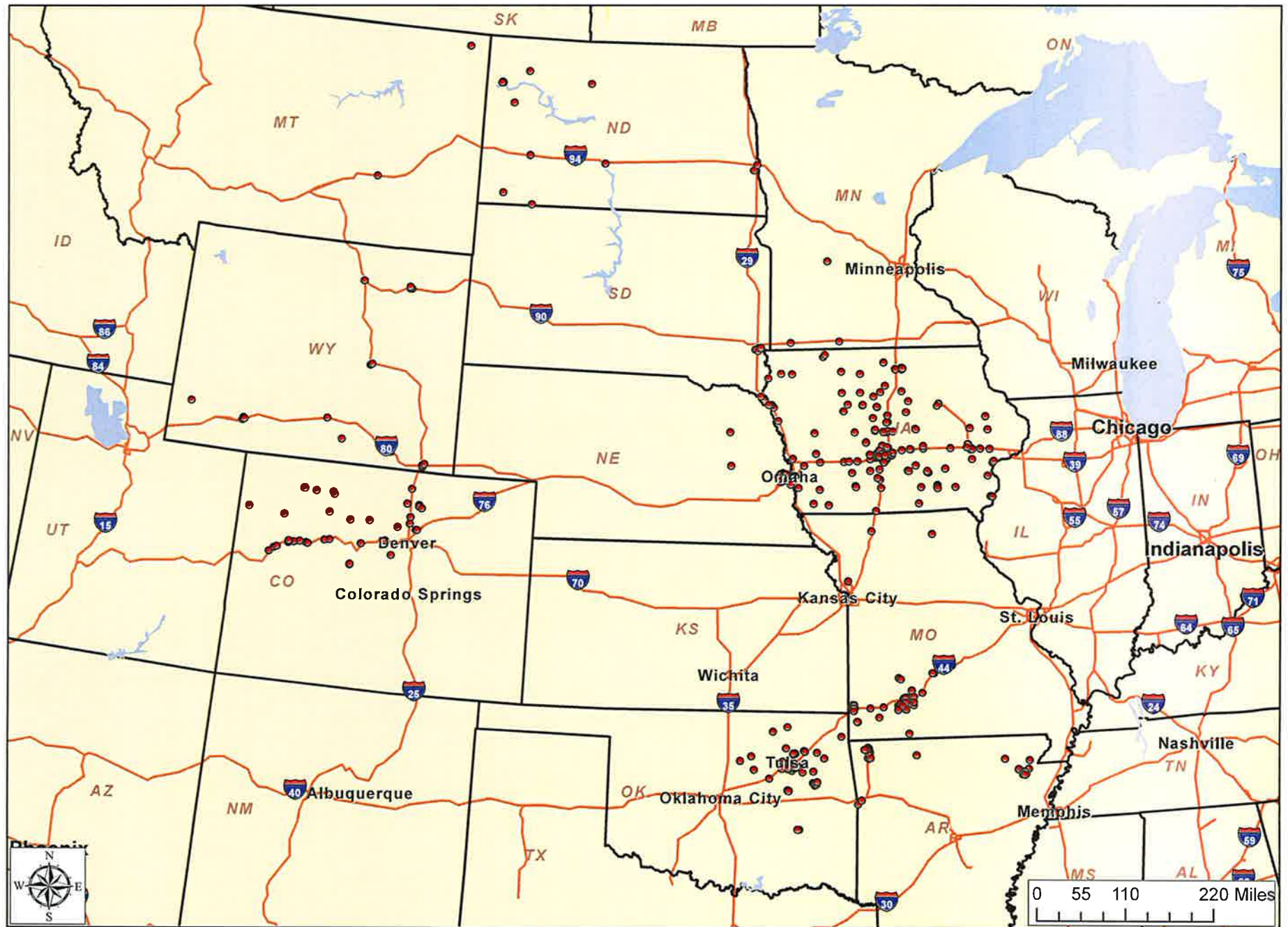
Kum & Go Leads The Way

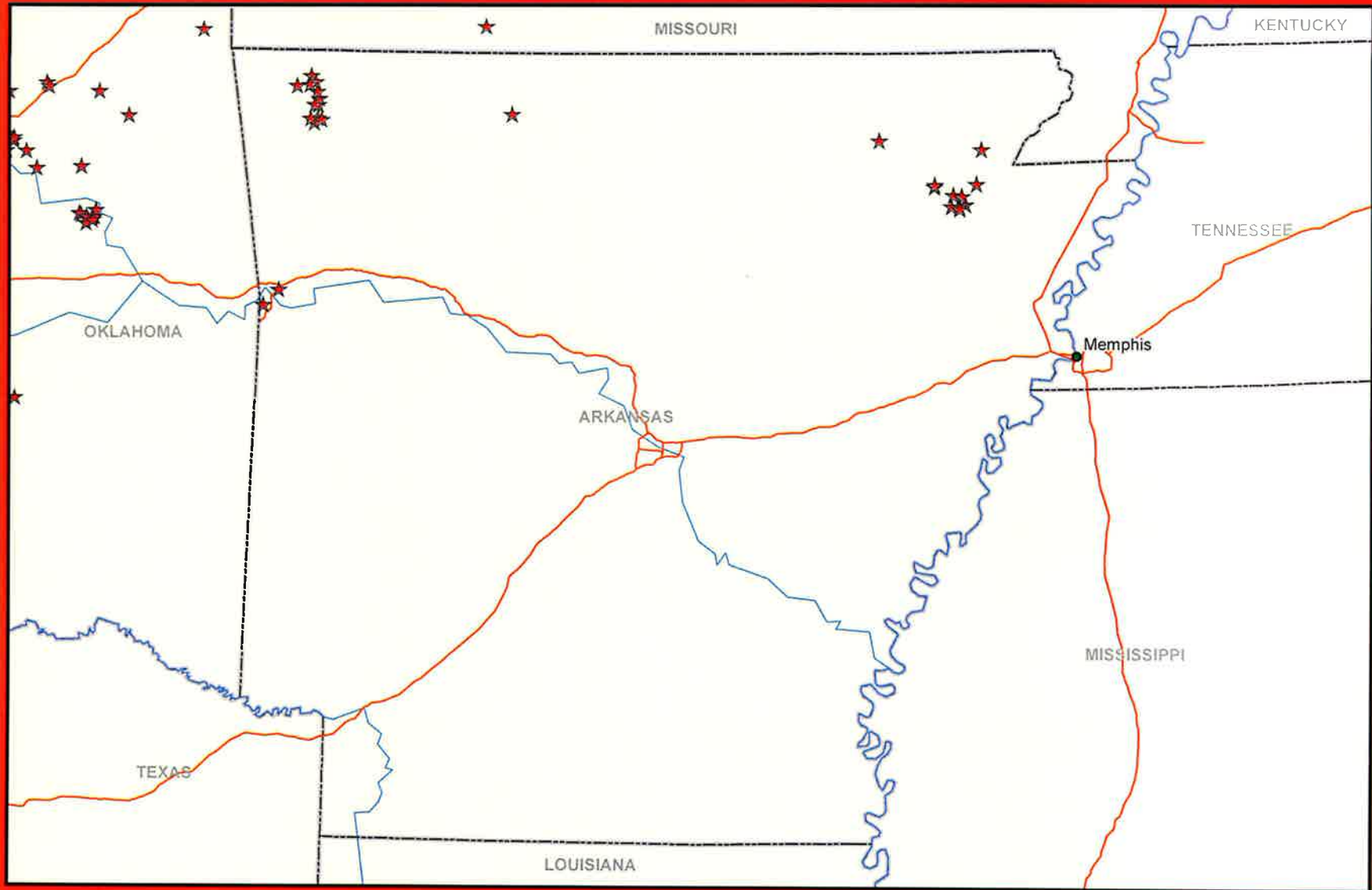
- Largest E85 retailer in the state of Iowa
- One of the first convenient store chains in the nation to offer a 10% ethanol blend
- First convenience store in Iowa to receive LEED certifications for two stores

Kum & Go Recent Recognitions

- | | |
|--|--|
| • "2011 Iowa Star Award"
(Kyle J. and Sharon S. Krause) | <i>The Des Moines Register</i> |
| • "2011 Biodiesel Marketing Award" | <i>Iowa Secretary of Agriculture</i> |
| • "2011 Distinguished Business Leadership Award"
(Kyle J. Krause) | <i>Greater Des Moines Leadership Institute</i> |
| • "2011 Alumnus of the Year – Forty Under 40"
(Kyle J. Krause) | <i>Des Moines Business Record</i> |

Kum & Go - Locations

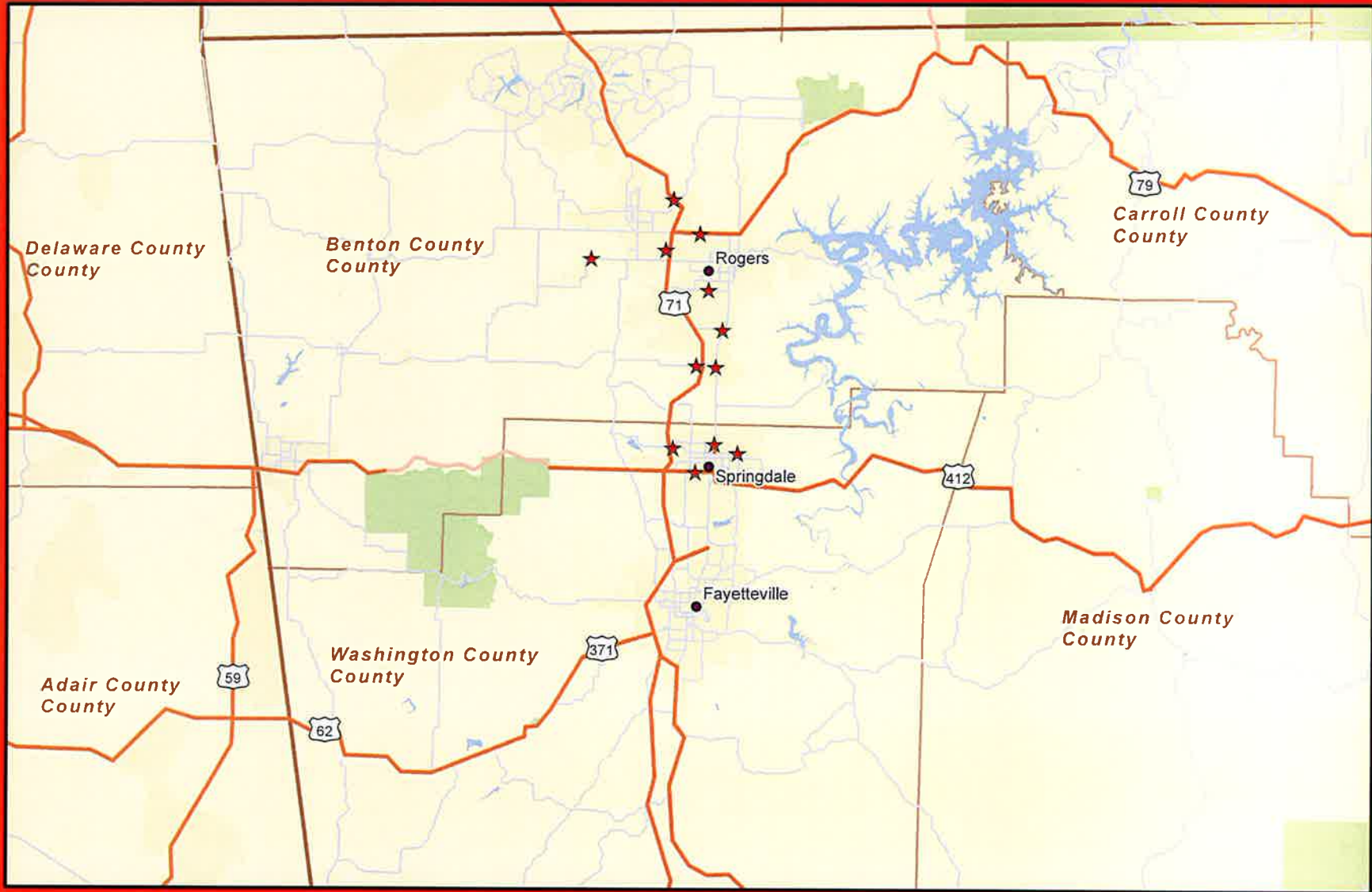




★ Kum & Go

Kum & Go Convenience Stores Arkansas





★ Kum & Go

Kum & Go Convenience Stores NW Arkansas



Kum & Go Team

- 2200 Sales Associates
- 800 Sales Managers
- 430 General Managers
- 30 District Supervisors
- 200 Corporate Associates

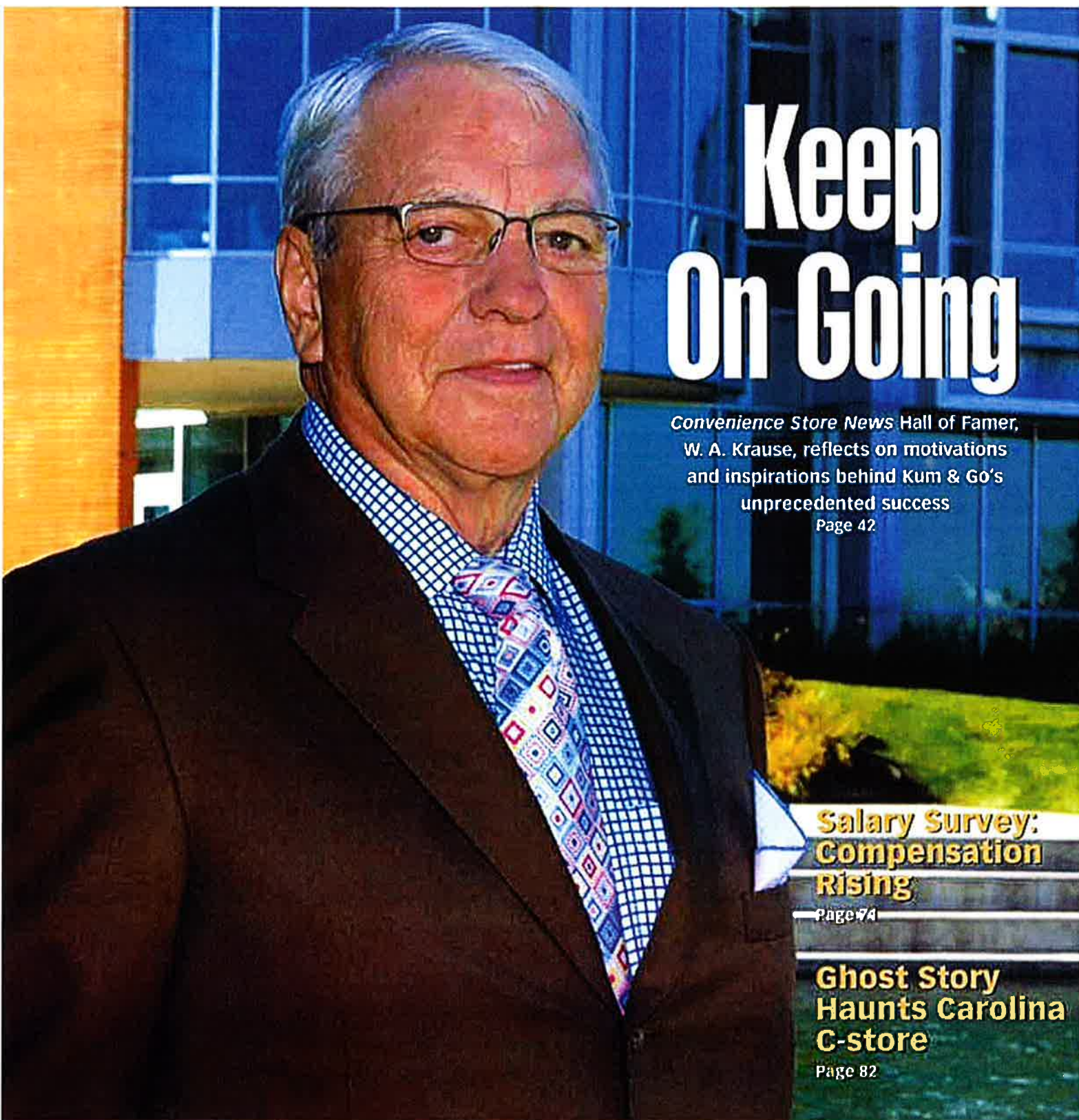
*People make the difference and the difference
is Kum & Go people. ~W.A. Krause*



Convenience Store News

KEEPING THE INDUSTRY AHEAD OF WHAT'S NEXT

December 11, 2006 Volume 42/Number 15

A portrait of W. A. Krause, an older man with white hair and glasses, wearing a dark suit, a blue and white checkered shirt, and a colorful patterned tie. He is standing in front of a building with large windows.

Keep On Going

Convenience Store News Hall of Famer, W. A. Krause, reflects on motivations and inspirations behind Kum & Go's unprecedented success

Page 42

**Salary Survey:
Compensation
Rising**

Page 74

**Ghost Story
Haunts Carolina
C-store**

Page 82

Kum & Go Planning 8-10 Stores in Cedar Rapids Area



Construction work continues on a Kum & Go being built near I-380 in North Liberty on Wednesday, December 2, 2009. (Crystal LoGiudice/The Gazette)

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Story Created: Jul 27, 2011
at 11:59 AM CDT
(Story Updated: Jul 27, 2011 at
11:59 AM CDT)

CEDAR RAPIDS, Iowa - Kum & Go is coming to the Cedar Rapids area in a big way over the next several years.

The West Des Moines-based convenience store chain is planning eight to 10 new locations in Cedar Rapids, Hiawatha and Marion, all incorporating "green" environmentally-friendly design.

Construction is progressing on a Kum & Go at Kirkwood Boulevard and Miller Avenue SW and the Cedar Rapids City Council on Tuesday approved the sale of land to Kum & Go at 16th Avenue and Williams Boulevard SW.

Catherine Huggins, a spokeswoman for Kum & Go, said the store at Kirkwood Boulevard and Miller Avenue SW is expected to open in mid to late September and the 16th Avenue and Williams Boulevard SW location will open in 2012. Huggins said each store will employ between 10 and 15 associates.

"We're excited these sites will feature Kum & Go's new store design," Huggins said. "This new store design was made possible through many ideas and suggestions offered by our associates."

"The new store concept has a greater product offering and fresh food choices such as 'made-to-order' pizzas and bakery items."

Huggins said another distinguishing feature of Kum & Go's new store design is a strong emphasis on "going green" by incorporating sustainable features.

"The focus on sustainability starts at construction and continues through the store's daily operations," Huggins said. "These new stores will be constructed like all new Kum & Go stores with Leadership in Energy and Environmental Design (LEED) building requirements in mind."

"Materials used for the construction will be sustainable, coming from local companies whenever possible. This will include recycled steel and no volatile organic compounds in paint and adhesives."

While Huggins declined to comment on the company's plans for additional locations citing competitive reasons, Cedar Rapids City Manager Jeff Pomeranz has confirmed that Kum & Go has expansion plans for the northern end of the Cedar Rapids-Iowa City Technology Corridor.

"We met with representatives of Kum & Go not long ago and they have a plan for more than 10 stores that they want to bring to the Cedar Rapids market," Pomeranz said. "They've identified the community as a place where they want to have a significant presence."

Scott Olson of Skogman Commercial has been working with Kum & Go representatives on a number of locations. Olson said the convenience store chain is working through the planning and zoning process on locations in Cedar Rapids, Hiawatha and Marion.

Kum & Go operates a store at 3370 Seventh Ave. in Marion as well as locations in Coralville, Iowa City, North Liberty, Tiffin, Tipton, West Branch and Williamsburg. The company employs more than 4,000 associates at over 430 stores in 11 states.

The fifth-largest privately-held, company-operated convenience store chain in the United States ended 2010 with sales of more than \$2 billion.





K U M & G O # 4 1 3 F A Y E T T E V I L L E , A R K A N S A S
S H I F F L E R A S S O C I A T E S A R C H I T E C T S , P . L . C .



K U M & G O # 4 1 3 F A Y E T T E V I L L E , A R K A N S A S
S H I F F L E R A S S O C I A T E S A R C H I T E C T S , P . L . C .

**Proposed Kum & Go Site
Intersection of MLK Blvd & Hill Ave**





ENGINEERS ■ SURVEYORS ■ PLANNERS
LANDSCAPE ARCHITECTS ■ ENVIRONMENTAL SCIENTISTS

3108 S.W. Regency Parkway, Suite 2
Bentonville, AR 72712
479.273.9472 Fax 479.273.0844

DISTRIBUTION:
RER/File
Kum & Go, L.C.

November 18, 2011

City of Fayetteville
City Council
113 W. Mountain Street
Fayetteville, AR 72701
Attn: Planning Department

**Re: Appeal of Planning Commission to deny proposed improvements
Kum & Go, #413
CEI Project No. 26728.0**

To Fayetteville City Council:

Kum & Go, L.C. respectfully request the appeal to be heard in the decision of Planning Commission's vote at the November 14th, 2011 meeting for approval in the Kum & Go Convenience Store Large Scale Development.

The property is located at the southwest corner of Martin Luther King Jr. Blvd and Hill Ave. The property is currently undeveloped and slopes significantly (Approximately 28-feet) from the north property line to the south property line.

Throughout the City approval process, revisions to the overall site layout were requested by two separate subdivision committee reviews in regards to the Large Scale Development plans.

Under the first Subdivision Committee review (October 13, 2011) and as requested by the committee; Kum & Go was to provide a shared access drive from Royal Oak and shift the Martin Luther King Jr. Blvd access east, approximately 25-feet closer to Hill Ave. This request was accepted by Kum & Go and tabled for the next subdivision committee review for approval to these changes.

Following the second Subdivision Committee review (November 3, 2011) and as requested by the committee; Kum & Go was then directed to remove the shared access drive along Royal Oak due to possible issues in traffic movements around the intersection and due to the geometric roadway configuration. As a result to the existing topography; the roadway became superelevated along the median and grades became steep along the access drive located within the site. Furthermore, the adjacent property owner's representative to Hill Place Apartments stated that they were not in favor of a shared access and would not allow for such access through the privately owned median. In addition, the committee

Providing Consolidated Land Development Services

CALIFORNIA ■ ARIZONA ■ TEXAS ■ ARKANSAS ■ MINNESOTA ■ GEORGIA ■ PENNSYLVANIA

Kum & Go, 413
Project # 26728.0

recommended a $\frac{3}{4}$ access drive with a median which would limit traffic movement to a right-in, left-in, and right-out access only from the Martin Luther King Jr. Blvd proposed access drive. This request was accepted by Kum & Go, revised, and moved forward to Planning Commission, dated November 14, 2011.

Certain restraints have been held to this site in regards to the existing grades, close proximity to the Royal Oak drive, and current City ordinances. Should the site's Finish Floor elevations be lowered to accommodate the shared access drive along Royal Oak, then the MLK Jr. Blvd access drive becomes too steep which in turn limits the access of the delivery trucks. In the case of a right-in only drive; if a potential customer traveling west along MLK Jr. Blvd. chooses not to turn onto Hill Ave. before approaching the site, then the only option left for the driver is a possible "illegal" U-turn or to carrying on further west until finding an appropriate turn-around point.

This property is an ideal location for this type of development and is welcomed by the residents of the Hill Place Apartments and is sure to be a convenience to the Fayetteville community. Several business's along the Marin Luther King Jr. Blvd corridor has in the past and recently been provided the convenience of a full access drive. For Kum and Go to be denied a full access or even a $\frac{3}{4}$ access drive will only deprive them of the rights or privileges granted to other developments within recent time.

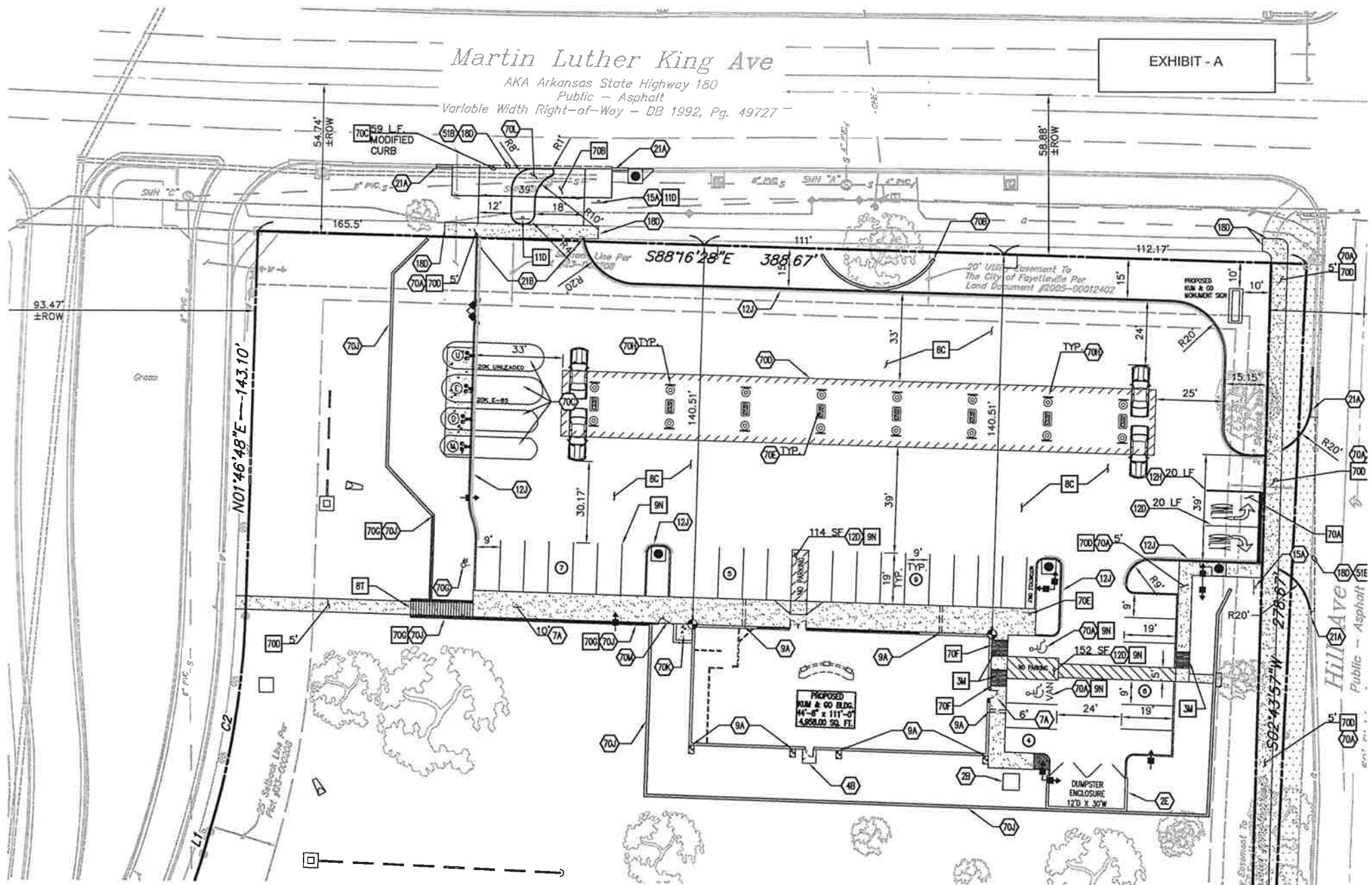
In conclusion, we believe the public health, safety, welfare, and morals would be better served if the Planning Commission's vote were reversed because the highest and best use for this property would be for what the Kum and Go stores represent and the services they provide to a community.

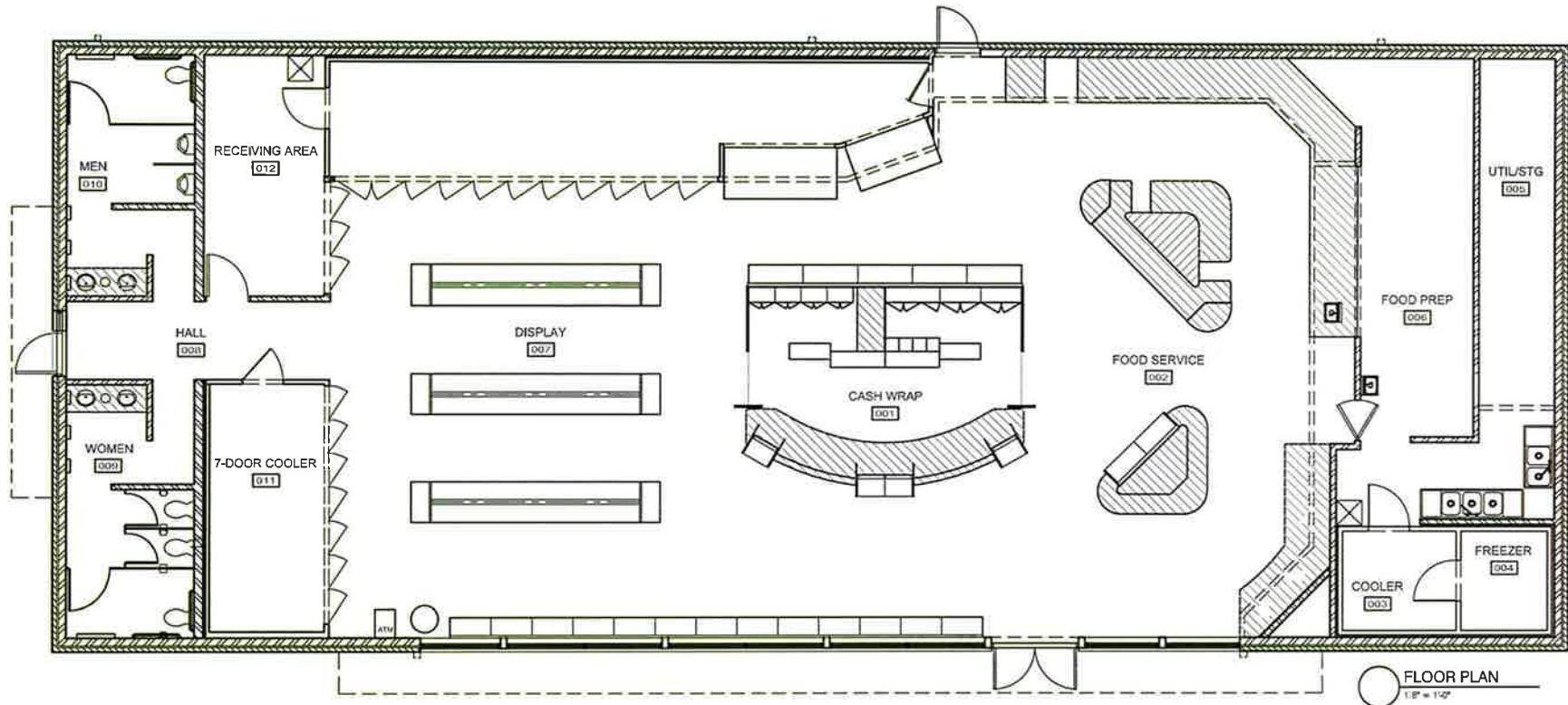
We appreciate your consideration in this matter, and if you have questions or concerns, please do not hesitate to contact me.

Respectfully submitted,



R. Erin Rushing, RLA
Department Leader
CEI Engineering Associates, Inc.





K U M & G O S T O R E P R O T O T Y P E - 4 9 5 8 S Q U A R E F E E T

S H I F F L E R A S S O C I A T E S A R C H I T E C T S , P . L . C .

Going Green

Since 1997, Kum & Go has been a leader in distributing biofuel to customers.



- In December, 2009, Kum & Go became the first convenience store in Iowa to receive LEED certifications for two stores
- The LEED Green Building Rating System encourages global adoption of sustainable green building and development practices





FACT SHEET

Kum & Go's New Eco-Friendly Store Design

- In September 2010, Kum & Go President & CEO Kyle J. Krause announced a bold new store design for his convenience store chain. The new eco-friendly concept will be built throughout the company's geographic footprint. According to Mr. Krause, Kum & Go's new store design was developed with input from Kum & Go associates and includes a variety of sustainable features.
- Mr. Krause emphasized this new eco-friendly store design reinforces Kum & Go's position as a leader on sustainability. "We have a duty to be environmentally responsible. It is a serious responsibility that continually benefits our customers and the communities in which we do business," said Krause.
- The new store concept has a greater product selection and fresh food choices such as "made-to-order" pizzas, deli sandwiches, and baked goods.
- Another distinguishing feature of Kum & Go's new store design is the strong emphasis on "going green" by incorporating sustainable features. The focus on sustainability starts at construction and continues through the store's daily operations.
- The new store design is constructed like all new Kum & Go stores with Leadership in Energy and Environmental Design (LEED) building requirements in mind. Materials used for construction will be sustainable, coming from local companies whenever possible. This also includes recycled steel and no Volatile Organic Compounds (VOCs) in paint and adhesives.
- Kum & Go's new store design is approximately 5,000 square feet of space. As a convenience to customers, a larger parking area is created in front of the store. There are two entrances to improve traffic flow within the store.
- Typically there will be more fuel dispensers at these stores and each store will have improved accessibility to the fuel pumps.
- In addition, a feature new to Kum & Go stores is Solatube skylights. The Solatube skylights provide natural light that decrease the energy used in overhead lighting. LED lights will be used in exterior lighting to reduce energy consumption.
- Advanced refrigeration systems will be installed, increasing energy efficiency through improved technology and LED lighting in the coolers.
- The entire Kum & Go store will be on an automated system that will regulate energy use and lighting systems in order to create a more energy efficient store.

#

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 20, 2011**

A meeting of the Fayetteville City Council was held on December 20, 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, Tennant, Ferrell, Adams, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Jordan asked Ms. Hopper's American History and Government class to stand and be recognized.

City Council Meeting Presentations, Reports and Discussion Items:

Nominating Committee Report

Alderman Gray gave the Nominating Committee Report.

Alderman Ferrell moved to approve the Nominating Committee Report. **Alderman Petty** seconded the motion. Upon roll call the motion passed unanimously.

Fayetteville Town Center Report

City Clerk Sondra Smith stated that the report was in the Council packet.

Agenda Additions: None

Consent:

Approval of the December 6, 2011 City Council meeting minutes.

The minutes were removed from the Consent Agenda and will be approved at the January 3, 2012 City Council meeting.

2012 Transportation Division Overlay/Sidewalk Projects: A resolution approving the Transportation Division Overlay/Sidewalk Projects list for 2012.

Resolution 215-11 as recorded in the office of the City Clerk.

Bid #10-40 Amerlux Exterior LLC: A resolution authorizing purchase of thirty-seven (37) LED light fixtures and poles in the amount of \$67,667.27 pursuant to Bid #10-40 from Amerlux Exterior LLC (FKA Dynamic Lighting Solution).

Resolution 216-11 as recorded in the office of the City Clerk.

2011-2012 Internet Crimes Against Children Task Force Program Continuation Grant: A resolution accepting a non-matching 2011-2012 Internet Crimes Against Children Task Force Program Continuation Grant from the Arkansas State Police in the amount of \$5,000.00, and approving a budget adjustment.

Resolution 217-11 as recorded in the office of the City Clerk.

Fayetteville Police Department Donation Revenue: A resolution approving a budget adjustment in the amount of \$1,800.00 recognizing revenue received from various donations to the Fayetteville Police Department in support of general recognition and officer service awards, and expressing gratitude to the donors.

Resolution 218-11 as recorded in the office of the City Clerk.

Arkansas Recreational Trails Grant: A resolution approving an agreement of understanding with the Arkansas State Highway and Transportation Department for the acceptance of an Arkansas Recreational Trails Grant in the amount of \$80,000.00 for the construction of Lake Fayetteville Trail (South), and approving a budget adjustment.

Resolution 219-11 as recorded in the office of the City Clerk.

ASPCA Scholarship Donations: A resolution to accept a scholarship donation in the amount of \$1,561.00 from the American Society for the Prevention of Cruelty to Animals for Animal Control Officer Chris Harrimann to attend a cruelty investigation course at the University of Missouri and to approve a budget adjustment to recognize this revenue.

Resolution 220-11 as recorded in the office of the City Clerk.

Baird, Kurtz & Dobson (BKD), LLP: A resolution approving a contract with Baird, Kurtz & Dobson (BKD), LLP, in the amount of \$87,000.00 to provide independent audit services to the City of Fayetteville.

Resolution 221-11 as recorded in the office of the City Clerk.

Pick-It Construction, Inc.: A resolution to approve a change order with Pick-It Construction, Inc. in the amount of \$19,710.00 and to approve a budget adjustment to recognize a donation from the Fayetteville Youth Baseball League up to \$33,600.00 to complete this project.

Resolution 222-11 as recorded in the office of the City Clerk.

City Clerk Sondra Smith requested that the minutes be pulled from the agenda.

Alderman Ferrell moved to approve the Consent Agenda as read with the December 6, 2011 minutes removed. **Alderman Tennant** seconded the motion. Upon roll call the motion passed unanimously.

Unfinished Business:

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 resolution was tabled at the December 6, 2011 City Council meeting to the December 20, 2011 City Council meeting.***

City Attorney Kit Williams stated this has been redone and the resolution has already been approved. I would recommend that this be tabled indefinitely and it will automatically be denied on December 31st.

Alderman Boudreaux moved to table the resolution indefinitely. **Alderman Lewis** seconded the motion. Upon roll call the motion passed unanimously.

This resolution was Tabled Indefinitely.

Naming 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. ***This resolution was tabled at the December 6, 2011 City Council meeting to the December 20, 2011 City Council meeting.***

John Goddard, GIS Coordinator gave a brief description of the resolution. He stated since the last meeting the possible street names “Bakery” and “Shipley” have been approved by the committee.

A discussion followed on previous motions made to amend the street name at the last Council meeting and whether or not it can be named a street or an alley.

Alderman Petty: I only support Diagon because of the overwhelmingly positive support since the idea was suggested.

Alderman Ferrell: I plan to offer an amendment to name this Shipley Alley.

Alderman Boudreaux: I certainly think that Shipley Alley is a good suggestion.

Catherine Bass, a citizen spoke on the emergency responder's situation that occurred earlier this year. She spoke on why this needed to be approved.

Burney Carmen, a citizen spoke in support of naming the alley Diagon Alley.

Molly Carmen, a teacher at Fayetteville High School spoke in support of Diagon Alley.

Alderman Adams asked how long will we know what Diagon Alley is.

Molly Carmen: I think that Harry Potter is going to be as long lasting and well loved as the Chronicles of Narnia and Mary Poppins and people will love it for a very long time.

Gracie Leach Pendleton, a citizen stated her grandfather started the bakery in 1936 on Dickson Street. She spoke in favor of Shipley Alley.

Alderman Petty read quotes from various articles and comments from citizens in support of Diagon Alley.

Alderman Ferrell asked that we hold historic significance for historic landmarks. He stated Shipley is something worth considering.

Alderman Tennant: As much as I like the creativity that is behind the suggested name I prefer Shipley for various historical reasons.

Alderman Adams spoke on the history of Dickson. She spoke in support of Shipley Alley.

Alderman Gray stated after receiving citizen input I quickly started to lean toward naming it Shipley Alley.

Alderman Lewis: The people in Harry Potter feel connected to Diagon Alley because of the significance of the place in the story. You can take that and think about Shipley or Bakery Alley has a similar affect on Fayetteville in its own history. I support Shipley Alley.

Alderman Boudreaux: This is important to us that live here in Fayetteville and that is why I will support Shipley.

At the previous City Council Alderman Petty moved to amend the name of the alley to Diagon Alley. Alderman Kinion seconded the motion. The motion was tabled to the December 20, 2011 City Council meeting.

The above motion was voted on at the December 20, 2011 City Council meeting. Upon roll call the motion failed 2-6. Alderman Kinion and Petty voting yes. Alderman Gray, Boudreaux, Tennant, Ferrell, Adams, and Lewis voting no.

Alderman Ferrell moved to amend the name of the alley to Shipley Alley. Alderman Boudreaux seconded the motion.

Alderman Petty: I am glad we went through this process because it was on the Consent Agenda as Midtown Alley.

Alderman Lewis encouraged all the citizens that were involved in this item to continue to stay involved in the future.

Upon roll call the motion passed unanimously.

Alderman Ferrell moved to approve the resolution. Alderman Lewis seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 223-11 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. ***This ordinance was left on the Second Reading at the December 6, 2011 City Council meeting.***

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate pointed out the property lines on the map.

Aubrey Shepherd expressed his concerns with the zoning classification. He is concerned about there not being any green space left and there being more impervious surface. This does not meet the stormwater needs. He spoke against the ordinance.

Michelle Hightower, resident of 1645 Charlee Avenue stated I very much oppose the rezoning of this property. There is no way that property will be compatible with the surrounding neighborhoods or will have density that is similar to the surrounding neighborhoods. There is a lot of concern about traffic and safety in this area.

Scott Burden, resident of 1702 Charlee Avenue spoke in opposition of the rezoning. He expressed his concerns with the traffic if this is passed and the increased density. He is also concerned about the safety of the children in this location and the affect on property values.

Alderman Ferrell: On your concern with the traffic, do you think that is going to be twice a day?

Scott Burden: I think with this type of density and housing, that we will see, it will be throughout the day. The real concern is when there are a lot of kids on the street.

Alderman Adams: Could you talk a little more on the effect this will have on your property value.

Scott Burden: If these are really small homes with no yards, I am concerned that putting something that close to Charlee Street with a connection onto Charlee Street, especially if it becomes student housing, that will have an impact on housing values.

Alderman Adams: If the houses were bigger than 3,100 square feet do you think it would have a negative impact on your property value?

Scott Burden: Where there is heavy concentration of student housing for families, it is not a desirable place to live.

Johneese Adams, resident of 1630 Charlee Avenue spoke in opposition of the ordinance. She expressed her concerns with the traffic and density.

Laura Lindsey, resident of 1616 North Charlee Avenue stated I am opposed to the rezoning. She voiced her concern on the safety issues for children in the area, the connectivity, and the traffic this will create. She also questioned the number of houses that can be built.

Jeremy Pate stated the maximum would be 50 homes based on the bill of assurance.

Amy Rossetti, resident of 1657 Charlee Avenue spoke on the positive qualities of this neighborhood. She stated there isn't any room for this development. She spoke against the ordinance.

Vince Massanelli, resident of 1735 North Charlee Avenue expressed his concerns with the traffic in that area. He spoke against the ordinance.

Gary Sager, resident of 1633 Charlee Avenue spoke on the effects this would have on the property values and went on to speak against the ordinance.

Andy Hightower, resident of 1645 Charlee Avenue expressed his concerns for children's safety. He spoke against the ordinance.

Sarah Bunch, a Planning Commissioner stated I support this rezoning for a variety of reasons. She spoke in favor of the ordinance.

Alderman Ferrell: Had you been present would you have voted for this?

Sarah Bunch: I cannot vote for this because the lady that owns the land and wants to sell it is my aunt.

Alderman Ferrell: Had you been able to vote how would you have voted?

Sarah Bunch: I would have voted for it. She listed the reasons she would support the ordinance.

Anthony Clark, a citizen pointed out that a lot of the concerns and issues with this rezoning have to do with current conditions that would not be affected regardless of the zoning change. He spoke in favor of the ordinance.

Kyle Adams, resident of 1630 Charlee stated safety for our kids is the utmost importance to us. He spoke against the ordinance.

Patricia Eaton, resident of 2731 East Hardy Lane pointed out current safety issues that exist.

Alderman Lewis asked for clarification on connectivity of the streets and what exactly will be decided on tonight.

Jeremy Pate explained the connectivity and stated the same rules will apply no matter what it is zoned.

A discussion followed on connectivity.

Alderman Petty: I am going to vote for this. I do not think the change in density is radical. He listed reasons why he will support the ordinance.

Alderman Adams spoke on the positive affects this zoning can have on the neighborhood. She stated I do not believe that building smaller homes is going to cause the traffic problems and I am going to vote for this.

Alderman Ferrell asked Jeremy if there has ever been a connectivity situation that was welcomed by the people on either side of it.

Jeremy Pate stated no. He explained past experiences with proposed connectivity.

Alderman Ferrell: I don't think that density is a weighing factor. I think the connectivity is going to help.

Alderman Tennant spoke on the safety issues at various school areas. He stated I think there are ways that we can help and I will be voting for it.

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

Ordinance 5469 as Recorded in the office of the City Clerk

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. ***This resolution was tabled at the December 6, 2011 City Council meeting to the December 20, 2011 City Council meeting.***

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

Blake Jorgensen with Jorgensen Associates gave an explanation of their plans for the project.

Alderman Lewis spoke on the positive affects this will have on stormwater management.

Aubrey Shepherd spoke on mitigation and asked the Council to do their homework when considering voting for this. He expressed his concerns with the resolution.

Alderman Lewis stated there is a balance between how do you manage the development and water and also maintain the habitat. I think this is a good opportunity.

Alderman Adams thanked Alderman Lewis for taking the time to look into this.

Alderman Adams moved to approve the resolution. **Alderman Boudreaux** seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 224-11 as recorded in the office of the City Clerk.

Bellefont Gardens Tree Preservation Area Modification: 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. ***This resolution was tabled at the December 6, 2011 City Council meeting to the December 20, 2011 City Council meeting.***

Don Marr, Chief of Staff requested that this item be tabled to the second meeting in January to give the current owners of the property and the adjoining property an opportunity to meet and discuss this item.

Alderman Lewis moved to table the resolution to the January 17, 2012 City Council meeting. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent during the vote.

This resolution was tabled to the January 17, 2012 City Council meeting.

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 ordinance was left on the First Reading at the December 6, 2011 City Council meeting.***

Alderman Lewis 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 Petty was absent during the vote.

City Attorney Kit Williams read the ordinance.

David Jurgens briefly explained the ordinance.

Alderman Ferrell: I will be interested in seeing a report in the latter part of the year.

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

City Attorney Kit Williams read the ordinance.

Alderman Lewis: I am just really glad that we are trying to get more opportunities to recycle in the apartments and this is a good opportunity to do that.

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

Ordinance 5470 as Recorded in the office of the City Clerk

New Business:

RZN 11-3971 (Best Way St. & Hollywood Ave.): An ordinance rezoning that property described in rezoning petition RZN 11-3971, for approximately 25.35 acres, located at the End of Best Way Street and Hollywood Avenue from C-2, Thoroughfare Commercial, to RMF-12, Residential Multi-Family, 12 units per acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Alderman Boudreaux asked where the property was located.

Jeremy Pate clarified the location of the property.

Alderman Boudreaux: So you are telling me that none of the property on the west side of the creek is developable?

Jeremy Pate: Every bit of that is in the floodway or floodplain along the west side.

Alderman Boudreaux: So how much acreage are we talking about?

Jeremy Pate: It is a 25 acre tract and the area to the west is about 8 acres. So it leaves a significant portion of the site, that is still developable, for what they would like to do.

A discussion followed on where the floodway was located.

Alderman Boudreaux: You can build on a floodplain.

Jeremy Pate: That is correct.

Alderman Boudreaux: I am just concerned about adding any more multi-family on Futrall or off of I-540. I think this needs to be kept commercial.

Jeremy Pate pointed out an aerial photograph of the site.

Alderman Lewis: RMF-12 is one of our form based codes.

Jeremy Pate: That is correct.

Alderman Petty: On our future land use map in the City Plan is any of the frontage along Best Way and Hollywood indicated for mixed use or commercial use?

Jeremy Pate: It's called Urban Center which allows for multiple uses.

Alderman Petty: I am concerned that the commercial uses by right would be removed from those two streets. I am not sure this is the best use. I want to think about it a little more.

Blake Jorgensen with Jorgensen Associates stated this is one of those pieces of property that does have frontage, but due to the floodway you are not going to have any visibility. He spoke on their plans for the property and stated if you are looking at the overall tract of land you are not getting a full yield out of the purchase of land. It is a good zoning that we think is going to work well for Fayetteville.

Alderman Petty: I would be at ease voting for a rezoning, that would allow the same kind of residential uses of the same density, if it retained the same kind of mixed use by right for commercial activity. Did you consider Neighborhood Services or Community Services?

Blake Jorgensen: This is one of those properties that there wasn't a point to beat around the bush. We knew that they wanted this to be specifically for student housing.

Ramsay Ball with Colliers International, representing the buyer of the property explained the differences between this property and the Love Box property. I feel this is an appropriate use for a single type of development and I hope you will support it.

Alderman Boudreaux: There probably is not a better use for it. I would like to see it down zoned from C-2. I probably will support this.

Ramsey Ball: This has been in the works for quite a while and we have received no comments or questions.

Aubrey Shepherd: I am not speaking against the project but I would like it to be treated as the delicate and significant site that it is for purposes of protecting the watershed and the trees in the riparian zone.

Alderman Lewis stated any kind of drainage or design discussions would come later.

Jeremy Pate: That is correct, that comes with the development proposal. It is still subject to all of the same requirements with the addition of the streamside buffer ordinance on this particular property.

Alderman Lewis: When that happens it would be exciting if it could be a low impact development design. I think the proposed zoning is fine and I would support it.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Lewis: Where does the green infrastructure come into consideration in a project like this when you are looking into zoning?

Jeremy Pate explained it is part of the policy tools that we incorporated with our City Plan 2030. He explained the processes used when considering green infrastructure.

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

Ordinance 5471 as Recorded in the office of the City Clerk

ADM 11-3993 (UDC Amendment I-1 Zoning District): An ordinance amending Title XV: Unified Development Code of the City of Fayetteville §161.27 to modify the rear setback requirement in the I-1 zoning district.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman 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 unanimously.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5472 as Recorded in the office of the City Clerk

Amend Section 33.240: An ordinance amending Section 33.240: Purposes and Duties of Article XI: Environmental Action Committee of Chapter 33: Departments, Boards Commission, and authorities of the Code of Fayetteville to provide additional authority related to Community Wildlife Habitat Certification.

City Attorney Kit Williams read the ordinance.

Alderman Lewis gave a brief description of the ordinance.

Terry Lane, representing the Environmental Action Committee explained the certification process.

Alderman Lewis: The same way that America in Bloom is a program that Fayetteville participates in, this is a similar type of thing. Bobby had an idea that, in maintaining this project, we would add language subject to City Council approval.

Alderman Ferrell moved to amend the ordinance to add *subject to City Council approval*. Alderman Lewis seconded the motion.

Aubrey Shepherd: The industrial and commercial sites, if they have any land they can set aside and be eligible for this program if they designate and manage in the way it takes to have native vegetation.

Upon roll call the motion passed unanimously.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Lewis: This can be used as a tool for City staff to help communicate their good deeds to people in the area.

Alderman Ferrell: It would be neat if occasionally we could get a report letting us know the progress. I think this is a good idea.

Mayor Jordan: We have certified a lot of schools in this City too. Fayetteville is the largest school to be certified in the State of Arkansas.

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

Ordinance 5473 as Recorded in the office of the City Clerk

Kum & Go Appeal: Appeal of the Planning Commission's determination to limit access for a proposed Kum and Go Large Scale Development at Martin Luther King, Jr Blvd and Hill Avenue.

Jeremy Pate: What is proposed is a 16 pump service station with about a 5,000 square foot convenience store. The Planning Commission approved the large scale development for this site with conditions. They approved as part of their conditions a variance to allow a curb onto Martin Luther King Boulevard restricting it to a right in and right out sighting safety concerns with left turn movements. Approval was also conditioned upon applicant constructing a driveway connecting to Royal Oak Parkway. The applicant has appealed those two conditions. We felt left in and left out would create a dangerous traffic condition. The appeal that has been filed requests a left hand turning movement into this site from Martin Luther King.

A short video was presented showing the traffic on Martin Luther King.

Jeremy Pate: It is our recommendation to the City Council to affirm the Planning Commission's 8-1 vote to allow a variance for access to Martin Luther King with a right in and right out turning movement only and to allow cross access and connectivity to Royal Oak Parkway to the west.

Chris Brown presented a map which showed the existing conditions. He explained the location of the curb cuts and discussed the conflicts and problems with traffic that could occur.

Alderman Tennant: If I am going east I am going to be able to turn right into the Kum & Go. What is going to stop me if I am coming from the west from turning in there anyway?

Chris Brown pointed out the Highway Departments standards. He stated there would be a median constructed that is angled out so you would not be able to turn in.

Alderman Lewis: What is the percentage of crashes that result from turning in driveways?

Chris Brown: About 50% of crashes that occur at driveways are related to folks turning left into the driveway.

City Attorney Kit Williams passed out the code that talks about the variance being discussed.

Aaron Rushing with CEI Engineering representing Kum & Go explained the process that they have gone through with this development. He discussed the changes that have been made to the project. Hill Place has said they do not want a connection to their drive. We have conducted a traffic safety study that is included in your information.

Alderman Ferrell: Did you say that the east bound traffic that was going to turn north on Hill Street, that was part of the backing up?

Aaron Rushing: That was not in the center turn lane. That was going straight.

John Bolte with Small Arrow Engineering explained how they helped improve the situation with access and make it safe for everyone. I know there is concern about the left in access off of Martin Luther King. He also gave a review of the site plan and some of the challenges with deliveries to the store.

Alderman Petty: Does the access on the left side cut across the median?

Jeremy Pate: That schematic shows it does, that would not occur. That access would be a right in and right out onto Royal Oak Parkway.

Alderman Petty: Is there a reason why it can't cut across the median?

Jeremy Pate: The median in this particular case is private property. So the right of way is essentially the roadway. That decision was made during the PZD process.

Don Marr: We will bring you each quarter things, where we had unintended consequences from our ordinances, that we want to be able to change and give us the ability to get that in the future.

Alderman Petty: Is there a reason why we couldn't negotiate with the property owner to condemn that because it is public infrastructure to make that go through?

Jeremy Pate: I think that is probably what it would take. It would have to be justifiable for a public purpose. The property owner has indicated that they do not wish for that to occur so it would take some sort of action.

John Bolte Small Arrow Engineering, Joplin Missouri clarified why they would like to have a access point on Martin Luther King.

A discussion followed on the report and the access points for the project.

Don Marr: I want to defend staff's position because when we talk about where risk is going to happen in these developments we have these situations all over town where developers come in who have other economic models. There are differences here, Hill Street which is currently contracted by the University of Arkansas to function as a student housing development, creates circumstances at different times of the day. The Kum and Go location at Township we love how that corner changed. We love them as a business in our community. We want to have them here but at what price. I don't think the staff looked at this as a means of trying to be difficult. I think they looked at it and thought we really think there is a safety issue here and we think the safety issue has the potential to increase.

John Bolte: As far as traffic counts we are under the threshold for a five lane section. From that stand point we are pretty comfortable with that weaving space. Improving the signal is the key to a lot of things I am hearing. The thing that I am concerned about is the delivery vehicles getting hung up if they are coming from the east having to use Hill to get in and out of that entrance. It is a tight movement. It would be a lot easier for them to come in off MLK.

Rob Wadley with Kum and Go gave a brief history of Kum and Go. He also pointed out the landscape plan they have for the site. He addressed why Kum and Go needs the three quarters access. Our intentions are to add 15 more jobs and this is a \$3.6 million development which will be an economic impact to Fayetteville. There is also an increase in your tax base. We need a three quarter access in order for us to build a \$3.6 million LEED certified store.

Alderman Lewis: For deliveries it seems like most deliveries would come from the interstate. Very few would be heading west and trying to turn left.

Rob Wadley: We have a new store on College and Township so if they make a delivery at that store they could then come to this store and that would be making a left turn in.

Alderman Lewis: The access ordinance is relatively new.

Jeremy Pate: It is. We adopted the most current form in 2008. Jeremy updated the Council on the curb cuts on Martin Luther King. When some of the properties were built along Martin Luther King there was no access management policy when they were developed. The difference is that we do not have many 16 pump convenience store gas stations in the City. We took into consideration the changes to the signal heads. We have not looked at the traffic study that was passed out tonight in detail.

Justin Tennant: Regarding your business intelligence group, in the traffic study it mentions 23,000 cars a day on MLK, do you know what formula was used. What percentage of that group of cars do you consider customers on a daily basis? Where did you get the 29 percent loss number?

Rob Wadley: We only get just over half that traffic.

Justin Tennant: Approximately 3,300 cars would miss that left hand turn and not turn left into your business?

Rob Wadley: Or loss of customer.

Alderman Adams: Do you have teenage drivers in your home.

Rob Wadley: No.

Alderman Ferrell: Is this a deal buster?

Rob Wadley: Yes it is. We actually just terminated the one that we have on Wedington.

J.R. Meeks, Chambers Bank: We currently own the property and have been working with Kum and Go for almost a year. We have talked to other people that were looking at this site and a lot of them have the same issues with access to the property off of MLK. I think we are at the eleventh hour on this particular site and we believe they will take their business elsewhere. We as a bank are in favor of this.

Aubrey Shepherd: When you talk about the revenue I am sure there is a burst when you open a new store. When you talk about competitors these are people who will lose part of that revenue. That economic comparison is hard to judge. The access should be a right in.

City Attorney Kit Williams: The correction or improvement on the traffic light is that something that we can do or do we have to get permission from the State Highway Department and how difficult would that be to do?

Chris Brown: That would require a permit from the Highway Department. They would want to see the counts and it would have to be warranted before they would approve that.

City Attorney Kit Williams: What would your guess be that they would go along with that?

Chris Brown: Without seeing the traffic counts I do not know.

City Attorney Kit Williams: You would have to look at the traffic study they gave us. We do not have a traffic study right now concerning the safety of this particular proposed egress and ingress into this business.

Chris Brown: There was no traffic study provided to the staff.

City Attorney Kit Williams: How long would it take for you and your staff to look at the traffic study and be able to analyze it and give the City Council your analysis of the traffic study?

Chris Brown: I think we could do that by the next Council meeting.

City Attorney Kit Williams: My concern is the variance provision that you passed says you will grant a variance unless a parcel on the corner of an arterial or collector street provides such short frontage along the major street that there is no safe ingress/egress function or location on that street, the Planning Commission or City Council on appeal may deny the curb cut or may limit such curb cut to ingress or egress only. You would need to be able to initially find that there is no safe ingress/egress functional location. That generally would require something more than what I have heard tonight. I would like staff to look at the traffic study before you make a decision tonight.

Alderman Boudreaux: I think that is a good suggestion. I would also like the City Engineer to evaluate the potential impact the school is going to have.

Alderman Boudreaux moved to table the resolution to the January 3, 2012 City Council meeting. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

This resolution was tabled to the January 3, 2012 City Council meeting.

Announcements:

Meeting adjourned at 9:35 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

Approved 12-20-11

Nominating Committee Report

Meeting: Wednesday, December 14, 2011

City Hall, Room 326, 4:00 p.m.

Members Present – Adella Gray, Bobby Ferrell, Rhonda Adams, and Mark Kinion

The Committee recommends the following candidates for appointment:

Active Transportation Advisory Committee

- Quin Thompson - One Term Ending 12/31/13
- Gale Wingate - One Term Ending 12/31/13
- Jared Hintergardt - One Term Ending 12/31/13
- Nick Jones - One Term Ending 12/31/13
- Aaron Thomas - One Term Ending 12/31/13

Airport Board

- Ken Haxel – One Aeronautical Term Ending 12/31/16
- Bill Corley – One University of Arkansas Term Ending 12/31/16

Animal Services Advisory Board

- No applications were received

Audit Committee

- Judy Jacobs – One Term Ending 12/31/14

Board of Adjustments

- Tim Stein – One Unexpired Term Ending 03/31/15

Construction Board of Adjustments and Appeals

- Brian Hogue- One Unexpired Alternate Member Term Ending 03/31/12

Environmental Action Committee

- Dana Smith - One Citizen-at-Large Term Ending 12/31/14
- Lori Yazwinski - One Citizen-at-Large Term Ending 12/31/14

Housing Authority Board of Commissioners

- Matthew Cabe - One Term Ending 12/28/16

Parks and Recreation Advisory Board

- Phillip McKnight – One Term Ending 12/31/14
- Grant Hodges – One Term Ending 12/31/14
- John M. Paul – One Term Ending 12/31/14

Telecommunications Board

- Greg Goggans – One unexpired Term Ending 06/30/13

Urban Forestry Advisory Board

- Betty Martin – One University Representative Term Ending 12/31/13
- Donald Steinkraus– One Community Citizen-at-Large Term Ending 12/31/13

FAYETTEVILLE HOUSING AUTHORITY

#1 North School Ave.

Fayetteville, AR 72701-5928

PH: (479) 521-3850 FAX: (479) 442-6771

E-MAIL: fayettevilleha@moregti.net

December 16, 2011

Mayor Lioneld Jordan &
Fayetteville City Council Members
City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

Dear Mayor Lioneld Jordan & Fayetteville City Council Members:

This letter is to confirm that the Fayetteville Housing Authority's Board has elected a new commissioner at its December 15th, 2011, Regular Board Meeting.

The new Commissioner for the Fayetteville Housing Authority Board is Matthew Cabe. Matthew Cabe was appointed to serve a five year term from December 28, 2011 to December 28, 2016.

The Fayetteville Housing Authority Board requests that this newly elected commissioner, Matthew Cabe, be placed on the next City Council Meeting Agenda to be formally confirmed by the municipality's governing body in accordance with the Arkansas State Statute #14-169-208.

If you have any questions, please feel free to call or e-mail.

Sincerely yours,


Fredia Sawin
Executive Director

fs

Handed out at the City Council Meeting
Amend Section 33.240 12-20-11

Annual Goals

Purposes & Duties of Article XI:
Environmental Action Committee of Chapter 33.

To keep your **Community Wildlife Habitat™** status, your team must continue earning a minimum of 40 points per year.

Points Activity

Required Submit this yearly post-certification update form

- | | |
|----|---|
| 10 | Secure a feature article in the local media about your project |
| 10 | Maintain information kiosk, library or website established during certification stage |
| 10 | Create a website for your project, if your community does not yet have one |
| 10 | Continued hosting of annual event started during certification stage |
| 5 | Participate (through a booth) in at least one community event (up to 4) |
| 10 | Host or organize a Habitat Stewards or conservation advocacy training |
| 5 | Participate in a quarterly Community Wildlife Habitat conference call (up to 4) |
| 10 | Host a garden tour that features Certified Wildlife Habitat sites |
| 10 | Create a new demonstration garden, with educational signage |
| 10 | Continue regular column in your community paper/newsletter to educate community members about your project and how to take action |
| 5 | Deliver an oral presentation at a community group not yet associated with your project (up to 6) |
| 10 | Give a presentation on Community Wildlife Habitats to a neighboring community |
| 10 | Mentor a neighboring community through the certification process |

- 5 Have member of habitat team serve on a community committee or board that addresses community environmental issues
- 10 Examine your community's weed ordinances, and other public policies, and work to make them more native plant and habitat friendly
- 10 Work with local park agencies to convert parkland to wildlife friendly landscapes.
- 10 Organize a community meeting with your congressional or legislative member about a current issue affecting wildlife
- 10 Educate your community about their carbon or water footprint and provide actions they can take to reduce it
- 1 Each additional home, townhome or apartment certified with NWF
- 3 Each additional common area (workplace, park, community garden, place of worship, farm) certified with NWF
- 5 Each additional school certified with NWF
- TBD Additional project approved by NWF

Earning Points Toward Certification

Once your Community Wildlife Habitat project is **registered**, you can start earning the points you'll need to become officially certified. Your team can do this by getting out into your community, educating your neighbors, certifying habitats and organizing community projects. Some projects or habitat certification points earned before registration may also be counted. Please check with your NWF contact.

How many points do you need to certify? The number of points you'll need depends on how big your community is.

Community's Population	Total Points Needed to Certify
50,000 - 100,000	500

How do you earn points?

When you submitted the registration form, you earned **at least 40 points** for your community. The remainder of the points must be earned in the following four areas:

I. Habitat Certification Goals

There is a sliding scale for habitat certification points, based on population size.

- ✓ **One point** for each home, townhome, or apartment.
- ✓ **Three points** for every public site, workplace, park, community garden, farm, place of worship, or other common area.
- ✓ **Five points** for every Schoolyard Habitats site certified.
- ✓ **Three, five or ten bonus points** if each member of the Habitat Team certifies their yard as a Certified Wildlife Habitat site, depending on the population of the community.

Points Needed	Sliding Scale Based on Population Size	Minimum in each section		
		Home	Common Area	School
300	50,000-100,000	200	6	5

II. Education Goals

Points	Activity
10	Establish an information kiosk, resource library or bibliography (may be online) where community members can get information about your project
5	Create a CWH project brochure specific to your community
10	Create a website where community members can learn about your project

10	Write a regular column in your community paper to educate community members about your project (may be an online newsletter or blog)
10	Secure a feature article in the local media about your project
10	Secure a radio or TV interview or PSA on your project
10	Hold a series of at least 3 workshops to educate community members about wildlife gardening
10	Each member of Habitat Team completes <i>Creating Places for Wildlife</i> (available from NWF on CD)
5	Create and distribute a native plant list for your community
10	Hold a garden tour that features certified habitats
10	Create a demonstration garden at a public site, with educational signs
TBD	Other Education Project (please discuss with NWF staff)
Minimum required is 40 points	

III. Community Projects Goals

Points	Activity
10	Examine your community's weed ordinances, or other public policies, and work to make them native plant and habitat friendly
10	Work with local park agencies to convert parkland to wildlife friendly landscapes.
5	Create an information booth at one or more community events (up to three)
5	Coordinate a stream or trail clean-up
5	Plan a native plant rescue (at a site to be developed or demolished)
10	Organize a native plant sale
5	Organize an invasive plant removal at a public site
10	Do a large-scale plant restoration project in your community
10	Work with local nurseries to label and/or provide native plants
10	Partner with your NWF state affiliate or NWF field office
5	Organize a family-oriented nature activity for your community such as a nature hike or nature scavenger hunt
10	Arrange a community-wide campout to support the Great American Backyard Campout
5	Each Habitat Team member that serves on community board or council related to environmental issues (up to 3)

5	Each presentation to organization not yet associated with CWH project (up to 5)
TBD	Other Community Project (please discuss with NWF staff)
	Minimum required is 50 points

IV. Administrative Goals

Points	Activity
Required	Maintain a project notebook (may be an electronic folder)
Required	Identify the individuals that will make up the post-certification Habitat Team
3	Per new volunteer registered with volunteer team (up to 20)
10	Per partner organization affiliated with your project (up to 5)
10	Each grant application submitted (up to 3)
5	Participate in a quarterly Community Wildlife Habitat conference call (up to 4)
	Minimum required is 20 points

Kum & Go Appeal

Handed out at the City Council Meeting
12-20-11

VEHICULAR TRAFFIC & SITE DISTANCE SAFETY STUDY
NOVEMBER 2011

PROPOSED KUM AND GO CONVENIENCE STORE #413
INTERSECTION OF MARTIN LUTHER KING BLVD & HILL STREET
FAYETTEVILLE, AR

CLIENT: CEI ENGINEERING ASSOCIATES, INC.



11/23/11

PREPARED BY:



216 SOUTH MAIN STREET
PO BOX 1538
Joplin, MO 64802
PHONE: 417-624-2333 FAX: 417-624-2441

SAE PROJECT No.11151

1.0 Introduction & Objective:

Kum and Go has proposed to locate a convenience store at the southwest corner of the intersection of Martin Luther King Boulevard and Hill Street. CEI Engineering has designed the site improvements and has engaged in the review process with the City of Fayetteville. The City of Fayetteville planning commission and staff have expressed concern about the proposed access on Martin Luther King Boulevard. Small Arrow Engineering (SAE) is in receipt of the Planning Division Correspondence dated November 1, 2011.

The objective of this study is to evaluate the existing traffic and site distance issues as requested by the City of Fayetteville and offer solution that will provide safe access and site distance for the proposed Kum and Go convenience store.

2.0 Description of Existing Conditions:

The proposed convenience store is sited on the southwest corner of the intersection of Martin Luther King Boulevard and Hill Street. Martin Luther King is a five lane arterial street with two east and west bound lanes and a center two way directional turning lane. Sidewalks are present along both sides. The street appears to have excellent stormwater drainage. The Annual Average Daily Traffic (AADT) is 23000 Vehicles Per Day (VPD) as provided by the Arkansas Highway and Transportation Department (AHTD) for the year 2010. The posted speed limit is 35 MPH. Street lighting is present. Horizontal alignment appears to be sufficient with no curves or shifts in the road alignment. Vertical alignment was determined to be within the stopping sight distance of 250 feet for as required by AASHTO "Green Book" geometric guidelines for 35 MPH design speed. A report was prepared utilizing data from Google Earth and analyzing it with AutoCAD Civil 3D. See Appendix A for report and attached drawing plan and profile. Several unused curb cuts and drive entrances are located along the street. It is assumed these are from removed structures or future planned entrances before access management regulations were adopted.

Hill Street is a two lane collector street with intermittent curb and grass shoulder. Sidewalks are present along the west side with a small section on the east side near the intersection. The street appears to have adequate stormwater drainage. The AADT is 2600 VPD. Street lighting is present.

The intersection of Martin Luther King Boulevard and Hill Street is a four leg signalized intersection. It appears to be a fully actuated signal using video detection. The traffic signal is of standard steel mast arm construction. The controller cabinet is located on the northeast corner. Each leg except the north leg of the intersection has a dedicated left turn lane with approximately 150 feet of storage. The north leg is a two lane section without a dedicated turn lane. All legs except the south leg of the intersection have two signal heads. All signal heads are three section heads thus allowing for only permissive left turns. The south leg of Hill Street does have a signal

head that allows for protected left turns. The mast arms on the east and west legs do not appear to extend over the dedicated left turn lanes. The south leg of the intersection is controlled by three signal heads. Two are three section heads and one is a five section head with a protected- permissive left turn. Pedestrian crosswalks and pedestrian signal actuated by push button are present on all legs of the intersection. It appears that the intersection is interconnected with wireless antenna mounted on the northeast signal pole. Signal preemption for emergency or public transportation is not evident. Street lighting is present at the intersection. A bus stop is located on the northeast corner.

The area adjacent to the signal is a mixture of commercial and high density housing. Commercial structures are located or proposed on all four corners. Major trip generators in the area are the University of Arkansas with 22,000 students plus staff and the Hill Place "Smart Student Living". Hill Place is a mix of apartments with between one and four rooms. There are a total of 840 bedrooms in the complex. Access to Hill Place is provided by an entrance off Hill Street as well as Martin Luther King Boulevard. The latter entrance has a right out exit and a left and right movement entrance.

Field observations of the intersection and site were performed on Friday, November 18, 2011 between the hours of 4:30 PM and 6:30 PM. Queues on the left turn lane for the west leg of the intersection on Martin Luther King Boulevard were no more than two cars at any time. All other legs experienced a maximum of three cars. Queues on the thru movement on the west leg backed up as far as the proposed driveway for the Kum and Go convenience store. The signal appeared to be on a 90 second cycle. It appears that excessive green time was given to the north and south leg; however this may be attributed to the signal interconnect system.



Figure 1- View of proposed site and surrounding area

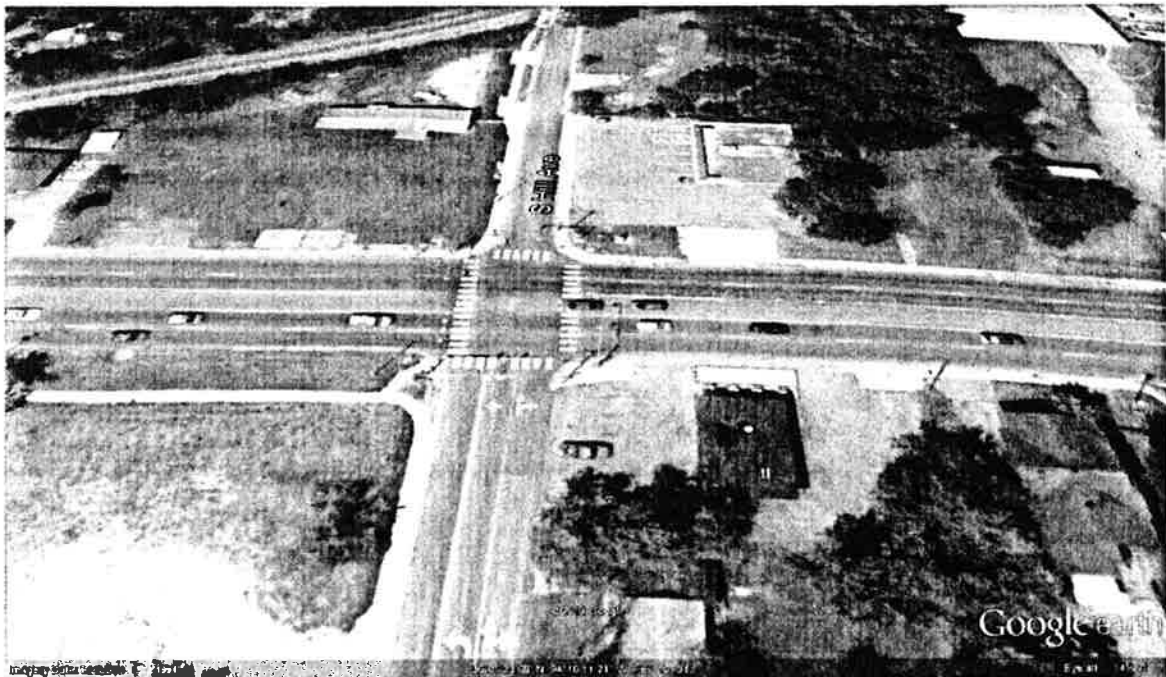


Figure 2- View existing intersection of Martin Luther King Avenue and Hill Street

SMALL ARROW
ENGINEERING, LLC



3.0 Proposed Improvement Impacts:

Kum and Go proposes to build a 5000 square foot convenience store with 8 fuel pumps offering 16 fueling positions. SAE has performed traffic impact studies for a proposed Kum & Go Convenience store of similar size and scope in the City of Fayetteville (Fulbright Expressway and Wedington Drive submitted August 2011). Based on these studies the development should generate 3,398 trips on an average weekday including new and pass by trips. Fifty percent of trips should will be pass by and the remainder destination. Peak hour trips should be approximately 125 vehicles entering and exiting (250 total). Of these ten percent should access the store directly from Hill Street leaving 225 trips movements on and off Martin Luther King Avenue. The observed traffic split is approximately 60 percent east bound and 40 percent westbound (135 trips east bound and 90 trips west bound).

The proposed drive entrance off of Martin Luther King Boulevard allows for a left and right movement in and a right movement out. It is our understanding from the comments that the city is specifically concerned about customers travelling westbound wanting to turn left into the entrance off of Martin Luther King Boulevard conflicting with eastbound traffic queued to turn left at the intersection. CEI has analyzed the traffic flow for westbound delivery vehicles and determined that they would need a left in on Martin Luther King. New customers or campus visitors traveling westbound may use the left in on Martin Luther King drive entrance, because there is not a protected left turn at the signalized intersection. They also have the potential to bypass the store if they miss the left turn at Hill Street. It is assumed regular customers traveling westbound would attempt to use Hill Street to access the site, but would experience delay due to the absence of a protected left turn movement.

As stated above there are 90 trips generated during the peak hour. Assuming the number exiting is leaving during the peak hour 45 movements is expected to enter the store. This equates to 0.75 vehicles per minute arriving. Using a simplified queuing approach assuming a maximum delay of the cycle time of ninety seconds this equates to an expected queue of 1.125 vehicles. Allowing for uneven arrival time this could be rounded up to 2 vehicles queued due to the development. Assuming that delivery vehicles would not arrive during the peak hour forty feet of the center lane would be occupied. Depending on driver behavior fifty to one hundred feet could be used to transition to the center lane giving a total of one hundred forty feet during a peak hour traffic flow. Maximum observed queue rate was two eastbound vehicles turning north. It is not likely that vehicles wanting to go northbound would use Martin Luther King Boulevard since Hill Street would make a more obvious choice.

It is our opinion that given these above stated conditions, an unskilled driver could still potentially conflict with an eastbound left movement as stated in the City of Fayetteville Planning Commission Report.

SMALL ARROW
ENGINEERING, LLC



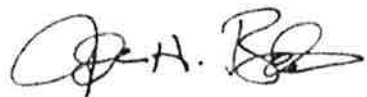
4.0 Recommendations and Conclusions:

As stated in the existing conditions the traffic signal does not have protected left turn movements on Martin Luther King Boulevard. The signals are also not with generally accepted standards because there is not one traffic head per lane. It is recommended that the developer add five section signal heads. It appears that the mast arms are not long enough to center the proposed signal heads on the left turn lanes and will need to be replaced. The upgraded signal would encourage passenger vehicles to use the Hill Street entrance while still allowing delivery vehicles to use the westbound left turn entrance on Martin Luther King Boulevard. It will also shorten queue lengths for the eastbound left turn movement. Delivery drivers should be instructed to arrive in off peak hours.

Crosshatching of the center median lane or a mountable island in the vicinity of the Martin Luther King Boulevard entrance may also be investigated to discourage non-delivery drivers from making a left turn. See Appendix B and attached diagram. We feel that the combination of signal modifications at MLK and Hill Street combined with crosshatching of the center turn lane will allow for use of the left-in entrance on MLK without creating unsafe or excessive turning conflicts.

We trust that this comprehensive analysis of the traffic impact for this proposed development addresses all questions and concerns for the project. Please advise us should you require additional information or have further questions about this matter.

Sincerely,



John H. Bolte, P.E.

Principal

Small Arrow Engineering

SMALL ARROW
ENGINEERING, LLC



Appendix A (PART 1) – AutoCad Site Distance Check

Note that part 1 utilized Google Earth Data. The exact accuracy of this data is not been established to any vertical control. This represents a worst case scenario and sight distance is likely to be better than reported. The highlighted portions did not meet the sight distance using the provided data. Surveyed data was then used in part to 2 establish sight distance. A drawing is attached this report showing plan and profile.

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Appendix A (PART 2) – AutoCad Site Distance Check

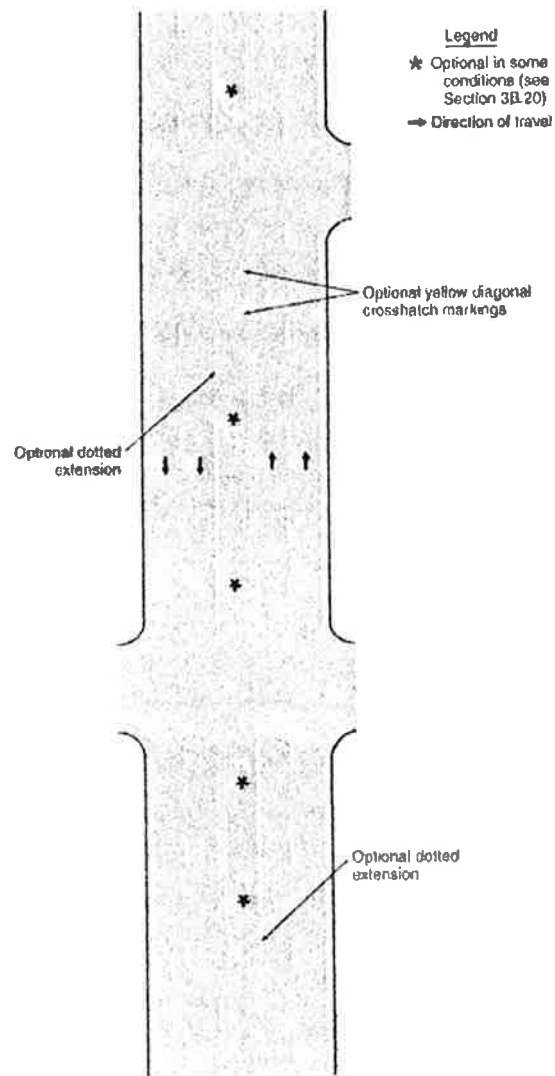
Note that this will have different datum than data in part 1 Insufficient survey data exists to check the entire profile in one run so site distance is evaluated from different direction. Site distance is checked from Google Earth Plan and Profile Station 7+25 to 9+45 Approximate station equation is Google Earth 0+00 = Survey data 7+25 West to East.

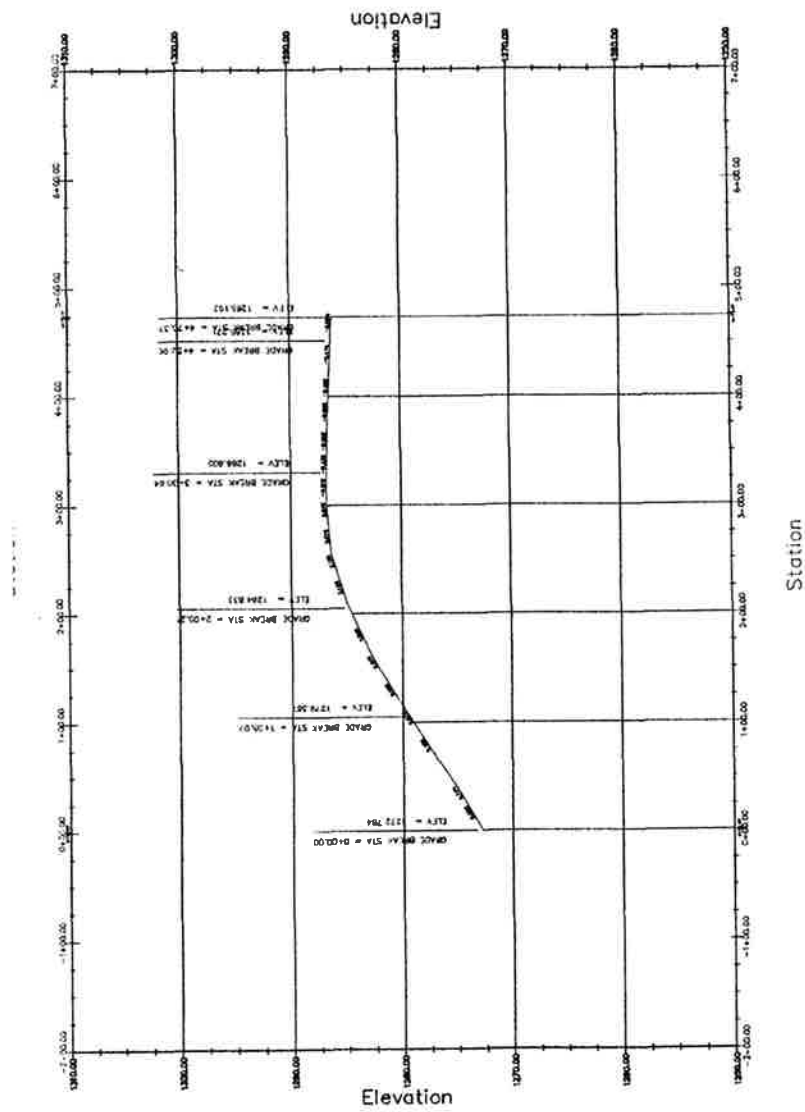
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Site distance is checked from Google Earth Plan and Profile Station 7+25 to 9+45
Approximate station equation is Google Earth 0+00 = Survey data 11+50 West to East

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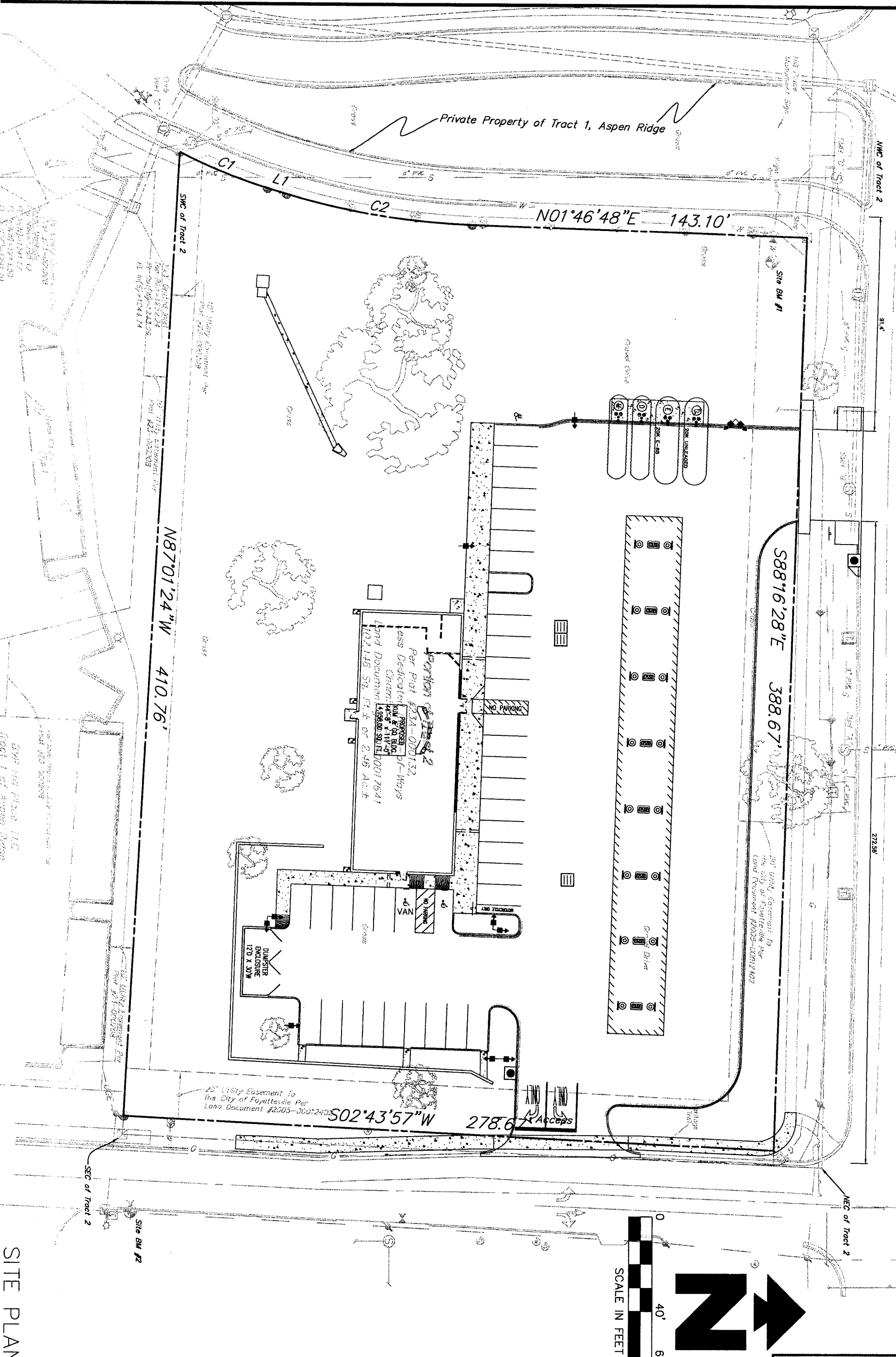
APPENDIX B -2009 MUTCD Edition Part 3 Figure 3B-2. Examples of Four-or-More Lane, Two-Way Marking Applications



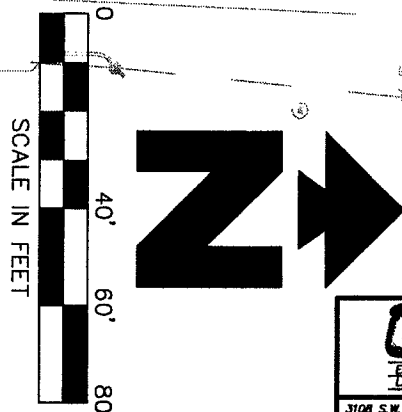


PROFILE VIEW FOR MARTIN LUTHER KING STATION 0+00 = GOOGLE EARTH PLAN AND PROFILE STATION 7+25

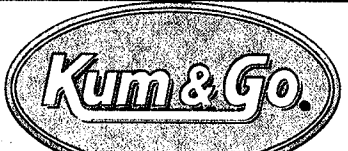
Kum & Go Appeal
Handed out at the City Council Meeting
12-20-11



SITE PLAN A



ENGINEERING ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS
LANDSCAPE ARCHITECTS ENVIRONMENTAL SCIENTISTS
3108 S.W. REGENCY PARKWAY, SUITE 2 BENTONVILLE, AR 72712
(479)273-9472 FAX (479)273-0844
26728Exhibit.dwg



KUM & GO, L.C.

6400 Westown Parkway,
West Des Moines, Iowa 50266
PH-515-226-0128
FAX-515-223-9873

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STORE# 26728 - FAYETTEVILLE, AR
DRAWING INFORMATION:
SITE PLAN A (FIRST SUBMITTAL)
MLK & HILL

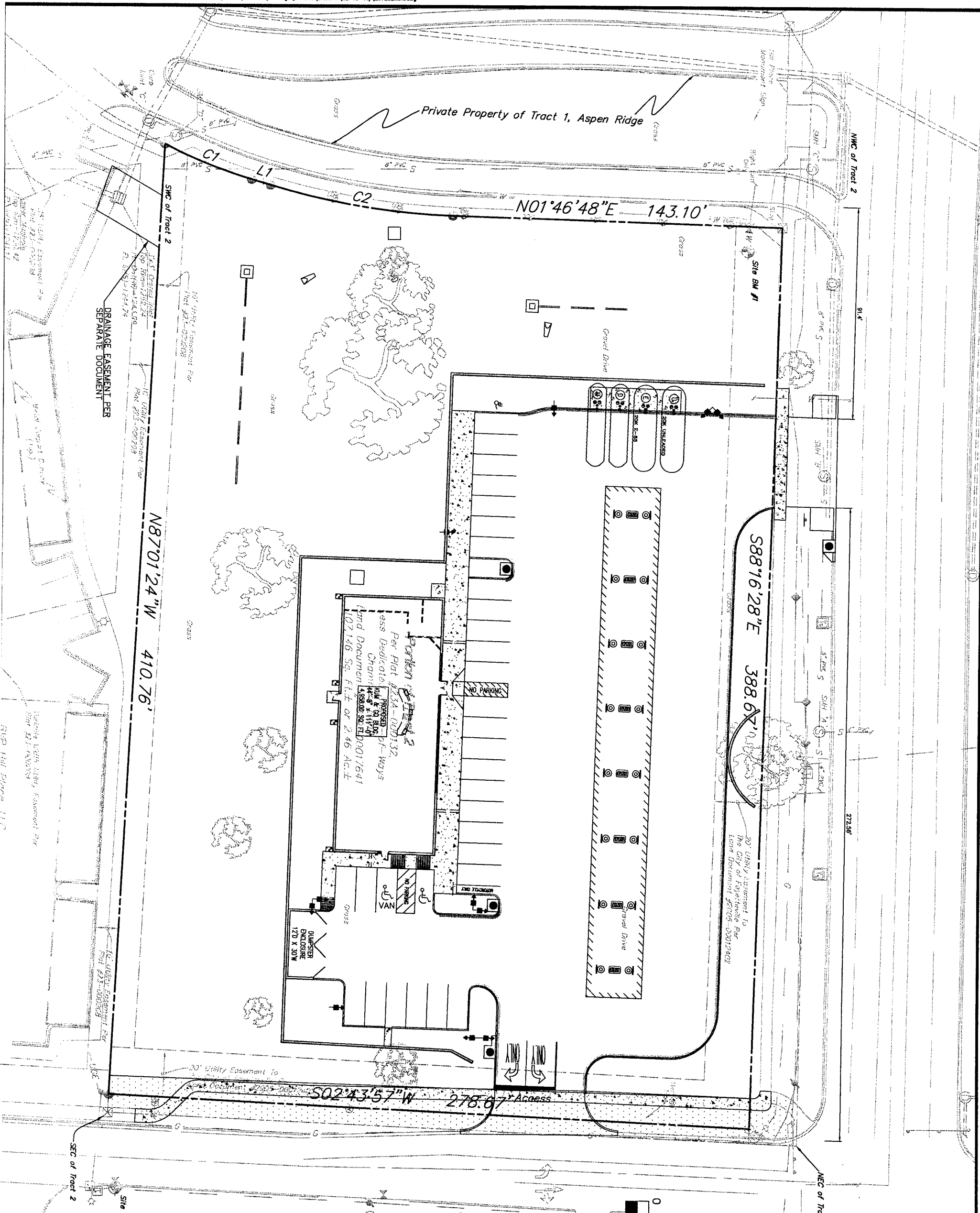
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J. FELDMAN
DATE:
12-20-11

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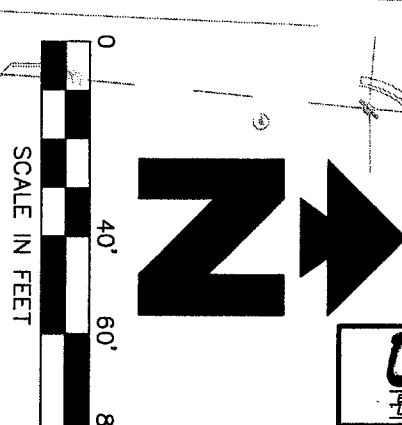
DRAWN BY:
R. HALDER

DATE:
12-20-11

DRAWING SHEET:
1 OF 6



SITE PLAN



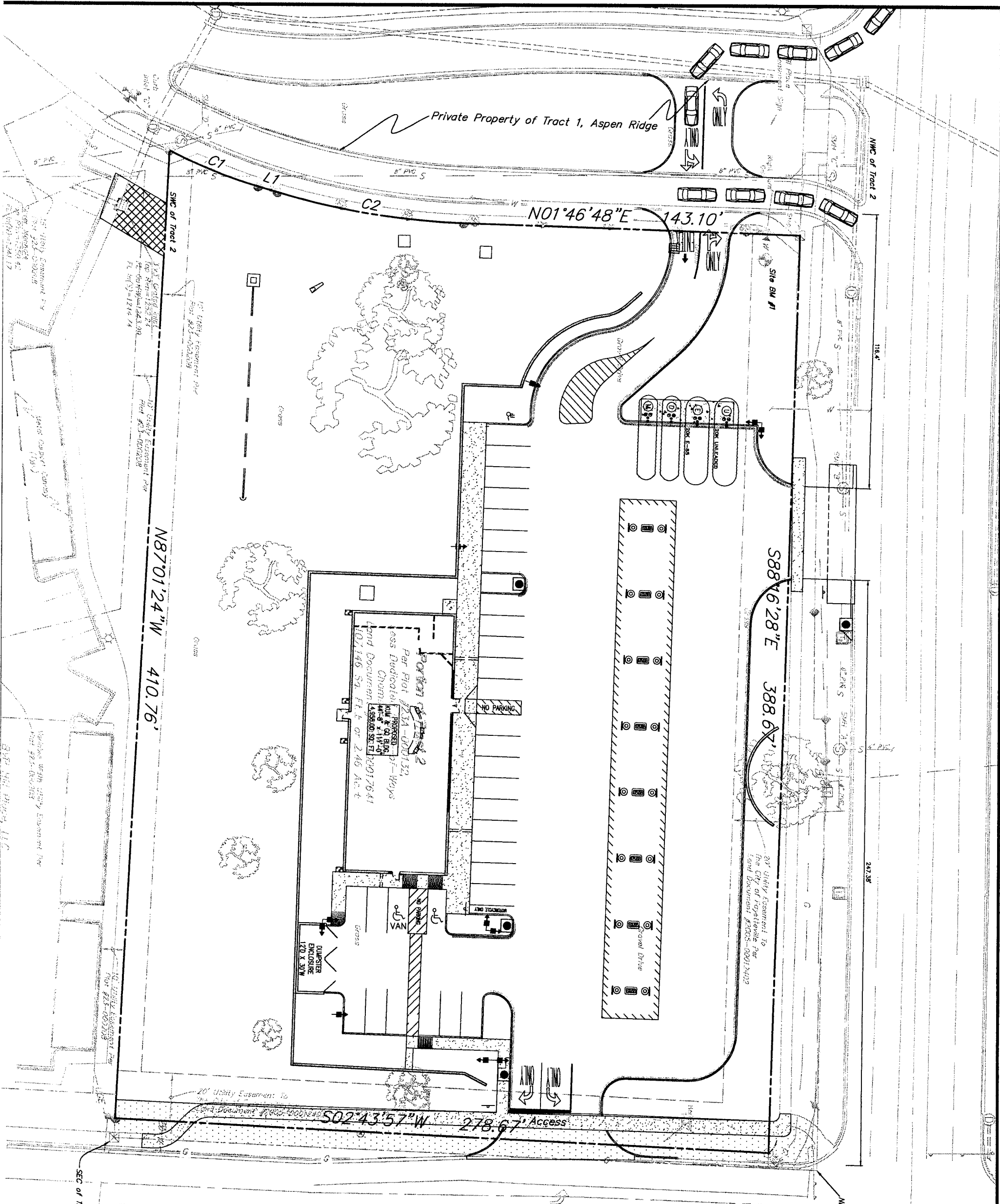
CEI • ENGINEERING
ASSOCIATES, INC.

ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS

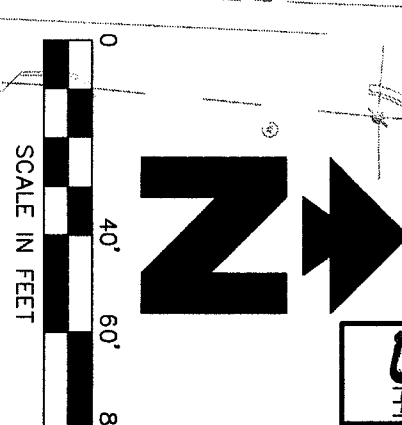
JTD# S.W. ELLYSON PARKWAY, SUITE 2 (479)273-9472
Bentonville, AR 72712 FAX (479)273-0844
26728Exbit.dwg 26728

Kum & Go.

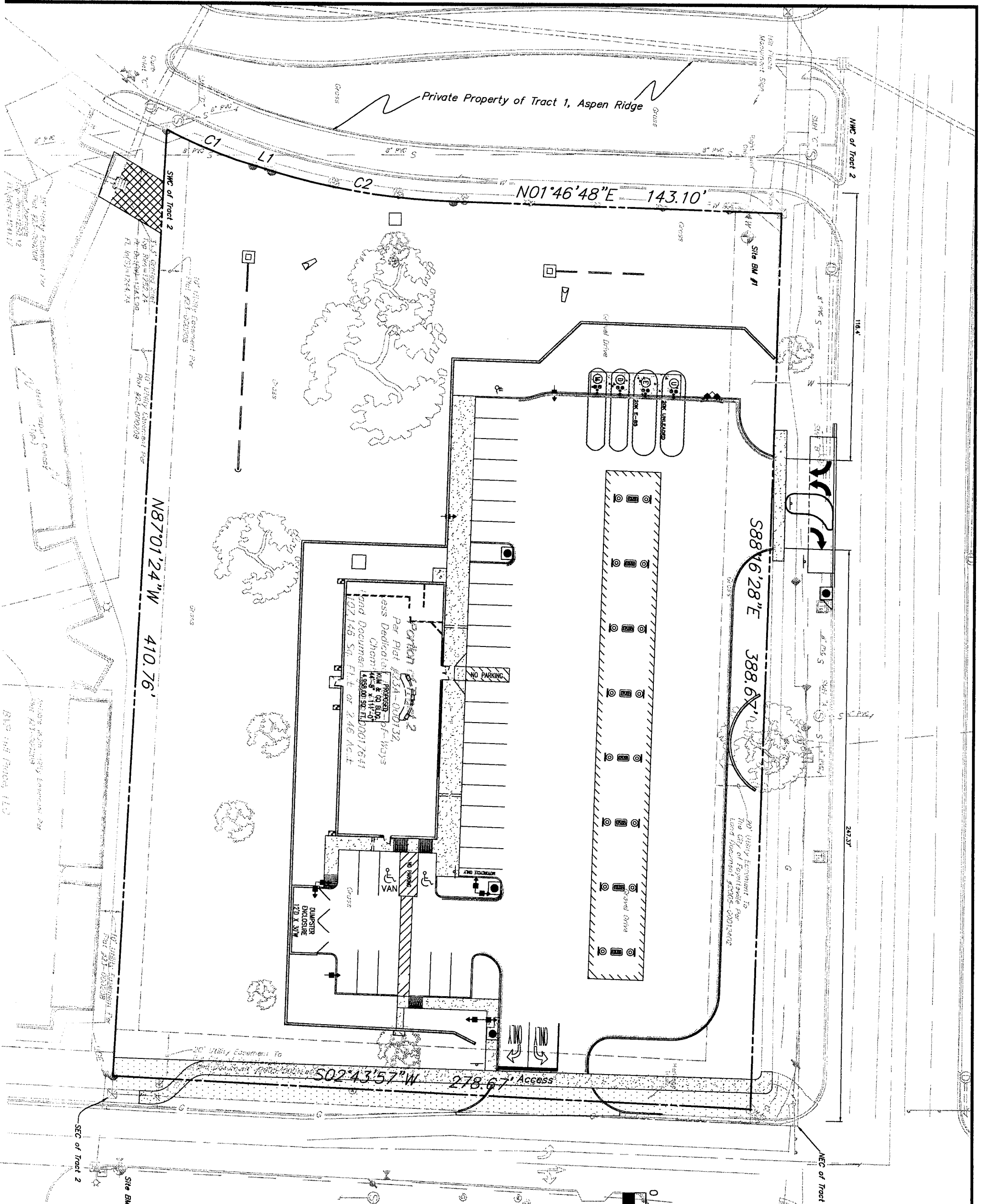
DRAWING SHEET: 2 OF 6	DRAWING DATE: 12-20-11	SCALE: 1"=30'-0"	DRAWN BY: R. HALDER	CHECKED BY: J. FELDMAN	CONSTRUCTION: DEVELOPMENT	DEPARTMENT: STORE	PROJECT NAME: STORE# 26728 - FAYETTEVILLE, AR	KUM & GO, L.C. 6400 Westown Parkway, West Des Moines, Iowa 50266 PH-515-226-0128 FAX-515-223-9877
							DRAWING INFORMATION: SITE PLAN B (SECOND SUBMITTAL) MLK & HILL	



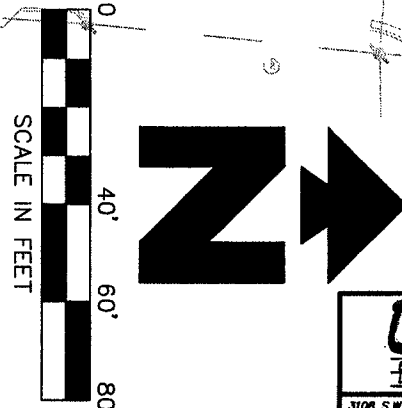
SITE PLAN C



DEPARTMENT: STORE DEVELOPMENT CONSTRUCTOR: J. FELDMAN DRAWN BY: R. HALDER SCALE: 1"=30'-0" DATE: 12-20-11 DRAWING SHEET: 3 OF 6	PROJECT NAME: STORE# 26728 - FAYETTEVILLE, AR DRAWING INFORMATION: SITE PLAN C (THIRD SUBMITTAL) MLK & HILL	KUM & GO, L.C. 6400 Westown Parkway, West Des Moines, Iowa 50266 PH-515-226-0128 FAX-515-223-9873	ENGINEERING ASSOCIATES, INC. ENGINEERS PLANNERS SURVEYORS LANDSCAPE ARCHITECTS ENVIRONMENTAL SCIENTISTS 3108 S.W. REGENCY PARKWAY, SUITE 2 BENTONVILLE, AR 72712 26728Exhibit.dwg (479)273-8472 FAX (479)273-0844 26728 Kum & Go.
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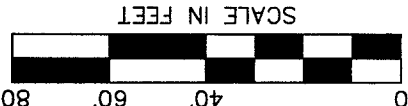
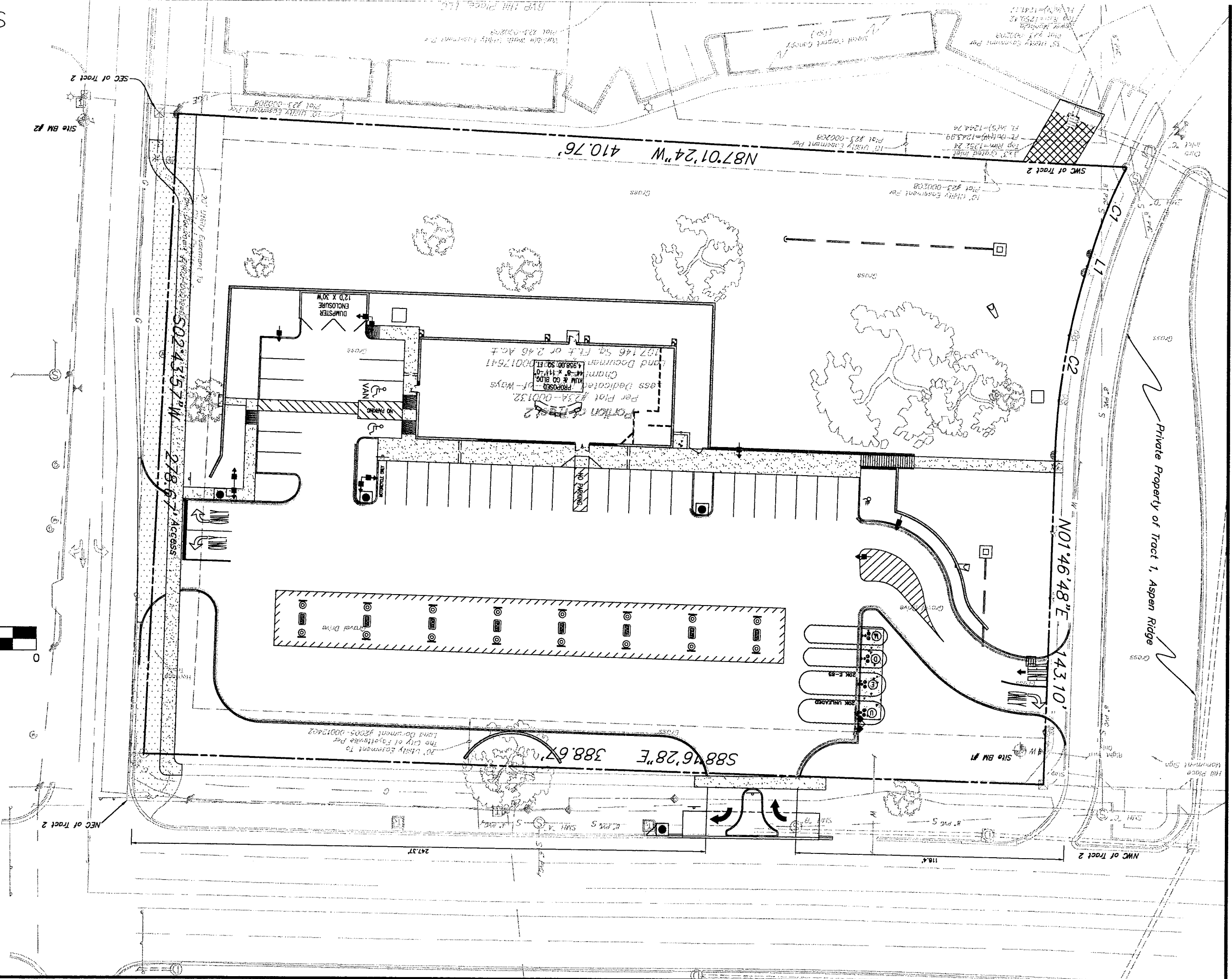


SITE PLAN D



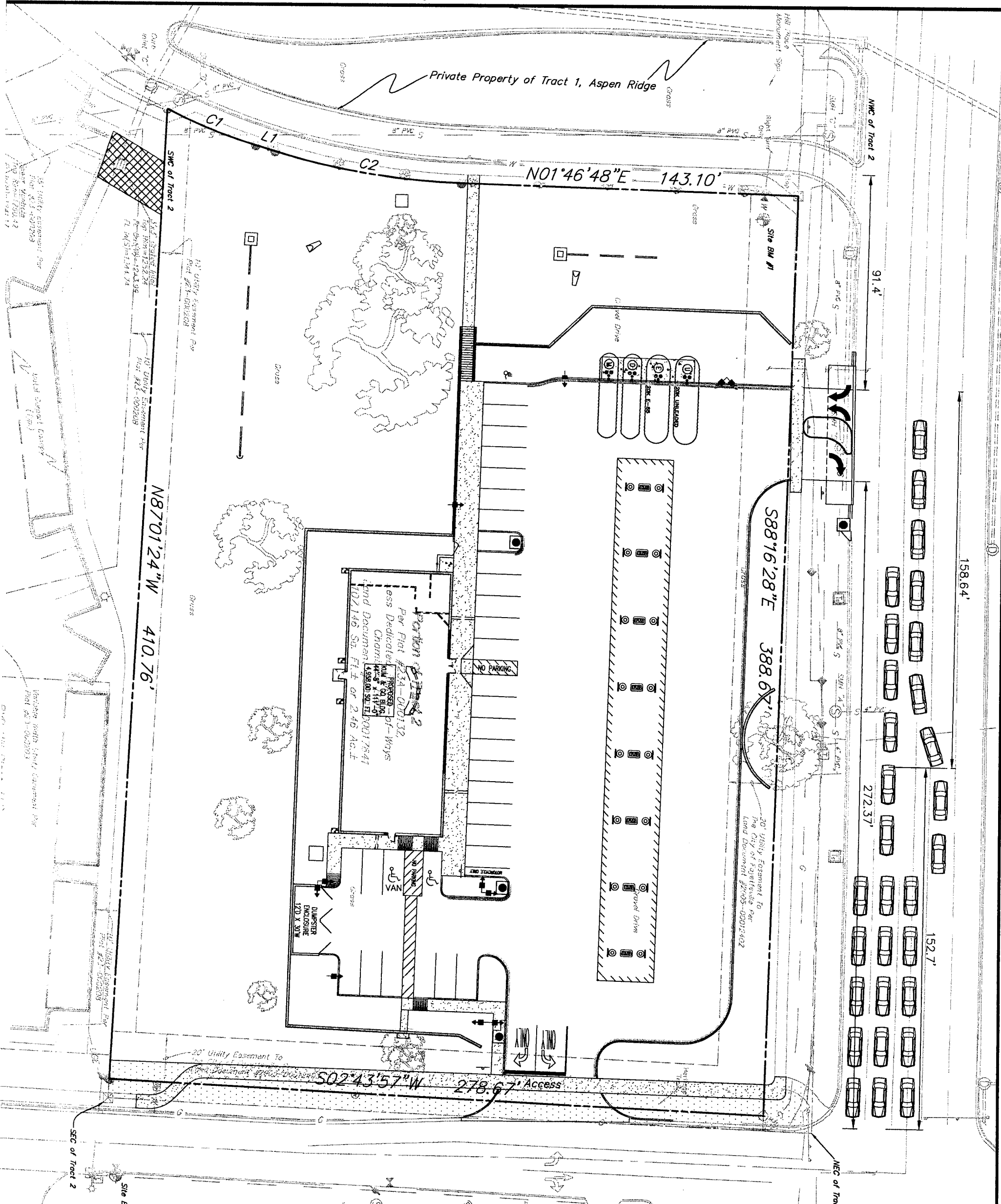
DEPARTMENT: STORE DEVELOPMENT		PROJECT NAME: STORE# 26728 - FAYETTEVILLE, AR		KUM & GO, L.C. 6400 Westown Parkway, West Des Moines, Iowa 50266 PH-515-226-0128 FAX-515-223-9873		
CONSTRUCTION: J. FELDMAN R. HALDER		DRAWING INFORMATION: SITE PLAN D (FOURTH SUBMITTAL) MLK & HILL				
DATE: 12-20-11		SCALE: 1"=30'-0"				
DRAWING SHEET: 4 OF 6						

CEI ENGINEERING ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS
LANDSCAPE ARCHITECTS ENVIRONMENTAL SCIENTISTS
3108 S.W. REGENCY PARKWAY, SUITE 2
Bentonville, AR 72712
26728Exhibit.dwg
(479)273-9472
FAX (479)273-0844
26728

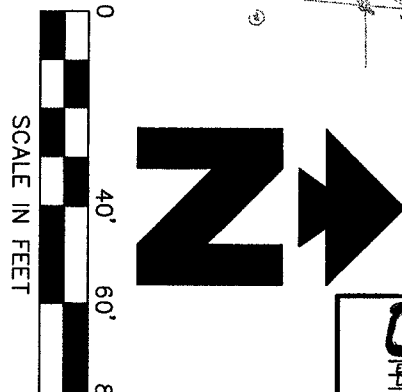


SITE PLAN E

DEPARTMENT: STORE		DEVELOPMENT		CONSTRUCTION: J. FELDMAN		DRAWN BY: R. HALDER		SCALE: 1"=30'-0"		DATE: 12-20-11		DRAWING SHEET: 5 OF 6	
PROJECT NAME: STORE# 26728 - FAYETTEVILLE, AR												REVISIONS	
DRAWING INFORMATION: SITE PLAN E (APPROVED BY PLANNING COMMISSION)												MILK & HILL	
KUM & GO, L.C.												6400 Westown Parkway, West Des Moines, Iowa 50266 PH: 515-226-0728 FAX: 515-223-9873	
CET ENGINEERING ASSOCIATES, INC.												Kum&Go.	



SITE PLAN F



CEI ENGINEERING ASSOCIATES, INC. DESIGNERS PLANNERS SURVEYORS LANDSCAPE ARCHITECTS ENVIRONMENTAL SCIENTISTS 3108 S.W. REGENCY PARKWAY, SUITE 2 Bentonville, AR 72712 26728Exhibit.dwg (479)273-9472 FAX (479)273-0844 26728		
KUM & GO, L.C. 6400 Westtown Parkway, West Des Moines, Iowa 50266 PH-515-226-0128 FAX-515-223-9873		
PROJECT NAME: STORE# 26728 - FAYETTEVILLE, AR		
DRAWING INFORMATION: SITE PLAN F (KUM & GO REQUEST) MLK & HILL		
REVISIONS:		
DEPARTMENT: STORE DEVELOPMENT		
CONSTRUCTION: J. FELDMAN		
DRAWING BY: R. HALDER		
SCALE: 1"=30'-0"		
DATE: 12-20-11		
DRAWING SHEET: 6 OF 6		

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 20, 2011**

A meeting of the Fayetteville City Council will be held on December 20, 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. Nominating Committee Report

Agenda Additions:

A. Consent:

1. Approval of the December 6, 2011 City Council meeting minutes.
2. **2012 Transportation Division Overlay/Sidewalk Projects:** A resolution approving the Transportation Division Overlay/Sidewalk Projects list for 2012.
3. **Bid #10-40 Amerlux Exterior LLC:** A resolution authorizing purchase of thirty-seven (37) LED light fixtures and poles in the amount of \$67,667.27 pursuant to Bid #10-40 from Amerlux Exterior LLC (FKA Dynamic Lighting Solution).

4. **2011-2012 Internet Crimes Against Children Task Force Program Continuation Grant:** A resolution accepting a non-matching 2011-2012 Internet Crimes Against Children Task Force Program Continuation Grant from the Arkansas State Police in the amount of \$5,000.00, and approving a budget adjustment.
5. **Fayetteville Police Department Donation Revenue:** A resolution approving a budget adjustment in the amount of \$1,800.00 recognizing revenue received from various donations to the Fayetteville Police Department in support of general recognition and officer service awards, and expressing gratitude to the donors.
6. **Arkansas Recreational Trails Grant:** A resolution approving an agreement of understanding with the Arkansas State Highway and Transportation Department for the acceptance of an Arkansas Recreational Trails Grant in the amount of \$80,000.00 for the construction of Lake Fayetteville Trail (South), and approving a budget adjustment.
7. **ASPCA Scholarship Donations:** A resolution to accept a scholarship donation in the amount of \$1,561.00 from the American Society for the Prevention of Cruelty to Animals for Animal Control Officer Chris Harrimann to attend a cruelty investigation course at the University of Missouri and to approve a budget adjustment to recognize this revenue.
8. **Baird, Kurtz & Dobson (BKD), LLP:** A resolution approving a contract with Baird, Kurtz & Dobson (BKD), LLP, in the amount of \$87,000.00 to provide independent audit services to the City of Fayetteville.
9. **Pick-It Construction, Inc.:** A resolution to approve a change order with Pick-It Construction, Inc. in the amount of \$19,710.00 and to approve a budget adjustment to recognize a donation from the Fayetteville Youth Baseball League up to \$33,600.00 to complete this project.

B. Unfinished Business:

1. **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 resolution was tabled at the December 6, 2011 City Council meeting to the December 20, 2011 City Council meeting.***
2. **Naming 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. ***This resolution was tabled at the December 6, 2011 City Council meeting to the December 20, 2011 City Council meeting.***
3. **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 ordinance was left on the Second Reading at the December 6, 2011 City Council meeting.***

Left on the Second Reading

4. **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. ***This resolution was tabled at the December 6, 2011 City Council meeting to the December 20, 2011 City Council meeting.***
5. **Bellefont Gardens Tree Preservation Area Modification:** 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. ***This resolution was tabled at the December 6, 2011 City Council meeting to the December 20, 2011 City Council meeting.***
6. **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 ordinance was left on the First Reading at the December 6, 2011 City Council meeting.***

Left on the First Reading

C. New Business:

1. **RZN 11-3971 (Best Way St. & Hollywood Ave.):** An ordinance rezoning that property described in rezoning petition RZN 11-3971, for approximately 25.35 acres, located at the End of Best Way Street and Hollywood Avenue from C-2, Thoroughfare Commercial, to RMF-12, Residential Multi-Family, 12 units per acre.
2. **ADM 11-3993 (UDC Amendment I-1 Zoning District):** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville §161.27 to modify the rear setback requirement in the I-1 zoning district.
3. **Amend Section 33.240:** An ordinance amending Section 33.240: Purposes and Duties of Article XI: Environmental Action Committee of Chapter 33: Departments, Boards Commission, and authorities of the Code of Fayetteville to provide additional authority related to Community Wildlife Habitat Certification.
4. **Kum & Go Appeal:** Appeal of the Planning Commission's determination to limit access for a proposed Kum and Go Large Scale Development at Martin Luther King, Jr Blvd and Hill Avenue.

D. City Council Agenda Session Presentations:

Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

113 West Mountain Fayetteville, AR 72701 (479) 575-8323 accessfayetteville.org
Telecommunications Device for the Deaf TDD/TTY (479) 521-1316

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

A. 2
 2012 Transportation Division
 Overlay/Sidewalk Projects
 Page 1 of 10

City Council Agenda Items
 and
 Contracts, Leases or Agreements

12/20/2011

City Council Meeting Date
 Agenda Items Only

Terry Gulley

Submitted By

Transportation

Division

Transportation Services

Department

Action Required:

A resolution approving the Transportation Division Overlay/Sidewalk Project list for 2012.

\$ -	\$ -	
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

☐

Terry D. Gulley 12-2-11
 Department Director Date

Previous Ordinance or Resolution # 5173

Joe Bell 12-2-11
 City Attorney Date

Original Contract Date:

Original Contract Number:

Paul A. Becker 12-2-2011
 Finance and Internal Services Director Date

Received in City 12-02-11 A09:07 RCVD
 Clerk's Office

Don Man 12-2-11
 Chief of Staff Date

Received in
 Mayor's Office

ENTERED
 12/2/11 BRP

Lionel Jordan 12/5/11
 Mayor Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Department Director *TG*

Date: November 30, 2011

Subject: Approval of 2012 Overlay/Sidewalk Projects

PROPOSAL:

Staff and the Street Committee recommend a resolution approving the Transportation Division overlay/sidewalks projects list for 2012. The 2012 project list was presented to the Street Committee on November 29, 2011. The Street Committee requests the final list be presented to the City Council for its approval by resolution in accordance with Ordinance No. 5173.

RECOMMENDATION:

Each year the Transportation Division reviews the need for street overlays based on existing conditions of streets. The In-House Pavement Improvements program includes asphalt, curb and guttering, pavement striping, and preparation costs for the overlays. The Sidewalk Improvements program improves the connectivity of the sidewalk system by constructing new sidewalk and replacing or repairing sidewalks throughout the city. This project also includes funding for ADA accessible ramps required for the In-House Pavement Improvements.

The 2012 overlay project list proposes a total of 65,060 linear feet or 12.32 miles summarized by ward as follows:

Ward #1	16,941 linear feet	(3.21 miles)
Ward #2	15,339 linear feet	(2.90 miles)
Ward #3	15,784 linear feet	(2.99 miles)
Ward #4	16,996 linear feet	(3.22 miles)

The 2012 sidewalk improvements project list proposes a total of 16,942 linear feet summarized by ward as follows:

Ward #1	4,045 linear feet
Ward #2	7,915 linear feet
Ward #3	2,645 linear feet
Ward #4	2,337 linear feet

BUDGET IMPACT:

Funds for labor, equipment, materials, and services are included in the 2012 Sales Tax Capital Improvements Fund project budgets (In-House Pavement Improvements \$1,865,000; Sidewalk Improvements \$635,000). Additional Federal Transit Administration grant funds (\$387,500) are available for sidewalk construction and transit shelter and bench pads.

RESOLUTION NO. _____

**A RESOLUTION APPROVING THE TRANSPORTATION DIVISION
OVERLAY/SIDEWALK PROJECTS LIST FOR 2012**

**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 Transportation Division Overlay/Sidewalk Projects list for 2012. A copy of the 2012 Overlay/Sidewalk Projects list, marked Exhibit "A", is attached hereto and made a part hereof.

PASSED and APPROVED this 20th day of December, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

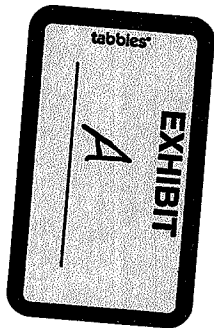
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

Proposed 2012 Street Improvement Project List

Proposed 2012 Street Improvement Project List

11/29/2011

Ward	Street	From	To	Length	Width	Sq. Yds	Curb Feet	Stripe Feet	Ramps Each	Drives Each	Sidewalk Feet	Pipe Feet	Boxes Each
1	29th Cir.	Country Club Dr.	<i>Dead End</i>	1,569	30	5,230	0	0	0	0	0	0	0
1	29th Ct.	Club Oak Dr.	Sand Trap Ln.	717	30	2,390	0	0	0	0	0	0	0
1	Ainsworth Ave.	Rockwood Tr.	Clark St.	313	18	626	0	0	0	0	0	0	0
1	Anson St.	<i>Dead End</i>	<i>Dead End</i>	1,373	24	3,661	0	0	0	0	0	0	0
1	Center St.	School Ave.	<i>100ft East</i>	100	22	244	0	0	0	0	0	0	0
1	Cherry St.	School Ave.	<i>Dead End</i>	763	16	1,356	0	0	0	0	0	0	0
1	Clark St.	Ainsworth Ave.	<i>Dead End</i>	200	21	467	0	0	0	0	0	0	0
1	Clark St.	Ruth Ave.	Ainsworth Ave.	605	21	1,412	0	0	0	0	0	0	0
1	Cliffside Dr.	Rockcliff Dr.	<i>Dead End</i>	1,840	30	6,133	0	0	0	0	0	0	0
1	College Ave. (S)	Country Club Dr.	29th Cir.	1,770	27	5,310	0	0	0	0	0	0	0
1	Hyland Park Rd.	Franklin Dr.	<i>Dead End</i>	1,977	35	7,688	0	0	0	0	0	0	0
1	Morningside Dr.	Huntsville Rd.	15th St.	2,637	21	6,153	0	2,637	0	0	0	0	0
1	Rockcliff Rd.	Cliffside Dr.	Hyland Park Rd.	1,662	30	5,540	200	0	0	0	0	20	0
1	Rockcliff Rd.	Cliffside Dr.	<i>200ft East</i>	200	14	311	0	0	0	0	0	0	0
1	Ruth Ave.	Rockwood Tr.	Clark St.	630	22	1,540	0	0	0	0	0	0	0
1	Sand Trap Ln.	29th Ct.	Country Club Dr.	157	25	436	0	0	0	0	0	0	0
1	Woodcliff Rd.	<i>Cul-de-sac</i>	Rockcliff Rd.	428	30	1,427	0	0	0	0	0	0	0
1	Patch Repairs	Various	Locations										
1	Striping	Various	Locations										
Ward 1 Totals				16,941		49,925	200	2,637	0	0	0	20	0



Proposed 2012 Street Improvement Project List

Proposed 2012 Street Improvement Project List

11/29/2011

Ward	Street	From	To	Length	Width	Sq. Yds	Curb Feet	Stripe Feet	Ramps Each	Drives Each	Sidewalk Feet	Pipe Feet	Boxes Each
2	Alley	Eagle St.	Berry St.	320	20	711	0	0	0	0	0	0	0
2	Ash St.	Rayview Dr.	Walnut Ave.	480	25	1,333	480	930	1	2	480	0	0
2	Church Ave.	South St.	Rock St.	594	25	1,650	0	594	0	0	0	0	0
2	Cardinal Dr.	Hummingbird Ln.	Old Wire Rd.	473	25	1,314	0	0	0	0	0	0	0
2	Davidson St.	Park Ave.	College Ave.	899	20	1,998	756	0	2	11	378	0	0
2	Duncan Ave.	Buchanan Ave.	Treadwell St.	1134	20	2,520	0	0	0	0	0	0	0
2	Forest Ave.	Louise St.	Lafayette St.	1,162	20	2,582	1,340	0	0	11	1,340	0	0
2	Juneway Terrace	Township St.	Elm St.	1,879	25	5,219	0	0	7	7	1,150	0	0
2	Knapp Dr.	Garland Ave.	Gate	3,347	20	7,438	0	0	0	0	0	0	0
2	Louise St.	Park Ave.	Dead End	381	20	847	381	0	0	0	0	0	0
2	Meadow St.	Gregg Ave.	West Ave.	354	19	747	700	0	0	3	0	0	0
2	Oakland Ave.	Sycamore St.	Mt. Comfort Rd.	2435	19	5,141	0	2,435		0		0	0
2	Sycamore St.	College Ave.	Walnut Ave.	807	28	2,511	0	807	0	0	0	0	0
2	Walnut Ave.	Ash St.	Sycamore St.	1,074	24	2,864	2,200	0	0	0	1,100	0	0
2	Patch Repairs	Various	Locations										
2	Striping	Various	Locations										
			Ward 2 Totals	15,339		36,875	5,857	4,766	10	34	4,448	0	0

Proposed 2012 Street Improvement Project List

Proposed 2012 Street Improvement Project List

11/29/2011

Ward	Street	From	To	Length	Width	Sq. Yds	Curb Feet	Stripe Feet	Ramps Each	Drives Each	Sidewalk Feet	Pipe Feet	Boxes Each
3	Alice St.	Nolan Ave.	Martin Ave.	449	20	998	0	0	0	0	0	0	0
3	Bertha St.	Lee Ave.	Stubblefield Rd.	788	20	1,751	0	0	0	0	0	0	0
3	Jackson Dr.	Rockwood Tr.	Jackson Dr. (North)	657	26	1,898	0	0	0	0	0	0	0
3	Joyce Blvd.	Vantage Dr.	Old Missouri Rd.	200	12	267	0	0	0	0	0	0	0
3	Loxley Ave.	Hilldale Dr.	Oakcliff St.	1,635	31	5,632	0	0	0	0	0	0	0
3	Market Ave.	Rolling Hills Dr.	<i>Parking Lot</i>	479	26	1,384	0	479	0	0	0	0	0
3	Martin Ave.	Alice St.	Bertha St.	690	18	1,380	0	0	0	0	0	0	0
3	Masonic Dr.	Nottingham Ct.	<i>Cul-de-sac</i>	1,395	24	3,720	0	0	0	0	0	0	0
3	Nolan Ave.	Alice St.	Bertha St.	609	21	1,421	0	0	0	0	0	0	0
3	Old Missouri Rd.	Honeysuckle Ln.	Joyce Blvd.	2,327	21	5,430	0	2,327	0	0	0	0	0
3	Oxford Pl.	Summerhill Dr.	<i>Cul-de-sac</i>	187	24	499	0	0	0	0	0	0	0
3	Rockwood Trail	Mission Blvd.	<i>Cul-de-sac</i>	4,853	24	12,941	0	2,853	0	0	0	0	0
3	Stagecoach Dr.	Oakcliff St.	Hilldale Dr.	1215	24	3,240	0	0	0	0	0	0	0
3	Wimbledon Pl.	Summerhill Dr.	<i>Cul-de-sac</i>	160	24	427	0	0	0	0	0	0	0
3	Windsor Pl.	Summerhill Dr.	<i>Cul-de-sac</i>	140	24	373	0	0	0	0	0	0	0
3	Patch Repairs	Various	Locations										
3	Striping	Various	Locations										
Ward 3 Totals				15,784		41,360	0	5,659	0	0	0	0	0

Proposed 2012 Street Improvement Project List

Proposed 2012 Street Improvement Project List

11/29/2011

Alternatives

Ward	Street	From	To	Length	Width	Sq. Yds	Curb Feet	Stripe Feet	Ramps Each	Drives Each	Sidewalk Feet	Pipe Feet	Boxes Each
3	Ash St.	Old Wire Rd.	<i>Dead End</i>	1,098	27	3,294	0	0	0	0	0	0	0
1	Barton Ave.	Walker Rd.	Huntsville Rd.	509	10	566	0	0	0	0	0	0	0
4	Gabbard Dr.	Mitchell St.	<i>Dead End</i>	387	22	946	0	0	0	0	0	0	0
4	Kaywood Ln.	Gabbard Dr.	<i>Dead End</i>	296	23	756	0	0	0	0	0	0	0
2	McConnell Ave.	Knapp Dr.	Drake St.	2,671	22	6,529	0	0	0	0	0	0	0
1	Missouri Way	Oklahoma Way	Dogwood Ln.	1,012	18	2,024	0	0	0	0	0	0	0
1	Oklahoma Way	Missouri Way	Texas Way	1,200	18	2,400	0	0	0	0	0	0	0
3	Samantha Ave.	Ash St.	<i>Dead End</i>	115	27	345	0	0	2	0	0	0	0
1	Texas Way	Oklahoma Way	Skyline Dr.	1,025	18	2,050	0	0	0	0	0	0	0
1	Walker Rd.	Willow Ave.	Rock St.	1,187	18	2,374	0	0	0	0	0	0	0
Alternative Totals				9,500	203	21,284	0	0	2	0	0	0	0

Proposed 2012 Sidewalk Project List

11/29/2011

	Location	From	To	Overlay Length	Width	Sq. Yds	Cut Shoulder	Clean Ditch	Curb Feet	Ramps Each	Drives Each	Sidewalk Length	Pipe Feet	Boxes Each
2012	1	Curtis Ave.	Sandy Dr.	Fifteenth St.	0	0	0	0	0	5	2	250	0	0
2012	1	Eden Cir.	Cul-de-sac	Clover Dr.	0	0	0	0	250	0	1	250	0	0
2012	1	Huntsville Rd.	Blair Ave.	Morningside Dr.	0	0	0	0	500	2	4	500	0	0
2012	1	Maintenance Repairs	Various	Locations	0	0	0	0	250	0	0	250	0	0
2012	1	Morningside Dr.	Huntsville Rd.	Fairlane St.	0	0	0	0	610	2	4	610	400	2
2012	1	Spring St.	College Ave.	Fletcher Ave.	0	0	0	0	2,185	11	15	2,185	600	4
Ward 1 totals									3,795	20	26	4,045	1,000	6
2012	2	Ash St.	Rayview Dr.	Walnut Ave.	0	0	0	0	960	1	3	480	0	0
2012	2	Center St.	Alley	College Ave.	0	0	0	0	550	1	0	550	0	0
2012	2	College Ave.	Center St.	Mountain St.	0	0	0	0	250	1	0	250	0	0
2012	2	Davidson St.	Park Ave.	College Ave.	0	0	0	0	850	4	3	850	0	0
2012	2	Dickson St.	Arkansas Ave.	West Ave.	0	0	0	0	0	4	0	80	0	0
2012	2	Forest Ave.	Louise St.	Maple St.	0	0	0	0	1,350	8	14	1,350	0	0
2012	2	Lafayette St.	Washington Ave.	Willow Ave.	0	0	0	0	0	0	0	100	0	0
2012	2	Maintenance Repairs	Various	Locations	0	0	0	0	250	0	0	250	0	0
2012	2	Mountain St.	School Ave.	Existing sidewalk	0	0	0	0	100	0	1	100	0	0
2012	2	Mountain St.	Alley	College Ave.	0	0	0	0	280	1	1	280	0	0
2012	2	Park Ave.	North St.	Prospect St.	0	0	0	0	0	4	11	1,275	0	0
2012	2	Prospect St.	Frisco Ave.	Gregg Ave.	0	0	0	0	225	2	2	225	0	0
2012	2	School Ave.	Spring St.	Center St.	0	0	0	0	725	4	6	725	0	0
2012	2	Sycamore St.	College Ave.	Walnut Ave.	0	0	0	0	300	0	2	300	0	0
2012	2	Walnut Ave.	Ash St.	Sycamore St.	0	0	0	0	2,200	0	7	1,100	0	0
Ward 2 totals									8,040	30	50	7,915	0	0
2012	3	Maintenance Repairs	Various	Locations	0	0	0	0	250	0	0	250	0	0
2012	3	Mission Blvd. (N)	Vandergriff Dr.	Starr Dr.	0	0	0	0	0	2	2	920	0	0
2012	3	Mission Blvd. (N)	Starr Dr.	Covington Park	0	0	0	0	0	3	0	1,275	0	4
2012	3	Woodland Ave.	Poplar St.	Sycamore St.	0	0	0	0	0	7	9	200	0	0
Ward 3 totals									250	12	11	2,645	0	4
2012	4	Maintenance Repairs	Various	Locations	0	0	0	0	250	0	0	250	0	0
2012	4	Razorback Rd.	Cleveland St.	Maple St.	0	0	0	0	950	5	2	1,310	0	0
2012	4	Salem Rd.	Old Town Ln.	Earnhart Dr.	0	0	0	0	0	1	0	460	0	3
2012	4	Salem Rd.	Bentgrass Rd.	Clabber Creek Blvd.	0	0	0	0	0	0	0	317	0	0
Ward 4 totals									1,200	6	2	2,337	0	3
Grand Totals				0		0	0	0	13,285	68	89	16,942	1,000	13
2012 ORT	2	Lawson St.	Porter Rd.	Sang Ave.	0	0	0	0	520	1	0	520	520	2
2012 ORT	2	Mt. Comfort Rd.	Stephens Ave.	Garland Ave.	0	0	0	0	1,000	2	4	1,824	500	3
2012 ORT	2	Oakland Ave.	Sycamore St.	Mt. Comfort Rd.	0	0	0	0	2,250	9	19	2,250	2,000	10
2012 ORT	2	Shelter/Bench Pads	Various	Locations	0	0	0	0	0	0	0	0	0	0
2012 ORT	4	Center St.	Hartman Ave.	Razorback Rd.	0	0	0	0	950	3	6	825	650	5
2012 ORT	4	Fifteenth St.	Beechwood Ave.	Razorback Rd.	0	0	0	0	1,050	3	0	1,050	0	0
ORT totals									5,770	18	29	6,469	3,670	20

City of Fayetteville Staff Review Form

A. 3
 Bid #10-40
 Amerlux Exterior LLC
 Page 1 of 8

City Council Agenda Items
 and
 Contracts, Leases or Agreements

12/20/2011

City Council Meeting Date
 Agenda Items Only

Terry Gulley

Submitted By

Transportation Services

Division

Transportation

Department

Action Required:

A resolution to award a bid for 37 LED light fixtures and poles from Amerlux Exterior LLC in the amount of \$67,668.

\$	22,000.00	\$	460,713.00	Energy Effic/Conserv Block Grant
\$	45,668.00	\$	1,280,727.00	Trail Development
Cost of this request		Category / Project Budget		Program Category / Project Name
2240.9240.5342.99		\$	435,694.00	Energy Block Grant
4470.9470.5814.05		\$	588,709.00	Trail Improvements
Account Number		Funds Used to Date		Program / Project Category Name
09011		\$	25,019.00	Energy Block Grant
02016		\$	717,037.00	Sales Tax Cap Imp
Project Number		Remaining Balance		Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Terry G. Gulley 12-2-11
 Department Director Date

Previous Ordinance or Resolution # 104-10

Jim Skell- 12-2-11
 City Attorney Date

Original Contract Date:

Original Contract Number:

Paul A. Behn 12-6-2011
 Finance and Internal Services Director Date

Received in City 12-02-11 P03:05 RCVD
 Clerk's Office

Ala Man 12-5-11
 Chief of Staff Date

Received in
 Mayor's Office

David J. ... 12/5/11
 Mayor Date



Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
John Coleman, Sustainability & Strategic Planning Director
Jeremy Pate, Development Services Director
Chris Brown, City Engineer *CB*

From: Matt Mihalevich, Trails Coordinator

Date: December 2, 2011

Subject: U of A Farm Trail – LED Lights

RECOMMENDATION:

Approval of the purchase of 37 LED trail light fixtures and poles from Amerlux Exterior (formerly Dynamic Lighting Solutions) using Resolution 104-10 (Bid#10-40) in the amount of \$61,938.00 plus sales tax in the amount of \$5,729.27 for a total contract amount of \$67,667.27 for installation along the U of A Farm Trail.

PROPOSAL:

To utilize the remaining funds from the Energy Efficiency and Conservation Block Grant to purchase lighting to be installed along the newly constructed U of A Farm trail from Scull Creek trail to Garland Avenue. 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.

BUDGET IMPACT:

Funds for the purchase of the lighting and poles have been budgeted as part of the CIP - Trail Development Program and remaining funds from the Energy Efficiency and Conservation Block Grant.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING PURCHASE OF THIRTY-SEVEN (37) LED LIGHT FIXTURES AND POLES IN THE AMOUNT OF \$67,667.27 PURSUANT TO BID #10-40 FROM AMERLUX EXTERIOR LLC (FKA DYNAMIC LIGHTING SOLUTIONS)

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 purchase of thirty-seven (37) LED light fixtures and poles in the amount of \$67,667.27 pursuant to Bid #10-40 from Amerlux Exterior LLC (formerly known as Dynamic Lighting Solutions).

PASSED and APPROVED this 20th day of December, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City Of Fayetteville						Requisition No.:	Date: 12/2/2011		
						P.O Number:	Expected Delivery Date:		
Vendor #: 20058		Vendor Name: Amerlux Exterior LLC				Mail Yes: _____ No: _____			
Address: 5220 Shank Rd					Fob Point:		Taxable Yes: _____ No: _____		Quotes Attached Yes: _____ No: _____
City: Pearland		State: TX		Zip Code: 77581	Ship to code: 104	Division 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	PT40/D142-RFS22/LED-HS-BX4-5.0k-6.5L-100W/BLK/FAYETTEVILLE	17	EA	\$1,286.00	\$21,862.00	2240.9240.5342.99	09011.0030		
2	PT40/D142-RFS22/LED-HS-BX4-5.0k-6.5L-100W/BLK/FAYETTEVILLE	20	EA	\$1,286.00	\$25,720.00	4470.9470.5814.05	02016.1104		
3	DS15ASDS-JXB	37	EA	\$388.00	\$14,356.00	4470.9470.5814.05	02016.1104		
4	Res. No. 104-10; Bid No. 10-40								
5	LED Lights & Poles for U of A Farm Trail								
6									
7									
8									
9									
10									
Special Instructions:						Subtotal: \$61,938.00 Tax: \$5,729.27 Total: \$67,667.27			
Approvals: Mayor: _____ Department Director: _____ Purchasing Manager: _____ Finance & Internal Services Director: _____ Budget Manager: _____ IT Manager: _____ Dispatch Manager: _____ Utilities Manager: _____ Other: _____									

Date: Dec 2, 2011

Quote: PLGSPR11-3572-8

A. 3
Bid #10-40
Amerlux Exterior LLC
Page 9 of 8
Page 1/2

**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 PLGSPR11-3572-8

To:

CITY OF FAYETTEVILLE
113 WEST MOUNTAIN
FAYETTEVILLE AR 72701

For

Bid Date Dec 20, 2011

Expires Jan 19, 2012

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
37		AMERLUX	DS15ASDS-JXB	\$388.00		\$14,356.00

Total
Freight Allowance
Min Billing

\$61,938.00
\$2,000.00

Terms: see last page for terms and conditions of sale

Date: Dec 2, 2011

Quote: PLGSPR11-3572

A. 3
Bid #10-40
Amerlux Exterior LLC
Page 2 of 8

**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 PLGSPR11-3572-8

To:
CITY OF FAYETTEVILLE
113 WEST MOUNTAIN
FAYETTEVILLE AR 72701

For
Bid Date Dec 20, 2011
Expires Jan 19, 2012

Manufacturer	Amount	Freight Allowance	Min Billing
AMERLUX EXTERIOR	\$61,938.00	\$2,000.00	
Total	\$61,938.00		

Notes:

TAX NOT INCLUDED

PAYABLE TO AMERLUX EXTERIOR

FREIGHT ALLOWED

Terms and conditions of sale:

PLEASE INCLUDE QUOTE # WITH ALL REMITTANCE.



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				DS15ASDS-JXB	
TOTAL BID PRICE:			\$15,675.00		\$55,242.00	

D1	Deductive Alternate #1 (amount to be subtracted from line item #1)	33	Price Each	Total Price	Price Each	Total Price
			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

[Signature]

WITNESS

05/21/10

DATE

Vendor #
20058



ATTN: ACCOUNTS PAYABLE

RE: CHANGE IN REMIT TO NAME

Effective November 1, 2010 Dynamic Lighting Solutions, LLC changed it's name to Amerlux Exterior, LLC. The address & Federal ID remain the same.

Please correct your records so that all payments are made payable to:

AMERLUX EXTERIOR, LLC.

5220 SHANK ROAD

PEARLAND, TX 77581

If you have any questions, please feel free to contact me at the number below.

Thanks,

Terry Hopkins

Accounting Manager

Amerlux Exterior, LLC.

Phone (281) 997-5400 Ext. 316

City of Fayetteville Staff Review Form

A. 4

2011-2012 Internet Crimes Against
Children Task Force Program Continuation Grant
Page 1 of 14City Council Agenda Items
and
Contracts, Leases or Agreements

12/20/2011

City Council Meeting Date
Agenda Items Only

Mike Reynolds

Submitted By

Investigations

Division

Police

Department

Action Required:

Acceptance of the non-matching 2011-2012 Internet Crimes Against Children (ICAC) Task Force Program Continuation Grant award and approval of a budget adjustment in the amount of \$5,000.

\$ 5,000.00

Cost of this request

\$ -

Category / Project Budget

ICAC Task Force

Program Category / Project Name

1010-2920-various

Account Number

\$ -

Funds Used to Date

Grant

Program / Project Category Name

06033-1112

Project Number

\$ -

Remaining Balance

General

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Finance and Internal Services Director

Date

Received in City
Clerk's Office

12-02-11 A08:42 RCVD

Chief of Staff

Date

Received in
Mayor's Office

Mayor

Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and Members of the City Council

From: Mike Reynolds, Deputy Chief of Police

Date: November 30, 2011

Subject: Acceptance of 2011-2012 Internet Crimes Against Children Grant and Budget Adjustment

PROPOSAL:

The Arkansas State Police has awarded an Internet Crimes against Children (ICAC) Task Force Program Continuation Sub-grant for 2011-2012 to the Fayetteville Police Department's Special Investigations Unit in the amount of \$5,000. These funds will be used for overtime costs related to ICAC investigations in the amount of \$2,642.94 and ICAC training in the amount of \$2,357.06.

RECOMMENDATION:

Staff recommends acceptance of the non-matching 2011-2012 ICAC Task Force Program Continuation Grant award and approval of a budget adjustment in the amount of \$5,000.

BUDGET IMPACT:

Non-matching grant

RESOLUTION NO. _____

A RESOLUTION ACCEPTING A NON-MATCHING 2011-2012 INTERNET
CRIMES AGAINST CHILDREN TASK FORCE PROGRAM
CONTINUATION GRANT FROM THE ARKANSAS STATE POLICE IN THE
AMOUNT OF \$5,000.00, AND APPROVING A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby accepts a
non-matching 2011-2012 Internet Crimes Against Children Task Force Program Continuation
Grant from the Arkansas State Police in the amount of \$5,000.00.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a
budget adjustment, a copy of which is attached as Exhibit "A".

PASSED and APPROVED this 20th day of December, 2011.

APPROVED:

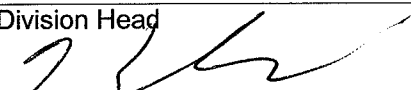
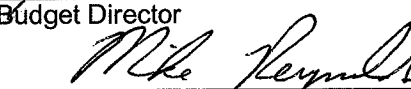
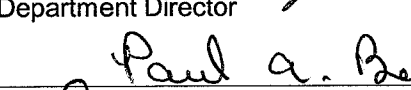
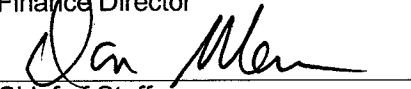
ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

A. 4 V11.0425
2011-2012 Internet Crimes Against
Children Task Force Program Continuation Grant
Page 4 of 4 **Adjustment Number**

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION	
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Division Head		Date	12-2-11
Budget Director		Date	12/1/2011
Department Director		Date	12-2-2011
Finance Director		Date	12-5-11
Chief of Staff		Date	12/5/11
Mayor		Date	

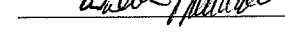
Prepared By:		wnewman				
Reference:						
Budget & Research Use Only						
Type:	A	B	C	D	E	P
General Ledger Date						
Posted to General Ledger						
	Initial		Date			
Checked / Verified						
	Initial		Date			

EXHIBIT
A



Mike Beebe
Governor

State of Arkansas

ARKANSAS STATE POLICE

1 State Police Plaza Drive Little Rock, Arkansas 72209-4822 www.asp.arkansas.gov

"SERVING WITH PRIDE AND DISTINCTION SINCE 1935"

A. 4
2011-2012 Internet Crimes Against
Children Task Force Program Continuation Grant
Page 5 of 14



JR Howard
Director

Subaward Agreement

Subaward Number ICAC10-C-03 is entered into between Arkansas State Police herein after referred to as ASP and the Subrecipient as indicated below.

I. SUBRECIPIENT INFORMATION:

Name: Fayetteville Police Department

Address: 100-A West Rock Street

City: Fayetteville

State: AR

Zip Code: 72701

Employer Identification Number or Social Security Number: _____

AASIS Vendor # 100036504

Purchase Order #(s) _____

Subrecipient Contact Name, Title, & Phone: Sergeant John Warren 479-587-3530

ASP Division/Office Contact Name, Title, & Phone: Sgt. Hoyt Harness, 501- 618-8373

II. AWARD PERIOD:

This agreement will begin on 04/01/2011 and will end on 03/31/2012

In no event shall the initial term of the award extend beyond the end of the current biennial period unless the General Assembly, prior to the expiration of the biennial period, makes an appropriation for such purpose.

III. AMOUNT AND SOURCE OF FUNDS:

Regardless of any other provision of this award, or any costs or obligations of the Subrecipient, the liability of payment by ASP to the Subrecipient under this award shall be subject to the limits specified below:

FUND	FUND CENTER	COMMITMENT ITEM	COST CENTER	GENERAL LEDGER	WBS	INTERNAL ORDER	AMOUNT
FLA8400	521	501:00:04	456845	5100001000	F.0960.ICAC-10-S		5,000.00

Total Award Amount: \$5,000.00

Method of Payment: Reimbursement – Payment for allowable costs that have been paid for by the Subrecipient during the above grant period.

Invoice forms and backup documentation are to be submitted to ASP by the 10th of the subsequent month in which activities are completed and expenditures are incurred.

IV. OBJECTIVE AND SCOPE:

CFDA Number 16.543

Title of Grant Missing Children's Assistance

Grant Status: ☐ Discretionary

☒ Discretionary, but exempt

☐ Non-Discretionary

If Discretionary but exempt, indicate reason for exemption: State Agency

Purpose of Grant:

To provide services with the Internet Crimes Against Children Task Force.

All parties agree that the following attachments contain the objective and scope and are hereby made a part of this award. These attachments may not be altered or modified without a written amendment signed by all parties.

Attachment No.	Description
1	Memorandum of Agreement
2	Detailed Budget
3	Budget Narrative
4	Special Conditions

V. CANCELLATION:

- A. ASP and the Subrecipient agree that either party may cancel this agreement with or without cause at any time by giving the other party thirty (30) calendar days written notice, and delivering notice of cancellation either in person or by certified mail, return receipt requested, restricted delivery. Cancellation notices to ASP must be sent to the ICAC Program Contact or the authorized representative designated herein.

VI. PROGRAM COMPLIANCE:

- A. **STATE AND FEDERAL LAWS:** Performance of this award by the Subrecipient and ASP must comply with state and federal laws and regulations. If any statute or regulation is enacted which requires changes in this award, the Subrecipient will receive notification of the required changes. This award shall then be amended according to the procedures outlined in Section X.
- B. **FORCE MAJEURE:** Neither party will be held responsible for any delay or failure to perform any part of this award when such delay or failure results from fire, flood, epidemic, war or insurrection, unusually severe weather, or the legal acts of public authorities.
- C. **COMPLIANCE WITH NONDISCRIMINATION LAWS:** Subrecipient and all its' contractors will comply with the nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Subtitle A, Title II of the Americans with Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C, D, E, and G; and Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39.

Subrecipient is required to notify ASP of any violations to the above.

- D. CERTIFICATION REGARDING LOBBYING:** The Subrecipient shall comply with Public Law 101-121, Section 319 (Section 1352 of Title 31 U.S.C.) by certifying that appropriated federal funds have not been or will not be used to pay any person to influence or attempt to influence a federal official/employee in connection with the awarding of any federal contract, grant, loan or cooperative agreement for an award in excess of \$100,000.00.

If the Subrecipient has paid or will pay for lobbying using funds other than appropriated federal funds, Standard Form-LLL (Disclosure of Lobbying Activities) shall be completed and included with this award.

- E. CERTIFICATION REGARDING DEBARMENT AND SUSPENSION:** The Subrecipient, as a lower tier recipient of federal funds, shall comply with Executive Order 12549 (Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion - Lower Tier Covered Transactions). By signing and submitting this lower tier proposal, the prospective lower tier participant, as defined in 45 CFR Part 76, certifies to the best of its' knowledge and belief that it and its principals:

1. are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.
2. where the prospective lower tier participant is unable to certify to any of the above, such prospective participant shall attach an explanation to this proposal.

VII. PROGRAM OPERATION:

- A. PURPOSE AND SCOPE:** The Subrecipient shall comply with the purpose and scope of this award as specified in Attachment 1.
- B. STATISTICAL AND FINANCIAL INFORMATION:** The Subrecipient shall certify and compile statistical and financial information. Financial information shall be maintained in accordance with generally accepted accounting principles.
- C. SUBCONTRACTING:** The Subrecipient shall be responsible for the performance of all obligations under this award, including subcontracted services. The Subrecipient shall notify all subcontractors that ASP is not responsible for payments to the subcontractor and that all reimbursement for subcontracted services will be made by the Subrecipient.

VIII. INFORMATION AND RECORDS:

- A. ACCESS TO RECORDS:** The Subrecipient shall grant access to its records upon request by duly authorized representatives of state or federal government entities. Access shall be given to any books, documents, papers or records of the Subrecipient which are related to any services performed under this agreement. The Subrecipient additionally consents that all subawards will contain adequate language to allow the same guaranteed access to the records of subgrantees.
- B. RECORD RETENTION:** The Subrecipient will retain all financial records, supporting documents, statistical records, and all other records pertinent to the award for at least 3 years after receiving notification from the awarding agency that the award has been financially and programmatically closed. If any legal claim, negotiation, audit, or other action involving the records has started before the expiration of the 3-year period, the records must be retained until completion of the action and resolution of all issues which arise from it or until the end of the regular 3-year period, whichever is later.
- C. FREEDOM OF INFORMATION:** The Subrecipient shall comply with the Freedom of Information Act.

IX. FISCAL PRACTICES

- A. CLAIMS:** Only those claims for costs and services specifically authorized under this award will be allowed by ASP. Any work performed, material furnished, or costs incurred not covered by this award shall be solely the responsibility of the Subrecipient.
- B. NON-DUPLICATION OF PAYMENT:** Services provided or costs incurred under this grant shall not be allocated to or included as a cost of any other state or federally financed program.
- C. BILLING:** Billing under this Agreement shall be in accordance with established ASP procedures. Payment method shall be as stated in Section III of this agreement.

- D. LIMITATION OF ASP OBLIGATION TO PAY:** ASP is not obligated to make payment under this award if ASP does not receive sufficient monies from the funding source(s) designated in this award to fund said obligations and other obligations of ASP, or is not given legal authority from the Arkansas Legislature to expend these funds.
- E. PAYMENT FROM ASP CONSIDERED PAYMENT IN FULL:** Payment received from ASP under this grant shall be payment in full for all services and/or costs covered by the payment. No fee or other charge shall be made against a third party for these services and/or costs. This paragraph does not preclude allocation of costs among two or more funding sources, or payment of portions of a service and/or cost under different funding sources, so long as there is no duplication of payment.
- F. AUDIT REQUIREMENT:** Subrecipient shall send two copies of the audit to the following address:
- Arkansas State Police
Fiscal Section
#1 State Police Plaza Drive
Little Rock, Arkansas 72209
- G. RECOVERY OF FUNDS:** ASP shall seek to recover funds not utilized in accordance with the terms and conditions of this award.

X. AMENDMENT:

Any amendment to this agreement shall be valid only when in writing and when duly signed by the authorized representative(s) of the Subrecipient and ASP. Subrecipient and ASP acknowledge that no verbal or written representations, other than those contained herein, have been made as an inducement to enter into this Agreement and that this writing constitutes their entire Agreement.

XI. CERTIFICATION AND SIGNATURE:

A. SIGNATURES:

Signature of Subgrant Agreement Subrecipient Authorized Representative

Signature of Subrecipient Authorized Representative

Date

Printed Name of Subrecipient Authorized Representative

Title

In signing this document, I attest that I am authorized by the board of Directors or other governing authority to sign this award on behalf of the Subrecipient.

Signature of ASP Agency Authorized Representative

Signature of ASP Authorized Representative

Date

Printed Name of ASP Authorized Representative

Title

Program Agency (ASP)

Program Contact Person: Sgt. Hoyt Harness

Fiscal Contact Person: John Tidwell

Phone: (501) 618-8373

Phone: (501) 618-8335

SPECIAL CONDITIONS

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide, Chapter 19.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by –

Mail:

Office of the Inspector General
U.S. Department of Justice
Investigations Division
950 Pennsylvania Avenue, N.W.
Room 4706
Washington, DC 20530

Email: oig.hotline@usdoj.gov

Hotline (contact information in English and Spanish): (800) 869-4499

Or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at www.usdoj.gov/oig

6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its' subsidiaries, without the express prior written approval of OJP.
7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66,70.
8. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and subrecipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
9. The recipient agrees to comply with applicable requirements regarding Central Contractor Registration (CCR) and applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ccr.htm> (Award condition: Central Contractor Registration and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
10. Prior to the expenditure of confidential funds, the recipient and any subrecipients agree to sign a certification indicating that he or she has read, understands, and agrees to abide by all of the conditions pertaining to confidential fund expenditures as set forth in the OJP Financial Guide.
11. With respect to this award, federal funds may not be used to pay cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Services (SES) at an agency with a Certified SES Performance Appraisal System for that year. (An award recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds.)

This limitation on compensation rates allowable under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made.

12. The Office of Juvenile Justice and Delinquency Prevention has elected to enter into a Cooperative Agreement rather than a grant with the recipient. This decision reflects the mutual interest of the recipient and OJJDP in the operation of the project as well as the anticipated level of Federal involvement in this project. OJJDP's participatory role in the project is as follows:
 - a. Review and approve major work plans, including changes to such plans, and key decisions pertaining to project operations.
 - b. Review and approve major project generated documents and materials used in the provision of project services. Provide guidance in significant project planning meetings, and participate in project sponsored training events or conferences.
13. The Project Director and key program personnel designated in the application shall be replaced only for compelling reasons. Successors to key personnel must be approved, and such approval is contingent upon submission of appropriate information, including, but not limited to, a resume. OJP will not unreasonably withhold approval. Changes in other program personnel require only notification to OJP and submission of resumes, unless other designated in the award document.
14. The recipient shall submit semiannual progress reports. Progress reports shall be submitted within 30 days after the end of the reporting periods, which are June 30 and December 31, for the life of the award. These reports will be submitted to the Office of Justice Programs, on-line through the Internet at <https://grants.ojp.usdoj.gov/>.
15. Within 45 days after the end of any conference, meeting, retreat, seminar, symposium, training activity, or similar event funded under this award, and the total cost of which exceeds \$20,000 in award funds, the recipient must provide the program manager with the following information and itemized costs:
 - 1) Name of event;
 - 2) Event dates;
 - 3) Location of event;
 - 4) Number of federal attendees;
 - 5) Number of non-federal attendees;
 - 6) Costs of event space, including rooms for break-out sessions;
 - 7) Costs of audio visual services;
 - 8) Other equipment costs (e.g., computer fees, telephone fees);
 - 9) Costs of printing and distribution;
 - 10) Costs of meals provided during the event;
 - 11) Costs of refreshments provided during the event;
 - 12) Costs of event planner;
 - 13) Costs of event facilitators; and

14) Any other costs associated with the event

The recipient must also itemize and report any of the following attendee (including participants, presenters, speakers) costs that are paid or reimbursed with cooperative agreement funds:

- 1) Meals and incidental expenses (M&IE portion of per diem);
- 2) Lodging;
- 3) Transportation to/from event location (e.g., common carrier, Privately Owned Vehicle (POV); and,
- 4) Local transportation (e.g., rental, POV) at event location.

Note that if any item is paid for with registration fees, or any other non-award funding, then that portion of the expense does not need to be reported.

OJP will provide further instructions regarding the submission of this data at a later time.

16. The recipient agrees to forward reports of ICAC Task Force Program Monthly Performance Measures to the OJJDP-designated site.

17. The recipient agrees to comply with the OJJDP approved ICAC Task Force Operational and Investigative Standards.

18. ICAC Annual Reports

The recipient agrees to submit annual reports to OJP that set forth the following:

(A) Staffing levels of the task force, including the number of investigators, prosecutors, education specialists, and forensic specialists dedicated to investigating and prosecuting Internet crimes against children.

(B) Investigation and prosecution performance measures of the task force, including:

(i) The number of investigations initiated related to Internet crimes against children;

(ii) The number of arrests related to Internet crimes against children;

(iii) The number of prosecutions for Internet crimes against children, including:

(I) Whether the prosecution resulted in a conviction for such crimes; and

(II) The sentence and the statutory maximum for such crime under State law.

(C) The number of referrals made by the task force to the United States Attorneys office, including whether the referral was accepted by the United States Attorney.

(D) Statistics that account for the disposition of investigations that do not result in arrests or prosecutions, such as referrals to other law enforcement.

(E) The number of investigative technical assistance sessions that the task force provided to nonmember law enforcement agencies.

(F) The number of computer forensic examinations that the task force completed.

(G) The number of law enforcement agencies participating in Internet crimes against children program standards established by the task force.

19. The recipient acknowledges that the Office of Justice Programs reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use (in whole or in part, including in connection with derivative works), for Federal purposes: (1) the copyright in any work developed under an award or subaward; and (2) any rights of copyright to which a recipient or subrecipient purchases ownership with Federal support.

The recipient acknowledges that the Office of Justice Programs has the right to: (1) obtain, reproduce, publish, or otherwise use the data first produced under an award or subaward; and (2) authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

It is the responsibility of the recipient (and of each subrecipient, if applicable) to ensure that this condition is included in any subaward under this award.

20. Any Web site that is funded in whole or in part under this award must include the following statement on the home page, on all major entry pages (i.e., pages (exclusive of documents) whose primary purpose is to navigate the user to interior content), and on any pages from which a visitor may access or use a Web-based service, including any pages that provide results or outputs for the service:

“This Web site is funded [insert “in part”, [if applicable] through a grant from the [insert name of OJP component], Office of Justice Programs, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, this Web site (including, without limitations, its content, technical infrastructure, and policies, and any services or tools provided).”

The full text of the foregoing statement must be clearly visible on the home page. On other pages, the statement may be included through a link, entitled “Notice of Federal Funding and Federal Disclaimer,” to the full text of the statement.

City of Fayetteville Staff Review Form

A. 5
Fayetteville Police Department
Donation Revenue
Page 1 of 8

City Council Agenda Items
and
Contracts, Leases or Agreements

12/20/2011

City Council Meeting Date
Agenda Items Only

Greg Tabor
Submitted By

Police
Division

Police
Department

Action Required:

Approval of a budget adjustment in the amount of \$1,800.00 for the recognition of various donations received by the Fayetteville Police Department in support of general recognition and officer service awards.

\$ 1,800.00

Cost of this request

\$ 15,892.00

Category / Project Budget

Police Dept Donations

Program Category / Project Name

1010-2920-5329.00

Account Number

\$ 7,467.78

Funds Used to Date

Employee Recognition

Program / Project Category Name

03044-6

Project Number

\$ 8,424.22

Remaining Balance

General

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒

Mike Reynolds
Department Director

12/2/2011
Date

Previous Ordinance or Resolution #

J. B. Kelly
City Attorney

12-2-11
Date

Original Contract Date:

Original Contract Number:

Paul A. Becker
Finance and Internal Services Director

12-2-2011
Date

Received in City 12-02-11 A08:42 RCVD
Clerk's Office

Don Man
Chief of Staff

12-2-11
Date

Received in
Mayor's Office

ENTERED
12/2/11 BCP

Donald Jackson
Mayor

12/3/11
Date

Comments:



CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and Members of the City Council

From: Greg Tabor, Chief of Police

Date: December 1, 2011

Subject: Recognize 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. Recently, the Police Department received donations totaling \$1,800.00 to support our annual service award banquet. 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 \$1,800.00. 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 \$1,800.00 RECOGNIZING REVENUE RECEIVED FROM VARIOUS DONATIONS TO THE FAYETTEVILLE POLICE DEPARTMENT IN SUPPORT OF GENERAL RECOGNITION AND OFFICER SERVICE AWARDS, AND EXPRESSING GRATITUDE TO THE DONORS

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A", in the amount of \$1,800.00 recognizing revenue received from various donations to the Fayetteville Police Department in support of general recognition and officer service awards.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby expresses its gratitude to the donors of these generous donations.

PASSED and APPROVED this 20th day of December, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

ANDREW LUCAS
SHIRLEY LUCAS
2139 W. ORA DR. PH. 479-442-4612
FAYETTEVILLE, AR 72701-1550

81-87/829 A. 5 1305
Fayetteville Police Department
DATE 23 10/20/11
Page 4 of 8

PAY TO THE ORDER OF Fayetteville Police Dept. - Awards Comm. \$ 200.00
Two hundred and 00/100 DOLLARS

ARVEST
BANK arvest.com
MEMO Donation

Andrew Lucas MP

⑆082900872⑆ 1305 682090050⑆⑆



BUSINESS ACCOUNT
3102 N COLLEGE PH. 521-5700
FAYETTEVILLE, AR 72703-3505

9301

PAY TO THE ORDER OF

Fayetteville Police Dept
One Hundred 00/100

DATE Nov 22, 2011 81-87/829

\$ 100.00
DOLLARS

ARVEST

BANK arvest.com

FOR "Awards Committee"

Caront Allred MP

⑆00930⑆⑆ ⑆082900872⑆ 000821090⑆⑆

UNDERWOOD COLLEGE JEWELRY INC
611 W DICKSON
FAYETTEVILLE, ARKANSAS 72701

1530

PAY TO THE ORDER OF

Fayetteville Police Dept. Awards Committee
UNDERWOOD'S 200 DOLS 00 CTS

DATE 11-18-11 81-87-829

\$ 200.00
DOLLARS

ARVEST

BANK arvest.com

FOR Feb 14, 2013 awards Banquet

William L. Underwood MP

⑆001530⑆⑆ ⑆082900872⑆ 004164574⑆⑆

Condom Sense
418 W. Dickson St.
Fayetteville, AR 72701

479.444.6228

DATE 11/21/11

81-161/829

PAY TO THE ORDER OF FAYETTEVILLE Police Dept; Awards Committee \$ 50.00

Fifty dollars & no

DOLLARS 1 Security Features Included. Details on Back.

ONE SOUTH BLOCK STREET
FAYETTEVILLE, ARKANSAS 72701
THE BANK OF FAYETTEVILLE
479-444-4444 MEMBER FDIC



FOR 082901619

Cathy Jett

70053758

NELSON-BERNA FUNERAL HOME
P.O. BOX 8982
FAYETTEVILLE, AR 72703

THE BANK OF FAYETTEVILLE
FAYETTEVILLE, AR 72701
81-161/829

15560

11/21/2011

PAY TO THE ORDER OF Fayetteville Police Department

\$ **100.00

One Hundred and 00/100 ***** DOLLARS

Fayetteville Police Department
Attention: Awards Committee
100-A West Rock Street
Fayetteville, AR 72701

Pam Townsend
AUTHORIZED SIGNATURE

MEMO

Awards and Appreciation Banquet

015560 082901619 70035938

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND - NOT A WHITE BACKGROUND



E-Z Mart Stores, Inc.
602 Falvey Ave.
P.O. Box 1426
Texarkana, TX 75504-1426

Wells Fargo Bank Ohio, N.A.
OH

58-382
412

11/23/11
DATE

1186734
CHECK NUMBER

PAY EXACTLY THIS AMOUNT	AMOUNT
Two Hundred Fifty Dollars	****250.00

VOID IF NOT CASHED IN 90 DAYS

E-Z MART STORES, INC.

TO THE ORDER OF
FAYETTEVILLE POLICE DEPARTMENT
AWARDS COMMITTEE
100 W ROCK STREET SUITE A
FAYETTEVILLE, AR 72701-6191

30 Bill

1186734 041203824 9600064065

GREENLAND AUTO SALVAGE INC.
& WRECKER SERVICEP O BOX 107
GREENLAND, AR 72737
479-521-3137

THE BANK OF FAYETTEVILLE, N.A.

1 S. BLOCK ST.
FAYETTEVILLE, AR 72701
81-161-820

A 5

033359

Fayetteville Police Department
Donation RevenuePage 6 of 8
11/22/2011PAY TO THE
ORDER OF

Fayetteville Police Department

\$ **100.00

One Hundred and 00/100

DOLLARS

Fayetteville Police Department
ATTN: Awards Committee
100 W Rock St
Fayetteville, AR 72701In GOD we Trust
All others CASH

FOR

Awards & Appreciation Banquet

⑈033359⑈ ⑆082901619⑆

80039898⑈

JORDAN AND ASSOCIATES

4189 EAST MISSION BLVD.
FAYETTEVILLE, AR 72703
(479) 444-9923SIMMONS FIRST BANK
OF NORTHWEST ARKANSAS
SPRINGDALE, ARKANSAS 72762

81-185-829

11/22/11

24343

Security features. Details on back.



PAY TO THE

ORDER OF Fayetteville Police Dept. attn. Awards Committee

\$ 500.00

Five Hundred and 00/100

DOLLARS

MEMO Steve and Janet Jordan

AUTHORIZED SIGNATURE

⑈024343⑈ ⑆082901855⑆ 0612501750⑈

KING ELECTRICAL CONTRACTORS, INC.

2145 W. MOORE LANE
FAYETTEVILLE, AR 72704
PH. (479) 443-0006

Bank of America.



ACH R/T 082000073

81-7-820

EZShield™ Check Fraud
Protection for Business

DATE

Nov 17, 2011

AMOUNT

\$ *****\$100.00

One Hundred and 00/100 Dollars

PAY
TO THE
ORDER
OF:FAY POLICE DEPT
100 WEST ROCK STREET
FAYETTEVILLE, AR 72701

AUTHORIZED SIGNATURE

Memo: ATTN: AWARDS COMMITTEE

⑈032171⑈ ⑆082000073⑆ 004509012044⑈

Security features. Details on back.





SMITH TWO-WAY RADIO, INC.
 520 NORTH COLLEGE AVE.
 FAYETTEVILLE, AR 72701-3401
 (479) 443-2222 (479) 443-5677 FAX

UNITED BANK
 81-7416/2829

A. 5 **36199**
 Fayetteville Police Department
 Donation Revenue
 Page 7 of 8
11/21/11

FAYETTEVILLE POLICE DEPT.

PAY TO THE
 ORDER OF

One Hundred Dollars and 00 Cents

\$ 100.00

DOLLARS

FAYETTEVILLE POLICE DEPT
ATTN: AWARDS COMMITTEE
100 WEST ROCK STREET
FAYETTEVILLE, AR 72701

Michael B. Smith

MEMO

⑈036199⑈ ⑆282974161⑆ 016431489006⑈

THIS CHECK IS VOID WITHOUT A BLUE BACKGROUND AND AN ARTIFICIAL WATERMARK ON THE BACK - HOLD AT ANGLE TO VIEW

Neal R. Pendergraft
 P. O. Box 4245
 Fayetteville, AR 72702
 479-443-3301

Signature Bank of Arkansas

81-883

829

11/17/2011

5029

****100.00**

PAY **ONE HUNDRED AND 00/100** ***** DOLLARS

TO THE
 ORDER
 OF

Fayetteville Police Department
100-A West Rock Street
Fayetteville, AR 72701

MEMO *Contribution to Awards Committee*

SIGNATURE AREA HAS A COLORED BACKGROUND - BORDER CONTAINS MICROPRINTING

⑈005029⑈ ⑆082908832⑆ 6004849⑈

City of Fayetteville Staff Review Form

A. 6
Arkansas Recreational
Trails Grant
Page 1 of 12

City Council Agenda Items
and
Contracts, Leases or Agreements

12/20/2011

City Council Meeting Date
Agenda Items Only

MATT MIHALEVICH

Submitted By

ENGINEERING

Division

DEVELOPMENT SERVICES

Department

Action Required:

A resolution approving an Agreement of Understanding with the Arkansas Highway and Transportation Department for the acceptance of an Arkansas Recreational Trails Grant to utilize \$80,000.00 in federal-aid funds for the construction of Lake Fayetteville Trail (South); and approving a budget adjustment to recognize the revenue.

\$ 100,000.00

Cost of this request

\$ 1,280,727.00

Category / Project Budget

Trail Development

Program Category / Project Name

4470.9470.5814.05

Account Number

\$ 588,709.00

Funds Used to Date

Trail Improvements

Program / Project Category Name

02016

Project Number

\$ 692,018.00

Remaining Balance

Sales Tax Cap Imp

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒

W. McC. Pate
Department Director

12-01-2011

Date

Previous Ordinance or Resolution # 81-10

Original Contract Date: 5/18/2010

Original Contract Number:

John B. Kelly
City Attorney

12-2-11

Date

Paul A. Berlin
Finance and Internal Services Director

12-2-2011

Date

Received in City 12-01-11 P04:30 RCVD
Clerk's Office

Don Man
Chief of Staff

12-2-11

Date

Received in
Mayor's Office

ENTERED
12/2/11

Donald Jordan
Mayor

12/5/11

Date

Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

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

From: Matt Mihalevich, Trails Coordinator *MM*

Date: November 29, 2011

Subject: Agreement of Understanding - Recreational Trails Program Grant

RECOMMENDATION:

Staff recommends approval of a resolution approving an Agreement of Understanding between the City of Fayetteville and The Arkansas State Highway and Transportation Department (AHTD) for the acceptance of an Arkansas Recreational Trails grant to utilize \$80,000 in federal-aid funds; and approving a budget adjustment recognizing the revenue for the extension of the Lake Fayetteville Trail along the south side of the lake to Veterans Memorial Park. A willingness to apply for this grant was approved on May 18th of 2010 by resolution 81-10.

PROPOSAL:

Construction of the remaining 1 mile of paved trail along the south side of Lake Fayetteville to Veterans Memorial Park was originally planned for 2012 to complete the 5.5 mile paved trail loop around Lake Fayetteville. On August 31, 2011, the City of Fayetteville was notified by the Arkansas State Highway Commission that federal-aid funding in the amount of \$80,000 has been awarded through the Recreational Trails Program for the extension of Lake Fayetteville Trail. The grant funding will supplement trail development funds and reduce the City's cost for the trail. Currently there are 4.5 miles of paved trail and 5.5 mile of natural surface trail at Lake Fayetteville. The existing natural surface trail will remain and in most cases the proposed paved trail will be located out of sight of the existing natural surface trail.

BUDGET IMPACT:

The terms of this grant require a 20% match of the total project cost, or \$20,000.00. The Agreement of Understanding obligates the City to pay \$20,000 toward the trail project. Upon receipt of an official Notice to Proceed from the Arkansas Highway and Transportation Department, the project will be reimbursable at a rate of 80% up to the total grant amount of \$80,000. The total project cost is estimated at \$500,000 so the City's total cost for the project is estimated to be \$420,000.

RESOLUTION NO. _____

A RESOLUTION APPROVING AN AGREEMENT OF UNDERSTANDING WITH THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT FOR THE ACCEPTANCE OF AN ARKANSAS RECREATIONAL TRAILS GRANT IN THE AMOUNT OF \$80,000.00 FOR THE CONSTRUCTION OF LAKE FAYETTEVILLE TRAIL (SOUTH), AND APPROVING A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves an agreement of understanding with the Arkansas State Highway and Transportation Department for the acceptance of an Arkansas Recreational Trails Grant in the amount of \$80,000.00 for construction of Lake Fayetteville Trail (South).

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A".

PASSED and APPROVED this 20th day of December, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

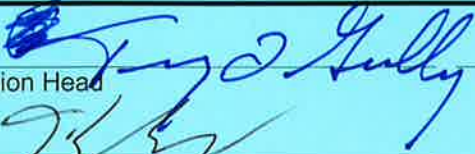
**City of Fayetteville, Arkansas
Budget Adjustment Form**

A. 6 V11.0425
Arkansas Recreational
Trails Grant
Page 4 of 12

Budget Year 2011	Division: Transportation Services Department: Transportation Services	Request Date 12/20/2011	Adjustment Number 110512
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BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

The Arkansas Highway Commission approved the City's application for Federal-aid Recreational Trails Program funding in the amount of \$80,000 for the extension of the Lake Fayetteville Trail along the south side of the lake to Veterans Memorial Park. This is an 80/20 matching reimbursement grant.

 Division Head	11-30-11 Date	Prepared By: John Nelson jnelson
 Budget Director	12-2-2011 Date	Reference:
 Department Director	11-30-11 Date	Budget & Research Use Only
 Finance Director	12-2-2011 Date	Type: A B C D E P
 Chief of Staff	12-5-11 Date	General Ledger Date
 Mayor	12/15/11 Date	Posted to General Ledger Initial Date
		Checked / Verified Initial Date

TOTAL BUDGET ADJUSTMENT		80,000	80,000	Project.Sub Number
		Increase / (Decrease)		
Account Name	Account Number	Expense	Revenue	
Engineering Contra Servs	4470.9470.5314.04	5,000		02016 . 1105
Trails	4470.9470.5814.05	95,000		02016 . 1105
Trails	4470.9470.5814.05	(20,000)		02016 . 1
Federal Grants-Capital	4470.0947.4309.00		80,000	02016 . 1105



ARKANSAS STATE HIGHWAY COMMISSION



R. MADISON MURPHY
CHAIRMAN
EL DORADO

JOHN ED REGENOLD
VICE CHAIRMAN
ARMOREL

JOHN BURKHALTER, P.E.
LITTLE ROCK

DICK TRAMMEL
ROGERS

THOMAS B. SCHUECK
LITTLE ROCK

DAN FLOWERS
DIRECTOR OF
HIGHWAYS AND TRANSPORTATION

P.O. Box 2261
LITTLE ROCK, ARKANSAS 72203-2261
PHONE (501) 569-2000 • VOICE/TTY 711 • FAX (501) 569-2400
WWW.ARKANSASHIGHWAYS.COM

August 31, 2011

Mr. Matt Mihalevich
Trails Coordinator
City of Fayetteville
113 W Mountain Street
Fayetteville, AR 72701

Dear Mr. Mihalevich:

Reference is made to your application for trail development funding through the Arkansas Recreational Trails Program. Your project, Lake Fayetteville Trail, has been approved to receive up to \$80,000 in Federal funding.

The Arkansas State Highway and Transportation Department (AHTD) will host a project administration workshop on Thursday, September 22, 2011 starting at 1:00 p.m. The steps necessary to develop and implement your project will be outlined in detail during the workshop. It is extremely important that someone familiar with your project attend this session. The workshop will be held in the auditorium of the AHTD headquarters building. We are located in southwest Little Rock at Exit 130 along Interstate 30.

We look forward to working with you to develop this project. If you have any questions regarding the Arkansas Recreational Trails Program or the workshop, please call Bill Bastress at (501) 569-2209.

Sincerely,

A handwritten signature in black ink, reading "Scott E. Bennett".

Scott E. Bennett
Acting Director of Highways
and Transportation

c: Commissioner Dick Trammel
Deputy Director and Chief Engineer
Acting Assistant Chief Engineer – Planning
Planning and Research
District 4
SEB:BB:saw



Lake Fayetteville Trail

Recreational Trails Grant
 PROJECT LOCATION MAP

Legend

PROPOSED CONCRETE TRAIL
 EXISTING PAVED TRAIL
 EXISTING BIKE ROUTE



AGREEMENT OF UNDERSTANDING
BETWEEN
CITY OF FAYETTEVILLE
AND
THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

In Cooperation with the
U. S. Department of Transportation
Federal Highway Administration

RELATIVE TO

Implementation of Job 040613, Lake Fayetteville Trail (hereinafter called "Project"), as a recreational trail development or improvement project.

WHEREAS, the Arkansas State Highway Commission has made available 80% Federal-aid funds for certain recreational trail projects; and

WHEREAS, the City of Fayetteville (hereinafter called "Sponsor") has expressed its desire to use Federal-aid funds for an eligible project; and

WHEREAS, funding participation for each phase of the project will be as follows subject to a limit of \$80,000 maximum Federal-aid approved for the project:

	<u>Federal %</u>	<u>Sponsor %</u>
Project Design:	-0-	100%
Utilities/Right of Way:	-0-	100%
Project Inspection:	-0-	100%
Project Construction:	80%	20% ;and

WHEREAS, the Sponsor knows of no legal impediments to the completion of the project; and

WHEREAS, it is specifically agreed between the parties executing this agreement that it is not intended by any of the provisions of any part of the agreement to create the public or any member thereof a third party beneficiary hereunder or to authorize anyone not a party to this agreement to maintain a suit or action for injuries or damage of any nature pursuant to the terms or provisions of this agreement; and

WHEREAS, the Sponsor understands that the Arkansas State Highway and Transportation Department (hereinafter called "Department") will require the Sponsor to adhere to the General Requirements for Recipients and Sub-recipients Concerning Disadvantaged Business Enterprises as stated on Attachment A; and

IT IS HEREBY AGREED that the Sponsor and the Department, in cooperation with the Federal Highway Administration, will participate in a cooperative program for implementation of the Project and will accept the responsibilities and assigned duties as described hereinafter.

THE SPONSOR WILL:

1. Indemnify and hold harmless the Arkansas State Highway Commission, the Department, its officers and employees from any and all claims, lawsuits, judgments, damages, costs, expenses, and losses, including those arising from claims before the Arkansas Claims Commission or lawsuits brought in any other legal forum, sustained on account of the operations or actions of the Sponsor, including any act of omission, neglect or misconduct of said Sponsor. Further, the Sponsor shall take no action to compromise the immunity from civil suits afforded the State of Arkansas, the State Highway Commission, Arkansas Code § 19-10-305, or the 11th Amendment of the United States Constitution. This obligation of indemnification shall survive the termination or expiration of this Agreement.
2. All Sponsors must review their application to ensure that the Scope of the project is accurate and the proposed budget is accurate. See Attachment B which must be completed and sent to the Department to ensure current scope and budget is accurate.
3. Grant the right of access to Sponsor's records pertinent to this project and the right to audit by the Department and Federal Highway Administration officials. Be responsible for the inspection and certification of all work in accordance with the plans and specifications for the Project and to retain all records relating to such inspections, certifications, any billing statements, and any other files necessary to document the performance and completion of the work. A statement in writing must be submitted to the Department when the Project is completed. The Sponsor shall retain **all records for three years** upon completion of the project in accordance with the requirements of 49 CFR; Subtitle A, Part 18, Subpart C, Section 18.42 – (See Attachment C for retention and access requirements for records). The date of completion of the project will be construed as the check date of the final payment submitted to the Sponsor by the Department.
4. If the project awarded is in excess of \$25,000 Attachment D needs to be completed and returned to the Department. Attachment D pertains to the Federal Funding Accountability and Transparency Act (FFATA).
5. Comply with provisions of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, Title VI of the Civil Rights Act of 1964, FHWA Recreational Trails Program Guidance, and any other Federal, State, and/or local laws, rules and/or regulations.

The Arkansas State Highway and Transportation (Department) complies with the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964 and other federal equal opportunity laws and therefore does not discriminate on the basis of race, sex, color, age, national origin, religion or disability, in admission or access to and treatment in Department programs and activities, as well as the Department's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the Department's nondiscrimination policies may be directed to James B. Moore, Jr., Section Head - EEO/DBE (ADA/504/Title VI Coordinator), P. O. Box 2261, Little Rock, AR 72203, (501) 569-2298, (Voice/TTY 711), or the following email address: james.moore@arkansashighways.com.

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

6. Be responsible for its portion of the total project cost, which will include project design, construction inspection services, appraisal and acquisition of right-of-way, relocation services (when required), and adjustment of all man-made improvements, including utilities.
7. Provide a copy of the registered deed or an appropriate certification stating the Sponsor has a clear and unencumbered title to any right-of-way to be used for the project and the land is accessible to the general public for public recreational purposes (See Attachment E).
8. Private or Non – Profit Organizations must review and submit Attachment F with all documents requested to the Department. No order to proceed will be granted to these organizations without the documents being submitted in full.
9. Request review from the Arkansas Historic Preservation Program (AHPP) (See Attachment G). Then, forward AHPP's approval to the Department.
10. **Refrain from any Project construction** for which the Sponsor expects monetary reimbursement **until a Notice to Proceed is received from the Department.**
11. If the project is to be advertised, for bids, it must be done in accordance with State and Federal procedures as shown in Attachment H. Bids are necessary for any goods, materials, or labor totaling \$25,000 or more.
12. Prepare plans, specifications, and a cost estimate for construction bid process. These plans will be reviewed by the Department at the Pre-Construction Conference and these records need to be maintained by the Sponsor for three years after the completion date of the project. A registered licensed professional engineer, architect, or landscape architect must sign the plans and specifications for the project for any project over \$25,000. For any project under \$25,000, the Sponsor's legal representative must countersign the plans. (See Attachment I for certification letter requesting concurrence in award of the contract to be sent to the Department).
13. Be responsible for 100% of any and all expenditures which are declared non-participating in Federal funds, including awards by the State Claims Commission.
14. Be responsible for 100% of all project costs incurred should the project not be completed as specified. Repay to the Department the Federal share of the cost of any portion of this Project if the Federal Highway Administration removes Federal participation due to actions of the Sponsor, its agents, its employees, or its assigns, or the Sponsor's consultants or their agents. Such actions shall include, but are not limited to, Federal non-participation arising from problems with design plans, construction, change orders, construction inspection, or contractor payment procedures.
15. Retain total, direct control over the Project throughout the life of the improvements and **not, without prior written approval from the Department:**
 - sell, transfer, or otherwise abandon any portion of the Project;
 - change the intended use of the project as stated in the approved Project application;
 - make significant alterations to any improvements constructed with Federal-aid funds; or
 - cease maintenance or operation of the project due to the Project's obsolescence.

16. Be responsible for satisfactory maintenance and operation of all improvements and for adopting regulations and ordinances as necessary to ensure this. Failure to adequately maintain and operate the project in accordance with Federal-aid requirements may result in the Sponsor's repayment of Federal funds and may result in the withholding of future Federal-aid funds. The Sponsor understands and agrees that the Department may cause necessary funds to be withheld from the Sponsor's gasoline tax allotment should the Sponsor fail to pay to the Department any required funds, fail to complete the project as specified, or fail to adequately maintain or operate the project.
17. Promptly notify the Department if the project is rendered unfit for continued use by natural disaster or other cause.
18. Repay all Federal funds if this is determined necessary for any reason.
19. Construct the Project in accordance to plans and specifications that were developed by the Sponsor, or the Sponsor's representative, and were reviewed and approved by the Department prior to the issuance of the Notice to Proceed.
20. Notify the Department upon completion of various phases of the work in order that a Department representative may review the project before any payments for such work are made to the Contractor. Once the Sponsor makes payments to suppliers and visible progress has been made toward the completion of the Project an on-site inspection of the Project may be requested by the Sponsor. No reimbursement will be made by the Department without an on-site inspection of the Project.
21. **Provide the Department with all necessary documentation** including a resolution of support from the Sponsor's governing body, approval from the State Historic Preservation Officer, proof of ownership, revised budgets and changes of the scope of the job, plans and specifications, and permits or rulings from the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, Environmental Protection Agency, or other applicable agencies **within one calendar year of the date this Agreement of Understanding is signed by the Director of the Arkansas State Highway and Transportation Department. Extensions will not be granted. Funding for a project failing to provide this documentation will be withdrawn and will be allocated to other eligible recreational trail projects.**

THE DEPARTMENT WILL:

1. Be responsible for administering Federal-aid funds and for project approval and acceptance.
2. Review and approve environmental, archeological, wetland, or other necessary clearances and if proper documentation is provided and review of the land warrants than environmental clearance will be provided.
3. Review plans and specifications for the Project.
4. Advise the Sponsor when to proceed with construction of the Project.
5. Review and approve any necessary change orders for Project eligibility, regardless of funding source.

6. Visually verify (insofar as is reasonably possible) that the work meets contract requirements before reimbursement is made to the Sponsor.
7. Reimburse the Sponsor for all legitimate, documented costs in accordance with the final executed contract.

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

IT IS FURTHER AGREED that should the Sponsor fail to pay to the Department any required funds due for implementation of the project or fail to complete the project as specified in this Agreement or fail to adequately maintain or operate the project, the Sponsor hereby authorizes the Director of the Department of Finance and Administration to transfer from any of the Sponsor's State funds to the Department's RRA account such sums as the Director of Highways and Transportation shall certify as due the Department under terms of this Agreement.

IN WITNESS WHEREOF, the parties thereto have executed this Agreement on this _____
day of _____, 20__.

ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT

CITY OF FAYETTEVILLE

Scott E. Bennett
Director of Highways and Transportation

Arkansas State Highway and Transportation Department

Notice of Nondiscrimination

The Arkansas State Highway and Transportation (Department) complies with the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964 and other federal equal opportunity laws and therefore does not discriminate on the basis of race, sex, color, age, national origin, religion or disability, in admission or access to and treatment in Department programs and activities, as well as the Department's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the Department's nondiscrimination policies may be directed to James B. Moore, Jr., Section Head-EEO/DBE (ADA/504/Title VI Coordinator), P.O. Box 2261, Little Rock, AR 72203, (501) 569-2298, (Voice/TTY 711), or the following email address: james.moore@arkansashighways.com.

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

City of Fayetteville Staff Review Form

A. 7
ASPCA Scholarship Donations
Page 1 of 4

City Council Agenda Items
and
Contracts, Leases or Agreements

12/6/2011 12/20/2011
City Council Meeting Date
Agenda Items Only

Justine Middleton
Submitted By

Community Services
Division

Development Services
Department

Action Required:

Recognize scholarship funds awarded to the Animal Services program from the ASPCA to send animal control officer Chris Harriman to a week-long cruelty investigation course.

\$ 1,561.00
Cost of this request

\$ 74,034 -
Category / Project Budget

Animal Svc Misc Donations
Program Category / Project Name

1010.2740, 5304.00
Account Number

\$ 41,739 -
Funds Used to Date

Animal Services Projects
Program / Project Category Name

03048.1
Project Number

\$ 32,295 -
Remaining Balance

General
Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☒

[Signature]
Department Director 11-22-2011
Date

Previous Ordinance or Resolution # _____

[Signature]
City Attorney Nov 23, 2011
Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Bahr
Finance and Internal Services Director 11-28-2011
Date

Received in City -22-11P03:49 RCVD
Clerk's Office

[Signature]
Chief of Staff 11-28-11
Date

Received in
Mayor's Office

[Signature]
Mayor 11/29/11
Date



Comments:

CITY COUNCIL AGENDA MEMO

To: City Council

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

From: Justine Middleton, Animal Services Superintendent

Date: November 22, 2011

Subject: Recognize Scholarship funds from ASPCA

PROPOSAL:

Animal control officer Chris Harriman applied for and was awarded a scholarship from the ASPCA to cover his costs in attending a week-long cruelty investigation course. The course is administered by The National Animal Cruelty Investigations School through the University of Missouri.

RECOMMENDATION:

Staff recommends approval of a budget adjustment to budget the scholarship funds from the ASPCA.

BUDGET IMPACT:

Increase of travel and training budget by \$1,561.00

RESOLUTION NO. _____

A RESOLUTION TO ACCEPT A SCHOLARSHIP DONATION IN THE AMOUNT OF \$1,561.00 FROM THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS FOR ANIMAL CONTROL OFFICER CHRIS HARRIMANN TO ATTEND A CRUELTY INVESTIGATION COURSE AT THE UNIVERSITY OF MISSOURI AND TO APPROVE A BUDGET ADJUSTMENT TO RECOGNIZE THIS REVENUE

WHEREAS, Animal Control Officer Chris Harriman applied for a scholarship from the ASPCA to cover his costs of \$1,561.00 to attend a week long cruelty investigation course administered by the National Cruelty Investigations School administered through the University of Missouri; and

WHEREAS, the ASPCA did award Chris the scholarship so that he will be able to attend this course.

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 thanks the American Society for the Prevention of Cruelty to Animals and accepts its scholarship to enable Animal Control Officer Chris Harriman to take the week long animal cruelty investigation course.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves the attached budget adjustment to recognize this revenue.

PASSED and APPROVED this 20th day of December, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville Staff Review Form

A. 8
Baird, Kurtz &
Dobson (BKD), LLP
Page 1 of 18

City Council Agenda Items
and
Contracts, Leases or Agreements

12-20-2011
City Council Meeting Date
Agenda Items Only

Marsha Hertweck
Submitted By

Accounting and Audit
Division

Finance and Internal Services
Department

Action Required:

Approval of the a contract with Baird, Kurtz and Dobson (BKD), LLP for the 2011 annual audit.

\$ 87,000.00
Cost of this request

\$ 87,000.00
Category / Project Budget

Program Category / Project Name

various funds
Account Number

\$ -
Funds Used to Date

Program / Project Category Name

Project Number

\$ 87,000.00
Remaining Balance

Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐

Paul A. Becher 12-2-2011
Department Director Date

Previous Ordinance or Resolution #

[Signature] 12-2-11
City Attorney Date

Original Contract Date:

Original Contract Number:

Paul A. Becher 12-2-2011
Finance and Internal Services Director Date

Received in City 12-02-11 P03:04 RCVD
Clerk's Office

[Signature] 12-5-11
Chief of Staff Date

Received in
Mayor's Office



[Signature] 12/5/11
Mayor Date

Comments:

To: Mayor Lioneld Jordan and the Fayetteville City Council

Thru: Paul Becker, Finance Director

From: Marsha Hertweck, Accounting Director 

Date: December 2, 2011

Subject: Annual Audit

Recommendation

Approval of a contract with Baird, Kurtz & Dobson (BKD), LLP for the 2011 annual audit.

Discussion

The City is required, under Arkansas statutes and applicable bond issues, to have an annual financial audit conducted by either Legislative Audit or a Certified Public Accounting firm licensed in Arkansas. Because of the requirements of bond indentures, the City has for the past thirty plus years utilized the services of a private CPA firm to perform these mandated financial audits.

BKD was selected by the City following the applicable rules and regulations concerning the procurement of auditing services. The City entered into a five-year agreement in August 2002 and selected BKD for another five years through the RFP process in July 2007. Under this contract BKD will provide an annual audit of the City's financial statements and a review of the City's internal control system as required by state law. In addition to the financial audit, BKD also issues a report on internal control and compliance requirements for major federal award programs as required by the Single Audit Act. The single audit is the primary mechanism used by federal agencies to ensure accountability for federal awards to non-federal entities.

Finally, BKD also provides technical assistance to the City in producing the Comprehensive Annual Financial Report (CAFR). The CAFR includes the City's financial statements as well as statistical information required by the City's bond covenants.

Budget Impact

The cost of the 2011 audit is \$87,000. The audit will be budgeted in General Fund and allocated to the various funds of the City.

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONTRACT WITH BAIRD, KURTZ & DOBSON (BKD), LLP, IN THE AMOUNT OF \$87,000.00 TO PROVIDE INDEPENDENT AUDIT SERVICES TO THE CITY OF FAYETTEVILLE

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 contract with Baird, Kurtz & Dobson (BKD), LLP, in the amount of \$87,000.00 to provide independent audit services to the City of Fayetteville. A copy of the engagement letter for services marked Exhibit "A" is attached hereto, and made a part hereof.

PASSED and APPROVED this 20th day of December, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

November 18, 2011

Audit Committee and City Council
Honorable Lioneld Jordan, Mayor
Mr. Paul Becker, Finance Director
Ms. Marsha Hertweck, Accounting Director
City of Fayetteville, Arkansas
113 W. Mountain St.
Fayetteville, AR 72701

We are pleased to confirm the arrangements of our engagement and the nature of the services we will provide to the City of Fayetteville, Arkansas.

ENGAGEMENT OBJECTIVES

We will audit the basic financial statements of the City of Fayetteville, Arkansas as of and for the year ended December 31, 2011, in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States and U.S. Office of Management and Budget (OMB) Circular A-133, *Audits of States, Local Governments, and Nonprofit Organizations*.

The objectives of our audit are:

- ✓ Expression of an opinion on the conformity of your financial statements, in all material respects, with accounting principles generally accepted in the United States of America.
- ✓ Issuance of a report on your compliance based on the audit of your financial statements.
- ✓ Issuance of a report on your internal control over financial reporting based on the audit of your financial statements.
- ✓ Expression of an opinion on your compliance, in all material respects, with the types of compliance requirements described in the *U. S. Office of Management and Budget Circular A-133 Compliance Supplement* that are applicable to each of your major federal award programs.
- ✓ Issuance of a report on your internal control over compliance based on the audit of your compliance with the types of compliance requirements that are applicable to each of your major federal award programs.
- ✓ Issuance of a report on your schedule of expenditures of federal awards.

Audit Committee and City Council
Honorable Lioneld Jordan, Mayor
Mr. Paul Becker, Finance Director
Ms. Marsha Hertweck, Accounting Director
City of Fayetteville, Arkansas
November 18, 2011
Page 2

We also will examine the written assertion about compliance with certain state acts made by the management of the City of Fayetteville, Arkansas as of and for the year ended December 31, 2011, in accordance with attestation standards established by the American Institute of Certified Public Accountants.

The objective of our examination is the expression of an opinion on the conformity of the subject matter of the assertion, in all material respects, with the applicable criteria against which it is measured. Our report is intended solely for the information and use of the governing body, management and the State of Arkansas and is not intended to be and should not be used by anyone other than these specified parties.

OUR RESPONSIBILITIES

Auditing standards generally accepted in the United States of America, *Government Auditing Standards* and OMB Circular A-133 require that we plan and perform:

- ✓ The audit of the financial statements to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement, whether caused by error or fraud.
- ✓ The audit of compliance with the types of compliance requirements described in the OMB Circular A-133 Compliance Supplement applicable to each major federal award program to obtain reasonable, rather than absolute, assurance about whether noncompliance having a direct and material effect on a major federal award program occurred.

Accordingly, a material misstatement or noncompliance having a direct and material effect may remain undetected.

Our audit of the financial statements is designed to detect misstatements and noncompliance that, in our judgment, could have a material effect on the financial statements taken as a whole. Consequently, our audit will not necessarily detect errors or fraud resulting in an immaterial misstatement of the financial statements.

Likewise, our audit of compliance with the types of compliance requirements applicable to each major federal award program is designed to detect noncompliance having a direct and material effect on a major program. Consequently, our audit will not necessarily detect noncompliance having an indirect and material or an immaterial effect on any program.

An audit also includes obtaining an understanding of the entity and its environment, including internal controls, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures to be performed. An audit is not designed to provide assurance on internal control over financial reporting or on internal control over compliance or to identify material weaknesses or significant deficiencies. However, we will communicate to you any matter that comes to our attention that we consider a material weakness or significant deficiency.

Audit Committee and City Council
Honorable Lioneld Jordan, Mayor
Mr. Paul Becker, Finance Director
Ms. Marsha Hertweck, Accounting Director
City of Fayetteville, Arkansas
November 18, 2011
Page 3

Because of the limits of internal control, errors, fraud, illegal acts or instances of noncompliance may occur and not be detected. Also, in the future, procedures could become inadequate because of changes in conditions or deterioration in design or operation. Two or more people also may circumvent controls, or management may override the system. We are available to perform additional procedures with regard to fraud detection and prevention at your request, subject to completion of our normal engagement acceptance procedures. The actual terms and fees of such an engagement would be documented in a separate letter to be signed by you and BKD.

Andy Richards, senior manager is responsible for supervising the engagement and authorizing the signing of the report or reports.

If, for any reason, we are unable to complete our audit of the financial statements or our audit of compliance with the types of compliance requirements applicable to each major federal award program or are unable to form or have not formed an opinion, we may decline to express an opinion or decline to issue a report as a result of this engagement. If we discover conditions that may prohibit us from issuing a standard report, we will notify you as well. In such circumstances, further arrangements may be necessary to continue our engagement.

YOUR RESPONSIBILITIES

To facilitate our audit, management is responsible for making all financial records documentation and other financial and compliance related information available to us. At the conclusion of our engagement, management will provide to us a letter acknowledging certain responsibilities outlined in this engagement letter and confirming:

- The availability of this information.
- Certain representations made during the audits for all periods presented.
- The effects of any uncorrected misstatements, if any, resulting from errors or fraud aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

Management is responsible for the fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, for adjusting the financial statements to correct material misstatements and for identifying and ensuring compliance with the laws, regulations, contracts and grants applicable to your activities including your federal award programs. Management also is responsible for establishing and maintaining effective internal control over financial reporting and compliance and setting the proper tone; creating and maintaining a culture of honesty and high ethical standards; and establishing appropriate controls to prevent, deter and detect fraud, illegal acts and instances of noncompliance.

Audit Committee and City Council
Honorable Lioneld Jordan, Mayor
Mr. Paul Becker, Finance Director
Ms. Marsha Hertweck, Accounting Director
City of Fayetteville, Arkansas
November 18, 2011
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The results of our tests of compliance and internal control over financial reporting performed in connection with our audit of the financial statements may not fully meet the reasonable needs of report users. Management is responsible for obtaining audits, examinations, agreed-upon procedures or other engagements that satisfy relevant legal, regulatory or contractual requirements or fully meet other reasonable user needs.

OTHER SERVICES

We may perform other services for you not covered by this engagement letter. You agree to assume full responsibility for the substantive outcomes of those services, including any findings that may result. You also acknowledge that those services are adequate for your purposes and you will establish and monitor the performance of those services to ensure they meet management's objectives. Any and all decisions involving management functions related to those services will be made by you, and you accept full responsibility for such decisions. We understand you will designate a management-level individual to be responsible and accountable for overseeing the performance of those services, and you will have determined this individual is qualified to conduct such oversight.

ENGAGEMENT FEES

Our fees will be based on time expended, including additional time for implementation of new accounting standards (discussed below), travel costs, fees for services from other professionals, if any, as well as an administrative fee of 3 percent to cover items such as copies, postage and other delivery charges; supplies; technology-related costs such as computer processing, software licensing, research and library databases; and similar expense items. The fee for our services, including the administrative fee, will be \$87,000.

The following new accounting standards are effective for your fiscal year ending December 31, 2011. The impact of these standards on your financial statements will depend on your facts and circumstances. You should evaluate the effect of these standards well in advance of your fiscal year to obtain any additional information necessary and effectively implement them. The new standards and their effective dates are as follows:

Years beginning after June 15, 2010:

- Governmental Accounting Standards Board (GASB) Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions* (Issued February 2009)
- GASB Statement No. 59, *Financial Instruments Omnibus* (Issued June 2010)

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Our fees are based upon the understanding that your personnel will be available to assist us. Assistance from your personnel is expected to include:

- Preparing audit schedules to support all significant balance sheet and certain other accounts.
- Responding to auditor inquiries.
- Preparing confirmation and other letters.
- Pulling selected invoices and other documents from files.
- Helping to resolve any differences or exceptions noted.

We will provide you with a detailed list of assistance and schedules required and the date such assistance and schedules are to be provided before the audit begins. All schedules should be provided in electronic form unless indicated otherwise.

Our timely completion of the audit depends on your timely and accurate schedule and analyses preparation and on the availability of your personnel to provide other assistance. If there are inaccuracies or delays in preparing this material, or if we experience other assistance difficulties that add a significant amount of time to our work, our fees will increase. If these circumstances occur, we will promptly notify you to discuss alternative solutions and the impact on our fees.

Our pricing for this engagement and our fee structure is based upon the expectation that our invoices will be paid promptly. We will issue progress billings during the course of our engagement, and payment of our invoices is due upon receipt. Interest will be charged on any unpaid balance after 30 days at the rate of 10 percent per annum.

Our engagement fee does not include any time for post-engagement consultation with your personnel or third parties, consent letters and related procedures for the use of our reports in offering documents, inquiries from regulators or testimony or deposition regarding any subpoena. Charges for such services will be billed separately.

Our fees also may increase if our duties or responsibilities are increased by rulemaking of any regulatory body or any additional new accounting or auditing standards. We will consult with you in the event any other regulations or standards are issued that may impact our fees.

If our invoices for this or any other engagement you may have with BKD are not paid within 30 days, we may suspend or terminate our services for this or any other engagement. In the event our work is suspended or terminated as a result of nonpayment, you agree we will not be responsible for any consequences to you.

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OTHER ENGAGEMENT MATTERS AND LIMITATIONS

Our workpapers and documentation retained in any form of media for this engagement are the property of BKD. We can be compelled to provide information under legal process. In addition, we may be requested by regulatory or enforcement bodies to make certain workpapers available to them pursuant to authority granted by law or regulation. You agree we have no legal responsibility to you in the event we provide such documents or information.

You agree to indemnify and hold harmless BKD and its personnel from any claims, liabilities, costs and expenses relating to our services under this agreement attributable to false or incomplete representations by management, except to the extent determined to have resulted from the intentional or deliberate misconduct of BKD personnel.

You agree that any dispute regarding this engagement will, prior to resorting to litigation, be submitted to mediation upon written request by either party. Both parties agree to try in good faith to settle the dispute in mediation. The American Arbitration Association will administer any such mediation in accordance with its Commercial Mediation Rules. The results of the mediation proceeding shall be binding only if each of us agrees to be bound. We will share any costs of mediation proceedings equally.

Either of us may terminate these services at any time. Both of us must agree, in writing, to any future modifications or extensions. If services are terminated, you agree to pay us for time expended to date. In addition, you will be billed travel costs and fees for services from other professionals, if any, as well as an administrative fee of 3 percent to cover items such as copies, postage and other delivery charges; supplies; technology-related costs such as computer processing, software licensing, research and library databases; and similar expense items.

If any provision of this agreement is declared invalid or unenforceable, no other provision of this agreement is affected and all other provisions remain in full force and effect.

This engagement letter represents the entire agreement regarding the services described herein and supersedes all prior negotiations, proposals, representations or agreements, written or oral, regarding these services. It shall be binding on heirs, successors and assigns of you and BKD.

We may, from time to time, utilize third-party service providers, *e.g.*, domestic software processors or legal counsel, or disclose confidential information about you to third-party service providers in serving your account. We remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures and safeguards to protect the confidentiality of your information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information. In the event we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider.

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We will, at our discretion or upon your request, deliver financial or other confidential information to you electronically via email or other mechanism. You recognize and accept the risk involved, particularly in email delivery, as the Internet is not necessarily a secure medium of communication, as messages can be intercepted and read by those determined to do so.

You agree you will not modify these documents for internal use or for distribution to third parties. You also understand that we may on occasion send you documents marked as draft and understand that those are for your review purpose only, should not be distributed in any way and should be destroyed as soon as possible.

If you intend to include these financial statements and our report in an offering document at some future date, you agree to seek our permission to do so at that time. You agree to provide reasonable notice to allow sufficient time for us to perform certain additional procedures. Any time you intend to publish or otherwise reproduce these financial statements and our report and make reference to our firm name in any manner in connection therewith, you agree to provide us with printers' proofs or masters for our review and approval before printing or other reproduction. You also will provide us with a copy of the final reproduced material for our approval before it is distributed. Our fees for such services are in addition to those discussed elsewhere in this letter.

You agree to notify us if you desire to place these financial statements or our report thereon on an electronic site. You recognize that we have no responsibility as auditors to review information contained in electronic sites.

Any time you intend to reference our firm name in any manner in any published materials, including on an electronic site, you agree to provide us with draft materials for our review and approval before publishing or posting such information.

BKD is a registered limited liability partnership under Missouri law. Under applicable professional standards, partners of **BKD, LLP** have the same responsibilities as do partners in a general accounting and consulting partnership with respect to conformance by themselves and other professionals in BKD with their professional and ethical obligations. However, unlike the partners in a general partnership, the partners in a registered limited liability partnership do not have individual civil liability, directly or indirectly, including by way of indemnification, contribution, assessment or otherwise, for any debts, obligations or liabilities of or chargeable to the registered limited liability partnership or each other, whether arising in tort, contract or otherwise.

Audit Committee and City Council
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HIPAA BUSINESS ASSOCIATE AGREEMENT

We agree not to use or disclose Protected Health Information of your employees (hereinafter referred to as PHI) obtained or produced in any form of media during the course of our work in a manner prohibited by HIPAA, as amended. We may use or disclose PHI for purposes of (a) performing our engagement, (b) management and administration of BKD or (c) carrying out legal responsibilities of BKD. We represent to you that we have implemented what we consider to be appropriate administrative, physical and technical safeguards to protect the confidentiality, integrity and availability of your PHI.

With respect to your PHI, we will report to you any breach (as defined in 45 CFR 164.402), material security incident or use or disclosure not authorized by this agreement and, to the extent practical, assist you in mitigating any harmful effects caused by breaches, material security incidents or unauthorized uses or disclosures of which we become aware. To assist you in fulfilling your responsibility to notify impacted individuals and others of a breach involving unsecured PHI (as required under 45 CFR 164.400 et seq.), in this report we will identify to you, to the extent reasonably possible:

1. Each individual whose unsecured PHI was subject to the breach.
2. Any other available information you are required to include in your notification to such individual(s) or others under 45 CFR 164.404(c).

We agree that any material violation of these confidentiality provisions entitles you to terminate this engagement.

BKD agrees to:

1. Upon their request, make available to the Secretary of Health and Human Services (HHS) our internal practices and books and records relating to the use and disclosure of PHI for purposes of determining your compliance with the Security and Privacy Rule, subject to any applicable legal privileges.
2. Make available information necessary for you to make an accounting of disclosures of PHI about an individual.
3. To the extent we maintain information that is part of a Designated Record Set, make available information necessary for you to respond to requests by individuals for access to PHI that is not in your possession but is considered part of a Designated Record Set.

Audit Committee and City Council
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City of Fayetteville, Arkansas
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4. Upon receipt of a written request from you, incorporate any amendments or corrections to PHI contained in our workpapers in accordance with the Security and Privacy Rule to the extent such PHI is considered part of a Designated Record Set.

For purposes of this agreement, the term "Security and Privacy Rule" refers to the final rules published to implement the Administrative Simplification provisions of the *Health Insurance Portability and Accountability Act of 1996*, specifically 45 CFR Parts 160 and 164. The terms "Protected Health Information" and "Designated Record Set" have the same meaning as defined in the Security and Privacy Rule.

At the conclusion or termination of this engagement, any PHI retained by us will be subject to the same safeguards as for active engagements.

We will obtain from any agents, including subcontractors, to whom we provide PHI received from you, or created or received by us on behalf of you, an agreement to the same restrictions and conditions that apply to us with respect to such PHI.

To the extent that any relevant provision of HIPAA is eliminated or held to be invalid by a court of competent jurisdiction, the corresponding portion of this agreement shall be deemed of no force and effect for any purpose. To the extent that any relevant provision of HIPAA is materially amended in a manner that changes the obligations of business associates or covered entities that are embodied in term(s) of this engagement, the parties agree to negotiate in good faith appropriate amendment(s) to this engagement to give effect to such revised obligations. In addition, the terms of this engagement should be construed in light of any interpretation and/or guidance on HIPAA issued by HHS from time to time.

If the above arrangements are acceptable to you, please sign the enclosed copy of this letter and return it to us. If the signed copy you return to us is in electronic form, you agree that such copy shall be legally treated as a "duplicate original" of this agreement.

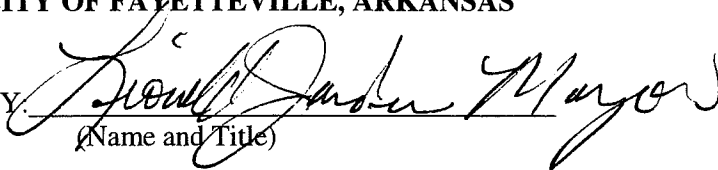
BKD, LLP

BKD, LLP

Audit Committee and City Council
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The services and arrangements described in this letter are in accordance with our understanding and are acceptable to us.

CITY OF FAYETTEVILLE, ARKANSAS

BY: 
(Name and Title)

DATE: 12/5/11

rr:ar:dw

Enclosures



System Review Report

To the Partners of BKD, LLP
and the Center for Public Company
Audit Firms Peer Review Committee

We have reviewed the system of quality control for the accounting and auditing practice of BKD, LLP (the firm) applicable to non-SEC issuers in effect for the year ended May 31, 2008. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under the *Government Auditing Standards*; audits of employee benefit plans, and an audit performed under FDICIA.

In our opinion, the system of quality control for the accounting and auditing practice applicable to non-SEC issuers of BKD, LLP in effect for the year May 31, 2008 has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. BKD, LLP has received a peer review rating of *pass*.

Clifton Gunderson LLP

July 31, 2008

Attachment to the Peer Review Report of BKD LLP Description of the Peer Review Process

Overview

Firms enrolled in the AICPA Center for Public Company Audit Firms (the Center) Peer Review Program have their system of quality control periodically reviewed by independent peers. These reviews are system and compliance oriented with the objective of evaluating whether:

The reviewed firm's system of quality control for its accounting and auditing practice applicable to non-SEC issuers has been designed to meet the requirements of the Quality Control Standards established by the AICPA.

The reviewed firm's quality control policies and procedures applicable to non-SEC issuers were being complied with to provide the firm with reasonable assurance of complying with professional standards.

A peer review is based on selective tests and directed at assessing whether the design of and compliance with the firm's system of quality control for its accounting and auditing practice applicable to non-SEC issuers provides the firm with reasonable, not absolute, assurance of complying with professional standards. Consequently a peer review on the firm's system of quality control is not intended to, and does not, provide assurance with respect to any individual engagement conducted by the firm or that none of the financial statements audited by the firm should be restated.

The Center's Peer Review Committee (PRC) establishes and maintains peer review standards. At regular meetings and through report evaluation task forces, the PRC considers each peer review, evaluates the reviewer's competence and performance, and examines every report, letter of comments, and accompanying response from the reviewed firm that states its corrective action plan before the peer review is finalized. The Center's staff plays a key role in overseeing the performance of peer reviews working closely with the peer review teams and the PRC.

Once the PRC accepts the peer review reports, letters of comments, and reviewed firms' responses, they are maintained in a file available to the public. In some situations, the public file also includes a signed undertaking by the firm agreeing to specific follow-up action requested by the PRC.

Firms that perform audits or play a substantial role in the audit of one or more SEC issuers, as defined by the Public Company Accounting Oversight Board (PCAOB), are required to be registered with and have their accounting and auditing practice applicable to SEC issuers inspected by the PCAOB. Therefore, we did not review the firm's accounting and auditing practice applicable to SEC issuers.

Planning the Review for the Firm's Accounting and Auditing Practice Applicable to Non-SEC Issuers

To plan the review of BKD LLP, we obtained an understanding of (1) the nature and extent of the firm's accounting and auditing practice, and (2) the design of the firm's system of quality control sufficient to assess the inherent and control risks implicit in its practice. Inherent risks were assessed by obtaining an understanding of the firm's practice, such as the industries of its clients and other factors of complexity in serving those clients, and the organization of the firm's personnel into practice units. Control risks were assessed by obtaining an understanding of the design of the firm's system of quality control, including its audit methodology, and monitoring procedures. Assessing control risk is the process of evaluating the effectiveness of the reviewed firm's system of quality control in preventing the performance of engagements that do not comply with professional standards.

Performing the Review of the Firm's Accounting and Auditing Practice Applicable to Non-SEC Issuers

Based on our assessment of the combined level of inherent and control risks, we identified practice units and selected engagements within those units to test for compliance with the firm's system of quality control. The engagements selected for review included engagements performed under the Government Auditing Standards, audits performed under FDICIA, a multi-office audit, and audits of Employee Benefit Plans. The engagements selected for review represented a cross-section of the firm's accounting and auditing practice with emphasis on higher-risk engagements. The engagement reviews included examining working paper files and reports and interviewing engagement personnel.

The scope of the peer review also included examining selected administrative and personnel files to determine compliance with the firm's policies and procedures for the elements of quality control pertaining to independence, integrity, and objectivity; personnel management; and acceptance and continuance of clients and engagements. Prior to concluding the review, we reassessed the adequacy of scope and conducted a meeting with firm management to discuss our findings and recommendations.

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: _____ A. 8
Baird, Kurtz &
P.O Number: _____ Expected Delivery Date: _____ Dobson (BKD), LLP
Page 17 of 18

Vendor #: 11856 Vendor Name: BKD, LLP Mail Yes: _____ No: _____

Address: 400 West Capitol Ave., Suite 2500 Fob Point: Taxable Yes: _____ No: _____ Quotes Attached Yes: ☒ RFP No: ☒

City: Fayetteville State: AR Zip Code: 72203 Ship to code: Division Head Approval: *M. Hestwood*

Requester: *M. Hestwood* Requester's Employee #: 288 Extension: _____

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Annual Audit Services	1	ea		\$87,000.00	1010.0500.00			
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:

Subtotal: \$87,000.00
Tax: _____
Total: \$87,000.00

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____
Finance & Internal Services Director: _____ Budget Manager: _____ IT Manager: _____
Dispatch Manager: _____ Utilities Manager: _____ Other: _____

City of Fayetteville Staff Review Form

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Pick-It Construction, Inc.
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**City Council Agenda Items
and
Contracts, Leases or Agreements**

12/20/2011

City Council Meeting Date
Agenda Items Only

Byron Humphry
Submitted By

Park Maintenance
Division

Parks and Recreation
Department

Action Required:

A resolution approving a change order with Pick-it Construction, Inc. to re-instate deductive alternates #2 and #3 in the amount of \$19,710 and approval of a Budget Adjustment to recognize a \$33,600 donation from Fayetteville Youth Baseball League and reimburse the Parks Development fund. Any portions of the donated funds that are not needed to complete the project will be returned to Fayetteville Youth Baseball.

\$ 19,710.00
Cost of this request

\$ 116,419.00
Category / Project Budget

Contract Servs/Walker Park Baseball
Program Category / Project Name

2250.9255.5315.00
Account Number

\$ 4,066.00
Funds Used to Date

Parks Development / Contract Srvs
Program / Project Category Name

11024.1101
Project Number

\$ 112,353.00
Remaining Balance

Parks Development Capital
Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☒

Connie Edmonston 12-2-11
Department Director Date

Previous Ordinance or Resolution # 132-11

K. [Signature] 12-2-11
City Attorney Date

Original Contract Date: 12/6/2011

Original Contract Number:

Paul a. Behn 12-5-2011
Finance and Internal Services Director Date

Received in City Clerk's Office 12-02-11 P03:04 RCVD

Ann [Signature] 12-6-11
Chief of Staff Date

Received in Mayor's Office

[Signature] 12/6/11
Mayor Date



Comments:



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 *CE*

From: Byron Humphry, Maintenance Superintendent *BH*

Date: December 2, 2011

Subject: Fayetteville Youth Baseball Donation and Change Order

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. The Parks Department worked with Fayetteville Youth Baseball to develop plans for new dugouts and bleacher covers at Walker Park. After the expense of developing the plans and advertising the bid, there is \$95,934 left to be spent on the project. We were uncertain if we could accomplish all of the work within our budgeted amount, therefore three deductive alternates were identified that could be removed from the bid to make the contract affordable. The project was advertised for bid and two vendors including Pick-It Construction, Inc. and Heckathorn Construction Company, Inc. submitted bids. Pick-It Construction, Inc. presented the low bid in the amount of \$143,904. Deducting all of the deductive alternates and negotiating with Pick-it Construction, Inc. to change the scope of work on materials required, we were able to reduce the contract price to \$102,139. The Parks Department submitted a contract for approval to the City Council along with a Budget Adjustment from Park Development Funds to make up the difference in the amount that was budgeted. We are anticipating that on December 6, City Council will approve Bid #11-67 with Pick-it Construction, Inc. in the amount of \$102,139 with a 10% contingency of \$10,214 for a total project cost of \$112,353.

Upon considering the contract price in relation to what the City originally budgeted and realizing that some needed improvements had to be deducted from the contract due to cost considerations, the Fayetteville Youth Baseball Board of Directors met and approved a donation to the City of Fayetteville up to \$33,600. This donation is to be used as needed to reinstate deductive alternates #2 (bleacher cover on Field 6 - \$6,570) and deductive alternate #3 (bleacher covers on Field 3 - \$13,140) which total \$19,710. The remaining \$13,890 will be used to offset the initial contract price exceeding the \$95,934 that the City had budgeted for the project. The

donation is made with the understanding that any donated funds not needed to complete the project be returned to Fayetteville Youth Baseball.

RECOMMENDATION:

A resolution approving a change order with Pick-it Construction, Inc. to re-instate deductive alternates #2 and #3 in the amount of \$19,710 and approval of a Budget Adjustment to recognize a \$33,600 donation from Fayetteville Youth Baseball League and reimburse the Parks Development fund. Any portions of the donated funds that are not needed to complete the project will be returned to Fayetteville Youth Baseball.

BUDGET IMPACT:

This project is funded with Park Development Funds, including Parkland Dedication/Impact Fees, and donated funds. The initial project cost was \$102,139 with a 10% project contingency of \$10,214. The addition of change order #2 (\$19,710) brings the project cost to an estimated \$121,849. A budget adjustment of \$15,230 to reimburse the Parks Development fund will require \$1,340 of the \$10,214 contingency. The available funds for the project will be \$130,723 which includes a remaining contingency of \$8,874.

Project Budget			
12/6/11	Approved budget with 10% contingency		\$112,353
	Donation from Fayetteville Youth Baseball		\$33,600
	Budget Adjustment to Reimburse Parks Development Fund		<u>(\$15,230)</u>
	Available Budget		\$130,723
Contract			
12/6/11	Approved Contract with Pick-it Construction, Inc.		\$102,139
	Requested Change Order		<u>\$19,710</u>
	New Contract Price with Change Order		\$121,849
Contingency			
	Total Available Project Budget		\$130,723
	New Contract Price with Change Order		<u>(\$121,849)</u>
	Remaining Contingency		\$8,874

Attachments:

Budget Adjustment
Pick-It Construction Change Order No. 2 Cost Estimate
Change Order No. 2
Commitment letter with Fayetteville Youth Baseball

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A CHANGE ORDER WITH PICK-IT CONSTRUCTION, INC. IN THE AMOUNT OF \$19,710.00 AND TO APPROVE A BUDGET ADJUSTMENT TO RECOGNIZE A DONATION FROM THE FAYETTEVILLE YOUTH BASEBALL LEAGUE UP TO \$33,600.00 TO COMPLETE THIS PROJECT

WHEREAS, the City of Fayetteville did not have sufficient funds budgeted to complete the entire improvement project for the Walker Park ball fields; and

WHEREAS, the Fayetteville Youth Baseball League has offered to donate up to \$33,600.00 to complete this project which enables the City to approve change orders to add back parks of the project which had to be removed for lack of funding.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a change order to the existing contract with Pick-It Construction, Inc. so that all of the Walker Park dugout and fan bleacher improvements can now be constructed.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment for up to \$33,600.00 in donation revenue as needed to complete this whole Walker Park project, with the proviso that the City will expend all of its budgeted revenue (including contingency) first and use only that portion of the \$33,600.00 donation as needed to complete the project and will return to Fayetteville Youth Baseball League any money not necessary to completely pay for this project.

PASSED and APPROVED this 20th day of December, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

**City of Fayetteville, Arkansas
Budget Adjustment Form**

A. 9 V11.0425
Pick-It Construction, Inc.
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Budget Year 2011	Division: Parks & Recreation Department: Parks & Recreation	Request Date 12/2/2011	Adjustment Number
--------------------------------	--	--------------------------------------	--------------------------

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

A budget adjustment in the amount of \$33,600 to add funding in the Walker Park Baseball Project and to recognize donation from Fayetteville Youth Baseball Association to assist with the Walker Park Baseball Project.

Byron Humphry <i>BH</i> Division Head Date 12/2/2011	Prepared By: Tracie Martin tmartin
Budget Director <i>2 E</i> Date 12/3/11	Reference:
Connie Edmonston <i>Connie Edmonston</i> Department Director Date 12/2/2011	Budget & Research Use Only
Finance Director <i>Paul A. Bush</i> Date 12-5-2011	Type: A B C D E P
Chief of Staff <i>Donald Man</i> Date 12-6-11	General Ledger Date
Mayor <i>David Jordan</i> Date 12/6/11	Posted to General Ledger Initial Date
	Checked / Verified Initial Date

TOTAL BUDGET ADJUSTMENT

TOTAL BUDGET ADJUSTMENT		33,600	33,600	
		Increase / (Decrease)		Project.Sub
Account Name	Account Number	Expense	Revenue	Number
Contract services	2250.9255.5315.00	33,600		11024 . 1101
Donations	2250.0925.4809.00		33,600	11024 . 1101
Park improvements	2250.9255.5806.00	15,230		02001 . 1
Contract services	2250.9255.5315.00	(15,230)		11024 . 1101
				.
				.



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

A. 9
Pick-It Construction, Inc.
Page 8 of 8

CHANGE ORDER NO. 2 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:	\$ -8,915.00
Contract Sum prior to this Change Order:	\$ 102,139.00
Contract Sum Increase this Change Order:	\$ 19,710.00
New Contract Sum including this Change Order:	\$ 121,849.00

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 Humphrey
Byron Humphrey,
Park Maintenance Superintendent

Pick-It Construction, Inc.

Contractor

By: [Signature]

Title: PRESIDENT

ATTEST:

CITY OF FAYETTEVILLE

By: _____
Mayor Lioneld Jordan

ATTEST:

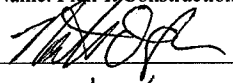
ITEM#	DESCRIPTION	UNIT	EST. QTY.	EST. UNIT PRICE	ESTIMATE
1	Reinstate Deductive Alternate #2 - 1 Bleacher Cover on Field 6	L.S.	1	\$ 6,570.00	\$ 6,570.00
2	Reinstate Deductive Alternate #3 - 2 Bleacher Covers on Field 3	L.S.	1	\$ 13,140.00	\$ 13,140.00

TOTAL

\$ 19,710.00

Respectfully submitted,

Firm Name: Pick-It Construction, Inc.

By: 

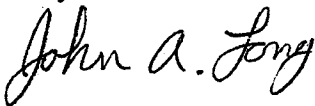
Date: 12/7/11

FAYETTEVILLE YOUTH BASEBALL

To Fayetteville City Council,

Fayetteville Youth Baseball League, Board of Directors would like to make a donation to the City of Fayetteville in the amount of \$33,600 to be used for improvements at Walker Park Baseball complex. We would like the donation to be used to add bleacher covers to fields 3 and 6 and to offset the cost of the contract that exceeded what the City had budgeted. We ask that any donated funds that are not needed to complete the contract be returned to us.

Fayetteville Youth Baseball League

A handwritten signature in cursive script that reads "John A. Long".

John Long – Executive Vice President/Treasurer

City of Fayetteville Staff Review Form

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

B. 1
Premier Lighting Group
Page 1 of 34

12/6/2011

City Council Meeting Date
Agenda Items Only

<u>Terry Gulley</u>	<u>Transportation Services</u>	<u>Transportation</u>
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.

\$ 22,000.00	\$ 460,713.00	Energy Effic/Conserv Block Grant
\$ 48,661.00	\$ 1,280,727.00	Trail Development
Cost of this request	Category / Project Budget	Program Category / Project Name
2240.9240.5342.99	\$ 435,694.00	Energy Block Grant
4470.9470.5814.05	\$ 588,709.00	Trail Improvements
Account Number	Funds Used to Date	Program / Project Category Name
09011	\$ 25,019.00	Energy Block Grant
02016	\$ 717,037.00	Sales Tax Cap Imp
Project Number	Remaining Balance	Fund Name

Budgeted Item ☒Budget Adjustment Attached ☐

Terry Gulley 11-29-11
Department Director Date

Previous Ordinance or Resolution # 104-10

OK [Signature] 11-29-11
City Attorney Date

Original Contract Date: _____

Original Contract Number: _____

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

11-29-11 P03:35 RCVD
Received in City Clerk's Office
King

[Signature] 11-29-11
Chief of Staff Date

Received in
Mayor's Office

[Signature] 11/29/11
Mayor Date

Comments:

Pull this from the 12/6/11 agenda per Peggy Vice.



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 *T22*
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.

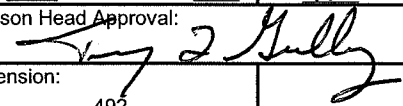
PASSED and APPROVED this 6th day of December, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City Of Fayetteville						Requisition No.:		Date: B. 1 11/29/2011 Premier Lighting Group		
Vendor #: 19545 Vendor Name: Premier Lighting Group Inc						P.O Number:		Expected Delivery Date: Page 4 of 34		
						Mail Yes: No: ☒				
Address: 8040 B Counts Massie Rd					Fob Point:		Taxable Yes: ☒ No:		Quotes Attached Yes: ☒ No:	
City: North Little Rock			State: AR		Zip Code: 72113		Ship to code: 104		Division 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: _____ Finance & Internal Services Director: _____ Dispatch Manager: _____ Department Director: _____ Budget Manager: _____ Utilities Manager: _____ Purchasing Manager: _____ IT 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	Freight Allowance	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
Freight Allowance
Min Billing

\$47,582.00
\$2,000.00

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
37		ACI	DS15ASDS-JXB

Price	UQ	ExtPrice
\$388.00		\$14,356.00

Total
Freight Allowance
Min Billing

\$14,356.00
Plus Freight

Terms: see last page for terms and conditions of sale

740.00

John Nelson - Re: Premier Lighting Group

B. 1
Premier Lighting Group
Page 8 of 34

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



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				DS15ASDS-JXB	
TOTAL BID PRICE:			\$15,675.00		\$55,242.00	

D1	Deductive Alternate #1 (amount to be subtracted from line item #1)	33	Price Each	Total Price	Price Each	Total Price
			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 [Signature] WITNESS 05/21/10 DATE

RESOLUTION NO. 104-10

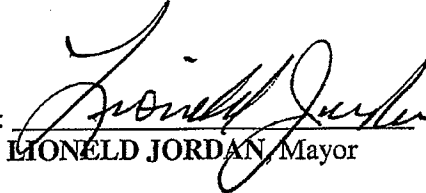
A RESOLUTION AWARDDING BID #10-40 AND APPROVING THE PURCHASE OF THIRTY-THREE (33) LED LIGHT FIXTURES AND POLES IN THE AMOUNT OF \$60,351.89 FROM DYNAMIC LIGHTING SOLUTIONS FOR INSTALLATION ON SCULL CREEK TRAIL BETWEEN NORTH STREET AND MAPLE AVENUE

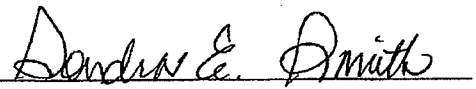
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

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: 
LIONEL JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer



City of Fayetteville Staff Review Form

B. 1
Premier Lighting Group
Page 11 of 34City Council Agenda Items
and
Contracts, Leases or Agreements

12/6/2011

City Council Meeting Date
Agenda Items Only

Revised

Terry Gulley
Submitted By

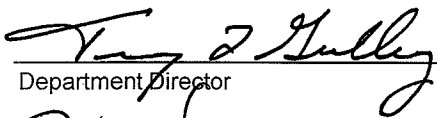
Division

Transportation
Department

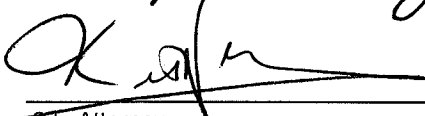
Action Required:

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

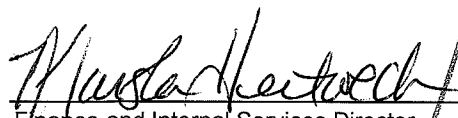
Budgeted Item ☒Budget Adjustment Attached ☐

 Department Director
11-18-11
Date

Previous Ordinance or Resolution #


 City Attorney
Nov 21, 2011
Date

Original Contract Date:

Original Contract Number:


 Finance and Internal Services Director
11/21/11
Date

Received in City Clerk's Office 11-18-11 P03:16


 Chief of Staff
11/21/11
Date

Received in Mayor's Office


 Mayor
11/23/11
Date

Comments:



Revised

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. _____

Revised

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: _____
LIONELD JORDAN, Mayor

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

Revised

B. 1
Premier Lighting Group
Page 1/3

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
37		ACI	DS15ASDS-JXB

Price	UQ	ExtPrice
\$388.00		\$14,356.00

Total
Freight Allowance
Min Billing

\$14,356.00
Plus Freight

Terms: see last page for terms and conditions of sale

Revised B.1

Premier Lighting Group
Page 2/3

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

Revised

B. 1
Premier Lighting Group
Page 3/3

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	Freight Allowance	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

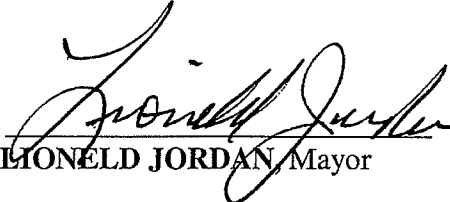
A RESOLUTION AWARDDING BID #10-40 AND APPROVING THE PURCHASE OF THIRTY-THREE (33) LED LIGHT FIXTURES AND POLES IN THE AMOUNT OF \$60,351.89 FROM DYNAMIC LIGHTING SOLUTIONS FOR INSTALLATION ON SCULL CREEK TRAIL BETWEEN NORTH STREET AND MAPLE AVENUE

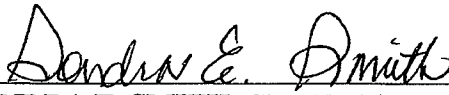
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

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: 
LIONEL JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer



City of Fayetteville Staff Review Form

B. 1
Premier Lighting Group
Page 18 of 34

City Council Agenda Items
and
Contracts, Leases or Agreements

6/15/2010

City Council Meeting Date
Agenda Items Only

John Coleman
Submitted By

Division

Sustainability
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)

\$150,000 (lights)

Energy Block Grant
Trails

\$13,988.37 (poles)

\$ 1,248,847.00

Cost of this request

Category / Project Budget

Program Category / Project Name

2240.9240.5315.00 (lights)

\$18,483.27 (lights)

Energy Block Grant

4520.9550.5814.05 (poles)

\$ 130,894.00

Trails

Account Number

Funds Used to Date

Program / Project Category Name

09011.0030 (lights)

\$131,516.73 (lights)

Energy Block Grant

06036.1004 (poles)

\$ 1,117,953.00

Trails

Project Number

Remaining Balance

Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

Department Director

Date

Previous Ordinance or Resolution #

City Attorney

Date

Original Contract Date:

Original Contract Number:

Finance and Internal Services Director

Date

Chief of Staff

Date

Mayor

Date

Received in City
Clerk's Office



Received in
Mayor's Office



Comments:

City Of Fayetteville - Purchase Order (PO) Request						Requisition No.:		Date:	
(Not a Purchase Order)						P.O Number:		Expected Delivery Date:	
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									
Vendor #:		NEW		Vendor Name:		DYNAMIC LIGHTING SOLUTIONS		Mail Yes: _____ No: _____	
Address:		5220 SHANK ROAD		Fob Point:		Taxable Yes: <u>x</u> No: _____		Quotes Attached Yes: _____ No: _____	
City:		PEARLAND		State:		TX		Divison Head Approval:	
Zip Code:		77581		Ship to code:		217			
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:						Subtotal: \$42,438.00			
Per Bid 10-40, Trail Lighting Equipment Re-Bid - LIGHTS only - Poles on separate PO						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							Requisition No.:		Date:			
(Not a Purchase Order)							P.O Number:		Expected Delivery Date:			
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												
Vendor #:		NEW		Vendor Name:			DYNAMIC LIGHTING SOLUTIONS			Mail Yes: _____ No: _____		
Address:				5220 SHANK ROAD			Fob Point:		Taxable Yes: <u>x</u> No: _____			
City:				PEARLAND		State:		TX		Quotes Attached Yes: _____ No: _____		
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:							Subtotal: \$12,804.00					
Per Bid 10-40, Trail Lighting Equipment Re-Bid - POLES only - LIGHTS on separate PO							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: _____						



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.



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 SHAWK 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
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1.	<u>Lighting Fixture (Arm, fixture, and LED)</u>	33	\$ <u>1286⁰⁰</u>	\$ <u>42,438⁰⁰</u>
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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 PROVIDE 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.	<u>Fiberglass Pole</u>	33	\$ <u>388⁰⁰</u>	\$ <u>12,804⁰⁰</u>
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Please Specify for Unit(s) Bid:

*MANUFACTURER: Alliance Composites MODEL: DS15ASDS-JXB

TOTAL BID PRICE:

\$ 55,242⁰⁰

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 <u>SUBTRACT</u> FROM LINE ITEM 1			
-----	--	--	--	--

33	\$ <u>736⁰⁰</u>	\$ <u>24,288⁰⁰</u>
----	----------------------------	-------------------------------

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-Hq.com

*BY: (PRINTED NAME) HAROLD BELOTE

*AUTHORIZED SIGNATURE: [Signature]

*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

[Signature] 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:

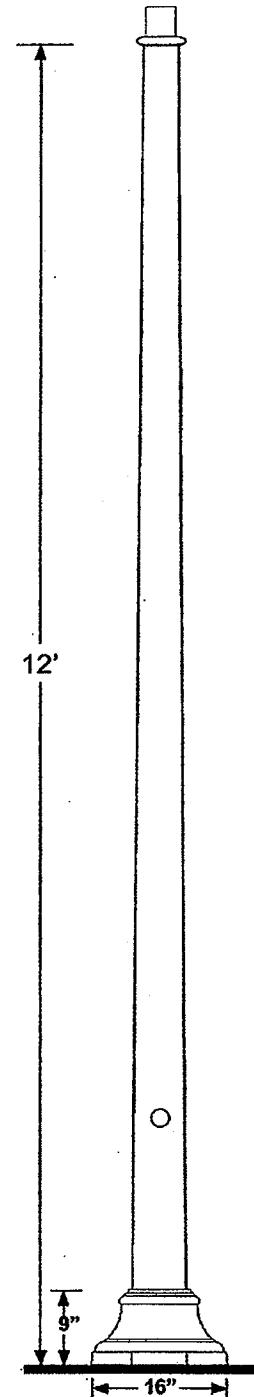
- **Luminaire (32) – D142 Series Dynamic Lighting, Inc. (Or approved equal) Model #PT40 / D142-RFS22 / LED-GENI / BLK / HR3-GL, Type III, Full Cutoff. Polycarbonate lens with foam seal at the hinge (unless the LED fixture has its own sealed lens).**
- **Pole (32) – Direct Bury 12' Composite Materials 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

800.364.0098 • Fax: 281.997.5441 • www.dynamiclighting.com

D142 Series

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

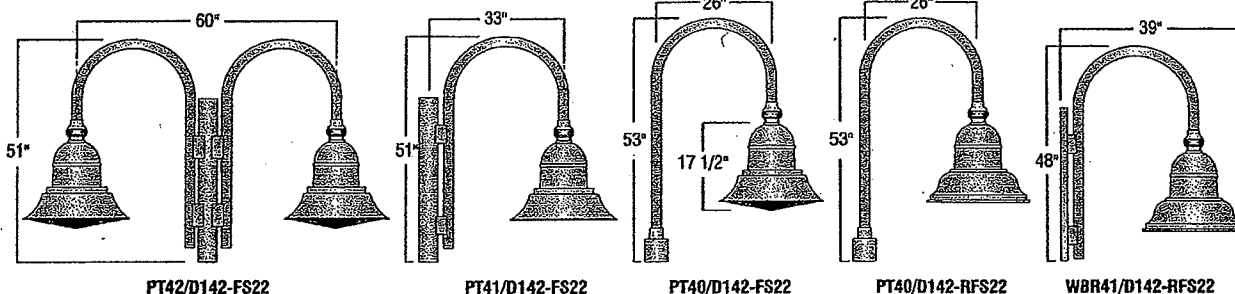
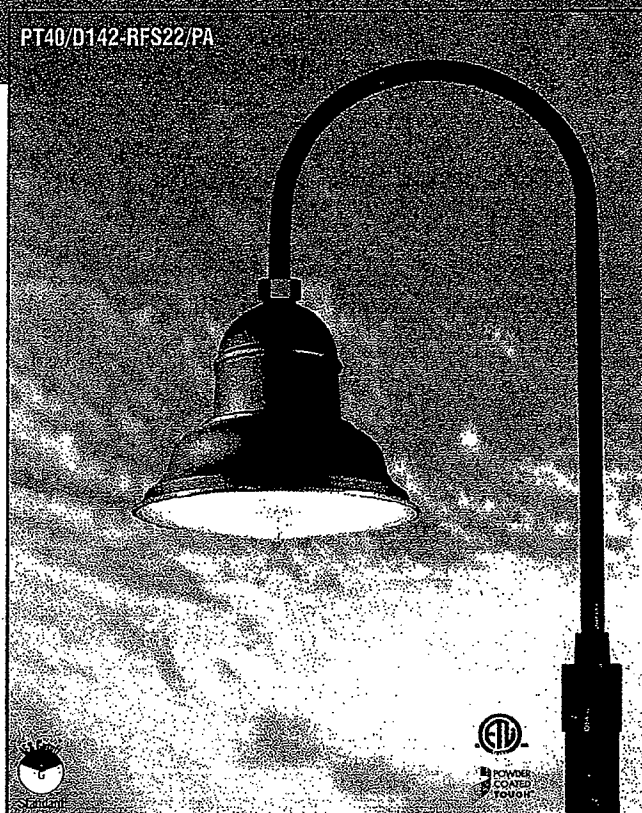
- High power factor ballast (HPF), core and coil type, pre-wired and tested
- Easy ballast pod access
- 4KV porcelain socket
- Suitable for wet location

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)



Ordering Guide

Bracket	Luminaire	Light Distribution	Light Source	Voltage	Finish	Option
	PT40 / D142-RFS22	T5	100HPS	120v	BLK	PCL
		T3	100MH,150MH	208v	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	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)

1 1/2" schedule 40
aluminum pipe

Cast
aluminum
housing

HID Ballast assembly

Spun aluminum
shade

4KV Pulse rated
porcelain socket

Lamp sold
separately

Segmented reflector

Hinged lens for
easy lamp access

Cast ring



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

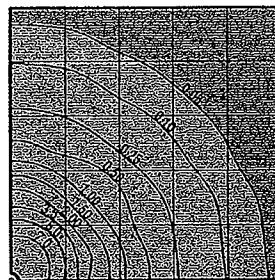
(HR3-GL) - Type III segmented reflector with a clear glass lens.

(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 Clerk - Agenda Item for Premier Lighting

From: Peggy Vice
To: City Clerk; Williams, Kit
Date: 12/1/2011 3:16 PM
Subject: Agenda Item for Premier Lighting
CC: Coleman, John; Foren, Andrea; Gulley, Terry; Mihalevich, Matt; Nelson, John

Please pull this item from the Dec. 6th agenda. The vendor has requested time to review his pricing to see if he can still honor his bid on the poles. We will attempt to finalize pricing and resubmit for the Dec. 20 meeting. Thanks.

Peggy Vice, CPPO, CPPB

Purchasing Manager

113 W Mountain

Fayetteville, AR 72701

Phone: 479/575-8289

Fax: 479/575-8257

TDD (Telecommunications Device for the Deaf): (479) 521-1316

 Please consider the environment before printing my e-mail

City of Fayetteville Staff Review Form

City Council Agenda Items

B. 2
Naming Alley
Page 1 of 12

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	
Project Number	Remaining Balance	Street
		Fund Name

Budgeted Item ☒Budget Adjustment Attached ☐

 11/15/2011 Previous Ordinance or Resolution #
 Department Director Date

 11/16/2011 Original Contract Date:
 City Attorney Date

 11-16-2011
 Finance and Internal Services Director Date

 11-16-11
 Chief of Staff Date

 11/17/11
 Mayor Date

11-15-11 P04:34 RCVD
 Received in City
 Clerk's Office


Received in
 Mayor's Office


Comments:

Tabled to 12/20/11 CC mtg.

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan

Thru: Scott Huddleston *SA*

From: John Goddard *JG*

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 parallel 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

W-DICKSON-ST

Proposed name change to
"Midtown"

N-WEST-AVE

N-SCHOOL-AVE

W-SPRING-ST

ALLEY-451

"Midtown"

N-LOCUST-AVE

W-MEADOW-ST

ALLEY-51

W-CENTER-ST

0 40 80 160 240 320 Feet

Proposed Name change to "Midtown"



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:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Lisa Branson - Fwd: Fayetteville alley name

From: Don Marr
To: Branson, Lisa
Date: 12/6/2011 9:58 AM
Subject: Fwd: Fayetteville alley name

Lisa - This was address to the City (in my email) So I wanted to make sure that the Council gets this for tonight.
Thanks,
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

>>> <gailgood@comcast.net> 12/6/2011 9:50 AM >>>

Matthew:

My name is Gail Goodrum: my husband and I own rental property on N. Locust, some of which fronts on the aforementioned alley. In all fairness, do any of the people who want to use a name from a fictional literary fantasy have any vested interest in the alley's name other than that it is "funky"? What those of us who are primarily involved with this situation are trying to do is to simplify the address and identify the alley so that emergency services can easily identify our properties. Finding a fanciful name seems unnecessary and potentially problematic. MidTown is descriptive of the location in the middle of the entertainment area.

Unfortunately, we are not in town and cannot attend the council meeting. I would ask that you take our concerns seriously; we feel strongly that using a name from Harry Potter is not the best solution to problems we are hoping to address with the naming of the alley.

Thank you.

Gail and Randy Goodrum



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.

Handed out at the City Council Meeting
12/6/11 "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 awesome.. 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 inspiration."
 16. Debra Lyon - "I vote for diagon alley. midtown alley is just too plain. let imagination run."
 17. Mary Welis 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'Iorah 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	Dominique 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

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

Left on Second Reading at the 12/6/11 CC mtg.

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



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

B. 3
RZN 11-3960
(1730 N. Old Wire
Road) Appeal
Page 3 of 48

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 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: _____
LIONELD JORDAN, Mayor

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

B. 3
RZN 11-3960
(1730 N. Old Wire
Road) Appeal
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WILLIAMS & COOPER



R-A

SAN ANTHA AVE

RSF-4

P-1

Multi-Use Trail (Existing)
 Future Trails
 Fayetteville City Limits

Overview

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

Planning Area



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 1/4) 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.

**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

B. 3
RZN 11-3960
(1730 N. Old Wire
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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]
Signature

NOTARY OATH

STATE OF ARKANSAS

Benton
COUNTY OF ~~WASHINGTON~~

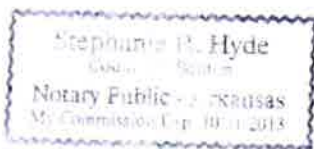
.SS

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





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	<u>YES</u>
Date:	<u>October 24, 2011</u>	☐ Tabled	☐ Forwarded	☒ Denied	
Motion:	<u>Chesser</u>	Second:	<u>Winston</u>		
Vote:	<u>4-3-0 (Commissioner Honchell, Hoskins, Griffin voted 'no')</u>				
Note:	<u>Motion to forward failed due to lack of five positive votes.</u>				
CITY COUNCIL ACTION:				Required	<u>YES</u>
		☐ 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:

"Site 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.
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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



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]
Signature

NOTARY OATH

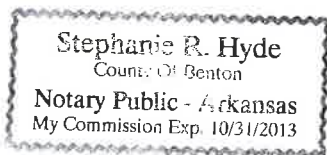
STATE OF ARKANSAS }
COUNTY OF Benton } .ss
~~WASHINGTON~~ }

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



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

WILLIAMS & COOPER

Current Land Use



Overview RZN11-3960

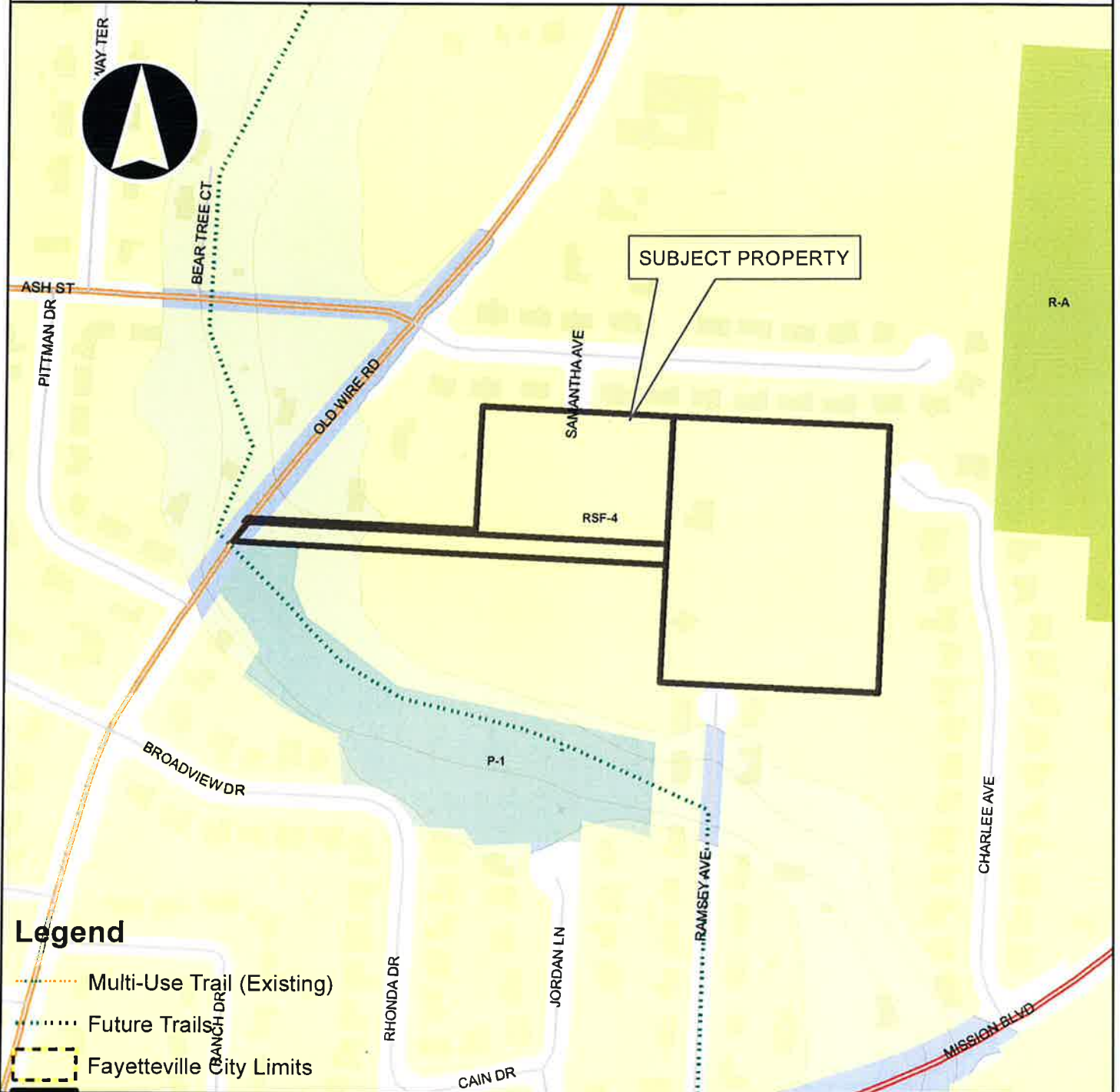
-  Footprints 2010
-  Hillside-Hilltop Overlay District
-  Design Overlay District
-  Design Overlay District
-  Planning Area

0 125 250 500 750 1,000 Feet

RZN11-3960

WILLIAMS & COOPER

Close Up View

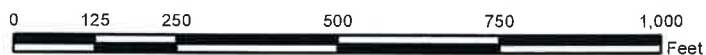


Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview

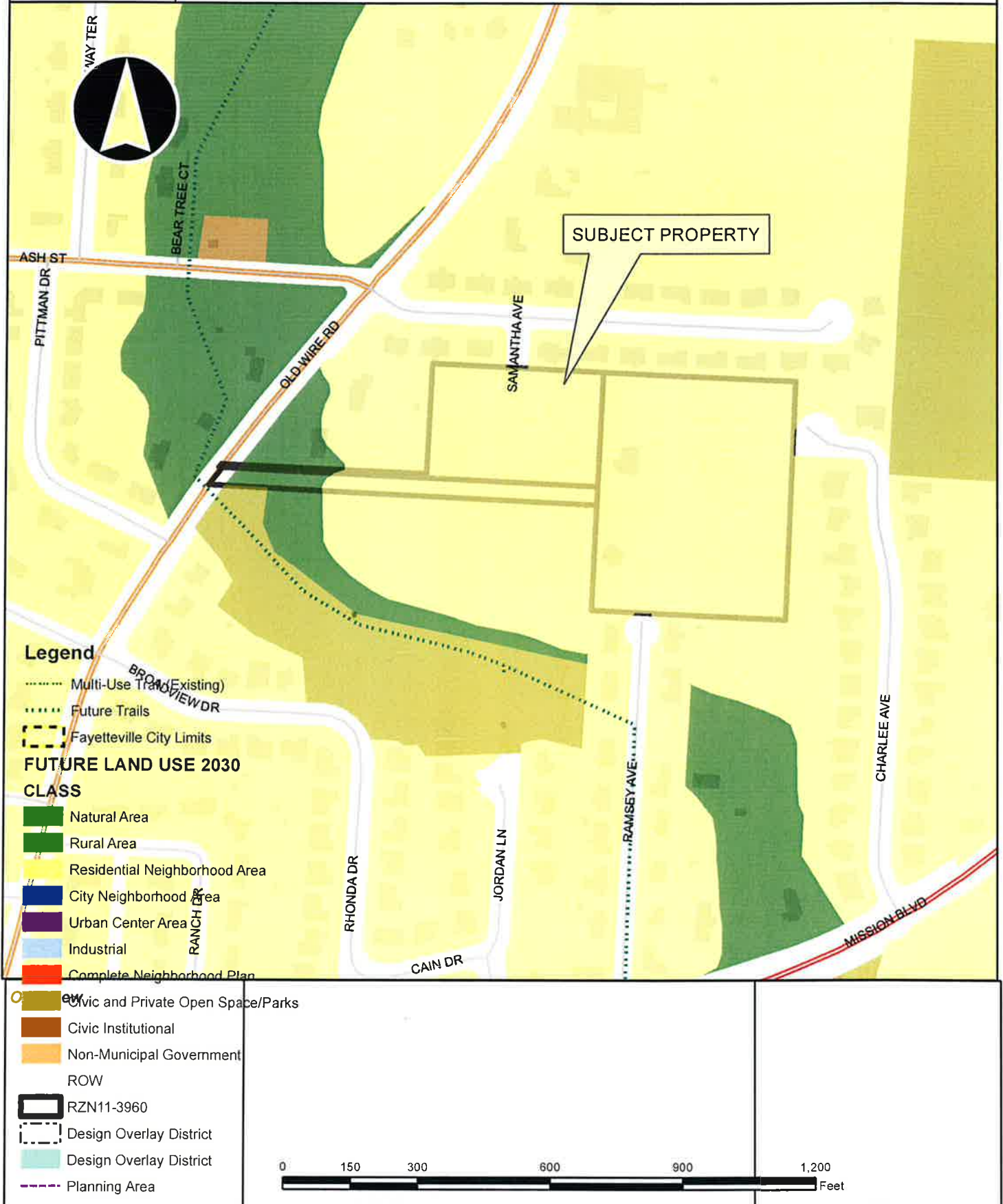
- RZN11-3960
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



RZN11-3960

WILLIAMS AND COOPER

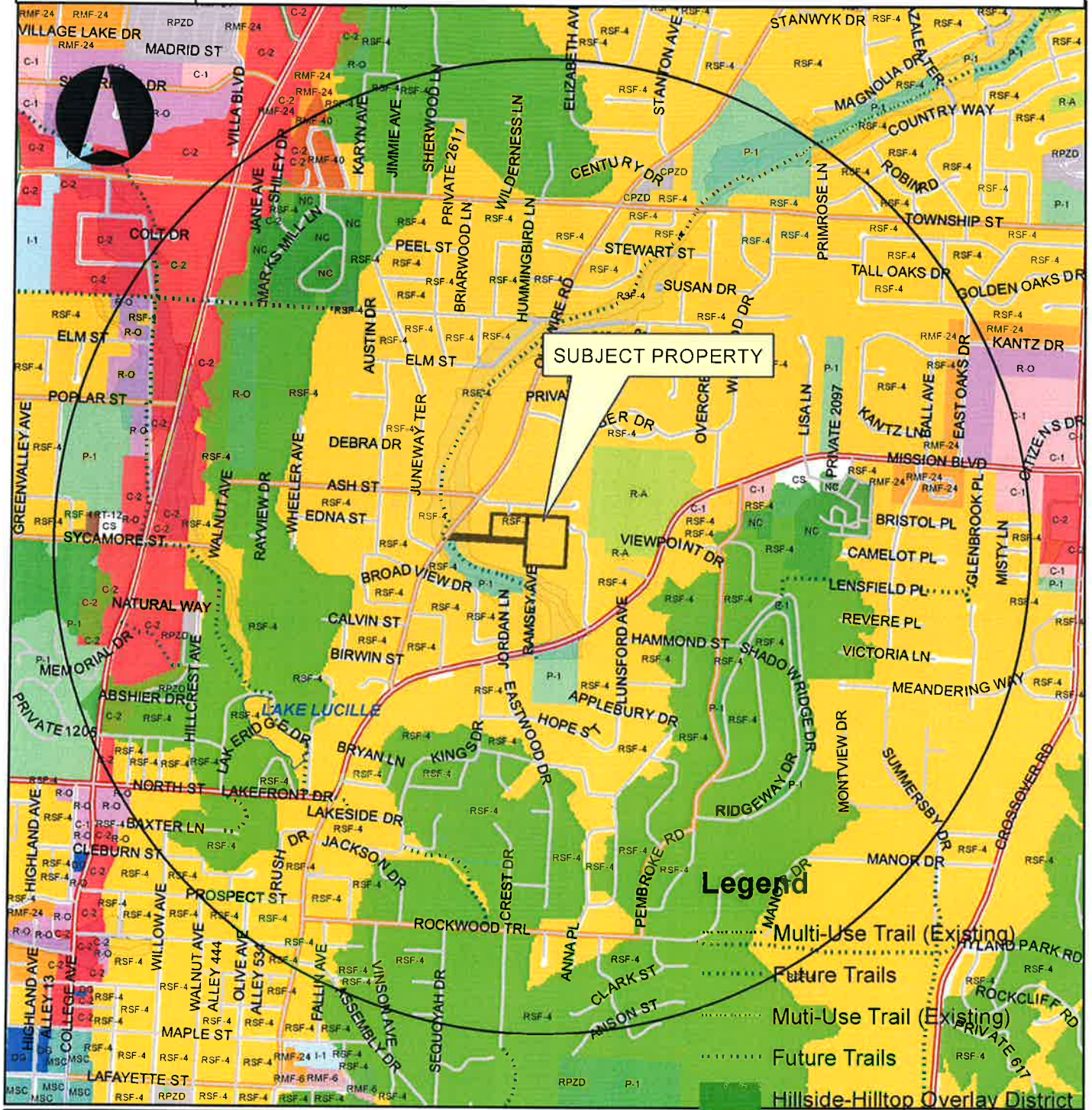
Future Land Use



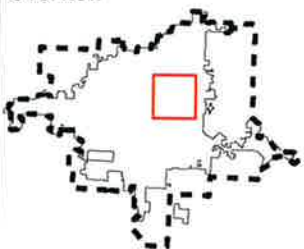
RZN11-3960

WILLIAMS AND COOPER

One Mile View



Overview



Legend

Subject Property

RZN11-3960

Boundary

0 0.25 0.5

RZN11-3960

Design Overlay District

Planning Area

Fayetteville

1 Miles

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.

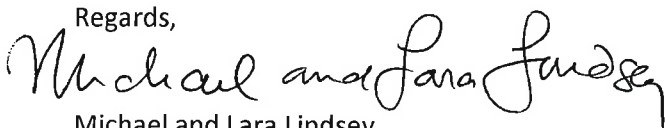
Last month we sent you letters stating our opposition to the developer’s plans. Our original reasons for opposing this development remain true since the developer has made no attempt to modify his plan or address our concerns. In summary, we feel that the proposed development’s plan to construct 50 homes 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
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 Johnese 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 Johnese 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 Johnese 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 Johnneese 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

City Clerk - RZN-11-3960, 1730 Old Wire Road

From: Debbie KELLER <dkcharlee@sbcglobal.net>
To: <city_clerk@ci.fayetteville.ar.us>
Date: 12/1/2011 2:15 PM
Subject: RZN-11-3960, 1730 Old Wire Road

This was originally sent November 18th but apparently the email address was incorrect. Please forward this to members of the city council. Thanks for your help.

We are Scott and Debbie Keller and our family has lived on Charlee for 15 years and enjoy this area of Fayetteville. We have seen the traffic increase over the years. We are the second house on the left where parents park in the mornings and afternoons to deliver or pick up their children from Root.

The impact of 50 cottage style homes will increase the traffic on the street. We are empty nesters but our children walked to Root for six years. There are several families on our street with children attending Root and there is already a concern for their safety because of parents utilizing our street for drop off and pick up. The proposed new homes would only increase the risk. They may have an out at Old Wire but logically they would use our street in order to turn right into Root. Old Wire is already a busy street in the mornings because it is a main artery in our city that leads to the University, College, downtown, etc., which makes it difficult to turn left. This is my route to work daily and I witness Ash St. residents struggle to take this left. Mission is a main artery as well and fifty new homes would mean a significant increase into this traffic flow. Turning left out of Charlee during school hours is impossible. Turning left out of Charlee any other time is also a challenge since there is a slight downward curve on Mission and people tend to speed when they are traveling from the east.

We are also concerned about the Niokaska Creek which is directly behind our home. Part of our property is on the flood plain. We currently do not require flood insurance but the home on the corner does require this insurance. We have seen the creek rise to meet our fence several times during heaving rain and during the melting of the heavy snow this past winter. There are troubled spots in our area with flooding and it is worth looking into when considering this many homes in a small amount of land as well as considering the effects on the environment.

The value of our home is also a concern. Our neighborhood has been established since the early 90's and we have maintained our homes. Smaller homes around the corner will decrease the resale value of our homes.

We would propose the City Council park outside our home during drop off and pick up times for Root School. We strongly hope you will vote against this proposal.

Thanks for your time.

Scott and Debbie Keller

City Clerk - Fwd: FW: Rezoning 11-3960

From: City Clerk
To: Aldermen
Subject: Fwd: FW: Rezoning 11-3960
CC: sikes.aj@pg.com

>>> "Sikes, Aimee" <sikes.aj@pg.com> 12/1/2011 2:31 PM >>>
I apologize for the lateness of this. I did not realize that I had an incorrect e-mail address.
Thank you for your help to distribute to the city council.

Best regards,

Aimee Sikes

From: Aimee Sikes [mailto:sikes.aimee@gmail.com]
Sent: November 18, 2011 04:31
To: City_clerk@ci.fayar.us
Cc: Sikes, Aimee
Subject: Rezoning 11-3960

Dear city council and planning commission,
We are writing to request your support in opposing the rezoning request for 1730 N Old Wire Rd.
(RZN 11-3960).

The forenamed property would not be an appropriate property for the requested NC zoning. We respectfully request that you deny the rezone and allow the property to retain it's current residential zoning.

There are several things to consider that indicate the inappropriateness of the NC zoning.

1. Safety - the design of Old Wire Road and nearby streets is not conducive to allow a projected 100 car daily traffic flow increase. The neighboring streets around Old Wire and Mission are all neighborhood residential roads and are not designed to handle through traffic flow. There are no sidewalks on Old Wire to allow for safe walkability and no continuous sidewalks on Mission Blvd.
2. Density - the proposed subdivision calls for up to 50 housing units on a small plot of land. Please consider this strongly as it will have a significantly negative impact on the neighborhood footprints in the area. Please consider nearby Charlee Avenue contains 27 single home residences in nearly the same space. We feel it would be inappropriate to purposely design a neighborhood where people are literally on top of one another without adequate property for children to play or elderly residents to safely walk for exercise and community interaction. This development would be a virtual concrete jungle and seems to go against the city's green space character.
3. Water flow - there is already significant water flow and drainage issue in the surrounding area. Homes on neighboring Charlee Ave have already been affected by flooding and washouts. We are concerned that due diligence has not been completed to fully understand how this additional development will affect the surrounding properties.
4. Environmental impact - We request a formal evaluation of the Niokaska Creek watershed. What impact will this proposed overly dense development have on the watershed and wildlife in the area?

We are especially concerned that there will be negative and irreversible environmental damage. The city is already contributing to the restoration of this watershed in the Sweetbriar area with a sizeable expense. Shouldn't we take the time to ensure there are no additional problems being created?

5. School Capacity - The developers zoning proposal states that the development would not impact the school system. Indeed it will. Root Elementary is already at capacity with overflow going to other schools and long-term "temporary" outbuildings being used as teaching facilities. The city has not announced plans to construct another school in the area.

6. We realize development is likely inevitable. We respectfully ask that current rezoning be maintained and that all due diligence is planned for and executed to ensure that the above issues are addressed prior to any development approvals. We believe that development can occur in a more suitable manner than what is currently being proposed.

Thank you for your consideration. We look forward to receiving your support.

Sincerely,

Robbie and Aimee Sikes

City Clerk - Fwd: Opposition to Rezoning Request

From: Amy Rossetti <ahrmdr@aol.com>
To: <city_clerk@ci.fayetteville.ar.us>
Date: 12/1/2011 10:06 PM
Subject: Fwd: Opposition to Rezoning Request

I just learned that I originally sent this to the wrong email. Please forward this to the city council.

Thank you,
Amy H. Rossetti

-----Original Message-----

From: Amy Rossetti <ahrmdr@aol.com>
To: city_clerk <city_clerk@ci.fay.ar.us>
Sent: Sat, Nov 19, 2011 8:06 am
Subject: Opposition to Rezoning Request

Dear City Council,

My family has lived on Charlee Avenue since 1999, and I am writing to express my concern about recent discussion and the pending decision to rezone the property at 1730 N. Old Wire Rd. I understand that the decision is being considered so that Jackson Williams and Tim Cooper can develop the land and build 50 homes.

I take the position that it would adversely affect the current residents and property owners on neighboring streets and increase the city population in an area that is already plagued by traffic congestion and a school that is at capacity.

I understand that one of the city's goals is to build housing where there is existing infrastructure. The infrastructure surrounding the area under consideration for rezoning is already stressed to capacity. In fact, it is our opinion that the area could not even support the development of the land under the current zoning so increasing the number of homes allowed does not make sense. The children who move in to the homes will not be able to enroll in Root School mid-year because the school is full. Many times a day there is significant traffic in the area.

The property is adjacent to a number of street "stub-outs" from either Old Wire Rd. or Mission Blvd. and the recommendation from the Planning Commission states that "connection to all street stub-outs will be required at the time of development." The City Planning Division states in their recommendation that this supports the creation of a "livable transportation network" because it will provide "more options to residents and those traveling through the area." There will be a way for drivers to avoid the intersection of Old Wire Rd. and Mission Blvd. I fail to see how rerouting significant traffic through a residential neighborhood qualifies as an acceptable "livable transportation network." It will route traffic to streets where young children live, play and ride their bikes. The new homes will add to the amount of traffic in the area and make it less safe for the children in the area to walk to school. There is already significant traffic in the area in the mornings, evenings, and at the time that Root school dismisses. Also, about 15 minutes after the high school dismisses traffic backs up on Mission Blvd. near the area of the rezoning request.

The area would be much better served if the City of Fayetteville worked with the state of Arkansas to improve Mission Blvd and the condition of the intersection of Old Wire Rd. and Mission Blvd. before any additional development is done in the area. Various divisions of the city government have long used the excuse that Mission Blvd. is a state road to justify to the parents of Root School students why there are insufficient sidewalks and no light at the intersection. It is time to actually solve the problem rather than make it worse.

During the time that traffic is not an issue, speeding on Mission Blvd. is an issue. Because of the angle at which Charlee Ave. and Mission Blvd meet and a very large tree it is difficult to see if it is safe to turn. The limited visibility and speeding add up to a dangerous situation. Traffic does not need to be added to this area.

The City Planning Division also states that this development is consistent with the city's goals of an enduring green network and opportunities for attainable housing. I spoke with City Planner, Andrew Garner and he indicated to me that Mr. Cooper wishes to build a style of home with little front yards and garages at the rear of the homes. The garages would be entered from allies running behind the homes and the houses would have very little space in between them. I looked at aerial maps of areas where these types of homes have been built and this type of development does not leave significant green space. Those in need of attainable housing would be better served if the area where the housing was included more private green space so their children and animals would have safe places to be.

I am well aware of the assessed value of our home and the associated property tax. We did not find any information in the recommendation or request that stated a projected value of the homes and the projected tax bill the home owners would be required to pay. Without this information, claims as to the affordability of planned housing should not be made.

Sincerely,
Amy Rossetti

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

From: Scot Burton <SBurton@walton.uark.edu>
To: "city_clerk@ci.fayetteville.ar.us" <city_clerk@ci.fayetteville.ar.us>
Date: 12/2/2011 3:39 PM
Subject: Possible Rezoning 11-3960 1730 N. Old Wire Road

Dear members of the City Council,

As a resident of Charlee Avenue for the past 18 years, I am taking this opportunity to express my concerns about the proposal to rezone the property that will ultimately lead to a cut-through on our street. My chief concern is for the safety of the children on both Charlee and Ash Street who walk to Root School. In addition, other children are also on Charlee after and before school because parents use our street as a place to park and drop their children off to avoid the Root drop-off and pick-up traffic. Like many others, we initially selected Charlee Street partially based on its proximity to Root, and historically, it has had a large group of children riding bikes, skating, and playing on the street, so there is concern beyond just the before and after school time frame. Anything that results in increased traffic on our street at these very busy times of day, as well as other times when children play, will become a safety hazard. Decisions made by the members of the City Council should consider this increased risk and its potential outcomes. Would a severe injury to a single child in an accident that stemmed from this decision be worth any of the favorable outcomes being presented?

While safety is my primary concern, there are other issues as well. The proposal suggested that some 50 houses could be constructed on the property, and this seems very different from the nearby neighborhood environments. I am not sure what types of dwellings are envisioned, but it seems that it will differ substantially from what we generally see, and this raises additional possible concerns about the safety of children. I also have concerns about the potential for the increased likelihood of flooding. Homes have been flooded previously on our street due to rain, and many of us are used to having substantial amounts of water in our backyards during and after heavy rainfall. I have to believe that the location and open land that would be used for development has helped prevent additional flooding problems.

In sum, while there are several concerns that I have, my primary one is for the safety of the large number of children who live and play on Charlee, and the very large number that use it to access Root Elementary before and after school. I sincerely hope that the safety of these children will be strongly considered by the City Council. Is there any factor as important as this?

Sincerely,

Scot Burton

Scot Burton
Professor, University of Arkansas
Resident, 1702 Charlee

Scot Burton
Sam M. Walton College of Business
(479) 575-5398

City Clerk - Protest of RZN 11-3960 Williams/Cooper Fayetteville 6 December Agenda Item

From: Kevin and Charity Sanchez <ksanche@gmail.com>
To: <ward3_pos1@ci.fayetteville.ar.us>, <ward3_pos2@ci.fayetteville.ar.us>,
<mayor@ci.fayetteville.ar.us>, <city_clerk@ci.fayetteville.ar.us>,
<ward1_pos1@ci.fayetteville.ar.us>, <bthiel@cox.net>, <ward2_pos1@ci.fayetteville.ar.us>,
<citycouncil@matthewpetty.org>, <rhonda@adamsward4.com>, <sarahelainelewis@gmail.com>
Date: 12/5/2011 4:49 PM
Subject: Protest of RZN 11-3960 Williams/Cooper Fayetteville 6 December Agenda Item
Attachments: Rezone-NC.pdf; Zone RSF-4.pdf

Dear Fayetteville City Council,

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. I have calculated that the most parcels that could be placed in the area with the current zoning is 30 units or 3.5 units per acre; furthermore, the proposed zoning could generate as much as 48 units or 5.6 units per acre. 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 and the character of the neighborhood. Because the area is desirable 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 as well as another development on Mission St. 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 generated from a denser zone as well. This rezoning WOULD appreciably increase traffic danger and congestion. I have shown above that there will be up to 18 more homes or potentially 36 more commuting vehicles per day if the rezoning is allowed. The project to widen and improve Old Wire Rd. from Mission to Crossover must be completed PRIOR to any further development in the area. 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 St. & Ash St. as a cut thru or staging area for pick-up & drop-off for Root elementary school a connection to Charlee St. would have similar results. 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. This includes off site mandated requirements. 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. We reside at 1273 E. Ash St.

Sincerely,

Kevin & Charity Sánchez

City Clerk - RE: Re: Possible Rezoning 11-3960 1730 N. Old Wire Road

From: Scot Burton <SBurton@walton.uark.edu>
To: City Clerk <city_clerk@ci.fayetteville.ar.us>, "citycouncil@matthewpetty.org" <citycouncil@matthewpetty.org>
Date: 12/5/2011 11:37 AM
Subject: RE: Re: Possible Rezoning 11-3960 1730 N. Old Wire Road

I think this comes down to population density and its effect on traffic on the street. If there is a connection via Charlee that would be used by a large number of people, this becomes more of a safety concern. If they were multi-family units or housing (ultimately) used by U of A students, this potentially could raise additional safety concerns for younger children. Historically, most drivers on our street have known that there are lots of children around, and drivers generally have been quite cautious.

Hope this helps.

Scot Burton

From: City Clerk [mailto:city_clerk@ci.fayetteville.ar.us]
Sent: Monday, December 05, 2011 10:43 AM
To: Scot Burton
Cc: citycouncil@matthewpetty.org
Subject: Fwd: Re: Possible Rezoning 11-3960 1730 N. Old Wire Road

>>> Matthew Petty - Fayetteville Ward 2 <citycouncil@matthewpetty.org> 12/5/2011 9:08 AM >>>
Mr. Burton - Thank you for writing. I will consider what you have said.

Can you elaborate on one of your points? I'm not sure I understand the connection between the number of houses and safety.

Here is what you wrote:

--
The proposal suggested that some 50 houses could be constructed on the property, and this seems very different from the nearby neighborhood environments. I am not sure what types of dwellings are envisioned, but it seems that it will differ substantially from what we generally see, and this raises additional possible concerns about the safety of children.
--

Thank you.
-M

On Fri, Dec 2, 2011 at 3:55 PM, City Clerk <city_clerk@ci.fayetteville.ar.us> wrote:
>>> Scot Burton <SBurton@walton.uark.edu> 12/2/2011 3:38 PM >>>

Dear members of the City Council,

As a resident of Charlee Avenue for the past 18 years, I am taking this opportunity to express my concerns about the proposal to rezone the property that will ultimately lead to a cut-through on our street. My chief concern is for the safety of the children on both Charlee and Ash Street who walk to Root School. In addition, other children are also on Charlee after and before school because parents use our street as a place to park and drop their children off to avoid the Root drop-off and pick-up traffic. Like many others, we initially selected Charlee Street partially based on its proximity to Root, and historically, it has had a large group of children riding bikes, skating, and playing on the street, so there is concern beyond just the before and after school time frame. Anything that results in increased traffic on our street at these very busy times of day, as well as other times when children play, will become a safety hazard. Decisions made by the members of the City Council should consider this increased risk and its potential outcomes. Would a severe injury to a single child in an accident that stemmed from this decision be worth any of the favorable outcomes being presented?

While safety is my primary concern, there are other issues as well. The proposal suggested that some 50 houses could be constructed on the property, and this seems very different from the nearby neighborhood environments. I am not sure what types of dwellings are envisioned, but it seems that it will differ substantially from what we generally see, and this raises additional possible concerns about the safety of children. I also have concerns about the potential for the increased likelihood of flooding. Homes have been flooded previously on our street due to rain, and many of us are used to having substantial amounts of water in our backyards during and after heavy rainfall. I have to believe that the location and open land that would be used for development has helped prevent additional flooding problems.

In sum, while there are several concerns that I have, my primary one is for the safety of the large number of children who live and play on Charlee, and the very large number that use it to access Root Elementary before and after school. I sincerely hope that the safety of these children will be strongly considered by the City Council. Is there any factor as important as this?

Sincerely,

Scot Burton

Scot Burton

Professor, University of Arkansas

Resident, 1702 Charlee

Scot Burton

Sam M. Walton College of Business

(479) 575-5398

City of Fayetteville Staff Review Form

B. 4
Hilton Garden Inn
Tree Preservation
Area Modification
Page 1 of 8

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

12/6/2011

City Council Meeting Date
Agenda Items Only

Alison Jumper
Submitted By

Park Planning
Division

Parks and Recreation
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

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Finance and Internal Services Director

Date

Received in City
Clerk's Office

11-17-11 POS:17 RCVD

Chief of Staff

Date

Received in
Mayor's Office

Mayor

Date

Comments:

Tabled to 12/20/11 CC mtg.



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 *C.E.*
Jeremy Pate, Development Services Director *J.P.*

From: Alison Jumper, Park Planning Superintendent *A.J.*

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 recommends 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: _____
LIONELD JORDAN, Mayor

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

Fayetteville Code of Ordinances

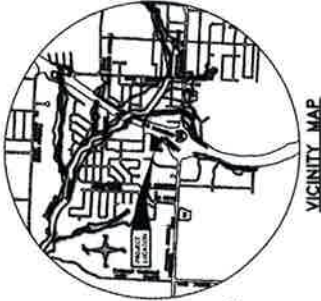
- (5) *Maintenance agreement and landscape establishment guarantee.* All plans requesting on-site mitigation or off-site forestation shall include a binding three year maintenance and monitoring plan, which shall hold the applicant responsible for the health of all planted trees.
- (a) Approval of a 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

HILTON GARDEN INN
EASEMENT PLAT



Crossed by ELL
Grown by GA
Horizontal Scale 1'-30"
Vertical Scale N/A
DRAWN BY MMD
Revised:
Sight Survey Filing Code 900-164-0800 + 03 - 07 - 05-1000
City Project Number: Per Page \$25

PAGE	d	PAGES
1		1



CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING-CHORD LENGTH
G14	16.65'	31.08'	89°22'	31.62/21°59' 18.71'
G15	5.11'	49.89'	32°33'	50.00/46°16' 48.00'
G16	5.17'	48.00'	31°03'	50.00/48°06' 5.17'



PAULINE JOHNSON
 is an Assistant Unit 1000 Operator on Passenger Line assignments stationed on the 6200-6300-6400-6500-6600-6700-6800-6900-7000-7100-7200-7300-7400-7500-7600-7700-7800-7900-8000-8100-8200-8300-8400-8500-8600-8700-8800-8900-9000-9100-9200-9300-9400-9500-9600-9700-9800-9900-1000-1010-1020-1030-1040-1050-1060-1070-1080-1090-1100-1110-1120-1130-1140-1150-1160-1170-1180-1190-1200-1210-1220-1230-1240-1250-1260-1270-1280-1290-1300-1310-1320-1330-1340-1350-1360-1370-1380-1390-1400-1410-1420-1430-1440-1450-1460-1470-1480-1490-1500-1510-1520-1530-1540-1550-1560-1570-1580-1590-1600-1610-1620-1630-1640-1650-1660-1670-1680-1690-1700-1710-1720-1730-1740-1750-1760-1770-1780-1790-1800-1810-1820-1830-1840-1850-1860-1870-1880-1890-1900-1910-1920-1930-1940-1950-1960-1970-1980-1990-2000-2010-2020-2030-2040-2050-2060-2070-2080-2090-2100-2110-2120-2130-2140-2150-2160-2170-2180-2190-2200-2210-2220-2230-2240-2250-2260-2270-2280-2290-2300-2310-2320-2330-2340-2350-2360-2370-2380-2390-2400-2410-2420-2430-2440-2450-2460-2470-2480-2490-2500-2510-2520-2530-2540-2550-2560-2570-2580-2590-2600-2610-2620-2630-2640-2650-2660-2670-2680-2690-2700-2710-2720-2730-2740-2750-2760-2770-2780-2790-2800-2810-2820-2830-2840-2850-2860-2870-2880-2890-2900-2910-2920-2930-2940-2950-2960-2970-2980-2990-3000-3010-3020-3030-3040-3050-3060-3070-3080-3090-3100-3110-3120-3130-3140-3150-3160-3170-3180-3190-3200-3210-3220-3230-3240-3250-3260-3270-3280-3290-3300-3310-3320-3330-3340-3350-3360-3370-3380-3390-3400-3410-3420-3430-3440-3450-3460-3470-3480-3490-3500-3510-3520-3530-3540-3550-3560-3570-3580-3590-3600-3610-3620-3630-3640-3650-3660-3670-3680-3690-3700-3710-3720-3730-3740-3750-3760-3770-3780-3790-3800-3810-3820-3830-3840-3850-3860-3870-3880-3890-3900-3910-3920-3930-3940-3950-3960-3970-3980-3990-4000-4010-4020-4030-4040-4050-4060-4070-4080-4090-4100-4110-4120-4130-4140-4150-4160-4170-4180-4190-4200-4210-4220-4230-4240-4250-4260-4270-4280-4290-4300-4310-4320-4330-4340-4350-4360-4370-4380-4390-4400-4410-4420-4430-4440-4450-4460-4470-4480-4490-4500-4510-4520-4530-4540-4550-4560-4570-4580-4590-4600-4610-4620-4630-4640-4650-4660-4670-4680-4690-4700-4710-4720-4730-4740-4750-4760-4770-4780-4790-4800-4810-4820-4830-4840-4850-4860-4870-4880-4890-4900-4910-4920-4930-4940-4950-4960-4970-4980-4990-5000-5010-5020-5030-5040-5050-5060-5070-5080-5090-5100-5110-5120-5130-5140-5150-5160-5170-5180-5190-5200-5210-5220-5230-5240-5250-5260-5270-5280-5290-5300-5310-5320-5330-5340-5350-5360-5370-5380-5390-5400-5410-5420-5430-5440-5450-5460-5470-5480-5490-5500-5510-5520-5530-5540-5550-5560-5570-5580-5590-5600-5610-5620-5630-5640-5650-5660-5670-5680-5690-5700-5710-5720-5730-5740-5750-5760-5770-5780-5790-5800-5810-5820-5830-5840-5850-5860-5870-5880-5890-5900-5910-5920-5930-5940-5950-5960-5970-5980-5990-6000-6010-6020-6030-6040-6050-6060-6070-6080-6090-6100-6110-6120-6130-6140-6150-6160-6170-6180-6190-6200-6210-6220-6230-6240-6250-6260-6270-6280-6290-6300-6310-6320-6330-6340-6350-6360-6370-6380-6390-6400-6410-6420-6430-6440-6450-6460-6470-6480-6490-6500-6510-6520-6530-6540-6550-6560-6570-6580-6590-6600-6610-6620-6630-6640-6650-6660-6670-6680-6690-6700-6710-6720-6730-6740-6750-6760-6770-6780-6790-6800-6810-6820-6830-6840-6850-6860-6870-6880-6890-6900-6910-6920-6930-6940-6950-6960-6970-6980-6990-7000-7010-7020-7030-7040-7050-7060-7070-7080-7090-7100-7110-7120-7130-7140-7150-7160-7170-7180-7190-7200-7210-7220-7230-7240-7250-7260-7270-7280-7290-7300-7310-7320-7330-7340-7350-7360-7370-7380-7390-7400-7410-7420-7430-7440-7450-7460-7470-7480-7490-7500-7510-7520-7530-7540-7550-7560-7570-7580-7590-7600-7610-7620-7630-7640-7650-7660-7670-7680-7690-7700-7710-7720-7730-7740-7750-7760-7770-7780-7790-7800-7810-7820-7830-7840-7850-7860-7870-7880-7890-7900-7910-7920-7930-7940-7950-7960-7970-7980-7990-8000-8010-8020-8030-8040-8050-8060-8070-8080-8090-8100-8110-8120-8130-8140-8150-8160-8170-8180-8190-8200-8210-8220-8230-8240-8250-8260-8270-8280-8290-8300-8310-8320-8330-8340-8350-8360-8370-8380-8390-8400-8410-8420-8430-8440-8450-8460-8470-8480-8490-8500-8510-8520-8530-8540-8550-8560-8570-8580-8590-8600-8610-8620-8630-8640-8650-8660-8670-8680-8690-8700-8710-8720-8730-

RECEIVED BY THE FBI ON 10-10-68
THAT THE SEARCHING UNIT FOR PLACES
RECORDS OF THE CITY OF BIRMINGHAM, ALABAMA.

DO NOT DISCLOSE TO ANY OTHERS WITH ACCESS TO THE PARTICULATE PLANNING CHAIRMAN AT A MEETING OF THE PARTICULATE PLANNING CHAIRMAN. THE INFORMATION IS TO BE USED ONLY FOR THE PURPOSES OF THE PARTICULATE PLANNING CHAIRMAN. THE INFORMATION IS TO BE USED ONLY FOR THE PURPOSES OF THE PARTICULATE PLANNING CHAIRMAN.

[illegible]

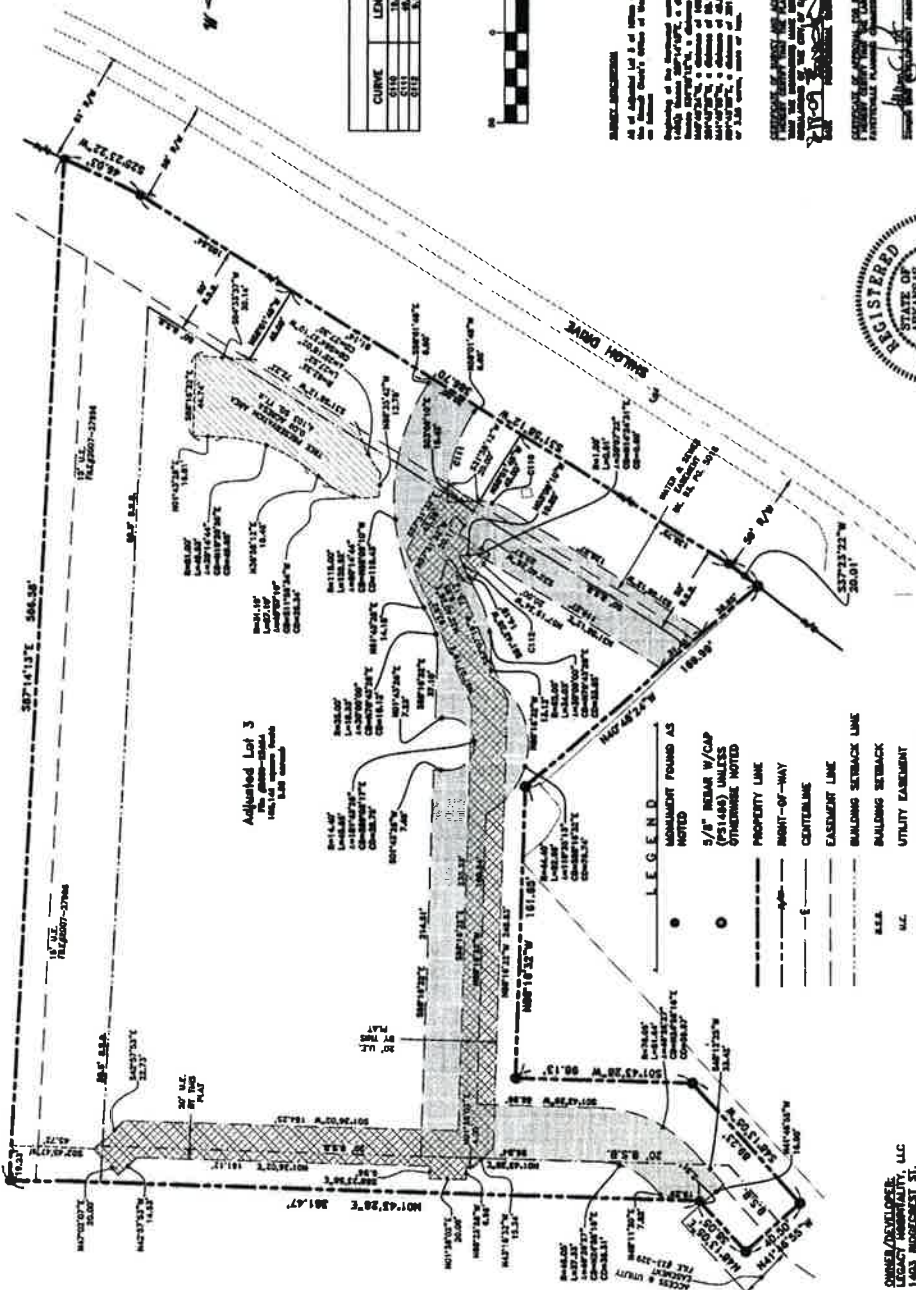
CERTIFICATE OF APPROVAL OF UTILITY LANDS
OF BROWN COUNTY MAY ALL UTILITY LANDS PLATED IN THIS DOCUMENT ARE SHOWN AS REQUESTED
AND WERE APPROVED BY THE UNDERSIGNED SUTELTES OF THE CITY OF FANNINGVILLE, ARIZONA.

DATE	TIME	NAME	UNIT
6/22/09	08:00	K. G. G. G. G.	UNIT 1
8/21/09	08:00	R. G. G. G.	UNIT 1
8/21/09	08:00	R. G. G. G.	UNIT 1
8/21/09	08:00	R. G. G. G.	UNIT 1

[illegible]

APPROVED BY: Dez 7/8/09 DATE: 8/21/09
CITY OF INDIANAPOLIS, INDIANA FORESTER

Exhibit A



Index. continued:

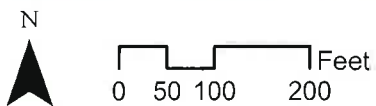
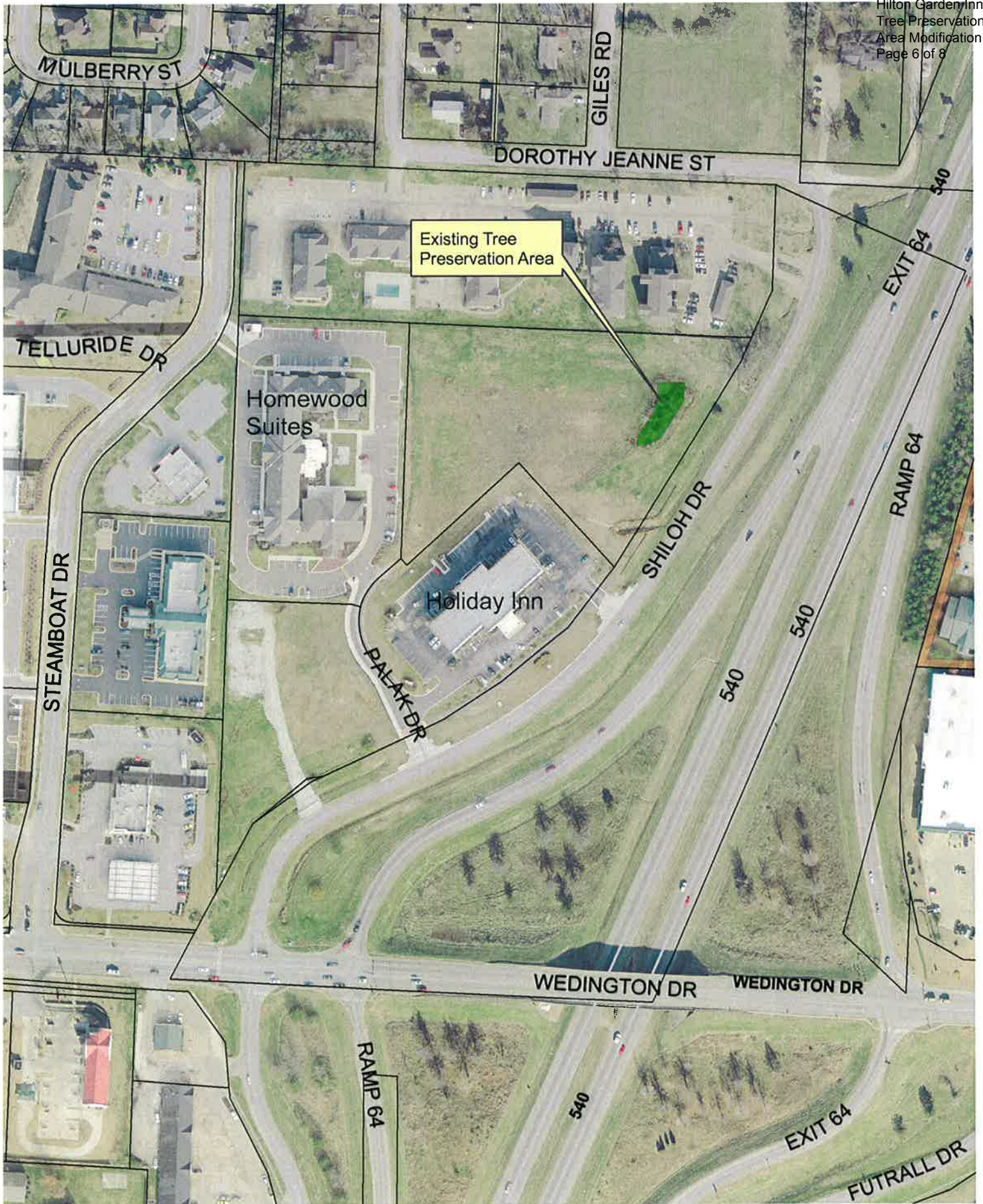
- This survey is valid only if the drawing includes the seal and signature of the surveyor.

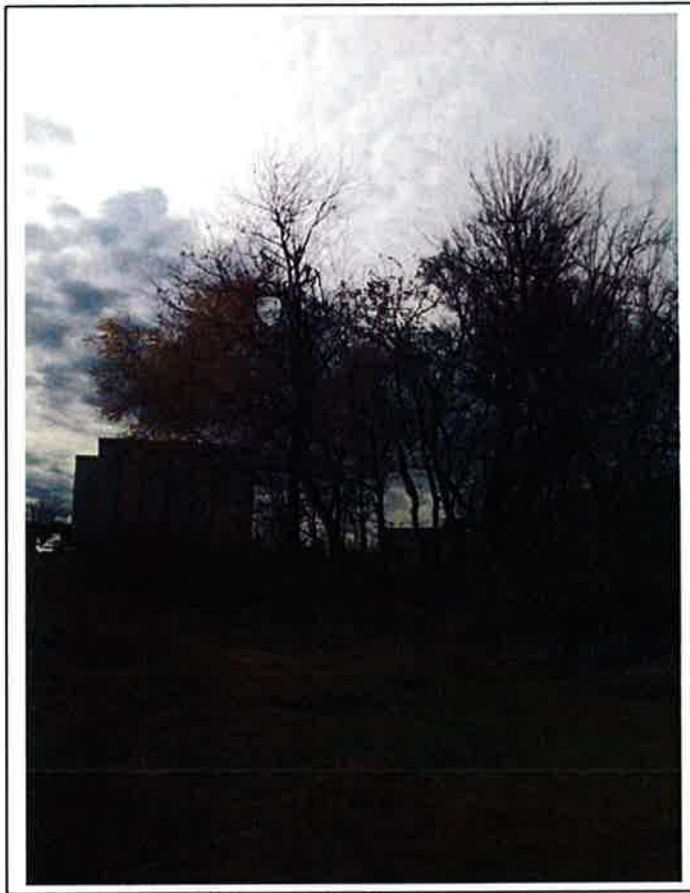
Front	25 Feet/30 Feet, if posting allowed
Side	00 Feet
Side, when contiguous to a residential district	15 Feet
Rear	20 Feet

Doc ID: 01200
 Sheet No. 01200

Doc ID: 013031800001 Type: REL
Kind: PLAT
Recorded: 09/01/2008 at 11:58:08 AM
File Amt: Page 1 of 1
Washington County, AR
Belle Stamos Circuit Clerk
File# 0023-00000368

- The boundary configuration shown on this survey does not purport to be a true plat, right or way, other subdivision of land so may be changed by city, county, or state law.
- Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the surveyed plot contents:
 - Easements, other than possible easements shown visible at the time of recording of this survey, building without those restrictions.
 - Other interests such as mortgages and current title search may disclose.
- Every document of record retained and considered as part of this survey is valid hereon. Only No documents noted herein were supplied the mapmaker.
- This plat represents an easement plat of Adjacent Lot 3 of the Property Line Adjustment recorded on the #2009-23464 in the Chuvick Clark's Office of Washington County, Arkansas.
- Books of Recordings Arkansas Statewide GIS Information System located at 801 S.W. of Fayetteville, ARS Information







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 Council Agenda Items
and
Contracts, Leases or Agreements**

12/6/2011

City Council Meeting Date
Agenda Items OnlyAlison Jumper
Submitted ByPark Planning
DivisionParks and Recreation
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

Previous Ordinance or Resolution #

City Attorney

11-18-11
Date

Original Contract Date:

Original Contract Number:

Finance and Internal Services Director

11-18-2011
DateReceived in City
Clerk's Office

11-17-11 P05:17 RCVD

Chief of Staff

11-21-11
DateReceived in
Mayor's Office

Mayor

11/23/11
Date

Comments:

Tabled to 12/20/11 CC mtg.

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director *CE*
Jeremy Pate, Development Services Director *JP*

From: Alison Jumper, Park Planning Superintendent *AJ*

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-Bellafront 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 and that no parking shall be allowed on Lot 1.

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

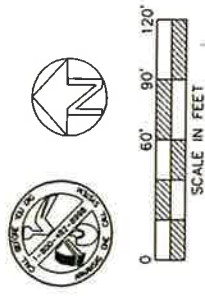
APPROVED:

ATTEST:

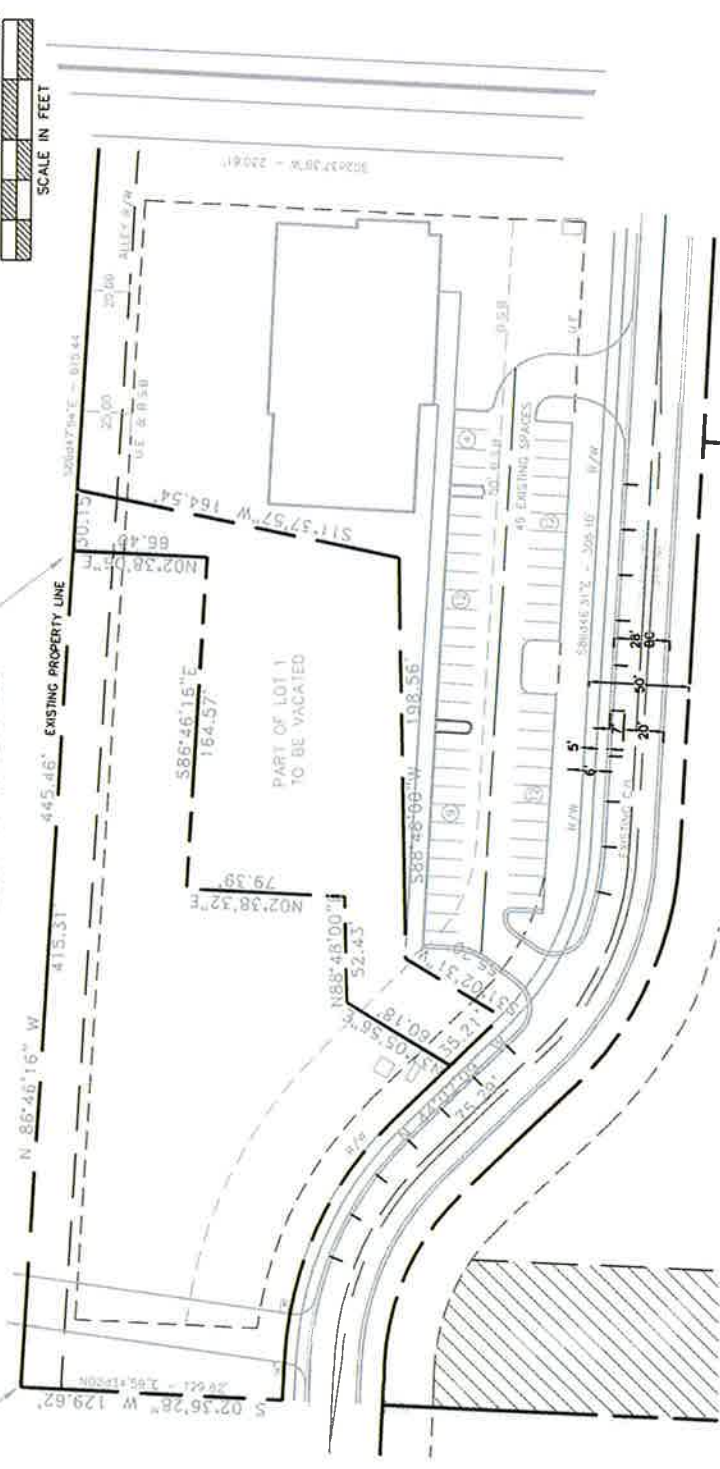
By: _____
LIONELD JORDAN, Mayor

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

NW CORNER
NW 1/4, NW 1/4
SEC 25, T-17-N
R-30-W
PLAT 2005-3303
3" ALUMINUM CAP



P.O.B.
(LOT 1 VACATED)



LEGAL DESCRIPTION (ORIGINAL LOT 1):

Lot 1 of Bellofont 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):

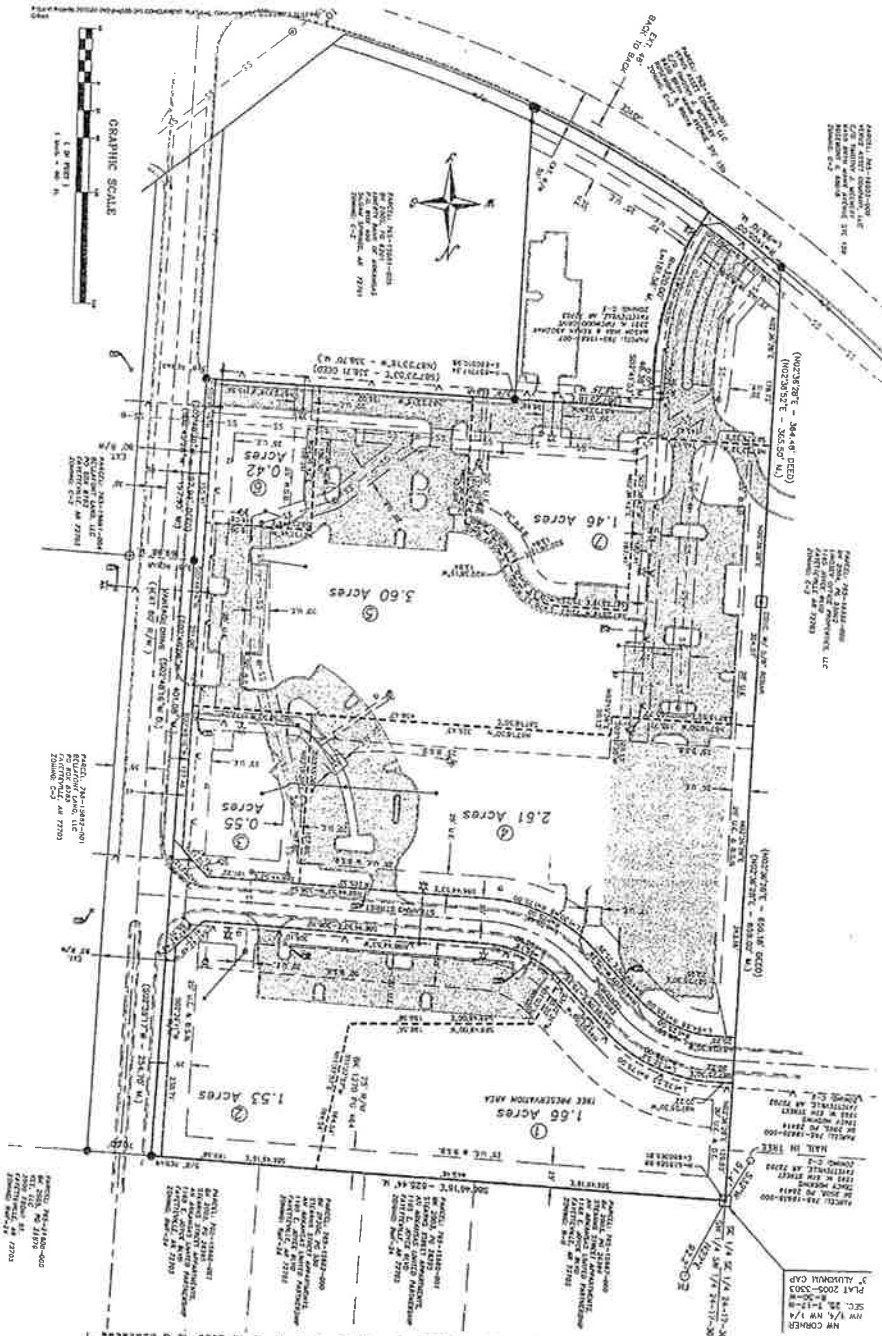
A part of Lot 1 of Bellofont Gardens in Fayetteville, Arkansas, as per plat on file in the Circuit Clerk and Ex-officio Recorder of Washington County, Arkansas and being more particularly described as follows: Beginning at the NW Corner of said Section 25; thence along the north line of the NW 1/4, S86°46'16"E 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

Bellofont Gardens Tree Preservation Area Modification	
Page 5 of 5	
BELLAFONT TREE PRESERVATION FAYETTEVILLE, ARKANSAS	
DATE: 10/20/11	PROJECT: 10/20/11
COUNCIL: 10/20/11	SCALE: 1"=20'
PROPOSED: 10/20/11	PREPARED: 10/20/11
DATE: 10/20/11	DATE: 10/20/11



Bellafont Gardens Exhibit C



PROPOSED LOT SCHEDULE

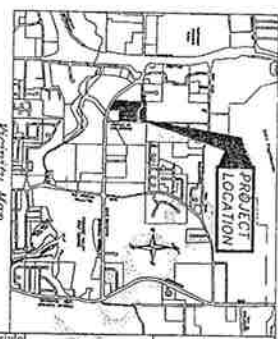
LOT	ACRES	SQ. FT.	PERCENT
1	1.53	65,340	1.53
2	0.55	23,680	0.55
3	2.61	113,436	2.61
4	1.66	72,540	1.66
5	3.60	155,610	3.60
6	1.46	63,504	1.46
7	0.42	18,290	0.42
TOTAL	11.73	512,800	11.73

DEED RECORDS

DEED RECORDS, 1984-1985-1986
DEED RECORDS, 1987-1988-1989
DEED RECORDS, 1990-1991-1992
DEED RECORDS, 1993-1994-1995
DEED RECORDS, 1996-1997-1998
DEED RECORDS, 1999-2000-2001
DEED RECORDS, 2002-2003-2004
DEED RECORDS, 2005-2006-2007
DEED RECORDS, 2008-2009-2010
DEED RECORDS, 2011-2012-2013
DEED RECORDS, 2014-2015-2016
DEED RECORDS, 2017-2018-2019
DEED RECORDS, 2020-2021-2022
DEED RECORDS, 2023-2024-2025

DEED RECORDS

DEED RECORDS, 1984-1985-1986
DEED RECORDS, 1987-1988-1989
DEED RECORDS, 1990-1991-1992
DEED RECORDS, 1993-1994-1995
DEED RECORDS, 1996-1997-1998
DEED RECORDS, 1999-2000-2001
DEED RECORDS, 2002-2003-2004
DEED RECORDS, 2005-2006-2007
DEED RECORDS, 2008-2009-2010
DEED RECORDS, 2011-2012-2013
DEED RECORDS, 2014-2015-2016
DEED RECORDS, 2017-2018-2019
DEED RECORDS, 2020-2021-2022
DEED RECORDS, 2023-2024-2025



DEED RECORDS

DEED RECORDS, 1984-1985-1986
DEED RECORDS, 1987-1988-1989
DEED RECORDS, 1990-1991-1992
DEED RECORDS, 1993-1994-1995
DEED RECORDS, 1996-1997-1998
DEED RECORDS, 1999-2000-2001
DEED RECORDS, 2002-2003-2004
DEED RECORDS, 2005-2006-2007
DEED RECORDS, 2008-2009-2010
DEED RECORDS, 2011-2012-2013
DEED RECORDS, 2014-2015-2016
DEED RECORDS, 2017-2018-2019
DEED RECORDS, 2020-2021-2022
DEED RECORDS, 2023-2024-2025

**BELLAFONT PHASE 2A
CONCURRENT PLAT**

H2

CONCURRENCE

1984-1985-1986

1987-1988-1989

1990-1991-1992

1993-1994-1995

1996-1997-1998

1999-2000-2001

2002-2003-2004

2005-2006-2007

2008-2009-2010

2011-2012-2013

2014-2015-2016

2017-2018-2019

2020-2021-2022

2023-2024-2025

PITTMAN NURSERY CORPORATION MASTER ORDER FORM 2009

Sales: Lisa Williamson, Shelia McCray, Ashley White, Pat King, Kelli Clark
 Phone: 1-800-553-6661 Fax: 870-234-6640 www.PittmanNursery.com
 Store Name/#: _____ Ship Date: _____ Wrap Tags or 10 cent Picture Tags available upon request.

DESCRIPTION	SIZE	PRICE
Linden Little Leaf	#05	9.90
Loquat X Coppertone Loquat Japanese Plum	#05	12.90
Loropetalum Pizzaz Purple	#01	3.90
	#03	7.90
Magnolia Evergreen Alta Little Gem	#01	6.90
Magnolia Southern	#01	3.90
Magnolia Fiscata	#03	9.90
Magnolia Alta Claudia Wannamaker	#05	15.90
DD Blanchard Little Gem Sweet Bay		
Magnolia Southern	#05	12.90
Magnolia Alta Braken's Brown Claudia Wannamaker DD Blanchard Little Gem	#15	42.90
Magnolia Southern Sweet Bay	#15	39.90
Magnolia Alta Broken Leaf Little Gem Southern	#25	62.90
Magnolia Sweet Bay	#25	72.90
Magnolia Broken Leaf Southern	#45	197.50
Magnolia Saucer Ann(Pink) Galaxy (RedPurple) Jane (Purple) Star(White) Susan (Fuchsia)	#05	15.90
Magnolia Saucer Assorted Alexandrina (White-inside/Pink-outside) Ann(Pink) Jane (Purple) Star(White) Susan(Fuchsia)	#15	39.90
Mahonia Bealei - Leatherleaf		
	#01	2.90
	#03	6.90
	#05	8.90
Maple Red Maple (Drummond Red Maple)	#01	2.90
Maple Dwarf Japanese Green	#15	52.90
Maple Emporer I	#03	27.90
	#05	37.90
	#15	129.90
	#25	225.90
Maple Silver	#05	7.90
Maple Red Sugar	#05	8.90
Maple Amur Autumn Blaze Autumn Flame	#05	9.90
Maple Red Sunset October Glory	#05	12.90
Maple Coral Bark X Crimson Queen Dwarf Jap. Blood-good Dwarf Jap. Emporer Emporer	#05	37.90
Maple Amur Autumn Blaze X Crimson Queen October Glory Red Silver Sugar	#15	39.90
Maple Red Sunset	#15	45.90
Maple Crimson Prince Emporer JapBloodgood	#15	129.90

DESCRIPTION	SIZE	PRICE
Maple AutumnBlaze AutumnFlame October Glory Red Sunset Silver Sugar	#25	62.90
Maple Bloodgood X Crimson Queen Dwarf Japanese Garnet	#25	189.90
Maple Dwarf Japanese Emperor	#25	225.90
	#35	267.50
Maple Tamukayama-Weeping Laceleaf	#25	230.90
Maple October Glory Red	#35	92.90
Maple Dwarf Jap. Bloodgood 6-7'	#35	225.90
Maple Emporer I	#35	290.90
Maple Dwarf Jap. Bloodgood	#45	290.90
Maple Dwarf Green Japanese Emperor I (Red)	#45	290.90
Millettia Evergreen Wisteria	#03	7.90
Mimosa	#05	8.90
MockOrange Sweet Mockorange	#01	2.90
Mulberry Fruitless	#25	62.90
Nandina Dwarf Firepower X Harbor Dwarf	#01	3.90
Nandina Domestica Dwarf Firepower X Harbour Dwarf	#03	6.90
Oak Burr Chingquepin Compton Live Overcup Sawtooth Shumardi Water White	#01	2.90
Oak Compton Shumardi	#03	6.90
Oak Burr CherryBark Chingquepin Compton Live NorthernRed Nuttall Overcup Pin Post Sawtooth Shumardi Water White Willow	#05	9.90
Oak Burr Live NorthernRed Nuttall Overcup Pin SouthernRd Shumardi White Willow	#15	39.90
Oak Cherry Bark Overcup Willow	#35	125.90
Oak Live Pin Willow	#45	225.90
Oleander Red	#01	3.90
	#03	6.90
Osmanthus Sweet Olive	#03	9.90
	#05	12.90
	#15	39.90
Palm Date Palm Windmill Palm	#01	9.90
	#03	12.90
	#05	24.90
	#15	69.90
Palm Sago	#02	14.90
	#05	19.90
	#07	27.90
X Palm Mexican Fan	#02	24.90

Availability and prices are subject to change. Ask about quantity discounts. X=Temporarily out 3/7/2009 Page 5 of 14
 Solid flats only (2 each): 606 flt=36 ct. 4.5"fl=15 ct. 4"fl=18 ct. Order Quantities: 8", 8", & 1gal. pot=10 each HB=10 each #3g=10 each #5g=5 each



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,

A handwritten signature in blue ink, appearing to read 'Evan Niehues'.

Evan Niehues, RLA

Appian, Inc.

eniehues@appianonline.com

Fayetteville Code of Ordinances

- (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

BELLAFONT TREE PRESERVATION

Handed out at the City Council Meeting
12/16/11

EXISTING TREE PRESERVATION



EXISTING TREE PRESERVATION



E. STEARNS ST.

PROPOSED TREE PRESERVATION



N. VINTAGE DR.

wild prairie/native trees maintained lawn tree lined gravel path native trees



THIS IS NOT AN EXACT REPRESENTATION OF THE PROPOSED TREE PRESERVATION, BUT A GRAPHIC TO SHOW THE GENERAL PROPOSAL.

305 WEST PRINCE STREET, SUITE 201 FAYETTEVILLE, AR 72701 (479) 326-1000 FAX (479) 326-1001	305 WEST PRINCE STREET, SUITE 201 FAYETTEVILLE, AR 72701 (479) 326-1000 FAX (479) 326-1001
CITY OF FAYETTEVILLE ARKANSAS	CITY OF FAYETTEVILLE ARKANSAS

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: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville Staff Review Form

B. 6
Amend \$50.40
Rates for Services
Page 1 of 4

City Council Agenda Items
and
Contracts, Leases or Agreements

6-Dec-11

City Council Meeting Date
Agenda Items Only

David Jurgens

Submitted By

Solid Waste

Division

Utilities

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

\$ -

Project Number

Remaining Balance

Solid Waste

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Finance and Internal Services Director

Date

Received in City
Clerk's Office

11-17-11 P03127 RCVD

Chief of Staff

Date

Received in
Mayor's Office



Mayor

Date

Comments:

Let on first Reading at the 12/6/11 CC mtg.

Revised January 15, 2009

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 \$.95 per month per unit in an apartment complex or multi-family residential complex receiving recycling service. The complex office shall have this same \$.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: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

12/20/2011

City Council Meeting Date
Agenda Items Only

Dara Sanders
Submitted By

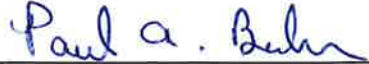
Planning
Division

Development Services
Department

Action Required:

RZN 11-3971: (The End of Best Way St. & Hollywood Ave./Barrett, 559): Submitted by Jorgensen & Associates for property located at the end of BEST WAY STREET AND HOLLYWOOD AVENUE. The property is zoned C-2, Thoroughfare Commercial and contains approximately 25.35 acres. The request is to rezone the subject property to RMF-12, Residential Multi-Family, 12 units per acre.

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	12-02-2011 Date	Previous Ordinance or Resolution #
 City Attorney	12-2-11 Date	Original Contract Date:
 Finance and Internal Services Director	12-3-2011 Date	Original Contract Number:
 Chief of Staff	12-2-11 Date	Received in City Clerk's Office 
 Mayor	12/3/11 Date	Received in Mayor's Office 

Comments:



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: Dara Sanders, Current Planner

Date: December 1, 2011

Subject: RZN 11-3971 (Barrett)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to rezone the subject property from C-2, Thoroughfare Commercial, to RMF-12, Residential Multi-family, 12 dwelling units per acre.

BACKGROUND

The subject property is located southeast of Martin Luther King Boulevard and Futurall Drive, and Hollywood Avenue and Best Way Street end at the northern portion of the undeveloped lot. The property contains 25.35 acres and is zoned C-2, Thoroughfare Commercial.

The applicant has submitted an application to rezone the property from C-2, Thoroughfare Commercial, to RMF-12, Residential Multi-family, 12 dwelling units per acre.

DISCUSSION

On November 14, 2011, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 9-0-0.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 11-3971, FOR APPROXIMATELY 25.35 ACRES, LOCATED AT THE END OF BEST WAY STREET AND HOLLYWOOD AVENUE FROM C-2, THOROUGHFARE COMMERCIAL, TO RMF-12, RESIDENTIAL MULTI-FAMILY, 12 UNITS PER ACRE

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 C-2, Thoroughfare Commercial to RMF-12, Residential Multi-Family, 12 units per acre, 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 amend the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

PASSED and APPROVED this day of , 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

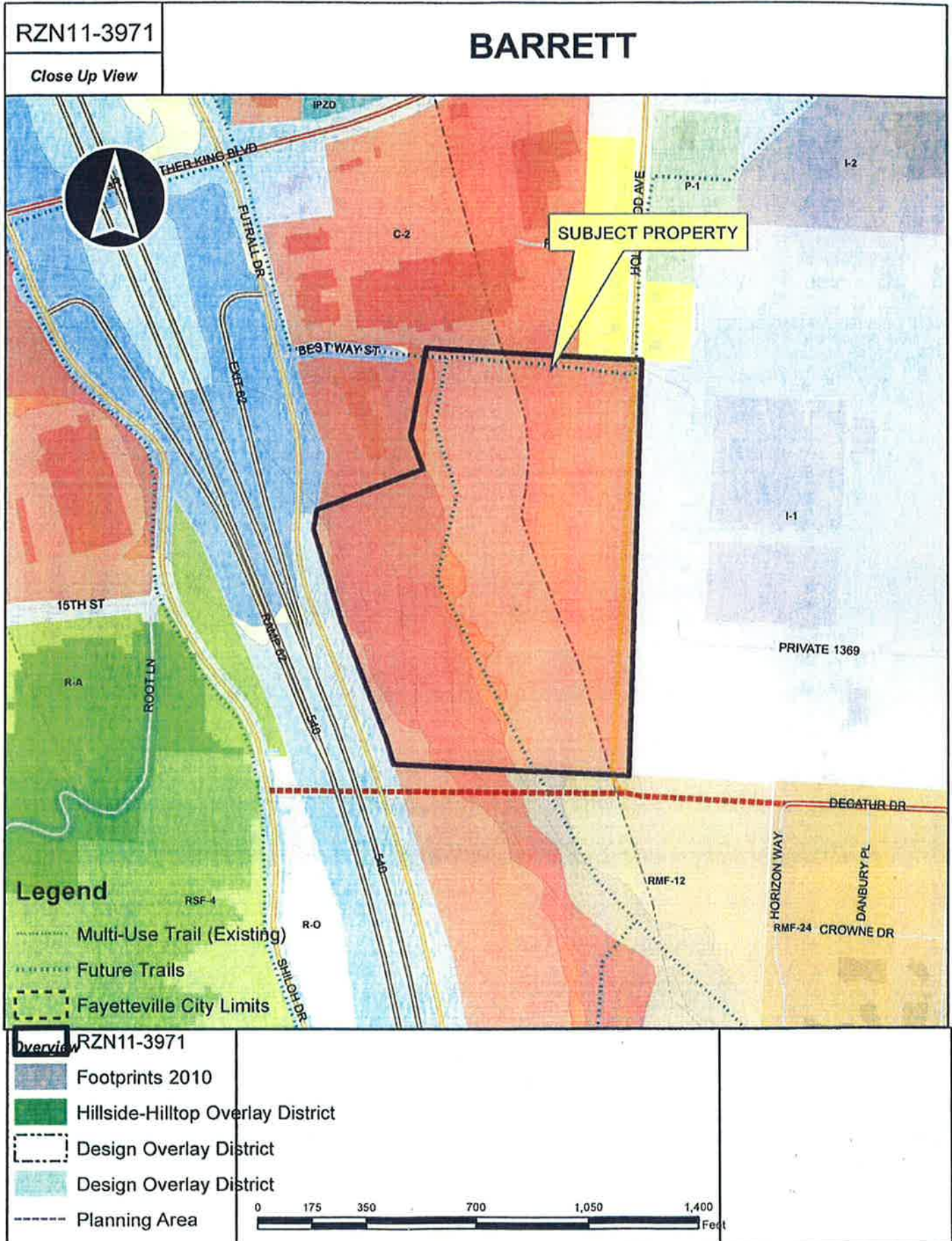


EXHIBIT "B"
RZN 11-3971

LOT 2 AND 3 OF MAJOR ADDITION AS RECORDED IN THE OFFICE OF THE CIRCUIT CLERK IN WASHINGTON COUNTY, ARKANSAS AND BEING A PART OF THE SW1/4 OF THE NW1/4 AND A PART OF THE SE1/4 OF THE NW1/4 OF SECTION 20, T16N, R30W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID SW1/4, NW1/4 THENCE S86°59'03"E 200.00 FEET, THENCE S01°56'51"W 1319.68 FEET, THENCE N87°09'48"W 741.60 FEET, THENCE N16°01'18"W 81.09 FEET, THENCE N21°31'18"W 405.70 FEET, THENCE N17°07'01"W 172.56 FEET, THENCE N17°19'24"W 128.45 FEET, THENCE N10°01'42"E 64.82 FEET, THENCE N69°24'08"E 369.58 FEET, THENCE N20°31'16"W 112.58 FEET, THENCE N10°21'05"E 284.38 FEET, THENCE S86°29'55"E 478.08 FEET TO THE P.O.B.; CONTAINING 25.35 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.



PC Meeting of November 14, 2011

THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

TO: Fayetteville Planning Commission
FROM: Dara Sanders, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: November 7, 2011

RZN 11-3971: Rezone (THE END OF BEST WAY ST. & HOLLYWOOD AVE./BARRETT, 559):
Submitted by JORGENSEN & ASSOCIATES for property located at the end of BEST WAY STREET AND HOLLYWOOD AVENUE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 25.35 acres. The request is to rezone the property to RMF-12, RESIDENTIAL MULTI-FAMILY, 12 UNITS PER ACRE.
Planner: Dara Sanders

BACKGROUND:

Property Description: The subject property is located southeast of Martin Luther King Boulevard and Futurall Drive, and Hollywood Avenue and Best Way Street end at the northern portion of the undeveloped lot. The property contains 25.35 acres and is zoned C-2, Thoroughfare Commercial. Surrounding land uses and zoning are shown in *Table 1*.

Table 1: Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Mixed commercial uses	C-2, Thoroughfare Commercial
South	Undeveloped property, Fayette Junction Master Plan Area	UT, Urban Thoroughfare RMF-12, Residential Multi-family, 12 du/acre
East	Warehousing	I-1, Heavy Commercial and Light Industrial
West	Undeveloped property, motel	C-2, Thoroughfare Commercial

Proposal: The applicant has submitted an application to rezone the property from C-2, Thoroughfare Commercial, to RMF-12, Residential Multi-family, 12 dwelling units per acre.

Public Comment: Staff has not received public comment.

RECOMMENDATION:

Staff recommends forwarding RZN 11-3901 to the City Council with a recommendation of approval based on findings stated herein.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date:	<u>11-14-11</u>	☐	Forwarded	☐	Denied
		☐	Tabled		
Motion:		Second:		Vote:	
CITY COUNCIL ACTION:				Required	<u>YES</u>
		☐	Approved	☐	Denied
Date:					

INFRASTRUCTURE:

Streets: The site has access to Futrall Drive, Hollywood Avenue, and Best Way Street. Futrall Drive is a two lane Highway Frontage Road. Hollywood Avenue is an unimproved two-land street that dead-ends at the property and connects to Martin Luther King Boulevard at a signal. Best Way Street is an improved two lane residential city street. Street improvements will be evaluated at the time of development.

Water: Public water is available to the property. There is an 8" water main stubbed out to the property from Best Way Street in the north west corner of the property. 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 an 8" and a 24" public main running through the middle of this property. Public mains may need to be extended within the property to serve any proposed development.

Drainage: Standard improvements and requirements for drainage will be required for any development. This property is affected by the 100-year floodplain and the Streamside Protection Zones.

Police: The Fayetteville Police Department finds that this rezoning request will not create an undesirable increase in the load on police services but requests that two points of access be considered at the time of development.

Fire: The Fayetteville Fire Department finds that this rezoning will not affect calls for service or response times.

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as **Urban Center Area**, which contains the most intense and dense development patters within the City, as well as the tallest and greatest variety of buildings, including apartments, retail, hotels, etc.*

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: Surrounding properties are a mixture of residential, commercial, and light industrial/warehousing uses. The introduction of a form-based, multi-family zoning district into this transitional area south of Martin Luther King Boulevard and north of the Fayette Junction Master Plan Area, is compatible with the surrounding uses and with the future land use designation of Urban Center Area. The majority of the property to the south would allow for multi-family dwellings, and development of this site would likely result in the extension of at least one public street (Hollywood Avenue), as indicated on the Master Street Plan, which would increase connectivity and walkability in this area.

Further, the RMF-12 zoning district would be consistent with many of the primary goals of City Plan 2030 including:

Goal 2: We will discourage suburban sprawl.

The applicant proposes to rezone the property from a conventional zoning district that requires a sprawling, suburban form to a form-based zoning district that requires a more traditional town form. By developing this site under the RMF-12 zoning district, this proposal discourages suburban sprawl.

Goal 3: We will make traditional town form the standard.

This proposed RMF-12 zoning is a form-based zone with a build-to zone and associated design standards that require a traditional town form. This type of zoning provides the opportunity for a variety of uses creating the ability to live, work, shop, and have daily needs and services met within walking distance.

Goal 4: We will grow a livable transportation network.

By being a form-based zone, the development of this property for residential uses would provide the opportunity to concentrate development near one of the busiest corridors of the City with access to transit, and in close proximity to the University of Arkansas, a major employment and economic center of the City. This helps towards the goal of improved and expanded public transit.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: While the goals and future land use designations of City Plan 2030 acknowledge the conventional C-2, Thoroughfare Commercial, zoning district, the City's planning objectives, principles, and policies discourage the suburban and

sprawling development form resulting from the C-2 bulk and area regulations. The RMF-12 zoning district is a form-based zoning district that promotes traditional town form with articulated buildings located close to the street; therefore, staff finds that the proposal is justified and needed at this time in order for this vacant property to develop in a form that is consistent with the City's planning objectives, principles, and policies.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: It is expected that the request could result in the potential for an increase in traffic, as the property is currently undeveloped; however, the Fayetteville Police Department does not anticipate that the zoning change will create or appreciably increase traffic danger and congestion. The site is currently zoned for commercial uses, which could generate large volumes of traffic compared to the proposed RMF-12 zoning district. Any development proposal submitted to the City for this property will be reviewed for traffic impact, street improvements, and access in accordance with the regulations of the Unified Development Code. The site is bound by collector streets on the east and west that provide a connection to signalized intersections on Martin Luther King Boulevard.

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 population density would increase with the proposed RMF-12 zoning district, as single and multi-family uses are the primary uses permitted by right, and they are not permitted under the current C-2, Thoroughfare Commercial, zoning district. The Fayetteville Police and Fire Departments have not expressed concerns with the impact of this rezoning to their services.

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: Not applicable. Staff is recommending approval.

161.12 District RMF-12, Residential Multi-Family – Twelve Units Per Acre

(A) *Purpose.* The RMF-12 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a moderate density that is appropriate to the area.

(B) *Uses.*

(1) *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

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	12 or less
----------------	------------

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single family	60 ft.
Two-family	60 ft.
Three and more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouse:	
Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.

Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartments:	
No bedrooms	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two or more bedrooms	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
The principal façade of a building shall be built within a build-to zone that is located between 10 feet and a line 25 feet from the front property line.	8 ft.	25 ft.

Cross reference(s)--Variances, Ch. 156

(F) *Building height regulations.*

Building Height Maximum	60 ft.
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Height regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

(H) *Minimum buildable street frontage.* 50% of the lot width.

161.18 District C-1, Neighborhood Commercial

(A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 25	Offices, studios, and related services

(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 16	Shopping goods
Unit 34	Liquor stores
Unit 35	Outdoor music establishments*
Unit 36	Wireless communications facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	50 ft.
Side	None
Side, when contiguous to a residential district	10 ft.
Rear	20 ft.

(F) *Height regulations.* There shall be no maximum height limits in C-1 District, provided, however, that any building which exceeds the height of 10 feet shall be setback from any boundary line of any residential district a distance of one foot for each foot of height in excess of 10 feet.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

RZN 11-3971: Rezone (THE END OF BEST WAY ST. & HOLLYWOOD AVE./BARRETT, 559): Submitted by JORGENSEN & ASSOCIATES for property located at the end of BEST WAY STREET AND HOLLYWOOD AVENUE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 25.35 acres. The request is to rezone the property to RMF-12, RESIDENTIAL MULTI-FAMILY, 12 UNITS PER ACRE.

Planner: Dara Sanders

Public water is available to the property. There is an 8" water main stubbed out to the property from Best Way Street in the north west corner of the property.. Public water main improvements will need to be extended through the property to provide domestic and fire flow for any proposed development.

Sanitary sewer is available to the site. There is an 8" and a 24" 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 site has access to Futrall Drive and Best Way Street. Futrall Drive is a two lane Highway Frontage Road. Best Way Street is an improved two lane residential city street. Street improvements will be evaluated at the time of development.

Standard improvements and requirements for drainage will be required for any development. This property is affected by the 100-year floodplain and the Streamside Protection Zones.

Date 11/04/11

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 11-3971:
Rezone (THE END OF BEST WAY ST. & HOLLYWOOD AVE./BARRETT, 559):
Submitted by JORGENSEN & ASSOCIATES for property located at the end of BEST
WAY STREET AND HOLLYWOOD AVENUE.

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. I would ask that two points of access to this area be required. These two points of access would keep all the traffic off of a single intersection and would give public safety an additional access into the area in the event of an emergency.

Sincerely,

Captain William Brown
Fayetteville Police Department



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
FIRE DEPARTMENT
303 West Center Street
Fayetteville, AR 72701
P (479) 575-8365 F (479) 575-0471

C. 1
RZN 11-3971
(Best Way St. &
Hollywood Ave.)

Zoning Review

To: Dara Sanders,
From: Captain Mark Stevens
Date: November 8, 2011
Re: RZN 11-3971

This development will be protected by Engine 6 located at 900 S. Hollywood. It is .15 miles from the station with an anticipated response time of 1 minute to the beginning of the development. The Fire Department anticipates 50 (32 EMS - 18 Fire/Other) calls for service each year after the development is completed and maximum build-out has occurred of 304 residential units. Typically, this type of development usually takes 12 - 18 months, after the development is started, before maximum build-out and the service impact to occur. 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



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.

10-4-11

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Development Services
Re: Hollywood property Rezoning

This letter is in regards to the above referenced proposed rezoning and the following required information:

- A. The current owner of this site is Tom & Hansaben Bhakta, and Terry & Sun Dill.
- B. Currently this property is zoned C-2. The reason for the requested *RMF-12* zoning is to allow for potential multi-family housing. The current zoning limits the marketability of the property and has yet to find a suitable new owner; the market has indicated that the current zoning is not desired; however the *RMF-12* zoning would suit this property well.
- C. By proposing *RMF-12* zoning for this property. Goods and services along 6th Street (Martin Luther Kind Blvd) will benefit from this rezoning and the traffic generated will naturally create business for these existing and future services. This rezoning will aid in developing a cohesive living environment as the adjacent lands develop.
- D. Sewer currently lies on the east side of an existing stream and runs through the property. Water lies on the west side and north. Size appears to be sufficient.
- E. Rezoning this property to *RMF-12* falls in line of the land use principles and demands of this area.
- F. This zoning is appropriate at this time and is necessary to meet the current and future market needs.
- G. This rezoning will increase traffic to this region; however this property is adjacent to a major street which has the capacity for this increased traffic load. Increased traffic will also aid in the commercial businesses within the vicinity of this project.
- H. Rezoning this property will increase population density, which will benefit this city and negate urban sprawl, which is not in line with the City's 2030 Plan. Public services are in-place and have the capacity to support this rezoning.
- I. This property has been on the market for sometime now and it is apparent that commercial uses are not appropriate for this site. The flexibility of the *RMF-12* zoning will allow the Streamside Protection areas to be better preserved, as commercial property would prefer frontage along Frontage Drive, which happens to fall within floodplain boundaries. The Future Multi-use trail that is an integral part of the property will properly serve the pedestrians who will live in the new multi-family development, and this trail system would likely be more utilized by a multi-family development than a commercial development.

We ask that you please consider this rezoning. Please contact us if you have any questions.

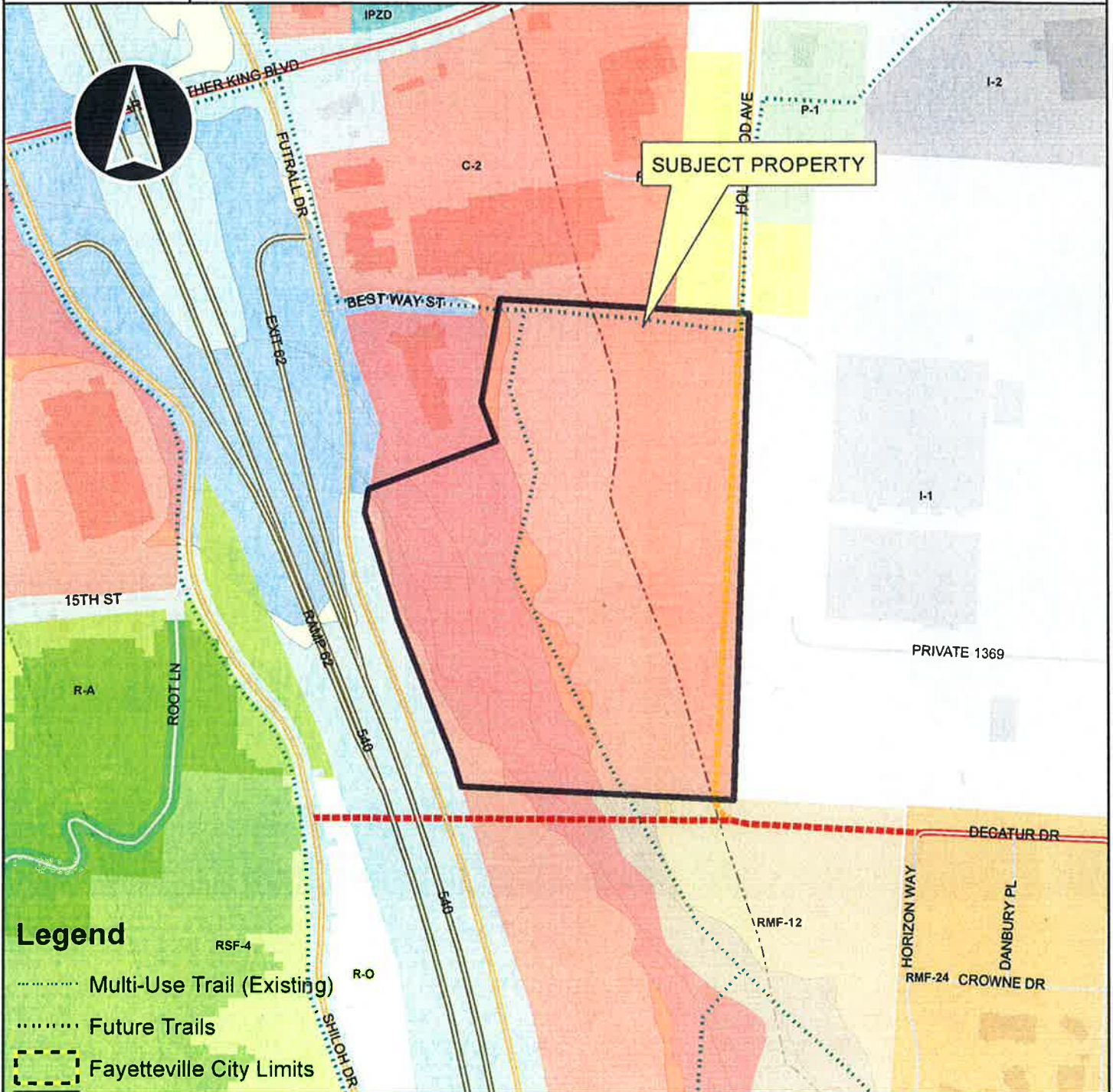
Sincerely;


Blake E. Jorgensen, P.E.

RZN11-3971

BARRETT

Close Up View



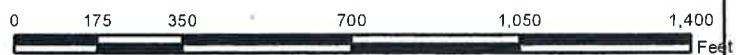
Legend

- Multi-Use Trail (Existing)
- Future Trails
- - - - - Fayetteville City Limits

Overview

RZN11-3971

- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



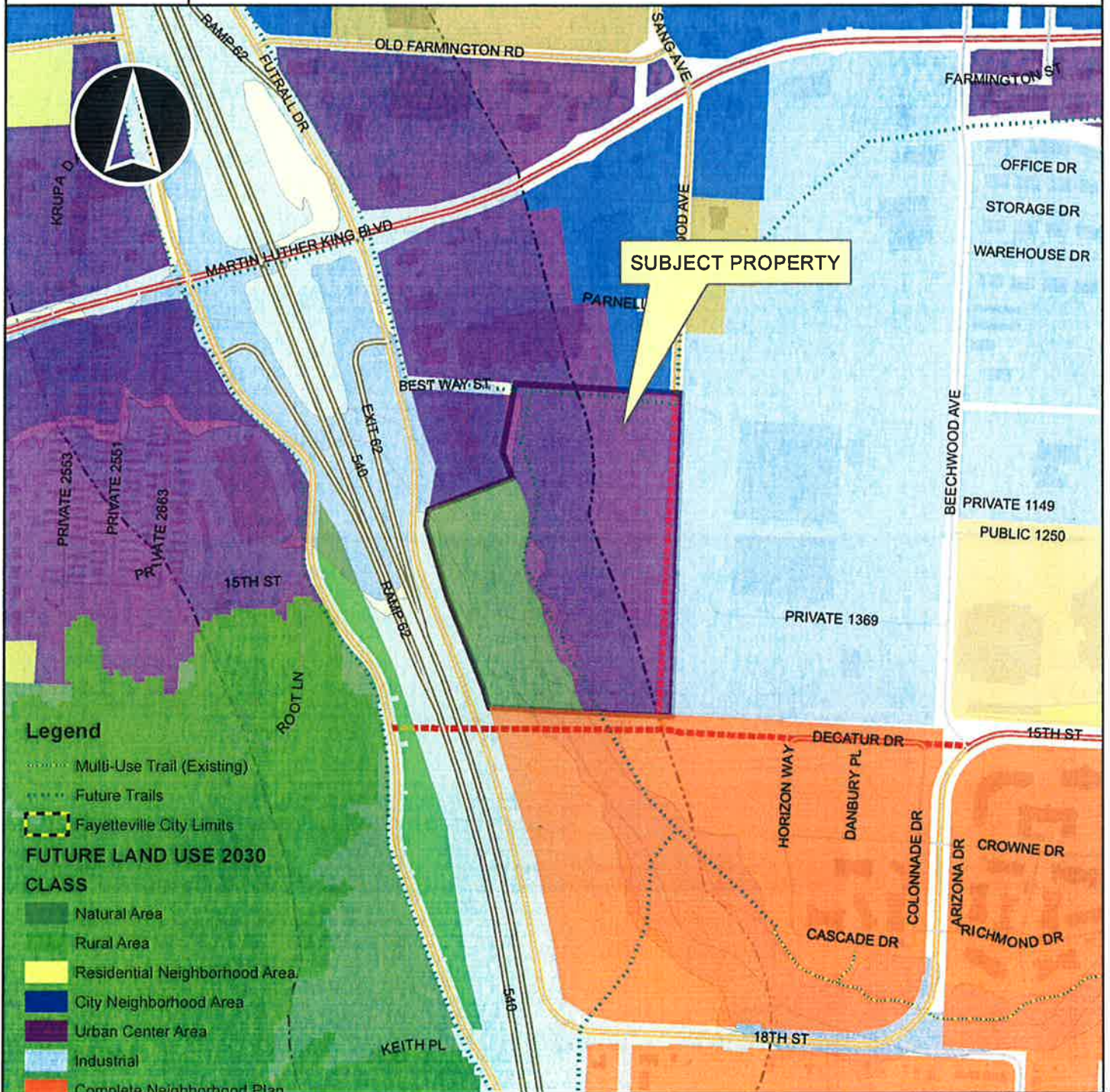
1 Miles



RZN11-3971

Future Land Use

BARRETT



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

FUTURE LAND USE 2030

CLASS

- Natural Area
- Rural Area
- Residential Neighborhood Area
- City Neighborhood Area
- Urban Center Area
- Industrial
- Complete Neighborhood Plan

- Civic and Private Open Space/Parks
- Civic Institutional
- Non-Municipal Government
- ROW
- RZN11-3971
- Design Overlay District
- Design Overlay District
- Planning Area

0 150 300 600 900 1,200 Feet

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

12/20/2011

City Council Meeting Date
Agenda Items Only

Andrew Garner

Submitted By

City Planning

Department

Action Required:

ADM 11-3993 Administrative Item (UDC AMENDMENT I-1 ZONING DISTRICT) Submitted by CITY PLANNING STAFF to clarify the rear building setback in the I-1 zoning district (UDC Section 161.27).

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

12.01.2011
Date

Previous Ordinance or Resolution #

Original Contract Date:

City Attorney

Dec 2, 2011
Date

Original Contract Number:

Finance and Internal Services Director

DEC. 2 2011
Date

Received in City
Clerk's Office

12-01-11P04:55 RCVD

Chief of Staff

12/2/11
Date

Received in
Mayor's Office

ENTERED
12/2/11

BRP

Mayor

12/5/11
Date

Comments:

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: November 30, 2011

Subject: ADM 11-3993, I-1 zoning district ordinance amendment

RECOMMENDATION

Staff and the Planning Commission recommend approval of an ordinance amending the I-1, Heavy Commercial and Light Industrial zoning district, Unified Development Code Chapter 161.27.

BACKGROUND

The I-1 zoning district currently provides a 25-foot rear setback for buildings adjacent to commercial, institutional, and industrial zoned properties. However, there is not a required setback adjacent to the other zoning districts, including residential properties. This has caused confusion amongst staff and developers in determining the required rear building setback in the I-1 zoning district.

The proposed change clarifies the rear building setback in the I-1 zoning district to 25 feet adjacent to all zoning districts (see attached code revision). The 25-foot setback is consistent with the rear setback in the I-2 zoning district and should provide adequate separation between industrial structures and adjacent properties.

DISCUSSION

On November 14, 2011 the Planning Commission voted 6-0-0 in favor of a recommendation of approval for ADM 11-3932, I-1 zoning district amendment.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE XV: UNIFIED
DEVELOPMENT CODE OF THE CITY OF FAYETTEVILLE
§161.27 TO MODIFY THE REAR SETBACK REQUIREMENT
IN THE I-1 ZONING DISTRICT.

WHEREAS, the I-1, Heavy Commercial and Light Industrial zoning district in the City of Fayetteville Unified Development Code §161.27 currently has a 25-foot rear setback for buildings adjacent to commercial, institutional, and industrial zoned properties, and does not have a setback adjacent to other zoning districts, including residential properties; and

WHEREAS, it would be beneficial to clarify the rear building setback in the I-1, Heavy Commercial and Light Industrial zoning district.

**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 the Unified Development Code §161.27(E) to modify the rear setback to delete the words “...*when adjoining C, I, or P districts*”, and modify the setback from “10 ft.” to “25 ft.”

PASSED and APPROVED this day of , 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk

161.27 District I-1, Heavy Commercial And Light Industrial

(A) *Purpose.* The Heavy Commercial District is designed primarily to accommodate certain commercial and light industrial uses which are compatible with one another but are inappropriate in other commercial or industrial districts. The Light Industrial District is designed to group together a wide range of industrial uses, which do not produce objectionable environmental influences in their operation and appearance. The regulations of this district are intended to provide a degree of compatibility between uses permitted in this district and those in nearby residential districts.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 6	Agriculture
Unit 13	Eating places
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 25	Offices, studios and related services
Unit 27	Wholesale bulk petroleum storage facilities with underground storage tanks
Unit 42	Clean technologies

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 43	Animal boarding and training

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front, when adjoining A or R districts	50 ft.
Front, when adjoining C, I, or P districts	25 ft.
Side, when adjoining A or R districts	50 ft.
Side, when adjoining C, I, or P districts	10 ft.
Rear, when adjoining C, I, or P districts	40 ft. 25 ft.

PROPOSED CODE CHANGE

(F) *Height regulations.* There shall be no maximum height limits in I-1 District, provided, however, that any building which exceeds the height of 25 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 25 feet.

(G) *Building area.* None.

(Code 1965, App. A, Art. 5(VIII); Ord. No. 2351, 6-2-77; Ord. No. 2430, 3-21-78; Ord. No. 2516, 4-3-79; Ord. No. 1747, 6-29-70; Code 1991, §160.039; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10)

161.28 District I-2, General Industrial

(A) *Purpose.* The General Industrial District is designed to provide areas for manufacturing and industrial activities which may give rise to substantial environment nuisances, which are objectionable to residential and business use.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 5	Government Facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 23	Heavy industrial
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 31	Facilities emitting odors and facilities handling explosives.
Unit 36	Wireless communications facilities
Unit 38	Mini-storage Units
Unit 39	Auto salvage and junk yards

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front, when adjoining A or R districts	100 ft.
Front, when adjoining C, I or P districts	50 ft.
Side, when adjoining A or R districts	50 ft.
Side, when adjoining C, I or P districts	25 ft.
Rear	25 ft.

(F) *Height regulations.* There shall be no maximum height limits in I-2 Districts, provided, however, that any building which exceeds the height of 25 feet shall be setback from any boundary line of any residential district a distance of one foot for each foot of height in excess of 25 feet.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(IX); Ord. No. 2351, 6-21-77; Ord. No. 2516, 4-3-79; Ord. No. 1747, 6-29-70; Code 1991, §160.040; Ord. No. 3971, §2, 5-21-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10)



PC Meeting of November 28, 2011

THE CITY OF FAYETTEVILLE, ARKANSAS
PLANNING DIVISION CORRESPONDENCE

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

TO: Fayetteville Planning Commission
FROM: Andrew Garner, Senior Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~November 28, 2011~~ *Updated November 30, 2011*

ADM 11-3993 Administrative Item (UDC AMENDMENT I-1 ZONING DISTRICT)
Submitted by CITY PLANNING STAFF to clarify the rear building setback in the I-1 zoning district (UDC Section 161.27). Planner: Andrew Garner

BACKGROUND

The I-1 zoning district currently provides a 25-foot rear setback for buildings adjacent to commercial, institutional, and industrial zoned properties. However, there is not a required setback adjacent to the other zoning districts, including residential properties. This has caused confusion amongst staff and developers in determining the required rear building setback in the I-1 zoning district.

PROPOSAL

The proposed change clarifies the rear building setback in the I-1 zoning district to 25 feet adjacent to all zoning districts (see attached code revision). The 25-foot setback is consistent with the rear setback in the I-2 zoning district and should provide adequate separation between industrial structures and adjacent properties.

RECOMMENDATION

Staff recommends that the Planning Commission forward **ADM 11-3993** to the City Council with a recommendation for approval.

Planning Commission Action: ☒ Forwarded ☐ Denied ☐ Tabled
Motion: Griffin
Second: Cook
Vote: 6-0-0
Meeting Date: November 28, 2011

AGENDA REQUEST

December 20, 2011 : per Sarah

FOR: COUNCIL MEETING OF ~~NOVEMBER 15, 2011~~

FROM:

SARAH LEWIS, COUNCILMEMBER

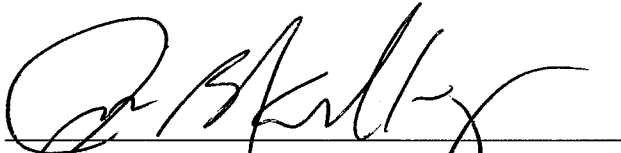
ORDINANCE OR RESOLUTION TITLE AND SUBJECT: An ordinance amending section 33.240: Purposes and duties of article XI: Environmental Action Committee of Chapter 33: Departments, Boards, Commissions, and Authorities of the Code of Fayetteville to provide additional authority related to Community Wildlife Habitat Certification

APPROVED FOR AGENDA:



Sarah Lewis
Council Member

11/15/11
Date



Jason Kelley, Assistant City Attorney
(Approved as to form)

11-21-11
Date

11-21-11 A10:07 IN

Kim G.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 33.240: PURPOSES AND DUTIES OF ARTICLE XI: ENVIRONMENTAL ACTION COMMITTEE OF CHAPTER 33: DEPARTMENTS, BOARDS, COMMISSIONS, AND AUTHORITIES OF THE CODE OF FAYETTEVILLE TO PROVIDE ADDITIONAL AUTHORITY RELATED TO COMMUNITY WILDLIFE HABITAT CERTIFICATION

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 Section 33.240: Purposes and Duties of Article XI: Environmental Action Committee of Chapter 33: Departments, Boards, Commissions, and Authorities of the Code of Fayetteville, to add a new subsection (C) to the section which shall read as follows:

“(C) The Environmental Action Committee may coordinate all City efforts to obtain and maintain an annual community wildlife habitat designation through the National Wildlife Federation.”

PASSED and APPROVED this _____ day of _____, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



ENGINEERS ■ SURVEYORS ■ PLANNERS
LANDSCAPE ARCHITECTS ■ ENVIRONMENTAL SCIENTISTS

3108 S.W. Regency Parkway, Suite 2
Bentonville, AR 72712
479.273.9472 Fax 479.273.0844

C. 4
Kum & Go Appeal
Page 1 of 30
RECEIVED
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CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

DISTRIBUTION:
RER/File
Kum & Go, L.C.

November 22, 2011

City of Fayetteville
City Council
113 W. Mountain Street
Fayetteville, AR 72701
Attn: Planning Department

**Re: Appeal of Planning Commission to deny proposed improvements
Kum & Go, #413
CEI Project No. 26728.0**

To Fayetteville City Council:

Kum & Go, L.C. respectfully request the appeal to be heard in the decision of Planning Commission's vote at the November 14th, 2011 meeting for approval in the Kum & Go Convenience Store Large Scale Development.

The property is located at the southwest corner of Martin Luther King Jr. Blvd and Hill Ave. The property is currently undeveloped and slopes significantly (Approximately 28-feet) from the north property line to the south property line.

Throughout the City approval process, revisions to the overall site layout were requested by two separate subdivision committee reviews in regards to the Large Scale Development plans.

Under the first Subdivision Committee review (October 13, 2011) and as requested by the committee; Kum & Go was to provide a shared access drive from Royal Oak and shift the Martin Luther King Jr. Blvd access east, approximately 25-feet closer to Hill Ave. This request was accepted by Kum & Go and tabled for the next subdivision committee review for approval to these changes.

Following the second Subdivision Committee review (November 3, 2011) and as requested by the committee; Kum & Go was then directed to remove the shared access drive along Royal Oak due to possible issues in traffic movements around the intersection and due to the geometric roadway configuration. As a result to the existing topography; the roadway became superelevated along the median and grades became steep along the access drive located within the site. Furthermore, the adjacent property owner's representative to Hill Place Apartments stated that they were not in favor of a shared access and would not allow for such access through the privately owned median. In addition, the committee

Providing Consolidated Land Development Services

CALIFORNIA ■ ARIZONA ■ TEXAS ■ ARKANSAS ■ MINNESOTA ■ GEORGIA ■ PENNSYLVANIA

recommended a $\frac{3}{4}$ access drive with a median which would limit traffic movement to a right-in, left-in, and right-out access only from the Martin Luther King Jr. Blvd proposed access drive. This request was accepted by Kum & Go, revised, and moved forward to Planning Commission, dated November 14, 2011.

Certain restraints have been held to this site in regards to the existing grades, close proximity to the Royal Oak drive, and current City ordinances. Should the site's Finish Floor elevations be lowered to accommodate the shared access drive along Royal Oak, then the MLK Jr. Blvd access drive becomes too steep which in turn limits the access of the delivery trucks. In the case of a right-in only drive; if a potential customer traveling west along MLK Jr. Blvd. chooses not to turn onto Hill Ave. before approaching the site, then the only option left for the driver is a possible "illegal" U-turn or to carrying on further west until finding an appropriate turn-around point.

Following the Planning Commission meeting dated November 14, 2011, Kum and Go has made the following revisions to the site plan (See Exhibit – A).

- The MLK Jr. Blvd. access drive has been shifted to the west approximately 30'. This shift is to address the traffic stacking in the left turn lane along MLK Jr. Blvd. and for those vehicles wanting to proceed north onto Hill Ave.
- A pedestrian sidewalk connection has been included to extend from Royal Oak to the proposed convenience store.

This property is an ideal location for this type of development and is welcomed by the residents of the Hill Place Apartments and is sure to be a convenience to the Fayetteville community. Several business's along the Martin Luther King Jr. Blvd corridor has in the past and recently been provided the convenience of a $\frac{3}{4}$ or a full access drive. For Kum and Go to be denied a full access or even a $\frac{3}{4}$ access drive will only deprive them of the rights or privileges granted to other developments within recent time.

In conclusion, we believe the public health, safety, welfare, and morals would be better served if the Planning Commission's vote were reversed because the highest and best use for this property would be for what the Kum and Go stores represent and the services they provide to a community.

We appreciate your consideration in this matter, and if you have questions or concerns, please do not hesitate to contact me.

Respectfully submitted,



R. Erin Rushing, RLA
Department Leader
CEI Engineering Associates, Inc.



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: November 30, 2011

Subject: LSD 11-3966 (Kum and Go at Martin Luther King and Hill Avenue)

RECOMMENDATION

On November 14, 2011 The Planning Commission voted 8-1-0 to approve the subject large scale development for a new Kum and Go gas station at the southwest corner of Martin Luther King Boulevard and Hill Avenue (Commissioners Winston voted "no"). The Planning Commission approved the development including a variance to allow a curb cut onto Martin Luther King Boulevard, a Principal Arterial, when the code does not allow a curb cut, and requiring a connection to the adjacent street to the west, Royal Oak Parkway. The applicant has appealed the decision to allow a right-in, right-out only cut and requiring the connection to Royal Oak Parkway (conditions of approval #'s 1 and 2) to the City Council. The applicant proposes a full access in, right-out only curb cut onto Martin Luther King, and does not wish to provide a connection to Royal Oak Parkway.

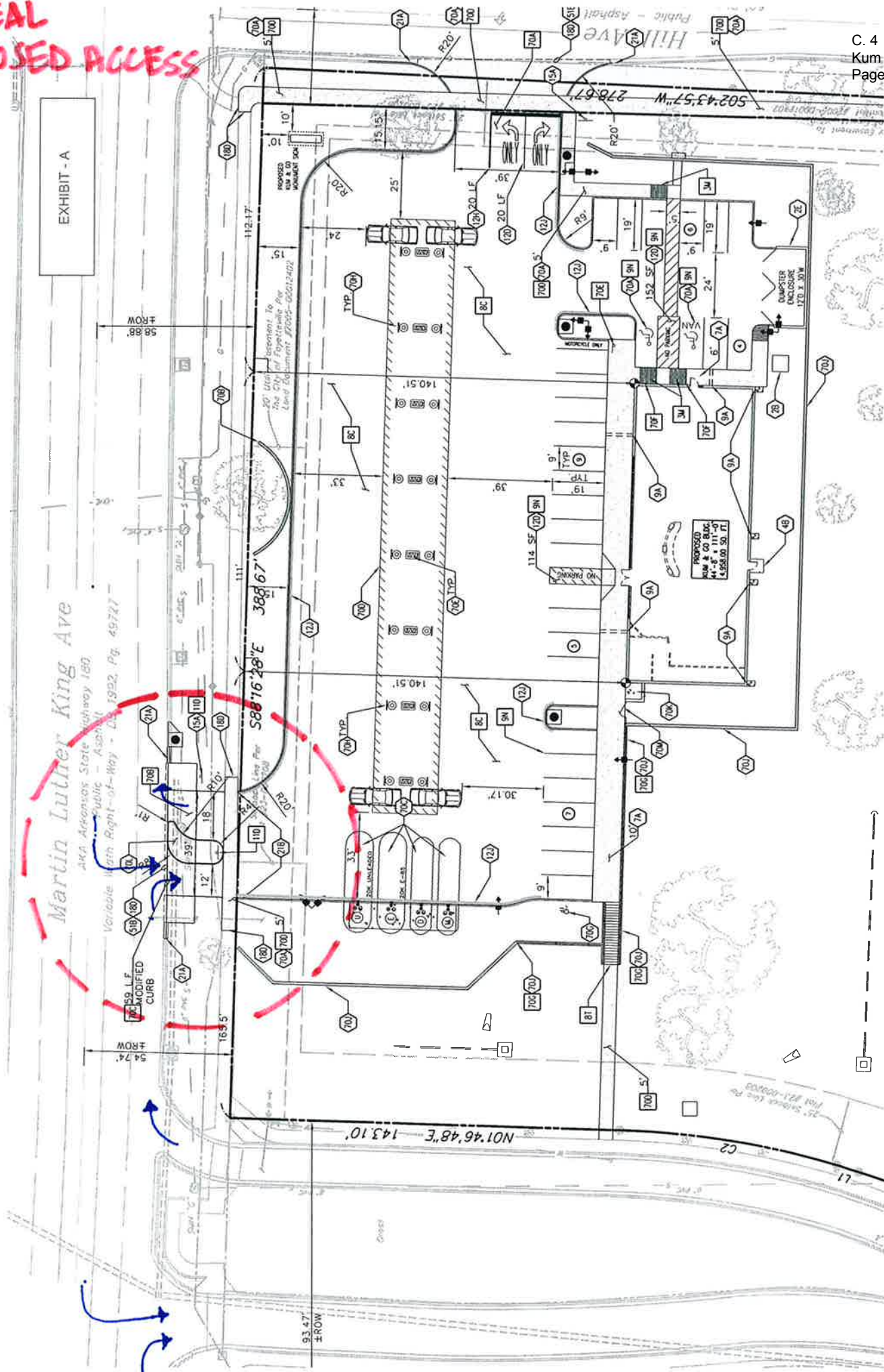
Staff recommends in favor of the Planning Commission's decision. As discussed in the attached staff report and as discussed at the Planning Commission meeting (minutes attached), both staff and the Planning Commission found that a full access in driveway onto Martin Luther King Boulevard would result in a traffic safety hazard, and that the connection to Royal Oak Parkway is in line with the City's policies and ordinances for connectivity and cross access.

BACKGROUND

The subject property is located at the southwest corner of Martin Luther King Boulevard (Hwy 62) and Hill Avenue. The property is a disturbed and undeveloped site with 21.2% tree canopy. Adjacent land uses include the Hill Place multi-family complex to the west and south, Brenda's Burgers and the Coors Plant to the east, and a duplex and undeveloped land to the north across Martin Luther King Boulevard.

This site is adjacent to the signalized intersection of Martin Luther King (Hwy 62), a principal arterial street; Hill Avenue, a collector street, and Royal Oak Parkway, a local street. Royal Oak Parkway is a divided road adjacent to the site with the median under private ownership and not within the City right-of-way.

C. 4
Kum & Go Appeal
Page 5 of 30



DISCUSSION

The adjacent property owner to the west and south, Hill Place, has stated in person and in writing that they do not recommend a curb cut for the gas station onto Royal Oak Parkway citing conflicts with the residents of their property. They do request a sidewalk connection from the gas station to Royal Oak Parkway.

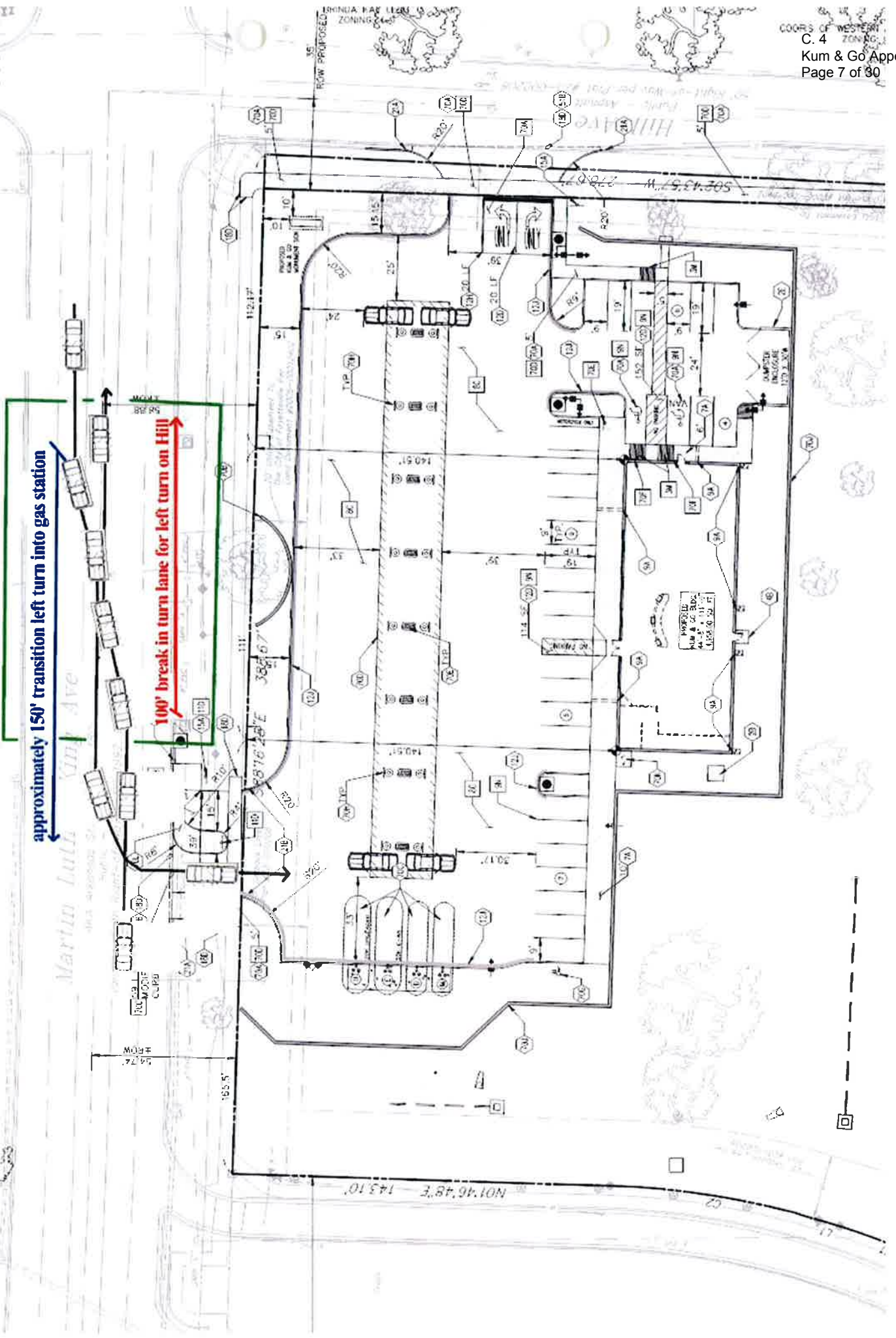
BUDGET IMPACT

None.

Area of vehicular conflict

approximately 150' transition left turn into gas station

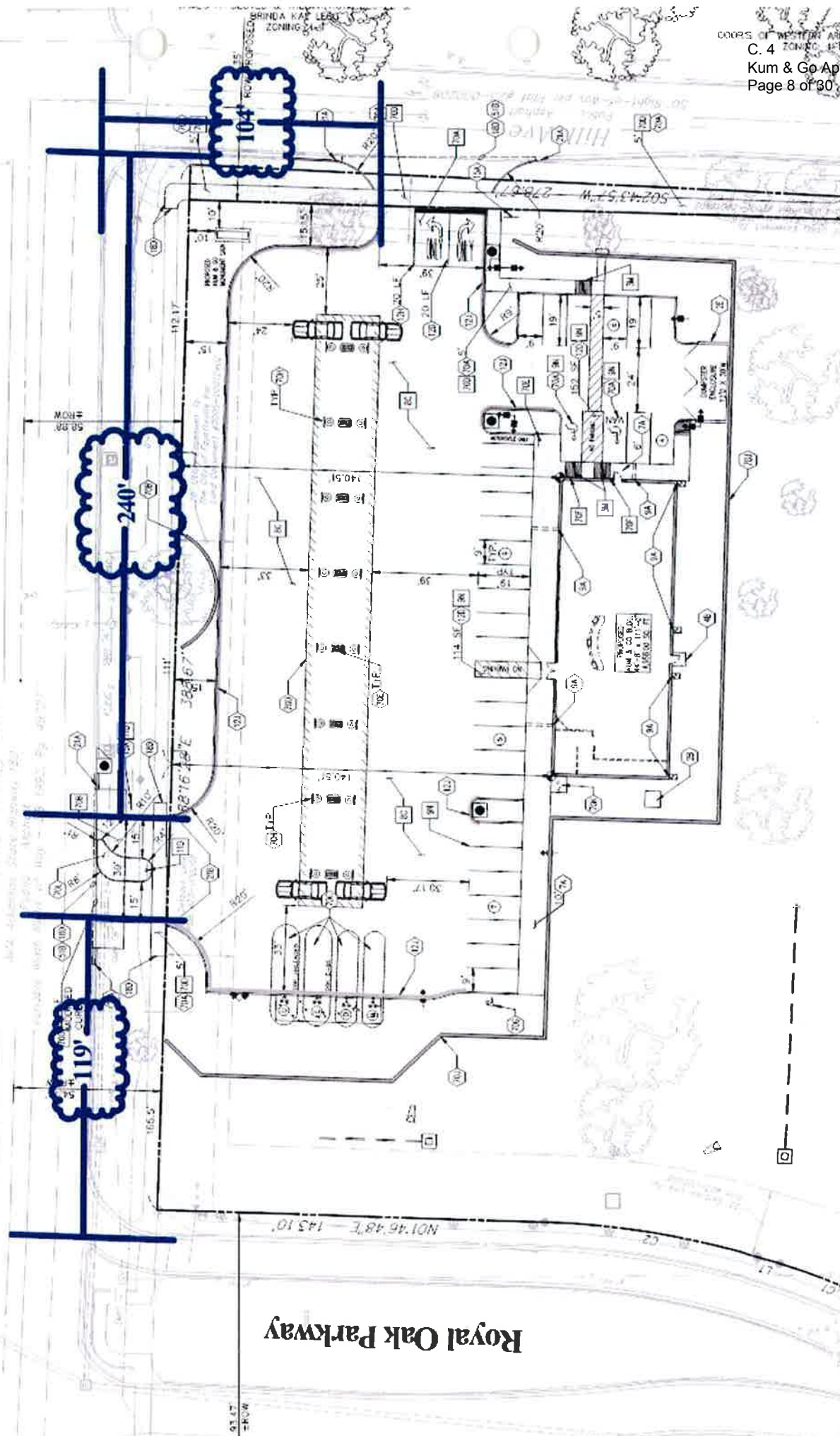
100' break in turn lane for left turn on Hill



ROPMAN, M. BEATON & EAREN M. BEATON
ZOOLOG FWF-24

Curb Cut Distances

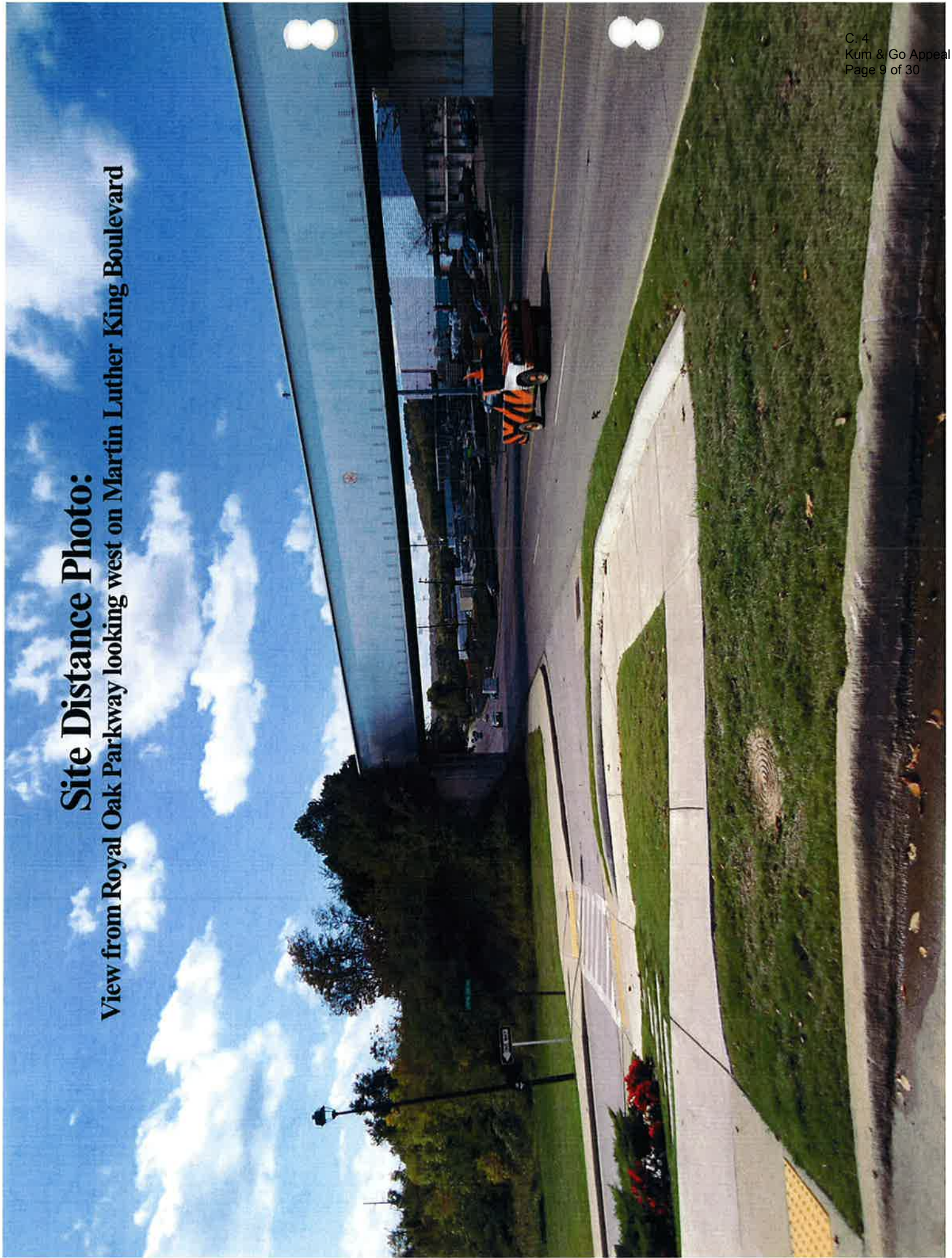
Marlin Luther King Ave



Royal Oak Parkway

Site Distance Photo:

View from Royal Oak Parkway looking west on Martin Luther King Boulevard



FAYETTEVILLE UNIFIED DEVELOPMENT CODE

166.08 Street Design And Access Management Standards

(F) Access Management. Safe and adequate vehicular, bicycle, and pedestrian access shall be provided to all parcels. Local streets and driveways shall not detract from the safety and efficiency of bordering arterial routes. Property that fronts onto two public streets shall place a higher priority on accessing the street with the lower functional classification, ex. Local and Collector.

(1) *Curb cut minimum distance from intersection or driveway.* For purposes of determining curb cut or street access separation, the separation distance shall be measured along the curb line from the edge of curb cut to the edge of curb cut/intersection. The measurement begins at the point where the curb cut and intersecting street create a right angle, i.e., the intersection of lines drawn from the face-of-curb to face-of-curb. The measurement ends at the point along the street where the closest curb cut or street intersection occurs; again, measured to the point where the curb cut or intersecting streets create a right angle at the intersection of face-of-curb.

(a) Principal and Minor Arterial Streets. Where a street with a lower functional classification exists that can be accessed, curb cuts shall access onto those streets. When necessary, curb cuts along arterial streets shall be shared between two or more lots. Where a curb cut must access the arterial street, it shall be located a minimum of 250 feet from an intersection or driveway.

Number of Curb Cuts Permitted	
Length of Street Frontage	Maximum Number of Curb Cuts
0-500 ft.	1
501-1000 ft.	2
1001-1500 ft.	3
More than 1500 ft.	4

(b) Collector Streets. Curb cuts shall be located a minimum of 100 feet from an intersection or driveway. When necessary, curb cuts along collector streets shall be shared between two or more lots.

Number of Curb Cuts Permitted	
Length of Street Frontage	Maximum Number of Curb Cuts
0-100 ft.	1
101-250 ft.	2
251-500 ft.	3
More than 500 ft.	4

(c) Local and Residential Streets. Curb cuts shall be located a minimum of 50 feet from an intersection or driveway. In no case shall a curb cut be located within the radius return of an adjacent curb cut or intersection. Curb cuts shall be a minimum of fifteen (15') feet from the adjoining property line, unless shared.

Number of Curb Cuts Permitted	
Length of Street Frontage	Maximum Number of Curb Cuts
0-50 ft.	1
51-125 ft.	2
126-250 ft.	3
More than 250 ft.	4

- (d) Residential Subdivisions. In the case of residential subdivisions, curb cuts shall be discouraged along arterial and collector streets. When necessary, curb cuts along arterial and collector streets shall be shared between two or more lots. Curb cuts along all streets shall be located a minimum of five feet (5') from the adjoining property line, unless shared.
- (e) Variance. In order to protect the ingress and egress access rights to a street of an abutting property owner, a variance to the curb cut minimums shall be granted by the Planning Commission to allow an ingress/egress curb cut at the safest functional location along the property. Such a curb cut may be required to be shared with an adjoining parcel if feasible. If a parcel on the corner of an arterial or collector street provides such short frontage along a major street that there is no safe ingress/egress functional location on that street, the Planning Commission may deny the curb cut or may limit such curb cut to ingress or egress only.

156.03 Development

Certain variances of the development regulations may be applied for as follows:

(A) *General requirements.*

- (1) *Undue hardship.* If the provisions of Development, Chapter 166, are shown by the developer to cause undue hardship as they apply to this proposed development (including, but not limited to financial, environmental, or regulatory) and that the situation is unique to the subject property, the city Planning Commission may grant a variance, on a temporary or permanent basis, to the development from such provision, so that substantial justice may be done and the public interest secured; provided that the variation will not have the effect of nullifying the intent and purpose of the development regulations. No variance shall be granted for any property which does not have access to an improved street.
- (2) *Conditions and safeguards.* In granting variances, the Planning Commission may prescribe appropriate conditions and safeguards to secure substantially the objectives of the standards or requirements so varied.

LSD 11-3966: Large Scale Development (SOUTHWEST CORNER MLK BLVD. & HILL AVE./KUM AND GO, 522): Submitted by CEI ENGINEERING. for property located at the SOUTHWEST CORNER OF MARTIN LUTHER KING BOULEVARD AND HILL AVENUE. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 2.46 acres. The request is for the development of a gas station with sixteen fuel pumps.

Andrew Garner, Senior Planner, gave the staff report including videos and a diagram of traffic flow patterns and staff's concerns with left turn movements into the proposed gas station.

Erin Rushing, applicant, discussed access to Royal Oak Parkway and the background behind the current site plan. He discussed that the drive could be shifted further to the west to provide some additional distance away from the intersection.

Public Comment:

Aubrey Shepherd, discussed that this site has the only remaining trees left from this overall site. He hopes some of the existing soil will remain and that they will plan some steps to store water on the site. He expressed concern with construction traffic of this project combined with the development of the Washington County sale barn site. He discussed that if you are coming west from downtown it is very difficult to turn left onto Hill Avenue.

No more public comment was presented.

Commissioner Chesser asked about the left turn on Hill.

Garner discussed that the recommended condition of approval for dedicated left turn signals to be added to the existing signal should address that issue.

Commissioner Chesser discussed support for the recommendation for right-in, right-out only.

Commissioner Hoskins asked about the turn into the site off of Royal Oak. He discussed concerns with traffic patterns as shown on the video and also agreed with the right-in, right-out only and that full access has lots of issues.

Commissioner Griffin gave background for the second Subdivision Committee recommendation to remove the access on Royal Oak Parkway, including concerns with the median cut and vehicles stacking.

Commissioner Earnest discussed the first Subdivision Committee recommendation to include access on Royal Oak Parkway. He discussed moving the drive on Royal Oak further to the south but there are issues with grade and trees in that area of the site. He stated that we have an excellent access management ordinance that states that where a site has access to lesser classification streets curb cuts shall access those streets. This site has access to the two side streets and connectivity can be secured.

Commissioner Winston asked about access to the site for gas tanker trucks.

Rob Wadley, Kum and Go, discussed gas truck access into the site and the various options and grades for the different driveways. He discussed that the median in Royal Oak Parkway is privately owned and that the owner is not willing to allow a median cut. They are fine to push the driveway on MLK closer to Royal Oak Parkway if needed. They do need a three-quarter access for fuel trucks and food trucks.

Commissioner Winston discussed that he does not see a way to support a full access in for traffic safety reasons.

Commissioner Chesser discussed delivery trucks accessing the site. He sees a major safety concern.

Commissioner Honchell discussed that placement on the hill is a problem. As a planning commissioner safety is one of the things he has to look at. He expressed support for a right-in, right-out only driveway. He asked if an 8-10% slope on a driveway onto Royal Oak Parkway is functional. He also asked about making Royal Oak Parkway a left out.

Glenn Newman, staff engineer, discussed that yes 8-10% would be functional. He discussed that it may be possible to change Royal Oak Parkway to allow a left out, but that he was not sure of the reasons why it was made a right out only and would need to evaluate it. He discussed that we would like to encourage more use on Hill versus Royal Oak because Hill is signalized.

Commissioner Honchell asked about the time of delivery.

Rob Wadley, Kum and Go, discussed that they do not like to deliver during busy times.

Commissioner Winston asked about Aubrey Shepherd's question about the Campus Crest project on the Washington County Sale Barn site.

Garner stated that a development plan is currently under review but we're not sure when or if it will be built.

Erin Rushing, applicant, asked the commission if pedestrian access to Royal Oak Parkway were required would steps be allowed because there is a 10-foot retaining wall.

Commissioner Hoskins asked if the grades of the site could be changed to alter the slopes.

Newman answered 'yes'.

Commissioner Hoskins asked about a driveway connection being proposed between the two ponds.

Newman discussed it was not feasible as the grading plan is currently proposed.

Commissioner Chesser asked about stacking onto Hill Avenue.

Garner discussed stacking onto Hill Avenue and that it was a concern, but that the curb cut meets the minimum.

Motion #1:

Commissioner Winston made a motion to approve LSD 11-3966:

Condition of approval #1: finding in favor of the variance for the curb cut on Martin Luther King Boulevard as recommended by staff with a right-in, right-out only access.

Condition of approval #2.a: finding in favor of requiring sidewalk access from Royal Oak Parkway to the gas station, and that steps are acceptable as part of the sidewalk connection.

Condition of approval #2.b: finding that vehicular access from Royal Oak Parkway to the gas station is not

required.

Finding in favor of all other conditions of approval as recommended by staff in the report.

Commissioner Griffin seconded the motion. **Upon roll call the motion failed with a vote of 4-5-0 (Commissioners Chesser, Honchell, Hoskins, Earnest, and Cabe voting ‘no’).**

Motion #2:

Commissioner Chesser made a motion to approve LSD 11-3966, finding in favor of all conditions of approval and recommendations made by staff in the staff report including the following:

Condition of approval #1: finding in favor of the variance for the curb cut on Martin Luther King Boulevard as recommended by staff with a right-in, right-out only access.

Condition of approval #2.a: finding in favor of requiring sidewalk access from Royal Oak Parkway to the gas station.

Condition of approval #2.b: finding in favor of requiring vehicular access from Royal Oak Parkway to the gas station.

Finding in favor of all other conditions of approval and variances as recommended by staff in the report.

Commissioner Honchell seconded the motion. **Upon roll call the motion passed with a vote of 8-1-0 (Commissioner Winston voting ‘no’).**



PC Meeting of November 14, 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
Glenn Newman, Staff Engineer
THRU: Jeremy Pate, Development Services Director
DATE: ~~November 1, 2011~~ *Updated November 15, 2011*

LSD 11-3966: Large Scale Development (SOUTHWEST CORNER MLK BLVD. & HILL AVE./KUM AND GO, 522): Submitted by CEI, INC. for property located at the SOUTHWEST CORNER OF MARTIN LUTHER KING BOULEVARD AND HILL AVENUE. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 2.46 acres. The request is for the development of a gas station with sixteen fuel pumps.

Planner: Andrew Garner

Findings:

Property and background: The subject property is located at the southwest corner of Martin Luther King Boulevard (Hwy 62) and Hill Avenue. The property is a disturbed and undeveloped site with 21.2% tree canopy. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Duplex; Undeveloped	C-1, Neighborhood Commercial; RMF-24, Residential Multi-family 24 Units Per Acre
East	Brenda's Burgers; Coors Plant	I-1, Heavy Commercial and Light Industrial
West and South	Multi-family residential (Hill Place complex)	R-PZD Hill Place

Request: The applicant requests large scale development approval to construct a gas station with 16 fuel pumps and a 4,958 sq. ft. convenience store.

Water and Sewer System: The property has access to existing public water and sewer services.

Adjacent streets and right-of-way: This site is adjacent to the signalized intersection of Martin Luther King (Hwy 62), a principal arterial street; Hill Avenue, a collector street, and Royal Oak Parkway, a local street. Adequate right-of-way exists in conformance with the Master Street Plan along Martin Luther King and Royal Oak Parkway. Royal Oak Parkway is a divided road adjacent to the site with the median under private ownership and not within the City right-of-way. Right-of-way dedication in the amount of 35 feet from centerline along Hill Avenue is required.

Street Improvements: Staff recommends the following street improvements: new sidewalk on

Hill Avenue at the Master Street Plan right-of-way line; street lights at intersections and spaced every 300 feet; any damaged or cracked sidewalk on Martin Luther King and Royal Oak Parkway will need to be replaced prior to final occupancy. Because of the high volume of existing traffic on adjacent roadways combined with increased turning movements anticipated with the proposed gas station, staff recommends a dedicated left-turn signal at the Hill/Martin Luther King intersection. Upgrades to the signal to provide dedicated left turns shall be required of the developer with this project, subject to approval by the Arkansas State Highway Department.

Tree Preservation:

Existing Canopy: 21.2%	*Preserved Canopy: 5.1%	Required Canopy: 20%
------------------------	-------------------------	----------------------

*Mitigation Required: See attached memo from Urban Forester.

Access Management/Connectivity: The subject site is bounded by public streets on the north, west and east sides. The north side of the property is adjacent to Martin Luther King (Hwy 62, a principal arterial street), the east side is adjacent to Hill Avenue (a collector street), which is a signalized intersection, and the west side is adjacent to Royal Oak Parkway, which is a local street. The access management ordinance states that access shall be taken from the street with the lower functional classification, in this case Hill Avenue and Royal Oak Parkway. Where a curb cut must access the arterial street, it shall be located a minimum of 250 feet from a driveway or intersection.

These standards were adopted so that new access to development would not create or contribute to unsafe or congested conditions, especially along arterial roadways. As new access points are created, the potential for vehicle conflicts between through traffic and traffic using the access increases. In addition to decreased safety, poorly designed access points increase congestion and traffic delays.

The applicant proposes a 39-foot wide full access in, right-out only, driveway on Martin Luther King, a principal arterial. This access requires a variance for the following reasons:

- The site has available access on two adjacent lower classification streets.
- The proposed curb cut is approximately 119 feet from the intersection of Royal Oak Parkway/Martin Luther King, and 240 feet from the intersection of Martin Luther King/Hill Avenue, when 250-foot separation is required.

At the technical plat review meeting City staff indicated to the applicant that they were not in favor of a full access curb cut onto Martin Luther King due to traffic safety concerns and available access on two adjacent side streets. Staff recommended some options instead a full access curb cut onto Martin Luther King to make the lower classification streets the priority for access consistent with ordinance. The options that were suggested by staff included a full access to Royal Oak Parkway and a right-in only curb cut onto Martin Luther King. Other options included a right-in only access on Martin Luther King and an exit/entrance from the gas station to Royal Oak Parkway.

The applicant has provided a letter (attached) that discusses their consideration of various access

options. The current proposal now includes a full access in and a right-out only curb cut onto Martin Luther King and a full access onto Hill Avenue. The main reasons stated by the applicant for the proposed access onto Martin Luther King include ease of transport truck delivering fuel to the store and concerns with site distance at the intersection of Royal Oak Parkway.

Access Management Variance Recommendation:

Staff does not support the applicant's variance request finding that the proposed curb cut does not meet the intent of the Access Management ordinance that states:

"Property that fronts onto two public streets shall place a higher priority on accessing the street with the lower functional classification, ex. Local and Collector."

The applicant has not designed their site with this ordinance in mind. Rather, the applicant has designed the site by placing a higher priority on accessing the Principal Arterial, rather than the adjacent Local Street, Royal Oak Parkway, and the adjacent Collector Street, Hill Avenue. The primary entrance to this development is proposed off of the Principal Arterial. This is in direct conflict with the Access Management ordinance quoted above.

The ordinance also states:

"Where a street with a lower functional classification exists that can be accessed, curb cuts shall access onto those streets."

The proposal does not provide connectivity to Royal Oak Parkway, in conflict with the ordinance quoted above.

Staff has conducted several site visits to observe traffic flow, site distance, and turning movements in the area. The site has adequate access on two adjacent side streets, including a signalized intersection at Hill Avenue. The proposed full access in and right-out only curb cut on Martin Luther King (MLK) may create a traffic safety hazard due to conflicting turning movements, especially with vehicles turning left into the development conflicting with vehicles turning right out of Royal Oak Parkway, and vehicles traveling at relatively high speed east and west on MLK. There is also a potential danger with westbound vehicles entering the turn lane on MLK to turn left into this development, and eastbound vehicles on MLK entering the turn lane to turn left at the signal on Hill Avenue and potential head-on conflict within the stacking of the intersection. This is depicted on a video clip shown at agenda session and planning commission and indicated on a diagram provided by staff. As observed by staff, vehicles stack in the left eastbound lane on MLK because the right lane is required to turn right at the next intersection. This stacking encourages vehicles to travel down the center turn lane of MLK which will be in direct conflict with vehicles heading westbound and turning left into the gas station.

Public Comment: Staff had two phone conversations and received an email from a representative of Hill Place (the adjacent apartment complex to the south). As indicated in the email and as discussed in person at the November 4th Subdivision Committee meeting, Hill Place does not recommend a curb cut for the gas station onto Royal Oak Parkway citing conflicts with the residents of their property. They do request a sidewalk connection.

Recommendation: Staff recommends approval of **LSD 11-3966** with the following conditions:

Conditions of Approval:

1. Planning Commission determination of a variance from Chapter 166.08(F), access management and curb-cut separation. As described above, the applicant proposes a full access in and right-out only curb cut onto Martin Luther King Boulevard 119 feet from the intersection of Royal Oak Parkway/Martin Luther King, and 240 feet from the intersection of Martin Luther King/Hill Avenue. *Staff recommends denial of the variance based on the findings discussed earlier in this report.*

Staff recognizes that Royal Oak Parkway is constrained for full commercial access to this property because of topography and the existing median. This is a somewhat unique situation and staff feels that a secondary point of access to Martin Luther King Boulevard is warranted based on the size of the parcel and length of street frontage(388 feet). However, in staff's observations any proposal with a curb cut that will allow left in or left out turning movements on MLK will create a dangerous traffic condition. Consistent with Chapter 166.08(F), staff recommends that the proposed curb cut be limited to a right-in and right-out only.

Should the Planning Commission recommend in favor of the proposed curb cut, the applicant may be required to provide a vehicular traffic safety and site distance study prior to construction permits to verify compliance with basic engineering standards, as determined by City Engineering staff. Additionally, upon construction and prior to occupancy, City staff shall be authorized to require the applicant to make minor changes to this driveway such as signage and painting to make the limited access design as functional as possible.

PLANNING COMMISSION DETERMINED IN FAVOR OF A VARIANCE AS RECOMMENDED BY STAFF FOR RIGHT-IN AND RIGHT-OUT ONLY (11-14-11).

2. Planning Commission determination to provide access (connectivity) to Royal Oak Parkway. The City's overall policies and ordinances, including UDC Section 166.08 and 166.14(C)(4), encourage connectivity within and between adjacent developments and local roadways.

According to the adjacent property owner to the south, Hill Place LLC, there are approximately 840 residents on 27 acres within the Hill Place development. Without access to Royal Oak Parkway, drivers or pedestrians that would like to access the proposed gas station from that development will all be forced to use Hill Avenue and potentially wait in a turn lane for a signalized intersection to turn into the gas station, or turn right onto Martin Luther King Boulevard (a principal arterial roadway and state highway) and travel approximately 100 feet then turn right into the gas station. This will unnecessarily result in more potentially dangerous turning movements onto MLK; increase congestion and decrease road capacity.

- a. Sidewalk connection. *Staff recommends that a direct sidewalk connection between Royal Oak Parkway and the gas station be provided, in addition to the sidewalk connection that is already shown from Hill Avenue. This recommendation is based on the volume of pedestrian activity in the vicinity and the proposed convenience store use, in addition to UDC Section 172.04.B. There are 840 University of Arkansas students adjacent to the south in Hill Place. These students are within walking distance of the proposed convenience store that will be selling food and groceries. Hill Place LLC has requested that a sidewalk be provided from Royal Oak Parkway to the gas station.*
- b. Vehicular connection. *Staff recommends that the proposed development provide vehicular access to Royal Oak Parkway consistent with the City's overall policies and ordinances to provide complete, compact, and connected communities, including UDC Section 166.08 and 166.14(C)(4). Staff does not recommend a median cut on Royal Oak Parkway, resulting in a right-in, right-out access on this northbound section of the boulevard street.*

PLANNING COMMISSION DETERMINED IN FAVOR OF A VEHICULAR AND SIDEWALK CONNECTION TO ROYAL OAK PARKWAY (11-14-11).

3. Planning Commission determination of a variance request from Chapter 172.04(E), Parking Lot Design Standards. The applicant has submitted a variance request from the maximum drive aisle width requirement of 24 feet and proposes to utilize a range of drive aisle widths from 30 feet to 33 feet to accommodate turning radius required for large truck parking lot circulation and access to the underground gasoline storage tanks. An Autoturn diagram has been added to the site plan on Sheet 5 of the submitted plat to indicate that the request is justified. *Staff recommends approval of the variance request to exceed the maximum drive aisle width of 24 feet to accommodate the turning radius of the large trucks, as indicated on the diagram.*

PLANNING COMMISSION DETERMINED IN FAVOR OF THE VARIANCE (11-14-11).

4. Planning Commission determination of Commercial Design Standards. *Staff recommends in favor of the proposed design finding that the building meets the minimum requirements of the Commercial Design Standards.*

PLANNING COMMISSION DETERMINED IN FAVOR (11-14-11).

5. Planning Commission determination of street improvements. *Staff recommends the following street improvements along this site's three street frontages:*
 - a. *New sidewalk on Hill Avenue at the Master Street Plan right-of-way line.*
 - b. *Street lights at intersections and spaced every 300 feet.*
 - c. *Damaged or cracked sidewalk on Martin Luther King and Royal Oak Parkway shall be replaced prior to final occupancy.*
 - d. *Because of the high volume of existing traffic on adjacent roadways combined with*

increased turning movements anticipated with the proposed gas station, staff recommends addition of signal heads to provide protected left-turns at the Hill/Martin Luther King intersection. Upgrades to the signal to provide protected left turns for northbound, eastbound, and westbound traffic shall be required of the developer with this project, subject to approval by the Arkansas State Highway Department.

PLANNING COMMISSION DETERMINED IN FAVOR (11-14-11).

6. Planning Commission determination of a variance from UDC Section 177.04(C)(1)(b) that requires a maximum run of 12 parking spaces without a tree island. The applicant has indicated that this requirement would place a tree in front of the convenience store blocking view of the gas pumps from the store clerk. *The Urban Forester recommends in favor of the variance finding agreement with the applicant's justification.*

PLANNING COMMISSION DETERMINED IN FAVOR OF THE VARIANCE (11-14-11).

7. Right-of-way dedication in the amount of 35 feet from centerline is required along the project's Hill Avenue Street frontage and shall be dedicated by easement plat or separate document prior to building permit.
8. The number of parking spaces on the large scale development plan exceeds the maximum allowed by City ordinance and is subject to review and approval by the Planning Commission as a Conditional Use Permit (CUP 11-3968). If the conditional use permit is denied the development plans will be required to be modified to meet City ordinance.
9. Denial of the requested access to Martin Luther King Boulevard may require significant revisions to the site plan and project layout. These changes may require a major modification approval from the Planning Commission at a future hearing date.
10. A vegetative screen, as indicated on the submitted landscape plan, shall be installed along the west and southern property line to screen the commercial use from the adjacent residential use.
11. Any fencing shall comply with commercial design and design overlay district standards.
12. All tree preservation, landscape, and fire department conditions included herein shall apply.

Standard conditions of approval:

13. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance.
14. If applicable, a business license shall be obtained prior to opening the business to the public.

15. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives: AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).
16. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
17. All exterior lights shall comply with the City lighting ordinance. Manufacturer's cut-sheets are required for review and approval prior to issuance of a building permit.
18. All mechanical/utility equipment (roof and ground mounted) shall be screened using materials that are compatible with and incorporated into the structure. **A note shall be clearly placed on the plat and all construction documents indicating this requirement.**
19. Trash enclosures shall be screened on three sides with materials complimentary to and compatible with the principle structure. Elevations of the proposed dumpster enclosure shall be submitted to the Planning and Solid Waste Divisions for review prior to building permit. **A note shall be clearly placed on the plat and all construction documents indicating this requirement.**
20. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground. **A note shall be clearly placed on the plat and all construction documents indicating this requirement.**
21. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Any proposed signs shall be permitted by a separate sign permit application prior to installation. Freestanding pole signs and electronic message boards (direct lighting) are prohibited in the Design Overlay District.
22. Large scale development shall be valid for one calendar year.
23. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Landscape Administrator for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy.
24. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - c. Separate easement plat for this project that shall include the tree preservation area

and all utility easements.

- d. Project Disk with all final revisions
 - e. One copy of final construction drawings showing landscape plans including tree preservation measures submitted to the Landscape Administrator.
 - f. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.
-

Planning Commission Action: ☒ **Approved** ☐ **Tabled** ☐ **Forwarded**

Meeting Date: November 14, 2011

Motion: Chesser

Second: Honchell

Vote: 8-1-0 (Commissioner Winston voted 'no')

From: Ron Koretz <rkoretz@bluevistallc.com>
To: Andrew Garner <agamer@ci.fayetteville.ar.us>
Date: 10/21/2011 1:21 PM
Subject: Gas Station in Fayetteville, AR

Andrew -

Thank you for taking time to discuss the proposed new Kum & Go development at the corner of MLK and Hill Avenue. On behalf of the owner of the adjacent Hill Place student housing project, BVP Hill Place, LLC, I would like to have our input placed on the record for the City of Fayetteville Planning Commission.

BVP Hill Place, LLC is not opposed to the Kum & Go development. However, we do strongly oppose an entrance to the new development on Royal Oak Parkway. Such an entrance would present a safety hazard to our 840 residents, many of whom walk to and from school on a daily basis. If such an entrance (a "right-in, right-out" on Royal Oak) to the Kum & Go were in place, many cars would enter south on Royal Oak and make a U-turn in what is our parking lot. The U-turns would take place between two of our residential buildings and our clubhouse, which is the source for heavy daily foot traffic. This is also in the middle of the route student walking to school take. The potential U-turn drivers would make - as an unconventional driving method - is typically unexpected, further putting our residents at risk. Further, this would make what is a quiet, residential side street with heavy foot traffic a highly driven street where cars are entering for commercial purposes.

Therefore, we are in favor of an entrance to the Kum & Go on MLK State Highway 62.

Finally, we would like to have a sidewalk entry from Royal Oak Parkway to the Kum & Go. This would increase safety for our residents when they walk to the gas station and convenience store.

Please let me know if you have any questions.

Ron Koretz,

on behalf of BVP Hill Place, LLC

Ronald W. Koretz | Vice President, Asset Manager

Blue Vista Capital Management, LLC | 111 South Wacker Drive, Suite 3300 | Chicago, Illinois 60606
direct 312.324.6082 | mobile 312.662.8520 | fax 312.578.0139
rkoretz@bluevistallc.com <mailto:rkoretz@bluevistallc.com> | www.bluevistallc.com <http://www.bluevistallc.com/>

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LANDSCAPE ARCHITECTS ■ ENVIRONMENTAL SCIENTISTS

3108 S.W. Regency Parkway, Suite 2
Bentonville, AR 72712
479.273.9472 Fax 479.273.0844

DISTRIBUTION:
RER/File
Kum & Go, L.C.

October 6, 2011

City of Fayetteville
Planning Commission
113 W. Mountain Street
Fayetteville, AR 72701
Attn: Planning Department

**Re: Kum & Go #413 – Variance Request for Driveway Access
Martin Luther King Jr. Blvd & Hill Ave.
Fayetteville, Washington County, Arkansas
CEI Project No. 26728.0**

To Fayetteville Planning Commission:

This is a formal request for a variance from the City of Fayetteville's Unified Development Code (Street Design and Access Management, Ch. 166.08 (F)(1)(a)). This ordinance requires curb cuts or access points to be located where a street with a lower functional classification exists and that can be accessed, curb cuts shall access onto those streets. In this case being Hill Ave. Furthermore, when necessary, curb cuts along arterial streets shall be shared between two or more lots, in this case being Royal Oak.

This requirement cannot be achieved for a shared access point located at the intersection of Martin Luther King Jr. Blvd and Royal Oak. By doing so, it would create a steep grade at the point of ingress/egress to the Kum and Go site due to the existing grade of Royal Oak. In addition to, by providing a shared access at this location would create a challenge to drivers exiting onto Martin Luther King Jr. Blvd. Such a challenge would be the site distance to the west. Currently there is an existing train bridge crossing over Martin Luther King Jr. Blvd with an existing bridge abutment located at the sidewalk. For any one driver exiting from Royal Oak onto Martin Luther King Jr. Blvd, the location of the said abutment may hinder that driver's ability to see on-coming traffic traveling east along Martin Luther King Jr. Blvd.

Due to these existing conditions, we recommend providing a full access to and from the proposed Kum and Go site located along Martin Luther King Jr. Blvd. By providing a full access point at this location will increase the site distance to the west by increasing the distance between the existing train bridge abutment and the proposed access drive and will also improve the site distance to the east in regards to the crest of the roadway along Martin Luther King Jr. Blvd. Furthermore, by providing two access points for the proposed site would thereby create an ease in vehicular movement through the site while assisting in the access of the transport truck during deliveries to the proposed Kum and Go store.

Providing Consolidated Land Development Services

CALIFORNIA ■ ARIZONA ■ TEXAS ■ ARKANSAS ■ MINNESOTA ■ GEORGIA ■ PENNSYLVANIA

Special conditions exists which are unique to this site and which are not applicable to other sites in the same district. Literal interpretation of the provisions of these ordinances would deprive us of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

These special conditions do not result from the any actions on our part and granting these variance requests will not confer on us any special privilege that is denied by this ordinance to other sites in the same district.

Large Scale Development (LSD) plans have been submitted to the City Planning Department and shall be considered inclusive of this request including any revisions made throughout the review process.

We appreciate your consideration in this matter, and if you have questions or concerns, please do not hesitate to call.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "R. Erin Rushing".

R. Erin Rushing, RLA
Department Leader
CEI Engineering Associates, Inc.



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LANDSCAPE ARCHITECTS ■ ENVIRONMENTAL SCIENTISTS

3108 S.W. Regency Parkway, Suite 2
Bentonville, AR 72712

479.273.9472 Fax 479.273.0844

DISTRIBUTION:
RER/File

September 15, 2011

City of Fayetteville
Planning Commission
113 W. Mountain Street
Fayetteville, AR 72701
Attn: Alison Jumper, RLA

**Re: Kum & Go #413 – Site Analysis Report
SW Corner of MLK and Hill
Fayetteville, Arkansas
CEI Project No. 26728.0**

To Fayetteville Planning Commission:

The proposed project is at the southwest corner of Martin Luther King Jr. Blvd and Hill Avenue for the intended use of a convenience store and fueling station.

The proposed site is 2.46 acres in size.

The building size proposed is 4958 square feet with a detached fuel station with 8 fuel dispensers. The number of proposed parking spaces is 33.

Currently the site is undeveloped and has been primarily vacate since 2005.

The site is sloping from north to south approximately 25 feet in vertical change and is covered with either granular base rock from an old parking facility and/or un-maintained underbrush. There are numerous trees that are in the center of the site and scattered throughout the property. We are proposing to remove only the trees that are within the interior of the project and protect the trees that are along the exterior property boundaries.

The site layout consists of a convenience store in the middle of the project site, a fuel canopy in front of the convenience store and 3 drive cuts onto adjacent public streets. The primary driveway is at the northwest corner of the site onto MLK as far east as possible. This driveway is located as far west away from the signalized intersection to minimize conflict with the Hill Avenue north bound traffic turning movements. The two secondary drive cuts are on Hill Avenue, which the southern most drive lines up with the front of the store making it easy for the customer to enter and exit the site with as little turning movements as possible. The northern most drive cut is utilized for delivery of goods to the store, trash pick up, and secondary access to Hill.

Within Kum & Go's business model the front of the store always faces the primary access point or major street, which in this case is MLK with secondary access onto Hill. It is a requirement by Kum & Go that the fuel dispensers be located in line with the front of the store so the cashiers at the front counter have full visible access to the fuel dispensers at all times to reduce the potential

for drive-offs so the store can only be shifted minimally off of the centerline of the canopy before it affects this sight line.

In regards to vehicular circulation, again access to the primary street is required as well as a secondary access point required. Adequate vehicular circulation around the fuel dispensers is critical for the patrons utilizing the convenience store, as well as providing adequate buffering around the fuel dispensers themselves for safety purposes. At the main entrance to the store the preferred distance from canopy to the back of the parked cars is 39 feet in order to accommodate not only vehicular traffic entering the parking spaces from three different directions but this area needs to accommodate a 60' long fuel transport truck which will access the site 2-3 times per day.

There are numerous concessions Kum & Go has made to the overall site plan during the design and review process. For starters they pushed the development/impact area north as much as possible to save the trees along the south portion of the property. The site utilizes a dual stormwater detention pond system in order to utilize the areas outside of the limits of the tree canopy for detention storage and save the trees. Other accommodations include the construction of a 6-7 foot tall retaining wall 475 feet in length around the entire south and west side of the developed area to minimize the impact to the root zone of the trees to be saved and limit the area of disturbance.

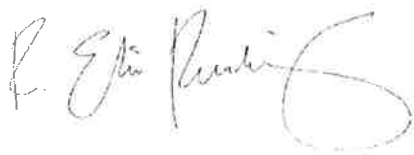
Along the eastern property line in the middle of the site exists a 42" Hackberry Tree that could not be saved due to its location relative to the front of the store and the need for the secondary driveway onto Hill in this location. Kum & Go looked at alternative locations for the drive, however as mentioned above vehicular circulation parallel to the front of the store is a necessity for the operations, ease of access and safety to the patrons.

Mitigation for trees to be removed include a combination of some additional on-site tree plantings as well as payment to the City tree fund for any additional trees that can not be accommodated within the confines of the site.

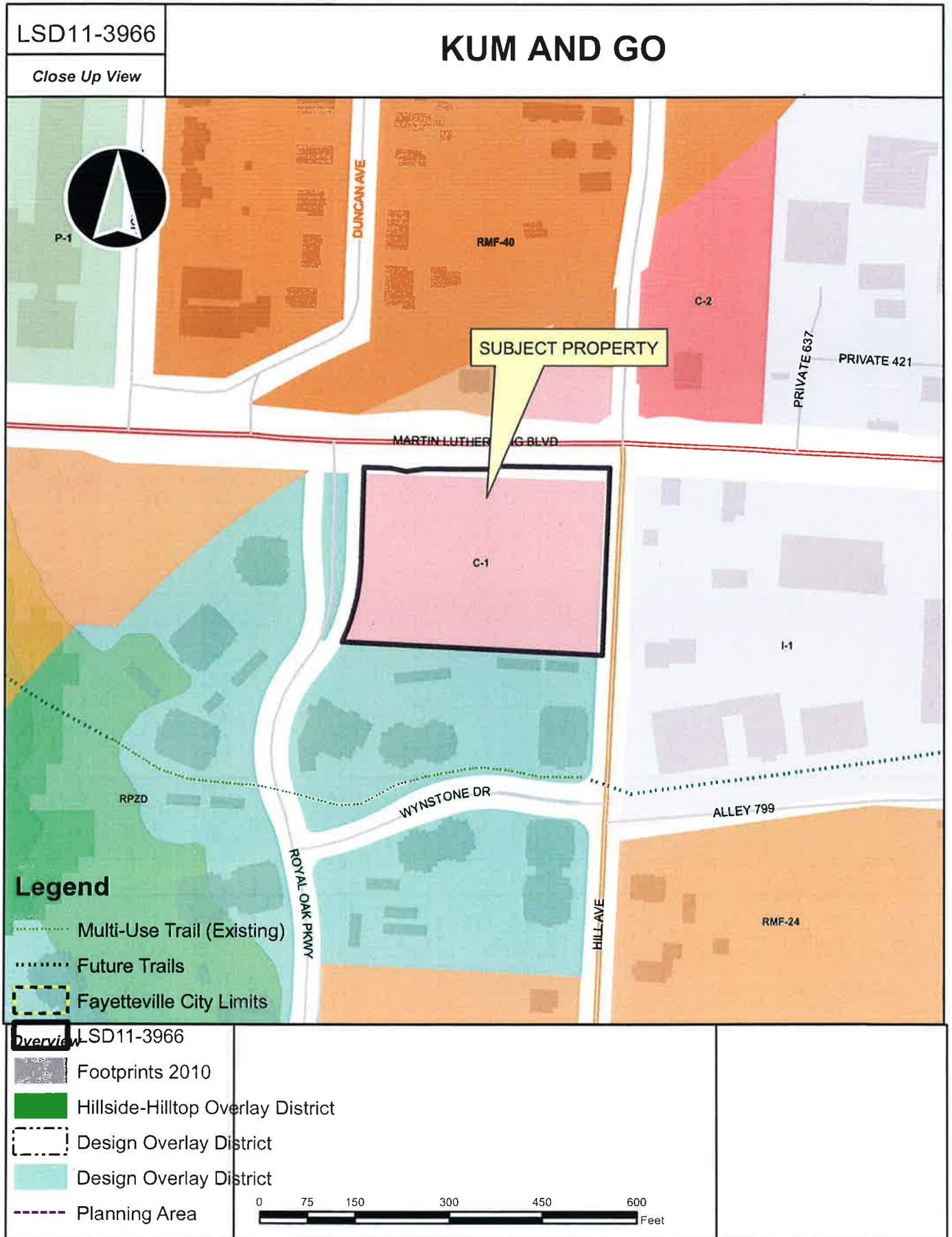
Large Scale Development (LSD) plans have been submitted to the City Planning Department and shall be considered inclusive of this request including any revisions made throughout the review process.

We appreciate your consideration in this matter, and if you have questions or concerns, please do not hesitate to call.

Respectfully submitted,



R. Erin Rushing, RLA
Department Leader – Local Development
CEI Engineering Associates, Inc.



-  LSD11-3966
 Design Overlay District
 Planning Area
 Fayetteville
 1
 Miles

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 20, 2011**

A meeting of the Fayetteville City Council will be held on December 20, 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. Nominating Committee Report

Agenda Additions:

A. Consent:

- ✓ Approval of the December 6, 2011 City Council meeting minutes.
- ✓ **2012 Transportation Division Overlay/Sidewalk Projects:** A resolution approving the Transportation Division Overlay/Sidewalk Projects list for 2012.
- ✓ **Bid #10-40 Amerlux Exterior LLC:** A resolution authorizing purchase of thirty-seven (37) LED light fixtures and poles in the amount of \$67,667.27 pursuant to Bid #10-40 from Amerlux Exterior LLC (FKA Dynamic Lighting Solution).

4. **2011-2012 Internet Crimes Against Children Task Force Program Continuation Grant:** A resolution accepting a non-matching 2011-2012 Internet Crimes Against Children Task Force Program Continuation Grant from the Arkansas State Police in the amount of \$5,000.00, and approving a budget adjustment.
5. **Fayetteville Police Department Donation Revenue:** A resolution approving a budget adjustment in the amount of \$1,800.00 recognizing revenue received from various donations to the Fayetteville Police Department in support of general recognition and officer service awards, and expressing gratitude to the donors.
6. **Arkansas Recreational Trails Grant:** A resolution approving an agreement of understanding with the Arkansas State Highway and Transportation Department for the acceptance of an Arkansas Recreational Trails Grant in the amount of \$80,000.00 for the construction of Lake Fayetteville Trail (South), and approving a budget adjustment.
7. **ASPCA Scholarship Donations:** A resolution to accept a scholarship donation in the amount of \$1,561.00 from the American Society for the Prevention of Cruelty to Animals for Animal Control Officer Chris Harrimann to attend a cruelty investigation course at the University of Missouri and to approve a budget adjustment to recognize this revenue.
8. **Baird, Kurtz & Dobson (BKD), LLP:** A resolution approving a contract with Baird, Kurtz & Dobson (BKD), LLP, in the amount of \$87,000.00 to provide independent audit services to the City of Fayetteville.
9. **Pick-It Construction, Inc.:** A resolution to approve a change order with Pick-It Construction, Inc. in the amount of \$19,710.00 and to approve a budget adjustment to recognize a donation from the Fayetteville Youth Baseball League up to \$33,600.00 to complete this project.

B. Unfinished Business:

1. **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 resolution was tabled at the December 6, 2011 City Council meeting to the December 20, 2011 City Council meeting.*
2. **Naming 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. *This resolution was tabled at the December 6, 2011 City Council meeting to the December 20, 2011 City Council meeting.*
3. **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 ordinance was left on the Second Reading at the December 6, 2011 City Council meeting.*

Left on the Second Reading

4. **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. *This resolution was tabled at the December 6, 2011 City Council meeting to the December 20, 2011 City Council meeting.*

5. **Bellefont Gardens Tree Preservation Area Modification:** 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. *This resolution was tabled at the December 6, 2011 City Council meeting to the December 20, 2011 City Council meeting.*

6. **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 ordinance was left on the First Reading at the December 6, 2011 City Council meeting.*

Left on the First Reading

C. New Business:

1. **RZN 11-3971 (Best Way St. & Hollywood Ave.):** An ordinance rezoning that property described in rezoning petition RZN 11-3971, for approximately 25.35 acres, located at the End of Best Way Street and Hollywood Avenue from C-2, Thoroughfare Commercial, to RMF-12, Residential Multi-Family, 12 units per acre.

2. **ADM 11-3993 (UDC Amendment I-1 Zoning District):** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville §161.27 to modify the rear setback requirement in the I-1 zoning district.

3. **Amend Section 33.240:** An ordinance amending Section 33.240: Purposes and Duties of Article XI: Environmental Action Committee of Chapter 33: Departments, Boards Commission, and authorities of the Code of Fayetteville to provide additional authority related to Community Wildlife Habitat Certification.

4. **Kum & Go Appeal:** Appeal of the Planning Commission's determination to limit access for a proposed Kum and Go Large Scale Development at Martin Luther King, Jr Blvd and Hill Avenue.

D. City Council Agenda Session Presentations:

*City Council Tour!
Monday 4:30 December 19, 2011*

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.

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Free Agenda Meeting 12/7/11

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 20, 2011**

A meeting of the Fayetteville City Council will be held on December 20, 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. Nominating Committee Report

Agenda Additions:

A. Consent:

1. Approval of the December 6, 2011 City Council meeting minutes.
- ✓ 2012 Transportation Division Overlay/Sidewalk Projects: A resolution approving the Transportation Division Overlay/Sidewalk Projects list for 2012.
- ✓ Bid #10-40 Amerlux Exterior LLC: A resolution authorizing purchase of thirty-seven (37) LED light fixtures and poles in the amount of \$67,667.27 pursuant to Bid #10-40 from Amerlux Exterior LLC (FKA Dynamic Lighting Solution).

- 8:30
4. **2011-2012 Internet Crimes Against Children Task Force Program Continuation Grant:** A resolution accepting a non-matching 2011-2012 Internet Crimes Against Children Task Force Program Continuation Grant from the Arkansas State Police in the amount of \$5,000.00, and approving a budget adjustment.
 5. **Fayetteville Police Department Donation Revenue:** A resolution approving a budget adjustment in the amount of \$1,800.00 recognizing revenue received from various donations to the Fayetteville Police Department in support of general recognition and officer service awards, and expressing gratitude to the donors.
 6. **Arkansas Recreational Trails Grant:** A resolution approving an agreement of understanding with the Arkansas State Highway and Transportation Department for the acceptance of an Arkansas Recreational Trails Grant in the amount of \$80,000.00 for the construction of Lake Fayetteville Trail (South), and approving a budget adjustment.
 7. **ASPCA Scholarship Donations:** A resolution to accept a scholarship donation in the amount of \$1,561.00 from the American Society for the Prevention of Cruelty to Animals for Animal Control Officer Chris Harrimann to attend a cruelty investigation course at the University of Missouri and to approve a budget adjustment to recognize this revenue.
 8. **Baird, Kurtz & Dobson (BKD), LLP:** A resolution approving a contract with Baird, Kurtz & Dobson (BKD), LLP, in the amount of \$87,000.00 to provide independent audit services to the City of Fayetteville.
 9. **Pick It Construction:** A resolution to approve a change order with Pick-It Construction, Inc. in the amount of \$19,710.00 and to approve a budget adjustment to recognize a donation from the Fayetteville Youth Baseball League up to \$33,600.00 to complete this project.

B. Unfinished Business:

1. ~~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 resolution was tabled at the December 6, 2011 City Council meeting to the December 20, 2011 City Council meeting.*
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 ordinance was left on the Second Reading at the December 6, 2011 City Council meeting.*

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. *This resolution was tabled at the December 6, 2011 City Council meeting 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. *This resolution was tabled at the December 6, 2011 City Council meeting to the December 20, 2011 City Council meeting.*
- ✓ 5. **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 ordinance was left on the First Reading at the December 6, 2011 City Council meeting.*
- * ✗ ^{First}
Left on the ~~Second~~ Reading

C. New Business:

- ✓ 1. **RZN 11-3971 (~~The End of Best Way St. & Hollywood Ave.~~):** An ordinance rezoning that property described in rezoning petition RZN 11-3971, for approximately 25.35 acres, located at the ~~End of Best Way Street~~ and Hollywood Avenue from C-2, Thoroughfare Commercial, to RMF-12, Residential Multi-Family, 12 units per acre.
- ✓ 2. **ADM 11-3993 (UDC Amendment I-1 Zoning District):** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville §161.27 to modify the rear setback requirement in the I-1 zoning district.
- ✓ 3. **Amend Section 33.240:** An ordinance amending Section 33.240: Purposes and Duties of Article XI: Environmental Action Committee of Chapter 33: Departments, Boards Commission, and authorities of the Code of Fayetteville to provide additional authority related to Community Wildlife Habitat Certification.
- ✓ 4. **Kum & Go Appeal:** Appeal of the Planning Commission's determination to limit access for a proposed Kum and Go Large Scale Development at Martin Luther King, Jr Blvd and Hill Avenue.

D. City Council Agenda Session Presentations:

Announcements:

Adjournment:

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