

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
February 7, 2012**

A meeting of the Fayetteville City Council will be held on February 7, 2012 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:

Agenda Additions:

- 1. Amend Chapter 161.03 (B)(2) Outdoor Music Establishments:** An ordinance to amend Ch. 161.03 (B)(2) of the Unified Development Code, to allow outdoor music establishments to be considered as a conditional use in R-A zones.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5479

A. Consent:

- 1. Approval of the January 17, 2012 City Council meeting minutes. APPROVED**

2. **Airport Minimum Standards:** A resolution approving the revised minimum standards for the Fayetteville Executive Airport Drake Field as approved and recommended by the Airport Advisory Board.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 27-12

3. **Garver, LLC:** A resolution approving an agreement for professional engineering services with Garver, LLC in an amount not to exceed \$94,200.00 for engineering design related to Town Branch Trail.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 28-12

4. **AOS, LLC:** A resolution authorizing the purchase of a high performance server chassis and network switch with storage in the amount of \$192,704.43 from AOS, LLC pursuant to a state procurement contract, and approving a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 29-12

5. **Public Access Television Fee Revenue:** A resolution approving a budget adjustment in the amount of \$2,610.00 recognizing public access television fee revenue for 2011.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 30-12

6. **L-3 Mobile-Vision, Inc.:** A resolution authorizing the purchase of thirty-one (31) digital video systems for the Police Department from L-3 Mobile-Vision, Inc. in the total amount of \$181,547.55 pursuant to a bid waiver authorized by Ordinance No. 4551.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 31-12

B. Unfinished Business: None

C. New Business:

1. **RZN 11-3999 (2514 W. Lori Dr./Razorback Park Golf Course):** An ordinance rezoning that property described in rezoning petition RZN 11-3999, for approximately 32 acres, located at 2514 West Lori Drive from RSF-1, Residential Single-Family, 1 unit per acre to R-A, Residential Agricultural.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5480

2. **Amend Chapter 163 Use Conditions:** An ordinance to enact §163.17 Wrecking, Demolition and Scrap Metal Processing into the Unified Development Code and to adopt an emergency clause.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5481

3. **Repeal §172.10 Bicycle Parking Rack Requirements:** An ordinance to repeal §172.10 Bicycle Parking Rack Requirements of the Unified Development Code and to enact a replacement §172.10.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5482

4. **Amend §176.03 Exemptions:** An ordinance to amend §176.03 Exemptions of the Outdoor Lighting chapter of the UDC to allow the lights to remain on a tree on the Square and to allow accent lighting on restaurant and bar patios.

THIS ITEM WAS LEFT ON THE SECOND READING.

5. **ADM 11-4019 (North Side MLK Between Block and East Ave./Jacobs) Appeal:** A resolution to grant the appeal of Jacobs + Newell Company and to grant the curb cut variance on Martin Luther King, Jr. Boulevard between Block and East Avenues.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 32-12

6. **Amend Chapter 151 Definition of “Family”:** An ordinance to amend the definition of “Family” found in Chapter 151 Definitions of the Unified Development Code to allow the City Council to authorize up to five (5) unrelated persons in some units of a Planned Zoning District.

THIS ITEM WAS LEFT ON THE FIRST READING.

City Council Tour:

Announcements:

Adjournment: 7:56 p.m.

NOTICE TO MEMBERS OF THE AUDIENCE

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- (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.

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Subject:	Roll				
Alderman Lewis was absent	Petty	✓			
	Tennant	✓			
	Ferrell	✓			
	Adams	✓			
	Lewis	Absent			
	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Mayor Jordan	✓			

8-0

Subject:	Add Amend Chp. 161.03 B2				
Motion To:		Suspend Rules to add to the agenda	2 nd Reading	3 rd Reading	Pass
Motion By:		Serrell	Serrell	Tennant	
Seconded:		Tennant	Boudreaux	Serrell	
Passed 5479	Petty	✓	✓	✓	✓
	Tennant	✓	✓	✓	✓
	Ferrell	✓	✓	✓	✓
	Adams	✓	✓	✓	✓
	Lewis	Absent	—	—	—
	Gray	✓	✓	✓	✓
	Boudreaux	✓	✓	✓	✓
	Kinion	✓	✓	✓	✓
	Mayor Jordan				

7-0

7-0

7-0

7-0

Subject:	Amend Chp. 161.03 B2				
Motion To:		Emergency clause			
Motion By:		Kinion			
Seconded:		Tennant			
	Petty	✓			
	Tennant	✓			
	Ferrell	✓			
	Adams	✓			
	Lewis	Absent			
	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Mayor Jordan				

7-0

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

Subject:	Consent				
Motion To:					
Motion By:		Boudreaux			
Seconded:		Tennant			
Minutes Approved 27-12 thru 31-12	Petty	✓			
	Tennant	✓			
	Ferrell	✓			
	Adams	✓			
	Lewis	Absent			
	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Mayor Jordan				

7-0

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

Subject:		RZN 11-3999 (2514 W. Lori Dr./Razorback Park Golf Course)			
Motion To:		2 nd Reading	3 rd Reading	Pass	
Motion By:		Boudreaux	Boudreaux		
Seconded:		Jernell	Adams		
C. 1 New Business	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Adams	✓	✓	✓	
	Lewis	Absent	Absent	Absent	
	Gray	✓	✓	✓	
	Boudreaux	✓	✓	✓	
	Kinion	✓	✓	✓	
	Mayor Jordan				

7-0

7-0

7-0

Subject:		Amend Chapter 163 Use Conditions			
Motion To:		2 nd Reading	3 rd Reading	Pass	Emergency Clause
Motion By:		Boudreaux	Boudreaux		Kinion
Seconded:		Tennant	Petty		Boudreaux
C. 2 New Business	Petty	✓	✓	✓	✓
	Tennant	✓	✓	✓	✓
	Ferrell	✓	✓	✓	no
	Adams	✓	✓	✓	✓
	Lewis	Absent	Absent	Absent	Absent
	Gray	✓	✓	✓	✓
	Boudreaux	✓	✓	✓	✓
	Kinion	✓	✓	✓	✓
	Mayor Jordan				

7-0

7-0

7-0

6-1

Subject:		Repeal §172.10 Bicycle Parking Rack Requirements			
Motion To:		2 nd Reading	2 nd Reading	Pass	
Motion By:		Gray	Tennant		
Seconded:		Tennant	Adams		
C. 3 New Business Passed 5482	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Adams	✓	✓	✓	
	Lewis	Absent	Absent	Absent	
	Gray	✓	✓	✓	
	Boudreaux	✓	✓	✓	
	Kinion	✓	✓	✓	
	Mayor Jordan				

7-0

7-0

7-0

Subject:		Amend §176.03 Exemptions			
Motion To:		2 nd Reading			
Motion By:		Boudreaux			
Seconded:		Tennant			
C. 4 New Business Left on Second Reading	Petty	no			
	Tennant	✓			
	Ferrell	✓			
	Adams	✓			
	Lewis	Absent			
	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Mayor Jordan				

6-1

Subject:	ADM 11-4019 (North Side MLK Between Block and East Ave./Jacobs) Appeal				
Motion To:					
Motion By:		<i>Approve</i>			
Seconded:		<i>Boudreaux</i>			
C. 5 New Business <i>Passed</i> <i>32-12</i>	Petty	<i>✓</i>			
	Tennant	<i>✓</i>			
	Ferrell	<i>✓</i>			
	Adams	<i>✓</i>			
	Lewis	<i>Absent</i>			
	Gray	<i>✓</i>			
	Boudreaux	<i>✓</i>			
	Kinion	<i>✓</i>			
	Mayor Jordan				

7-0

Subject:	Amend Chapter 151 Definition of "Family"				
Motion To:					
Motion By:					
Seconded:					
C. 6 New Business <i>left on the first Reading</i>	Petty				
	Tennant				
	Ferrell				
	Adams				
	Lewis				
	Gray				
	Boudreaux				
	Kinion				
	Mayor Jordan				



Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan

THRU: Sondra Smith, City Clerk

FROM: Kit Williams, City Attorney

DATE: February 8, 2012

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of February 7, 2012

1. **Conditional Use Amendment:** An ordinance to amend §161.03(B)(2) of the Unified Development Code to allow Outdoor Music Establishments to be considered as a Conditional Use in R-A Zones and to enact an emergency clause.
2. **Airport Minimum Standards:** A resolution approving the revised Minimum Standards for the Fayetteville Executive Airport Drake Field as approved and recommended by the Airport Advisory Board.
3. **Garver, LLC:** A resolution approving an Agreement for Professional Engineering Services with Garver, LLC in an amount not to exceed \$94,200.00 for engineering design related to Town Branch Trail.
4. **AOS, LLC:** A resolution authorizing the purchase of a high performance server chassis and network switch with storage in the amount of \$192,704.43 from AOS, LLC pursuant to a state procurement contract, and approving a budget adjustment.
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7. Amend Chapter 163 Use Conditions: An ordinance to enact §163.17 **Wrecking, Demolition and Scrap Metal Processing** into the Unified Development Code and to adopt an emergency clause.

8. Repeal §172.10 Bicycle Parking Rack Requirements: An ordinance to repeal §172.10 **Bicycle Parking Rack Requirements** of the Unified Development Code and to enact a replacement §172.10.

9. ADM 11-40-19 (Jacobs Appeal): A resolution to grant the appeal of Jacobs + Newell Company and to grant the curb cut variance on Martin Luther King, Jr. Boulevard between Block and East Avenues.

Mayor Lioneld Jordan
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Handed out at Agenda *Discussed*
1-31-2012 C.I.S. ADM *1/30/12*

C.5
ADM 11-4019 (North Side MLK Between
Block and East Ave./Jacobs) Appeal
Page 1 of 4

RESOLUTION NO. _____

A RESOLUTION TO GRANT THE APPEAL OF JACOBS + NEWELL COMPANY AND TO GRANT THE CURB CUT VARIANCE ON MARTIN LUTHER KING, JR. BOULEVARD BETWEEN BLOCK AND EAST AVENUES

WHEREAS, Jacobs + Newell Company as owners of a lot north of Martin Luther King, Jr. Boulevard between Block and East Avenues sought a variance from §166.08 (F)(1)(a) of the U.D.C. which states: "When a street with a lower functional classification exists that can be accessed, curb cuts shall access onto those streets;" and

WHEREAS, §166.08 (F)(1)(a) provides for a 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."

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 determines that a variance to the access management standards should be and hereby is granted to Jacobs + Newell Company to permit a shared curb cut on Martin Luther King, Jr. Boulevard as shown on its submitted site plan with the following conditions of approval:

(1) Jacobs + Newell Company's property shall be limited to one shared curb cut onto Martin Luther King, Jr. Boulevard as shown on the submitted site plan.

(2) Jacobs + Newell Company shall file a shared access easement providing access rights for all six lots and construct this driveway prior to receiving building permits for the six residential structures.

PASSED and APPROVED this 7th day of February, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Fayetteville Code of Ordinances

Developments that create private streets shall utilize these standards as guidelines.

(D) Street design principles.

- (1) Extensions. All street extensions shall be constructed to Minimum Street Standards. Street extension stub-outs to adjacent properties are required to meet block layout/connectivity standards unless existing development or physical barriers prohibit such.
- (2) Substandard widths. Developments that adjoin existing streets shall dedicate additional right-of-way to meet the Master Street Plan.
- (3) Street names. Names of streets shall be consistent with natural alignment and extensions of existing streets, and new street names shall not duplicate or be similar to existing street names. Developers shall coordinate the naming of new streets through the GIS Office during the plat review process.
- (4) Tangents. A straight tangent at least 100 feet long shall separate reverse curves for Collector and Arterial streets.
- (5) Pedestrian. Pedestrian-vehicular conflict points should be controlled through signalized intersections and proven traffic calming design principles.
- (6) Street standards. All street requirements shall be met as set forth in the City of Fayetteville Master Street Plan and adopted Minimum Street Standards.

(E) Block Layout / Connectivity.

- (1) Block Length. Block lengths and street intersections are directly tied to the functional hierarchy of the street pattern that exists or is proposed.
 - (a) Principal and Minor Arterial Streets. Signalized intersections should be located at a minimum of one every 2,640 feet (half a mile) along principal and minor arterials and should be based on traffic warrants.
 - (b) Collectors. Intersections should be located at a minimum of one every 1,320 feet (quarter of a mile) along collector streets.
 - (c) Locals. Intersections shall occur at a minimum of one every 800 feet.

(d) Residential. Intersections shall occur at a minimum of one every 600 feet.

(e) Variances. Block length standards may be varied by the Planning Commission when terrain, topographical features, existing barriers or streets, size or shape of the lot, or other unusual conditions justify a departure.

(2) Topography. Local streets should be designed to relate to the existing topography and minimize the disturbance zone.

(3) Dead-end streets. Dead end streets are discouraged and should only be used in situations where they are needed for design and development efficiency, reduction of necessary street paving, or where proximity to floodplains, creeks, difficult topography or existing barriers warrant their use. All dead end streets shall end in a cul-de-sac with a radius of 50 feet, or an alternative design approved by the City and the Fire Department. The maximum length of a dead end street (without a street stub-out) shall be 500 feet.

(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

TITLE XV UNIFIED DEVELOPMENT CODE

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.

- (2) Speed. All streets should be designed to discourage excessive speeds.

(G) Non-conforming Access Features.

- (1) Existing. Permitted access connections in place on the date of the adoption of this ordinance that do not conform with the standards herein shall be designated as nonconforming features and shall be brought into compliance with the applicable standards under the following conditions:

- (a) When new access connection permits are requested;
- (b) Upon expansion or improvements greater than 50% of the assessed property value or gross floor area or volume;
- (c) As roadway improvements allow.

- (H) Easements. Utility and drainage easements shall be located along lot lines and/or street right-of-way where necessary to provide for utility lines and drainage. The Planning Commission may require larger easements for major utility lines, unusual terrain or drainage problems.

- (I) Residential lots. The use and design of lots shall conform to the provisions of zoning where City zoning is in effect. When no City zoning applies, the following standards shall govern unless in conflict with more stringent city, county or state regulations:

- (1) Bulk and area regulations:

	Planning Area
Lot area minimum	10,000 sq. ft.

AGENDA REQUEST

FOR: COUNCIL MEETING OF FEBRUARY 7, 2012

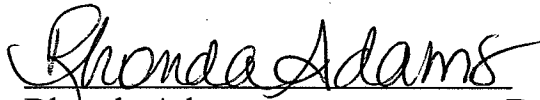
FROM:

**ALDERMAN RHONDA ADAMS
ALDERMAN MATTHEW PETTY**

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend The Definition Of "Family" Found In Chapter 151 **Definitions** Of The Unified Development Code To Allow The City Council To Authorize Up To Five (5) Unrelated Persons In Some Units Of A Planned Zoning District

APPROVED FOR AGENDA:

 1-31-12
Rhonda Adams Date
Alderman

 1-31-2012
Matthew Petty Date
Alderman

 January 31, 2012
City Attorney (as to form) Date



TO: Mayor Jordan
City Council

Kit Williams
City Attorney
Jason B. Kelley
Assistant City Attorney

CC: Jeremy Pate, Development Services Director

FROM: Kit Williams, City Attorney

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

DATE: January 26, 2012

RE: Possible affordable option between houses and apartment buildings
within a new PZD

Alderman Rhonda Adams asked Jeremy and me to consider and work on a possible amendment to the U.D.C.'s definition of "family" in order to facilitate an alternative housing model that would allow higher density than a house, but would be more "home-like" than a standard apartment building. With the U of A's recent announcement that it will continue to strive to grow by over a thousand additional students for the next few years, the City needs to plan to make new, attractive and affordable housing options allowable for our increasing student population to protect our existing single family neighborhoods. Without such an option, our neighborhoods will likely see increasing pressure and problems from over-occupied houses.

To meet this need and Alderman Adams' request, Jeremy and I worked out a possible amendment to the definition of "family" with Rhonda that would increase the maximum number of unrelated persons in a housing unit from 4 to 5 in a specific PZD approved by the City Council in a case by case consideration and with proper safeguards for the surrounding neighborhood. Such safeguards would likely include buffering from other residential housing, limitations as to the number and type of structure allowed ("free standing structure of not more than two stories") and whatever else that the City Council, after listening to public comment, would believe to be appropriate to protect the surrounding neighborhood.

Alderman Rhonda Adams has approved this proposed amendment and submits it for your consideration.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE DEFINITION OF "FAMILY" FOUND IN CHAPTER 151 **DEFINITIONS** OF THE UNIFIED DEVELOPMENT CODE TO ALLOW THE CITY COUNCIL TO AUTHORIZE UP TO FIVE (5) UNRELATED PERSONS IN SOME UNITS OF A PLANNED ZONING DISTRICT

WHEREAS, the current definition of "Family" in the Unified Development Code has been in effect over the last decade and has been approved by the United States Department of Housing and Urban Development after being challenged by a landlord or tenant; and

WHEREAS, the current definition of "Family" in the U.D.C. limits the number of unrelated individuals in a housing unit to three (3) for single family districts and four (4) in multifamily districts in order to protect neighborhoods; and

WHEREAS, in rare circumstances and with appropriate safeguards the City Council should be authorized to allow up to five (5) unrelated persons in a unit within a Planned Zoning District designed for such occupancy.

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 repeals the current definition of "Family" found in the **Definitions** Chapter of the Unified Development Code and enacts a new definition of "Family" as shown below

"Family. (Zoning) In R-A, Neighborhood Conservation and all single family districts including single family Planned Zoning Districts, a "family" is no more than three (3) persons unless all are related and occupy the dwelling as a single housekeeping unit. In all other zoning districts where residential uses are permitted, a "family" is no more than four (4) persons unless all are related and occupy the dwelling as a single housekeeping unit with the exception that the City Council may permit a definition of "family" as no more than five (5) persons unless all are related and occupy the dwelling as a single housekeeping unit in a specific Planned Zoning District with proper safeguards for the surrounding neighborhood such as requiring that each five person unit must be placed within a freestanding structure of not more than two stories and be

buffered from other residential districts outside the Planned Zoning District. Persons are "related" for purposes of this definition if they are related by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship. The definition of "family" does not include fraternities, sororities, clubs or institutional groups."

PASSED and **APPROVED** this 7th day of February, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Fayetteville Code of Ordinances

Facilities handling explosives. (Zoning) Any function that involves a process dealing with a product with explosive potential.

Fall zone. (Wireless Communications Facilities) The area within which a tower or antenna might cause damage to persons or property should the tower or antenna be knocked down, blown over or fall on its own.

Family. (Zoning) In single-family residential districts, a family is no more than three persons unless all are related and occupy a dwelling as a single housekeeping unit in the RSF-5 (Residential Single-family - Half Acre), RSF - 1 (Residential Single-family - One acre), RSF - 2 (Residential Single-family - 2 Acre), RSF - 4 (Residential Single-family - 4 Units per Acre), and RSF - 7 (Residential Single-family - 7 Units per Acre) zoning districts. In all other zoning districts where residential uses are permitted, a family is no more than four persons unless all are related and occupy a dwelling as a single housekeeping unit. A family is when all persons are related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship. The definition of family does not include fraternities, sororities, clubs or institutional groups.

FCC. (Wireless Telecommunications Facilities) The Federal Communications Commission.

FEMA. (Physical Alteration of Land) Federal Emergency Management Agency.

Fenestration. (Development) An exterior opening in the surface of a structure, such as a window, door, clerestory window, curtain wall, etc.

Fill. (Physical Alteration of Land) A deposit of earth material placed by artificial means.

First or ground floor. (DDOD). The finished floor facing a street right of way.

Flashing sign. (Signs) An illuminated sign on which artificial or reflected lights is not maintained stationary and constant in intensity and color at all times when in use.

Flood or flooding. (Flood Damage Prevention) A general and temporary condition or partial or complete inundation of normally dry land areas from the overflow of flood waters, or the unusual and rapid accumulation or run-off of surface water from any source.

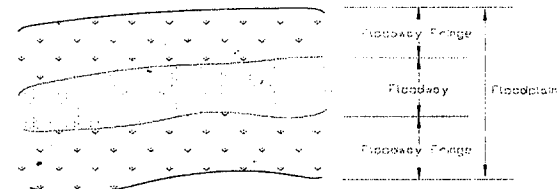
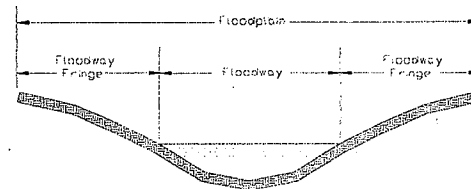
Flood boundary and floodway map. (Flood Damage Prevention) The official map on which the Federal Insurance Administration has delineated both the areas of flood hazards and the floodway.

Flood Insurance Rate Map (FIRM). (Flood Damage Prevention) The official map on which the Federal Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the Floodway.

Flood Insurance Study. (Flood Damage Prevention) The official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

Floodplain. (Stormwater Management, Drainage and Erosion Control) For a given flood event, that area of land that is temporarily covered by water and that adjoins a watercourse. In FEMA regulated, or established floodplains, the floodplains shall mean the area subject to inundation from any source during the regulatory event.

Floodplain or flood-prone area. (Flood Damage Prevention) Areas that are subject to, or are exposed to, flooding and flood damage.



Floodplain management. (Flood Damage Prevention) The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations. (Flood Damage Prevention) Development code, building codes, health regulations, special purpose ordinances (i.e., grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood-proofing. (Flood Damage Prevention) Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or

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
February 7, 2012**

A meeting of the Fayetteville City Council was held on February 7, 2012 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, Mayor Jordan, City Attorney Kit Williams, Deputy City Clerk Lisa Branson, Staff, Press, and Audience.

Absent: Alderman Lewis.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Jordan recognized the Boy Scout Troop #116.

City Council Meeting Presentations, Reports and Discussion Items:

Agenda Additions:

Mayor Jordan stated I have something to add to the agenda. He went on to explain the ordinance.

Alderman Ferrell moved to add "Amend Chapter 161.03 (B) (2) Outdoor Music Establishments" to the agenda. **Alderman Tennant** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Lewis** was absent.

Amend Chapter 161.03 (B) (2) Outdoor Music Establishments: An ordinance to amend Ch. 161.03 (B) (2) of the Unified Development Code, to allow outdoor music establishments to be considered as a conditional use in R-A zones.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Current Planning gave a brief description of the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Alderman Kinion moved to approve the emergency clause. **Alderman Tennant** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Lewis** was absent.

Ordinance 5479 as Recorded in the office of the City Clerk

Consent:

Approval of the January 17, 2012 City Council meeting minutes.

Approved

Airport Minimum Standards: A resolution approving the revised minimum standards for the Fayetteville Executive Airport Drake Field as approved and recommended by the Airport Advisory Board.

Resolution 27-12 as recorded in the office of the City Clerk.

Garver, LLC: A resolution approving an agreement for professional engineering services with Garver, LLC in an amount not to exceed \$94,200.00 for engineering design related to Town Branch Trail.

Resolution 28-12 as recorded in the office of the City Clerk.

AOS, LLC: A resolution authorizing the purchase of a high performance server chassis and network switch with storage in the amount of \$192,704.43 from AOS, LLC pursuant to a state procurement contract, and approving a budget adjustment.

Resolution 29-12 as recorded in the office of the City Clerk.

Public Access Television Fee Revenue: A resolution approving a budget adjustment in the amount of \$2,610.00 recognizing public access television fee revenue for 2011.

Resolution 30-12 as recorded in the office of the City Clerk.

L-3 Mobile-Vision, Inc.: A resolution authorizing the purchase of thirty-one (31) digital video systems for the Police Department from L-3 Mobile-Vision, Inc. in the total amount of \$181,547.55 pursuant to a bid waiver authorized by Ordinance No. 4551.

Resolution 31-12 as recorded in the office of the City Clerk.

Alderman Boudreaux moved to accept the Consent Agenda as read. Alderman Tennant seconded the motion. Upon roll call the motion passed 7-0. Alderman Lewis was absent.

Unfinished Business: None

New Business:

RZN 11-3999 (2514 W. Lori Dr./Razorback Park Golf Course): An ordinance rezoning that property described in rezoning petition RZN 11-3999, for approximately 32 acres, located at 2514 West Lori Drive from RSF-1, Residential Single-Family, 1 unit per acre to R-A, Residential Agricultural.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Ferrell: It says this was submitted by Ron Caviness, is that the owner?

Jeremy Pate: I believe so, that is the contact we have had.

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

Ordinance 5480 as Recorded in the office of the City Clerk

Amend Chapter 163 Use Conditions: An ordinance to enact §163.17 Wrecking, Demolition and Scrap Metal Processing into the Unified Development Code and to adopt an emergency clause.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Alderman Petty questioned the emergency clause and asked why it was included.

City Attorney Kit Williams explained why the emergency clause was necessary.

Alderman Boudreaux stated I wasn't sure we could go back on an existing facility and require that they do these things.

City Attorney Kit Williams stated I think we can provide reasonable regulations that are necessary for the health and protection of our citizens within our City limits.

Alderman Boudreaux: I am really glad we are going to move forward with that.

Jeremy Pate: As of today none of these operations are occurring in Fayetteville. They have in the past and I would assume that some of these will in the future and this will simply give guidance to those individuals on how to do it.

Alderman Ferrell: Let's say there is a parcel of land that the City is thinking about annexing and there is a working business there. Are they going to be grandfathered in?

City Attorney Kit Williams explained that normally they will be allowed to continue to operate but that doesn't mean that we could not place some regulations upon it.

Alderman Petty spoke to the Boy Scout troop and encouraged them to consider the leave no trace principals and how they can be applied when preparing their merit badge report.

Wesley Stites asked would this ordinance prevent someone from coming in and operating for a month or so to get rid of junk cars.

City Attorney Kit Williams explained the regulations of car crushing.

A discussion followed.

Alderman Ferrell: It would have to be an industrial area before they could even apply for it through the Planning Commission.

Wesley Stites: My point is if I were in that neighborhood I would want to pay someone to clean it up.

City Attorney Kit Williams: It would probably be better for someone to pick those vehicles up and take them somewhere else and have them crushed in an Industrial Zone.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Alderman Kinion moved to approve the emergency clause. Alderman Boudreaux seconded the motion. Upon roll call the motion passed 7-0. Alderman Lewis was absent.

Ordinance 5481 as Recorded in the office of the City Clerk

Repeal §172.10 Bicycle Parking Rack Requirements: An ordinance to repeal §172.10 Bicycle Parking Rack Requirements of the Unified Development Code and to enact a replacement §172.10.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Alderman Ferrell: This is all for new people that build and develop correct?

Jeremy Pate: That is correct.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5482 as Recorded in the office of the City Clerk

Amend §176.03 Exemptions: An ordinance to amend §176.03 Exemptions of the Outdoor Lighting chapter of the UDC to allow the lights to remain on a tree on the Square and to allow accent lighting on restaurant and bar patios.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Don Marr, Chief of Staff stated this originally came as a request from Marilyn Heifner, Executive Director of the Advertising and Promotion Commission.

Alderman Tennant: Those lights are still on the tree from the Christmas Season and we have never taken them off right?

Jeremy Pate: That's correct.

Alderman Ferrell: I am all in favor of businesses having accent lighting and to be able to do as they want with their buildings. Here we have a city dedicated to energy efficiency so it would seem rather inconsistent if the City passed this ordinance.

Alderman Boudreaux: This just gives them the ability to do so. Would the City have to pay for the electricity?

Don Marr: We have not had that discussion.

Alderman Boudreaux: Since they did recommend this there is a possibility.

Don Marr: The A & P does manage certain events for the City's behalf and it is minuscule in the scheme of the actual cost for that single lighted tree.

Alderman Petty: Can we clarify if this came from Marilyn Heifner or the A & P Commission itself?

Don Marr: The request to City staff was a telephone call from Marilyn Heifner. I don't know if they took a vote.

Alderman Tennant: No, it was something that was discussed. I would like more clarification on this and I would prefer not to vote until we understand more of the ideas around it.

Alderman Ferrell: Would it be appropriate to ask the A & P Commission to amend this to say if they are willing to pay that bill and that be made a part of this ordinance?

Mayor Jordan: We have a meeting on Monday and we can discuss that before we ever get back to the Council.

Alderman Adams: Does the lighting of the tree add to the light on the sidewalks? Is there a public safety benefit?

Jeremy Pate: We can certainly take a look at that and see what that does in terms of the lights.

A discussion followed.

Alderman Boudreaux moved to suspend the rules and go to the second reading. Alderman Tennant seconded the motion. Upon roll call the motion passed 6-1. Aldermen Tennant, Ferrell, Adams, Gray, Boudreaux and Kinion voting yes. Alderman Petty voting no. Alderman Lewis was absent.

City Attorney Kit Williams read the ordinance.

THIS ITEM WAS LEFT ON THE SECOND READING.

ADM 11-4019 (North Side MLK Between Block and East Ave./Jacobs) Appeal: A resolution to grant the appeal of Jacobs + Newell Company and to grant the curb cut variance on Martin Luther King, Jr. Boulevard between Block and East Avenues.

Jeremy Pate gave a brief description of the resolution.

Todd Jacobs with Jacobs + Newell Company gave a brief slide presentation on the proposed project should the curb cut variance be approved.

Alderman Ferrell: Could you give me the approximate size and cost of the single family dwellings?

Todd Jacobs: We go anywhere from 1,100 sq. ft. to about 2,400 sq. ft. On price range I would go from \$175,000 to \$215,000.

Alderman Ferrell: When you look from School St. to MLK towards Block and South St. how long do you think this will have an affect to move on southeast?

Todd Jacobs: You need another proven two years track record on the financial side for banks or investors to go outside. It has to be a bigger project to anchor that community to get it going.

Alderman Tennant: Having that two years getting started quicker accelerates that whole thing.

Todd Jacobs continued with his slide presentation.

Alderman Adams: How wide are those houses?

Todd Jacobs: These are 28 ft. wide and 70 feet deep.

Hugh Earnest, Planning Commission member expressed his concerns with the project and he went on to speak against the resolution.

Aubrey Shepherd, a South Fayetteville resident stated I would personally allow that one curb cut in the middle of the block since it is already there because it protects the big oak trees. He went on to express his concerns with the water flow on this property.

City Attorney Kit Williams stated I have a replacement resolution which requires that they have a shared access easement before they get building permits, but they do not have to build their driveway until they receive a certificate of occupancy. He went on to explain the appeal process and what the votes would mean.

City Attorney Kit Williams read the conditions of approval for the developer.

Alderman Ferrell: With all do respect to Hugh, it would be inconsistent for me to not support this and secondly this is a start of a rejuvenation of that area. I think this will be good for everyone involved.

Alderman Petty stated I have looked at Jacobs + Newell property around town during the heaviest rain and truthfully they handle rain water better than any other development in town. He stated I am going to support this and he went on to point out the positives to this development.

Alderman Boudreaux moved to approve the resolution. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Lewis was absent.

Resolution 32-12 as recorded in the office of the City Clerk.

Amend Chapter 151 Definition of “Family”: An ordinance to amend the definition of “Family” found in Chapter 151 Definitions of the Unified Development Code to allow the City Council to authorize up to five (5) unrelated persons in some units of a Planned Zoning District.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams stated the only major change on this was to allow in fairly rare circumstances the definition of family to include up to five unrelated purposes if specifically authorized and allowed by the City Council in a planned zoning district with appropriate safeguards.

Alderman Petty gave a brief description of the ordinance.

Alderman Adams further explained the ordinance and explained why she supported it.

Alderman Ferrell asked if in-laws were considered relatives.

City Attorney Kit Williams: They are.

Alderman Ferrell: Does staff have a position on this?

Jeremy Pate explained their efforts to draft the ordinance.

Alderman Ferrell: Do you see any downsides to it?

Jeremy Pate: The downside is it’s going to take a level of detail for the applicant to present something to make sure those safeguards are in place.

Alderman Ferrell: It’s heavily scrutinized.

Jeremy Pate: I believe you are correct.

Don Marr further explained the process in drafting the ordinance.

Alderman Kinion stated you are getting a pyramid of growth on unrelated individuals. That is my concern whenever you are looking at enforcement of this in the long run.

Alderman Petty asked for further clarification on the pyramid of growth.

City Attorney Kit Williams clarified what would be allowable under this ordinance.

Alderman Petty: We have existing zoning ordinances for these kinds of developments and yet still we have PZD’s come forward for similar uses. This would only be a request and the Council would have to have a full discussion for approval.

Alderman Tennant: I don't want us to set up something that would create an enforcement issue.

Alderman Kinion: Another issue that we have to talk about is if there are five individuals living in an area that is classified as Institutional there are additional safety requirements that would not be involved in a residential situation. That is important when you are looking at high capacity and high density dwellings.

Jennifer Corbin, a law school student spoke on behalf of the other students. She stated that the more money that the students can save on housing means the more money they get to invest in local businesses. She went on to speak in favor of the ordinance.

Tracy Hoskins, a citizen asked Jeremy Pate what the height limitations are in a single family residential zone.

Jeremy Pate: Most single family zones are 45 feet.

Tracy Hoskins: I think this is a great ordinance and if it is passed what you are going to see is new developments of student and cottage housing. He spoke on the height limitations and stated the limitation of the two floors is anti-productive of the ordinance itself and what we are after which would be more density, infill and projects. He went on to speak in favor of the ordinance.

Alderman Adams: I hope when we drafted this that the two story part is in the "such as" part. The ordinance is meant to not limit us to those sorts of things.

City Attorney Kit Williams stated that's correct. With proper safeguards for surrounding neighborhoods "such as" required that each person be in a free standing unit of not more than two stories. He went on to explain that the sponsoring Aldermen expressed that the need was for a "home" type of atmosphere as opposed to an apartment building type of atmosphere.

Alderman Adams: That is supposed to be in the such as part and I would assume that when the Council looked at anything like that we would be reminded that it is "such as."

Tracy Hoskins: One of the things I would call your attention to is down around the Wilson Park area and Lafayette we are seeing a lot of old structures torn down and new structures being built. A lot of those are three story structures and they are some of the nicest structures in town as far as I am concerned.

Alderman Petty: I think the point is that unless a proposal is within an overlay district when you bring forward a PZD all the rules are written from scratch. It is very reasonable to expect the Council with a request like we are talking about to impose things like height restrictions. Each project is going to be different and that is what we need to remember.

Alderman Ferrell: It is something we can consider and these things when and if they start, you will probably see them locate in proximity to each other in a PZD to cut down on opposition.

Aubrey Shepherd stated this is not regulated in most neighborhoods and I do not have an opinion on this.

Alderman Petty: I would like to leave this on the first reading and let this get out in the public and see who wants to comment.

Alderman Adams: I couldn't agree more.

THIS ITEM WAS LEFT ON THE FIRST READING.

City Council Tour:

Announcements:

Adjournment: 7:56 p.m.

Lioneld Jordan, Mayor

Lisa Branson, Deputy City Clerk

MAYOR AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF February 07, 2012

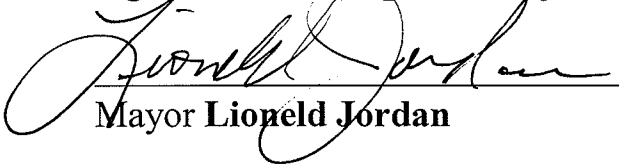
FROM: Mayor Lioneld Jordan

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

Outdoor Music in R-A zones

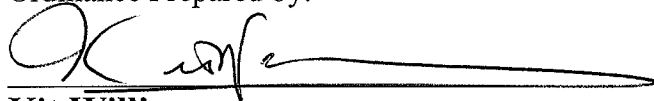
An ordinance to amend Ch. 161.03 (B)(2) of the Unified Development Code, to allow outdoor music establishments to be considered as a conditional use in R-A zones.

Agenda Item Requested by:


Mayor Lioneld Jordan

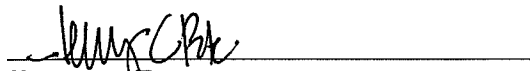
2/6/12
Date

Ordinance Prepared by:


Kit Williams
City Attorney

Feb 6, 2012
Date

Packet Prepared by:


Jeremy Pate
Director of Development Services

02-06-2012
Date

02-05-12 P04:08 RCVD

Kim G.



CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff

From: Jeremy Pate, Development Services Director JP

Date: February 03, 2012

Subject: Outdoor Music Establishments in R-A zones

RECOMMENDATION

Staff recommends the City Council amend Ch. 161.03 of the Unified Development Code to permit Outdoor Music Establishments as a conditional use in R-A districts.

BACKGROUND

Earlier this week the Arkansas Music Pavilion organization (AMP) announced its intentions to move from its current location at the NWA Mall to a site located at the Washington County Fairgrounds, off of Hwy 112/Garland Avenue. The AMP has successfully operated from a parking lot at the NWA Mall as an outdoor music establishment for several years under a conditional use permit.

The new location has housed the Washington County Fair for many years, along with other events. Until recently most, including city staff, were under the impression that the Fairgrounds were owned by the Washington County government, which, as a higher form of government than the City, is not typically required to follow city zoning and development regulations. It has come to the City's attention recently, however, that the Washington County Fairgrounds are actually controlled by the Washington County Fair Association, a separate and distinct board that is not associated with the County government. Therefore, in order to develop a new outdoor music establishment, the permitting and construction must comply with all applicable city zoning and development ordinances, including the requirement to obtain a conditional use permit.

DISCUSSION

The Fairgrounds property is currently zoned R-A, Residential Agricultural. Outdoor Music Establishments are allowed by conditional use permit only, in numerous zoning districts; however, R-A is not one of them. Staff recommends that the R-A zoning district be amended to allow outdoor music establishments to be considered as a conditional use permit, in an effort to assist the AMP in getting a timely review by the Planning Commission for this upcoming season. If approved, the AMP would submit a conditional use permit for review by the Planning Commission, and would include safeguards for the public such as a review of the siting of the tent/amplified music, staging area, emergency access, parking, etc.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §161.03(B)(2) OF THE UNIFIED DEVELOPMENT CODE TO ALLOW OUTDOOR MUSIC ESTABLISHMENTS TO BE CONSIDERED AS A CONDITIONAL USE IN R-A ZONES AND TO ENACT AN EMERGENCY CLAUSE

WHEREAS, the City of Fayetteville adopted an Outdoor Music Establishment ordinance in 2002 that permits outdoor, amplified music with certain safeguards in place to protect nearby residents and businesses; and

WHEREAS, the Walton Arts Center needs to move its Arkansas Music Pavilion (AMP) from the Mall area to property owned by the Washington County Fair Association which is zoned R-A, Residential Agricultural; and

WHEREAS, the U.D.C. does not currently allow an Outdoor Music Establishment in an R-A zoning district; and

WHEREAS, many properties zoned R-A are large and may be suitable for an Outdoor Music Establishment with proper safeguards; and

WHEREAS, unless the City Council immediately amends its UDC to permit an Outdoor Music Establishment to be allowed as a conditional use within an R-A zoned district, the Walton Arts Center may not have sufficient time to be able to move the AMP to the Washington County Fairgrounds location and obtain a conditional use permit which will safeguard the peace, safety, and compatibility with neighboring districts.

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 §161.03(B)(2) of the Unified Development Code by enacting and adding Use Unit 35, Outdoor Music Establishments, as a Conditional Use for zoning district Residential Agricultural.

Section 2: Emergency Clause. That the City Council of the City of Fayetteville, Arkansas hereby determines that, in order to protect the peace and health of our citizens, an emergency is declared so that this ordinance, requiring a conditional use permit be obtained prior to the establishment of an Outdoor Music Establishment in a R-A zoned district, should be and hereby is declared to be effective immediately upon its passage and approval.

PASSED and **APPROVED** this 7th day of February, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Handed out at the February 7, 2012 City Council Meeting

RESOLUTION NO. _____

A RESOLUTION TO GRANT THE APPEAL OF JACOBS + NEWELL COMPANY AND TO GRANT THE CURB CUT VARIANCE ON MARTIN LUTHER KING, JR. BOULEVARD BETWEEN BLOCK AND EAST AVENUES

WHEREAS, Jacobs + Newell Company as owners of a lot north of Martin Luther King, Jr. Boulevard between Block and East Avenues sought a variance from §166.08 (F)(1)(a) of the U.D.C. which states: "When a street with a lower functional classification exists that can be accessed, curb cuts shall access onto those streets;" and

WHEREAS, §166.08 (F)(1)(a) provides for a 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."

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 determines that a variance to the access management standards should be and hereby is granted to Jacobs + Newell Company to permit a shared curb cut on Martin Luther King, Jr. Boulevard as shown on its submitted site plan with the following conditions of approval:

- (1) Jacobs + Newell Company's property shall be limited to one shared curb cut onto Martin Luther King, Jr. Boulevard as shown on the submitted site plan.
- (2) Jacobs + Newell Company shall file a shared access easement providing access rights for all six lots prior to receiving building permits for the six residential structures.
- (3) Jacobs + Newell Company shall construct the full driveway as shown on its site plan before a Certificate of Occupancy can be obtained for any of the residential structures.

PASSED and APPROVED this 7th day of February, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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 February 7, 2012

A meeting of the Fayetteville City Council will be held on February 7, 2012 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:

Agenda Additions:

A. Consent:

1. Approval of the January 17, 2012 City Council meeting minutes.
2. **Airport Minimum Standards:** A resolution approving the revised minimum standards for the Fayetteville Executive Airport Drake Field as approved and recommended by the Airport Advisory Board.
3. **Garver, LLC:** A resolution approving an agreement for professional engineering services with Garver, LLC in an amount not to exceed \$94,200.00 for engineering design related to Town Branch Trail.

4. **AOS, LLC:** A resolution authorizing the purchase of a high performance server chassis and network switch with storage in the amount of \$192,704.43 from AOS, LLC pursuant to a state procurement contract, and approving a budget adjustment.
5. **Public Access Television Fee Revenue:** A resolution approving a budget adjustment in the amount of \$2,610.00 recognizing public access television fee revenue for 2011.
6. **L-3 Mobile-Vision, Inc.:** A resolution authorizing the purchase of thirty-one (31) digital video systems for the Police Department from L-3 Mobile-Vision, Inc. in the total amount of \$181,547.55 pursuant to a bid waiver authorized by Ordinance No. 4551.

B. Unfinished Business: None

C. New Business:

1. **RZN 11-3999 (2514 W. Lori Dr./Razorback Park Golf Course):** An ordinance rezoning that property described in rezoning petition RZN 11-3999, for approximately 32 acres, located at 2514 West Lori Drive from RSF-1, Residential Single-Family, 1 unit per acre to R-A, Residential Agricultural.
2. **Amend Chapter 163 Use Conditions:** An ordinance to enact §163.17 Wrecking, Demolition and Scrap Metal Processing into the Unified Development Code and to adopt an emergency clause.
3. **Repeal §172.10 Bicycle Parking Rack Requirements:** An ordinance to repeal §172.10 Bicycle Parking Rack Requirements of the Unified Development Code and to enact a replacement §172.10.
4. **Amend §176.03 Exemptions:** An ordinance to amend §176.03 Exemptions of the Outdoor Lighting chapter of the UDC to allow the lights to remain on a tree on the Square and to allow accent lighting on restaurant and bar patios.
5. **ADM 11-4019 (North Side MLK Between Block and East Ave./Jacobs) Appeal:** An appeal regarding a request for a shared curb cut onto Martin Luther King Boulevard (MLK) for access to six new lots.

D. City Council Agenda Session Presentations:

City Council Tour:

Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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

- (a) **Agenda additions.** A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.
- (b) **Consent Agenda.** Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.
- (c) **Old business and new business.**
 - (i) **Presentations by staff and applicants.** Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aides in a City Council meeting as part of their presentation.
 - (ii) **Public comments.** Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.
- (d) **Courtesy and respect.** All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

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

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

City of Fayetteville Staff Review Form

A. 2
Airport Minimum Standards
Page 1 of 24City Council Agenda Items
and
Contracts, Leases or Agreements

2/7/2012

City Council Meeting Date
Agenda Items Only

Ray M. Boudreaux

Submitted By

Aviation

Division

Transportation

Department

Action Required:

Action Required: a Resolution to approve a revision to the Airport Minimum Standards.

NA

Cost of this request

Category / Project Budget

Program Category / Project Name

NA

Account Number

\$

Funds Used to Date

Program / Project Category Name

NA

Project Number

\$

Remaining Balance

Airport

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Department Director

Date

Previous Ordinance or Resolution # 4-Jan

Original Contract Date:

City Attorney

Date

Original Contract Number:

Finance and Internal Services Director

Date

Received in City Clerk's Office 01-20-12 P12:09 RCVD

Chief of Staff

Date

Received in Mayor's Office

Mayor

Date



Comments:



AVIATION DIVISION
FAYETTEVILLE EXECUTIVE AIRPORT • DRAKE FIELD

CITY COUNCIL AGENDA MEMO/STAFF CONTRACT REVIEW MEMO

TO: Mayor Jordan
THRU: Chief of Staff
THRU: Staff/Contract Review Committee
THRU: Terry Gulley, Transportation Director
FROM: Ray M. Boudreaux, Aviation Director
DATE: January 12, 2012

SUBJECT: Approval of Airport Minimum Standards Re-write

RECOMMENDATION: Approve the update of the Airport Minimum Standards. This document outlines requirements and standards of operations for businesses and tenants on the airport. It was last reviewed and updated by resolution in January 2004.

BACKGROUND: The City Council has historically adopted these Minimum Standards by resolution which gives Airport Management the authority to enforce the provisions. These Minimum Standards are similar to standards on other airports Nationwide. This update does not change remarkably the original document but changes the name of the airport to the Fayetteville Executive Airport, Drake Field.

BUDGET IMPACT: None

Attachments: Staff Review
Minimum Standards

RESOLUTION NO. _____

**A RESOLUTION APPROVING THE REVISED MINIMUM STANDARDS
FOR THE FAYETTEVILLE EXECUTIVE AIRPORT DRAKE FIELD AS
APPROVED AND RECOMMENDED BY THE AIRPORT ADVISORY
BOARD**

**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 revised Minimum Standards for the Fayetteville Executive Airport Drake Field as approved and recommended by the Airport Advisory Board. A copy of the revised Minimum Standards, marked Exhibit "A" is attached hereto, and made a part hereof.

PASSED and APPROVED this 7th day of February, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

RESOLUTION NO. 01-04

A RESOLUTION APPROVING THE REVISED MINIMUM STANDARDS FOR THE FAYETTEVILLE MUNICIPAL AIRPORT AS APPROVED AND RECOMMENDED BY THE AIRPORT ADVISORY BOARD.

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 revised Minimum Standards for the Fayetteville Municipal Airport as approved and recommended by the Airport Advisory Board. A copy of the revised Minimum Standards, marked Exhibit "A" is attached hereto, and made a part hereof.

PASSED and APPROVED this 6th day of January, 2004.



ATTEST:

APPROVED:

By: *Dan Coody*
DAN COODY, Mayor

By: *Sandra Smith*
SONDRA SMITH, City Clerk



**FAYETTEVILLE EXECUTIVE AIRPORT - DRAKE FIELD
4500 S. SCHOOL AVENUE, SUITE F
FAYETTEVILLE, ARKANSAS 72701**

**THE
MINIMUM STANDARDS
FOR FAYETTEVILLE EXECUTIVE AIRPORT
DRAKE FIELD**

**ORIGINALLY ADOPTED: February 16, 1981 Resolution 25-81
AMENDED: May, 18, 1993 Resolution 50-93
UPDATED AND REPLACED BY: June 6, 2000 Resolution 78-00
AMENDED: December 5, 2000 Resolution 162-00
UPDATED AND REPLACE BY: January 6, 2004 Resolution
UPDATED AND REPLACED BY:**



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**THE MINIMUM STANDARDS
FOR
FAYETTEVILLE EXECUTIVE AIRPORT, DRAKE FIELD
FAYETTEVILLE, ARKANSAS**

INTRODUCTION

In order to encourage and ensure the provision of adequate services and facilities, the economic health of, and the orderly development of aviation and related aeronautical activities at the Fayetteville Executive Airport, Drake Field, the City of Fayetteville as proprietor, sponsor and operator of the airport establishes these minimum standards and requirements ("Minimum Standards").

The following sections set forth the Minimum Standards prerequisite to a person or entity operating upon and engaging in one or more activity upon the airport. The Minimum Standards are not intended to be all-inclusive. Any person or entity engaging in activities at the airport will be required to comply with all applicable federal, state and local laws; ordinances; codes; and other similar regulatory measures to such activities and these Minimum Standards.

STATEMENT OF POLICY

The Fayetteville Executive Airport, Drake Field Administration intends to operate, manage, plan, finance and develop the airport for its long-term financial viability and safety in a manner consistent with generally accepted airport practices and applicable federal, state and local policies and regulations.

Accordingly, all entities wishing to perform aeronautical and /or commercial, and /or any other activities at the airport shall be accorded a fair and reasonable opportunity, without unlawful discrimination, to qualify and to compete (if applicable) to occupy available facilities at the airport.

The granting of rights and privileges to individuals and businesses will not be construed in any manner as affording any operator any exclusive right for use of the premises and/or facilities at the airport other than those premises which may be leased exclusively to any operator, and then only to the extent provided in a written lease and/or permit.

While the airport director has the authority to manage the airport (including the authority to interpret, administer, and enforce airport agreements and airport owner policies and the authority to permit temporary, short term occupancy of the airport), the ultimate authority to grant the occupancy and use of the airport real estate or permits allowing for the conduct of all activities, and to approve, amend or supplement all leases and permits is expressly reserved to the City of Fayetteville City Council after the advice and council of the Airport Board.

SECTION 1: DEFINITIONS

As used herein, the following terms shall have the meaning listed:

AIRPORT LAYOUT PLAN: - (ALP) Official Airport Plan prepared by the Airport Consulting Engineer in consultation with Airport staff and the Airport Board, approved by the Airport Director and FAA

AIR OPERATIONS AREA: - (AOA) That portion of the Airport designated for use by aircraft and including all runways, taxiways, ramps, aprons and any other areas so delineated for use by aircraft, inside the perimeter fence.

AERONAUTICAL ACTIVITY: - Shall mean any activity which involves, makes possible, or is required for the operation of aircraft or which contributes to, or is required for, the safety of such operations and shall include, but not by way of limitation, all activities commonly conducted on airports, such as charter operations, pilot training, aircraft rental, sight seeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products, whether or not conducted in conjunction with other included activities, repair and maintenance of aircraft, sale of aircraft parts, sale of and maintenance of aircraft accessories, including radio, communication and navigation equipment and any other activity which, because of its direct relationship to the operation of aircraft, can appropriately be regarded as an "aeronautical activity".

AIRCRAFT: - Any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air.

AIRPORT: - Shall mean Fayetteville Executive Airport, Drake Field, Fayetteville, Arkansas owned and operated by the City of Fayetteville.

AIRPORT BOARD: - Shall mean the seven member board, appointed by the Fayetteville City Council to provide guidance for Airport operations, practices and procedures.

AIRPORT DIRECTOR: - Shall mean the Manager or Director of the Airport as designated by the City of Fayetteville.

CITY COUNCIL: - Shall mean the City of Fayetteville, Arkansas, Council as duly constituted at any time.

DRIVER: - Any person who is in actual physical control of a vehicle.

MINIMUM STANDARDS: - The requirements, standards, rules and regulations established herein, as amended from time to time by the City Council upon recommendation of the Airport Board,

setting forth the minimum requirements to be met as a condition for the right to conduct any activity on the Airport.

MOTOR VEHICLE: - any ground vehicle that is self-propelled.

MOVEMENT AREA: - the area which is under the direct control of the tower, it includes 500 feet perpendicular to and either side of the runway centerline, 200 feet outward from each threshold and a 118 foot area which encompasses each taxiway.

ENTITY: - Any person, firm, partnership, corporation, company or association; and including any trustee, receiver of similar representative thereof.

PILOT: - Any person who is responsible for control of an aircraft.

SECTION 2: GENERAL USE AGREEMENT

No entity, incorporated or otherwise, shall conduct any activity at the Fayetteville Executive Airport, Drake Field, unless a valid agreement authorizing such activity has been entered into between the entity and the City of Fayetteville. (This does not apply to transient aircraft operations.)

The agreement will present the terms and conditions under which the activity will be conducted at the airport, including but not limited to: term of the agreement, rent charges, fees and other charges, and the rights and obligations of the respective parties.

SECTION 3: GENERAL REQUIREMENTS

The following general requirements shall apply to all activities at the Airport:

FEDERAL AVIATION REGULATIONS (FAR'S): The regulations of the Federal Aviation Administration for aircraft operated anywhere in the United States, and presently or hereafter effective, are hereby referred to, adopted and made a part hereof as though fully set forth and incorporated herein.

SAFEGUARD OF PERSONS AND PROPERTY. The Airport Director or his/her designated representative shall at all times have authority to take necessary legal actions to safeguard any person, aircraft, equipment or property at the Airport.

LEASE OF AIRPORT PROPERTY. The City of Fayetteville may lease property within the building area or other portions of the Airport for the construction of hangars, buildings, aprons, taxiways and auto parking lots in accordance with the approved Airport Layout Plan.

Leased land from which any building, hangar, or structure is removed after due notice will be

cleaned and put back to the condition as originally received by the Lessee.

Lease applications will be submitted through the Airport Director's Office for approval. Following review by the Airport Director and the Airport Board, applications will be processed through the City's Contract Review Committee and the City Attorney for signature by the Mayor. The exceptions will be the standard leases, such as T-Hangar Leases, etc., which, following review and approval by the Airport Director, will be forwarded through the City's Contract Review Committee for the Mayor's signature. All applications for sub-lease or assignment must be submitted to the Airport Director for approval, then forwarded through the City's Contract Review Committee for the Mayor's signature.

No structures may be erected beyond the building restriction line or in conflict with the approved Airport Layout Plan, unless revision are made to the Plan and approved by the FAA.

Fuel Flowage Fees: A fuel flowage fee will be charged for all fuel dispensing activities based on the established City Ordinance, Title IX (9), Chapter 91.16 currently approved and placed in effect by the City Council.

Lien for Charges: A lien for charges may be used to enforce the payment of any charge made for repairs, routine invoicing, improvements, storage or care of any personal property, made or furnished by the City or its agents, in connection with the operation of the Airport. The City shall have a lien upon such personal property, which shall be enforceable as provided by law.

Lien Possessory Right: A lien possessory right may be used to enforce the non-payment of charges. The Airport Manager may retain possession of personal property until all reasonable, customary and usual compensation shall have been paid in full.

Unauthorized Signs and Equipment: No signs or non-aeronautical equipment or portable buildings/house trailers may be erected, moved in or installed on the Airport property except as may be specifically authorized by the Airport Director, in accordance with the City of Fayetteville Sign Ordinance.

Surreptitious Activities: Any person observing suspicious, unauthorized or criminal activities must report such activities immediately to the Airport Administration or Police.

Wrecked/Damaged/Disabled Aircraft: The owner of any aircraft damaged as a result of an accident shall be responsible for the prompt removal of the aircraft following release by the FAA or the National Transportation Safety Board. No aircraft in a non-airworthy condition so disabled as to give the appearance of a wrecked plane, or otherwise so damaged as to be unsightly, shall at any time be parked or tied down out of doors in public view, except with specific authorization by the Airport Director.

Damage to Airport: Any entity, and/or the owner of any aircraft or vehicle causing damage of any kind to the Airport or airport facilities shall be liable to the Airport.

Injury to Persons: Persons entering upon Airport grounds do so at their own risk and with no liability incurring to the Airport for any injury or damage to person or property. Further, any person desiring to use the Airport shall observe and obey all valid laws, resolutions, orders, rules and regulations promulgated and enforced by the Airport or by any authority having jurisdiction over the conduct and operation of the Airport including the FAA. It shall be incumbent upon the user/tenant to be familiar with these regulations.

Pilots: Only properly licensed persons holding current airman and medical certificates issued by the FAA shall be authorized to operate aircraft upon the Airport. This limitation shall not apply to properly licensed sport pilots, ground operations by properly trained and qualified person, students in training while under the supervision of licensed instructors, or to public aircraft of the Federal Government or of a State, territory or political subdivision thereof, or to aircraft licensed by a foreign government with which the United States has a reciprocal agreement covering the operation of such licensed aircraft.

NOTE: Use of the Airport by ultralight vehicles/motorless aircraft without operational contact with the ATCT shall be subject to prior approval by the Airport Director and shall be in accordance with FAR PART 103 and any other rules set by the Airport. Ultra-light operators must be familiar with traffic pattern procedures and shall maintain radio contact with the Air Traffic Control Tower.

Intoxicants and Narcotics Prohibited: No person under the influence of an intoxicant or narcotic shall operate or fly in any aircraft upon or over the Airport; provided however, such prohibition shall not apply to a passenger when accompanied by a nurse or caretaker in an aircraft apart from the pilot.

Foreign Objects: No foreign objects, including bottles, cans, scrap or any object that may cause damage to an aircraft shall be left upon the floor of any building or upon any part of the surface area of the Airport.

Authorized Persons - Air Operations Area (AOA): Any person who has authority to enter the AOA and who permits a guest to accompany him or her shall be responsible for ensuring that such guest remain accompanied by an authorized person at all times while in the AOA. Any person entering the AOA shall ensure that any gate through which entry is gained is properly closed after they enter and is to notify the Airport Management promptly if such gate does not close properly. If vehicle access is used to enter, the vehicle operator, after proceeding through the open gate will stop, and wait until the gate is closed before proceeding to his or her destination. No unrestrained pets, or animals, will be permitted in the AOA.

Vehicle Operations - Air Operations Area – (AOA): No person shall operate any vehicle in the AOA unless such person is licensed to operate such vehicle on the public highways of this State, or unless such vehicle is licensed for operation on such highways or is specially authorized for operation on Airport property only.

No person shall operate any vehicle on any part of the Movement Area without first receiving

Movement Area Driver Training conducted by Airport Administration and obtaining permission from the Control Tower, or after its closure, advising of position and intentions by use of the Common Traffic Advisory Frequency.

Every person operating a vehicle in the AOA shall obey the lawful order, signal or direction, by voice, hand or otherwise, of the Control Tower or of any Airport staff member, Airport Rescue and Fire Fighting staff member or law enforcement officer.

No person shall operate any vehicle in the AOA unless authorized to do so by the Airport Director or his/her designated representative.

No person shall operate any vehicle on any part of the airport in a negligent manner or while the operator is under the influence of intoxicating beverages, narcotics or any substance which could adversely affect the full and rational exercise of a driver's mental or physical faculties, or when the vehicle is in an unsafe condition or equipped or loaded so as to endanger persons or property or in a manner unsafe for existing conditions.

All persons on the Movement Area shall obey the following Airport Control Tower light signals:

RED	STOP
FLASHING RED	CLEAR RUNWAY IMMEDIATELY
GREEN OR FLASHING GREEN	PROCEED
ALTERNATING RED & GREEN	USE EXTRA CAUTION
FLASHING WHITE	RETURN TO POINT OF ORIGIN

No person shall operate any vehicle on the runway, taxiway or movement area unless such vehicle is equipped with a two-way radio in operating condition.

All aircraft, motor vehicles and ground equipment while inside the AOA must be adequately lighted or marked with suitable reflectors during the hours of darkness or periods of reduced visibility during the daylight hours. Reduced visibility is defined as any ground visibility less than 500 feet.

All ground self-propelled vehicles, except responding emergency equipment, shall yield the right-of-way to any aircraft in motion. All aircraft shall hold their positions during an emergency unless otherwise directed by the Control Tower.

Pedestrians and aircraft shall at all times have right-of way over vehicular traffic. All vehicles shall pass to the rear of taxiing aircraft.

No person shall operate, park or stop any vehicle in any aircraft parking area, landing areas, ramp or taxiway except as authorized by Airport Management.

No person shall operate or park any ground vehicle in any area that is not designated by signs or markings.

No person shall operate any vehicle at speeds greater than fifteen (15) miles per hour upon any area of the AOA with the exception of the Movement Area, in which vehicles shall not operate at speeds greater than thirty five (35) miles per hour. Emergency vehicles while responding/training and official Airport vehicles being used in the performance of official duties are excluded from this section when necessary to accomplish an emergency or official mission; however, such vehicles shall at all times be in contact with the Control Tower.

Fueling of Aircraft: Aircraft shall not be fueled while the engine is running, or while in a hangar, nor other enclosed place. Hot Aircraft Refueling may be performed for Military Training IAW authorization outlined in a Letter of Agreement for Military Training executed by Airport administration and the Military Organization conducting the training.

All fuel trucks will be equipped, operated and maintained in accordance with the National Fire Protection Association, Incorporated, NFPA Manual 407 "Aircraft Fuel Servicing."

Persons or aviation businesses wishing to supply and dispense aviation fuel for their private use must first apply for a permit, be granted a permit, and comply with the "Minimum Standards for Self Fuelers" before initiating their self fueling program.

Public sale of automobile gas for use in aircraft will not be permitted on the Airport except as authorized by Airport Administration and properly administered by same.

Aviation or auto fuels will not be stored within a hangar and all fuel which is supplied to the Airport for aeronautical use will pay the applicable flowage fees as specified by City Ordinance.

Tie-down of Aircraft: All aircraft, not hangared, shall be tied down or secured at night and during inclement weather. Aircraft owners or their agents are responsible for the tie-down or security of their aircraft.

Running Aircraft Engines: On aircraft not equipped with adequate brakes, the engine shall not be started until and unless the wheels have been set with blocks attached to ropes or other suitable means for removing them.

No airplane will be propped, started or left running without qualified personnel at the controls.

No engine shall be started or run inside any building.

Damage to Runway Lights: Damage to any field light or fixture shall be reported to Airport Management immediately. Persons causing damage to runway and taxiway lights, as a result of negligent operation of an aircraft, vehicle or as result of a willful act will be liable for replacement cost of the light(s) and/or fixture(s).

Taxiing Aircraft: No person shall taxi an aircraft until he/she has ascertained that there will be no

danger of collision with any person or object in the immediate area.

Aircraft will be taxied at a safe and prudent speed, and in such manner as to be at all times under the control of the pilot or taxi certified technician.

Parking Aircraft: Aircraft shall be parked in the areas designated by the Airport Manager for that purpose.

Aircraft will not be parked in such a manner as to hinder the normal movement of other aircraft and traffic unless specifically authorized by the Airport Director as an emergency measure or in an unusual situation. Vehicles shall use care to avoid interference with aircraft in the aircraft parking areas.

Unattended aircraft will be properly shut down, chocked and/or tied down.

Loading/Unloading of Aircraft: Aircraft will not be loaded or unloaded with the engine(s) running with the exception of medical operations.

Authority to Suspend Operations: The Airport Director or his/her designated representative during the absence of the Director may suspend or restrict any or all operations whenever such action is deemed necessary in the interest of safety.

Take-offs on Apron, etc.: No take-offs or landings shall be made on the apron, parking ramp or taxiway except by special permission of the Airport Director. Helicopters may depart from the Parking apron with permission from the ATCT.

Common Courtesy: Aircraft entering the traffic pattern shall exercise caution and practice courtesy so as not to cause aircraft already in the pattern to deviate from their course.

Parachute Jumping: Parachute jumping into the airport is prohibited except when special arrangements have been made which are authorized by the Airport Director.

Special Procedures: The Airport Director may, in the interest of safety or for special events, designate special traffic procedures for certain operations, such as air shows, lighter than air operations, banner towing, ultralights, etc. Prior approval from the Airport Director is required.

Fire Regulations: Every person using the Airport or its facilities for any purpose, shall exercise the greatest care and caution to prevent fires.

Smoking or open flame within fifty (50) feet of any aircraft or fuel truck is prohibited.

Compressed flammable gas shall not be kept or stored upon the Airport, except at such place as may be designated by the Airport Manager.

No flammable substance shall be used in cleaning motors or other parts of an aircraft inside a hangar or other building.

No one shall smoke, ignite a match or lighter in any airport public owned building.

The floors in all buildings shall be kept clean and free from oil. Volatile, flammable substances shall not be used for cleaning floors.

Refuse, trash, or litter, such as, boxes, crates, cans, bottles, paper, tall grass/weeds shall not be permitted to accumulate in or about a hangar.

At least two 20 lb portable fire extinguishers will be available within 50 feet of the fuel pumps or truck where the open hose discharge capacity of the fuel pump is not more than 200 gallons per minute; at least one wheeled 80 lb fire extinguisher where the open hose discharge capacity is more than 200 gallons per minute, but not more than 350 gallons per minute; at least two wheeled 80 lb fire extinguishers where the open hose discharge capacity is greater than 350 gallons per minute.

All aviation fuel nozzles will have "dead man" controls which will shut off the fuel flow when the nozzle hand control is released. No "lock open" type nozzle shall be permitted for fueling aircraft.

Only when the pilot or crew member is present at the aircraft will a fueling operation take place while passengers are aboard.

In all matters related to aircraft fueling safety the provisions of NFPA Manual 407 "Aircraft Fuel Servicing" published and available from the National Fire Protection Association, Incorporated, 470 Atlantic Avenue, Boston, Massachusetts 02210, shall prevail (as updated or amended from time to time).

Any fuel which becomes spilled through the fueling procedure, fuel farm loading and unloading procedure or fuel which is spilled from any portion of any aircraft is the responsibility of the owner of the aircraft or fueling agency involved. It is their responsibility to clean up the spill. The clean up procedure will conform to those set forth by the Arkansas Department of Environmental Quality (ADEQ) and all other City, State and Federal guidelines. Under no circumstances is fuel to be "washed down", but instead it shall be absorbed with an approved material and disposed of in the manner specified by City, State and Federal guidelines. All costs of such clean up shall be borne by the owner/company/tenant involved.

Aircraft Painting: Aircraft painting is prohibited in all buildings except those approved as paint shops. All such facilities will abide by all local, City, State and Federal regulations in place and as amended from time to time by the governing bodies. Any violations and subsequent fines/fees which may be levied shall be borne by the party involved in the violation.

Knowledge of Rules Implied: By publication of these Minimum Standards all persons will be deemed to have knowledge of the contents. Copies of the Minimum Standards are available to all

persons requesting a copy.

Copies will be available at all times in the airport office, and copies will be furnished to owners and operators of aircraft based on the Airport.

Conflict in Rules: If and where there is conflict in these and the Federal Aviation Regulations (FARs) the latter shall prevail.

SECTION 4: PENALTIES

Penalty for Violation: Any person operating or handling an aircraft in violation of any of these Minimum Standards or refusing to comply herewith, may, at once, be asked to leave the Airport, or may be denied use of the Airport by the Airport Director. When extreme circumstances or conditions exist, said violator may be deprived of the further use of the Airport and its facilities for such period of time as may appear necessary for the protection of life and property.

Any violation of these Standards, as adopted by Council Resolution, shall be subject to all applicable laws of the City of Fayetteville Police and Fire Departments and punishable by fine. This section is cumulative of all other penalties for violation of Federal, State and Local laws, rules, regulations and ordinances.

Prosecution for an offense under this Resolution does not prevent the use of other enforcement remedies or procedures, including administrative measures applicable to the person charged with the conduct involved in the offense.

If any provision of this Resolution is held insufficient as the basis of criminal prosecution as provided herein, the same shall nevertheless be a ground for revocation or suspension of any license, permit or privilege issued under this Resolution.

For any violation hereof, a law enforcement officer or other appropriate enforcement official may require the person cited to sign a written or printed notice to appear in court. If the person cited signs such notice, the officer or other appropriate official may permit the person to proceed without further detaining him/her at that time. Signing the notice shall not be an admission of guilt.

Refusal of the person cited to sign the notice, or failure after signing the notice to appear in court as required, shall be grounds for suspending a license/permit or other privileges at the Airport.

Nothing in this article shall prevent the issuance of a warrant of arrest on the same charge, and trial and conviction thereon as in other cases.

The Director may request any person committing a violation to cease said activity or leave the Airport, and ask any person who fails to comply with such request to leave.

In any case in which the Federal Aviation Administration, the Arkansas Department of

Environmental Quality or the Environmental Protection Agency or any other governing agency assesses a civil penalty against the Airport for any Federal/State/Local Regulation violation, the City of Fayetteville shall be reimbursed by the person whose act, or failure to act, caused the violation resulting in the civil penalty or by the person whose employee, agent, servant or independent contractor caused the violation resulting in the civil penalty. This shall be in additiona to any other penalty caused by the person whose act or failure to act causes a violation.

Termination of Permits/Leases/Contracts: Any person, who continues to violate these Minimum Standards shall forfeit his or her rights to the use of the facilities. Issuance of multiple citations or warnings for violations in a 12 month period will be deemed as a basis for conducting a review of the operator/tenant/contractor by the City of Fayetteville. Judgments made based on this review shall be considered binding and cause for termination of their permit/lease/contract. Appeals to action taken by the Airport Management should be made to the Airport Board within thirty days to request a hearing review.

Saving Clause: Should any part of this Resolution be invalid or unconstitutional, no other part shall necessarily be affected thereby.

SECTION 5: APPLICATIONS

Any person, firm or corporation desiring to enter into any form of activity of any nature upon the premises of the Fayetteville Executive Airport shall first obtain permission from the Airport Director. Each application shall be made in writing and filed with the Airport Director, setting forth in detail the nature of the proposed activity including but not limited to the names and addresses of the owners, the proposed activity, the number of employees, the amount of space or land required and the qualifications of the owners to perform the proposed activity. The application form located at Attachment 1 will be filled out completely.

SECTION 6: NOTICE

Upon the filing of such an application with the Airport Director, and provided it meets the requirements set forth in Section 5, it shall be referred to the Airport Board and Mayor with any recommendations that Airport Staff deem necessary.

Any like business, already in operation shall be notified by first class mail, or in person, of any application which would incorporate a duplication of a business currently in operation/existence.

SECTION 7: LEASE/CONTRACT/PERMIT

Upon approval of any such application as submitted or modified, the Airport Director shall cause to be prepared a suitable lease/contract/permit setting forth the terms and conditions of the land/facility to be utilized or built, which lease/contract/permit shall, in every instance, be conditioned upon:

- a. Original and continued compliance with the Standards required for each particular activity approved and shall refer and incorporate these Standards by reference;
- b. Any structure or facility to be constructed or placed upon the Airport shall be constructed in a manner to conform to all safety regulations of the State of Arkansas, the City of Fayetteville, the FAA and any other governmental entity having regulatory authority in connection therewith, and shall be in compliance with the requirements of current building codes and fire regulations of the City of Fayetteville; and that any construction once commenced will be diligently pursued to completion.
- c. The right of the City Council to modify or add to the Standards for operation at the Airport.

SECTION 8: GENERAL REQUIREMENTS FOR ALL AIRPORT ACTIVITIES

The following general requirements shall apply to all activities at the airport. Each applicant, and all others, for permission to conduct activities at the Airport, shall comply with the following and enter into a written agreement with the City of Fayetteville Airport Director prior to conducting activity of any kind:

- a. Each entity shall demonstrate a history of management and personnel ability, or a Business Plan for the service to be provided, in conducting the same, similar, or comparable type of service or activity.
- b. Each entity shall have the financial responsibility and ability to provide facilities and services proposed;
- c. Each entity has, or can, reasonably secure necessary certificates from the FAA or other authority where the same are required for the activity proposed;
- d. Each entity can and will, at all times, meet standards of all Local, State and Federal bodies having regulatory authority over the Airport entity and any proposed activity.
- e. Each entity shall pay a fee, and/or shall lease space from the Airport or land on which to build said suitable space. Each entity will maintain its exclusive area at all times, subject to the approval of the Airport Director.
- f. Each entity shall operate in a manner which does not infringe on the rights or property of others and conduct all activity in a fashion which shows due trust to the public.
- g. Each entity shall agree to indemnify and hold harmless, the City of Fayetteville, of

and from any claims of liability for personal injury, death, or property damage resulting from its operation at the Airport. Insurance in the amounts listed, as applicable, shall be maintained in force at all times until the permit is relinquished or cancelled. The City of Fayetteville shall be listed as additional insured on all commercial insurance policies.

COVERAGE FOR BODILY INJURY AND PROPERTY DAMAGE FOR AIRPORT PREMISES:

Liability coverage to provide for bodily injury, mental anguish, personal injury and damage to someone else's property resulting from the ownership, maintenance or use of airport premises is required. Including, but not limited to the use of mobile equipment which is owned, leased or borrowed while it is on the airport premises. Mobile equipment means a land vehicle (including machinery and/or apparatus attached to it), whether or not it's self propelled, used exclusively for the maintenance or handling of aircraft or airport premises.

COVERAGE AND LIMITS PROVIDED FOR THE USE OF AIRCRAFT ON THE AIRPORT PREMISES:

General Aviation:

General aviation is to be considered the use of an aircraft for the personal business and/or pleasure use of the owner or leaseholder of an aircraft. Liability limits required by the City of Fayetteville as owner/operator of the Airport shall be:

Aircraft and Comprehensive Public Liability and Property Damage:

\$250,000. Bodily Injury each Occurrence
\$250,000. Personal Injury each Occurrence
\$250,000. Property Damage including Fire Legal Liability
\$3,000. Medical Payments each Person

Commercial Aviation:

Commercial aviation is to be considered the use of an aircraft for the purpose of monetary, financial or beneficial gain by goods and services. These operations include, but are not limited to, activity directly related to the service, distribution, sale, renting, leasing, repair or service of aircraft, aircraft engines or other aircraft components, or operation of an aerial application service, airport, hangar, pilot training, instructional institution, service, air or cargo charter, commercial flying service or aircraft salvage service.

Liability limits required by the City of Fayetteville as owner/operator of the Airport shall be:

Aircraft and Comprehensive Public Liability and Property Damage:

\$1,000,000. Bodily Injury each Occurrence
\$1,000,000. Personal Injury each Occurrence
\$1,000,000. Property Damage
\$500,000. Fire Legal Liability
\$3,000. Medical Payments each Person

- h. Each entity of any kind shall not engage in any activity for furnishing services to the public at the Airport unless:
 - (1) Said service is furnished on a fair, equal and nondiscriminatory basis to all users thereof, and
 - (2) Fair, reasonable and non - discriminatory prices are charged for each unit of sale or service, provided that reasonable and non - discriminatory discounts, rebates or other similar types of price reduction may be made to volume purchasers.
- i. Each entity at all times, will comply with all local, state, and federal regulations and requirements. Any associated fees, or fines, levied to the Airport as owner in connection with a tenant/contractor/or operator, or any others shall be passed along and borne by the tenant or any other operation deriving benefit from the use of the Airport's property/assets.
- j. Each entity shall possess all licenses, permits, and certificates required by the FAA, the State of Arkansas and the City of Fayetteville and will ensure that all remain current and in effect.

SECTION 9: BASIC LEASE TERMS AND CONDITIONS

Airport facilities are leased to aviation related business and industry, to aircraft owners and operators and compatible businesses and industries as established by the Airport Board.

- * Modifications to airport owned facilities must be approved by the Airport Director, before installation, or modification, and become the property of the airport unless specifically addressed in writing.
- * Land leases for the construction of facilities are entered into between the parties where it is the responsibility of the tenant to fully maintain and operate his/her facility including the structure and systems.

- * Ownership of facilities constructed on airport property will revert to the City at the end of the lease term and any options that have been activated. At the time of reversion, the facility will be in a maintenance free condition or the property returned to its original condition and all debris removed from airport property.

Facilities constructed on airport property must meet all code requirements established by the City of Fayetteville, the State of Arkansas and the FAA. A Notice of Proposed Construction or Alteration form, FAA Form 7460-1, shall be submitted and approved by the FAA before construction commences. All users of Airport facilities will keep the facilities clean and neat at all times. It is essential that grass be mowed and trash be properly disposed of. All tenants will insure that their areas are free of objects that may be a Foreign Object Damage (FOD) hazard.

A copy of the Fayetteville Executive Airport Lease Application Form is included as part of these Minimum Standards.

SECTION 10: AMENDMENTS TO STANDARDS AND NOTICES

The Airport Board, along with the Airport Director, shall review the *Minimum Standards for Operations and Activities* from time to time and shall recommend such revisions or amendments as shall be deemed necessary. The Minimum Standards are established in order to protect the health and safety of the public and interest of the City of Fayetteville. Upon approval, all amendments are in full force and effect and all commercial operators, tenants and clients shall be required to conform to such amended standards.

NOTICES

Notice of intent to amend the Standards as established herein shall be published in a newspaper of at least local circulation and be considered sufficient notice when printed for the public as a general notice to all citizens.

Attachment 1, Lease Application Form (two pages)

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**FAYETTEVILLE EXECUTIVE AIRPORT, DRAKE FIELD
LEASE APPLICATION FORM**

1. NAME OF LEASEHOLDER(S) OR CORPORATE REPRESENTATIVE(S) AS APPLICABLE

2. HOME ADDRESS OF LEASEHOLDER(S) OR CORPORATE REPRESENTATIVE(S)

3. NAME OF CORPORATION AS INCORPORATED

4. STATE OF INCORPORATION (include copy of incorporation paperwork)

5. ADDRESS AND CONTACT INFORMATION OF CORPORATION FOR PURPOSE OF NOTICES

Street address or P. O. Box:

City, State, Zip:

Telephone:

Cell phone:

Fax:

E-mail:

6. BUSINESS AND/OR SERVICES TO BE PROVIDED

7. HOURS OF OPERATION

Fayetteville Executive Airport Lease Application
Page Two

8. NAMES AND QUALIFICATIONS OF PERSONS CONDUCTING THE BUSINESS AND/OR PROVIDING THE SERVICE IF DIFFERENT FROM ABOVE INCLUDING

CONTACT INFORMATION

9. TOTAL NUMBER OF EMPLOYEES INCLUDING MANAGEMENT

10. TOOLS, EQUIPMENT, SERVICES AND INVENTORY REQUIRED TO CONDUCT PROPOSED BUSINESS AND/OR SERVICE

11. DESCRIPTION OF PROPERTY TO BE LEASED

12. TYPE AND EXTENT OF CONSTRUCTION OR REQUIRED IMPROVEMENTS TO AIRPORT OWNED PROPERTY CONTEMPLATED AND PLANNED BUDGET, AS APPLICABLE

13. LIST OF AIRCRAFT AND TYPE, IF ANY (INCLUDE "N" NUMBER), TO BE OPERATED BY TENANT

14. PROPOSED COMMENCEMENT DATE OF LEASE

15. PROPOSED TERM OF LEASE

16. INSURANCE PROVIDER (City of Fayetteville/Airport Administration Office must be listed as additional insured and be provided a copy of the Certification of Insurance.)

City of Fayetteville Staff Review Form

A. 3
Garver, LLC
Page 1 of 26City Council Agenda Items
and
Contracts, Leases or Agreements

2/7/2012

City Council Meeting Date
Agenda Items Only

Matt Mihalevich

Submitted By

Engineering

Division

Development Services

Department

Action Required:

Staff recommends a resolution approving the agreement for professional engineering services between the City of Fayetteville and Garver, LLC. in an amount not to exceed \$94,200.00 for engineering design associated with two trail bridges and trail design under the South School (71B) Bridge for the Town Branch Trail.

\$ 94,200.00

Cost of this request

\$ 1,361,000.00

Category / Project Budget

Trail Development

Program Category / Project Name

4470.9470.5814.05

Account Number

\$ 55,060.30

Funds Used to Date

Trail Improvements

Program / Project Category Name

02016.1102

Project Number

\$ 1,305,939.70

Remaining Balance

Sales Tax Capital

Fund Name

Budgeted Item ☒Budget Adjustment Attached ☐

[Signature]
Department Director

01.19.2012
Date

Previous Ordinance or Resolution #

Res 131-11

RFQ 11-01

[Signature]
City Attorney

1-20-12
Date

Original Contract Date:

Original Contract Number:

Paul A. Beebe
Finance and Internal Services Director

1-20-2012
Date

Received in City
Clerk's Office

01-19-12 P04:15 RCVD

King

[Signature]
Chief of Staff

1-20-12
Date

Received in
Mayor's Office

ENTER
1/20/12
[Signature]

[Signature]
Mayor

1/23/12
Date

Comments:



CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

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

From: Matt Mihalevich, Trails Coordinator *mm*

Date: January 19, 2012

Subject: Resolution to approve a contract for engineering services with Garver, LLC.

RECOMMENDATION

Staff recommends a resolution approving the agreement for professional engineering services between the City of Fayetteville and Garver, LLC. in an amount not to exceed \$94,200.00 for engineering design associated with two trail bridges and trail design under the South School (71B) Bridge for the Town Branch Trail.

PROPOSAL:

Town Branch Trail is shown on the Fayetteville Alternative Transportation and Trails Master plan as the primary east-west trail for the southern parts of Fayetteville. The overall trail will be 2.8 miles and connect to existing trail at Razorback Road and extend east through Greathouse Park and the University of Arkansas Research and Technology Park with a connection to Walker Park and St. Paul Trail at City Lake Road. The section of the Town Branch Trail for this contract is 0.5 miles long and will connect South School (71B) to Greathouse Park and includes a trail underpass at the existing South School bridge, one new bridge over Cato Springs Branch and rehabilitation of an existing bridge over Town Branch (See attached map).

In August of 2011, resolution number 131-11 authorized acceptance of a Federal-Aid Transportation Enhancement Program Grant through the Arkansas State Highway and Transportation Department funds in the amount of \$270,000. The grant requires competitive bidding for the trail construction, therefore the City's in-house trail construction crew cannot be utilized for the construction, and detailed design plans will be necessary for bidding the project to private contractors. City staff will provide the majority of the trail design plans, however additional assistance is necessary for the structural design and flood studies for the bridges and South School underpass. Garver LLC, was selected through RFQ 11-01 and has provided the attached scope of services (Appendix A) and contract price for the requested professional engineering services.

BUDGET IMPACT:

The engineering contract of \$94,200 is not reimbursable by the Transportation Enhancement Grant, however funds have been budgeted for the project through the Trail Development Capital Improvement Program.



Legend
Future Trail Extension - 0.54 Miles
Proposed Town Branch Trail

TOWN BRANCH TRAIL
Greathouse Park to S. School Ave.
0.54 Miles

RESOLUTION NO. _____

A RESOLUTION APPROVING AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES WITH GARVER, LLC IN AN AMOUNT NOT TO EXCEED \$94,200.00 FOR ENGINEERING DESIGN RELATED TO TOWN BRANCH TRAIL

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 for professional engineering services with Garver, LLC in an amount not to exceed \$94,200.00 for engineering design related to Town Branch Trail.

PASSED and APPROVED this 7th day of February, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

AGREEMENT
For
PROFESSIONAL ENGINEERING SERVICES
Between
CITY OF FAYETTEVILLE, ARKANSAS
And
GARVER, LLC.

THIS AGREEMENT is made as of _____, 2012, by and between City of Fayetteville, Arkansas, acting by and through its Mayor (hereinafter called CITY OF FAYETTEVILLE) and GARVER, LLC (hereinafter called GARVER).

CITY OF FAYETTEVILLE requires professional engineering services in connection with the design of pedestrian bridges and a School Avenue underpass associated with the Town Branch Trail. Therefore, CITY OF FAYETTEVILLE and GARVER in consideration of their mutual covenants agree as follows:

GARVER shall serve as CITY OF FAYETTEVILLE's professional engineering and architectural consultant in those assignments to which this Agreement applies, and shall give consultation and advice to CITY OF FAYETTEVILLE during the performance of GARVER's services. All services shall be performed under the direction of a professional engineer registered in the State of Arkansas and qualified in the particular field.

SECTION 1 - AUTHORIZATION OF SERVICES

- 1.1 Services on any assignment shall be undertaken only upon written Authorization of CITY OF FAYETTEVILLE and agreement of GARVER.
- 1.2 Assignments may include services described hereafter as Basic Services or as Additional Services of GARVER.
- 1.3 Changes, modifications or amendments in scope, price or fees to this contract shall **not** be allowed without a formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, costs, fees, or delivery schedule.

SECTION 2 - BASIC SERVICES OF GARVER

- 2.1 General
 - 2.1.1 Perform professional services in connection with the Project as hereinafter stated.

- 2.1.1.1 The Scope of Services to be furnished by GARVER during the design is included in Section 2.2 hereafter and in Appendix A attached hereto and made part of this Agreement.
- 2.1.2 GARVER shall coordinate their activities and services with the CITY OF FAYETTEVILLE. GARVER and CITY OF FAYETTEVILLE agree that GARVER has full responsibility for the engineering services.
- 2.2 Engineering Services – Town Branch Trail Pedestrian Bridges & School Avenue Underpass.
- 2.2.1 Perform engineering services for the design as described in the Scope of Services in Appendix A.

SECTION 3 - RESPONSIBILITIES OF CITY OF FAYETTEVILLE

CITY OF FAYETTEVILLE shall, within a reasonable time, so as not to delay the services of GARVER

- 3.1 Provide full information as to CITY OF FAYETTEVILLE's requirements for the Project.
- 3.2 Assist GARVER by placing at GARVER's disposal all available information pertinent to the assignment including previous reports and any other data relative thereto.
- 3.3 Assist GARVER in obtaining access to property reasonably necessary for GARVER to perform its services under this Agreement.
- 3.4 Examine all studies, reports, sketches, cost opinions, proposals, and other documents presented by GARVER and render in writing decisions pertaining thereto.
- 3.5 The Trails Coordinator is the CITY OF FAYETTEVILLE's project representative with respect to the services to be performed under this Agreement. The Trails Coordinator shall have complete authority to transmit instructions, receive information, interpret and define CITY OF FAYETTEVILLE's policies and decisions with respect to materials, equipment, elements and systems to be used in the Project, and other matters pertinent to the services covered by this Agreement.

- 3.6 CITY OF FAYETTEVILLE and/or its representative will review all documents and provide written comments to GARVER in a timely manner.

SECTION 4 - PERIOD OF SERVICE

- 4.1 This Agreement will become effective upon the first written notice by CITY OF FAYETTEVILLE authorizing services hereunder.
- 4.2 The provisions of this Agreement have been agreed to in anticipation of the orderly progress of the Project through completion of the services stated in the Agreement. GARVER will proceed with providing the authorized services immediately upon receipt of written authorization from CITY OF FAYETTEVILLE. Said authorization shall include the scope of the services authorized and the time in which the services are to be completed. The anticipated schedule for this project is included as Appendix A.

SECTION 5 - PAYMENTS TO GARVER

- 5.1 Compensation
- 5.1.1 Town Branch Trail

The maximum not-to-exceed amount authorized for this Agreement is **\$94,200**. The CITY OF FAYETTEVILLE shall compensate GARVER for time spent on the project at the rates described in Appendix B for each classification of GARVER's personnel. In addition, reimbursable expenses, including but not limited to printing, courier service, reproduction, travel, and subconsultants shall be paid to GARVER. For informational purposes, a breakdown of GARVER's estimated costs is included in Appendix B. The rates shown will be increased annually with the first increase effective on or about June 1, 2012.

- 5.1.1.1 Subject to the City Council approval, adjustment of the not-to-exceed amount may be made should GARVER establish and CITY OF FAYETTEVILLE agree that there has been or is to be a significant change in scope, complexity, character, or schedule of the services to be performed; or if CITY OF FAYETTEVILLE decides to shorten the duration of work from the time period specified in the Agreement for completion of work and such modification warrants such adjustment. Changes, modifications or amendments in scope, price or fees to this Contract shall **not** be allowed without formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost, fees, or delivery schedule.

5.1.1.2 Monthly statements for each calendar month shall be submitted to CITY OF FAYETTEVILLE or such parties as CITY OF FAYETTEVILLE may designate for professional services consistent with GARVER's normal billing schedule. Once established, the billing schedule shall be maintained throughout the duration of the Project. Applications for payment shall be made in accordance with a format to be developed by GARVER and approved by CITY OF FAYETTEVILLE. Applications for payment shall be accompanied each month by the updated project schedule as the basis for determining the value earned as the work is accomplished. Final payment for professional services shall be made upon CITY OF FAYETTEVILLE's approval and acceptance with the satisfactory completion of the study and report for the Project.

5.2 Statements

Statements and progress report for each calendar month will be submitted to CITY OF FAYETTEVILLE. Statements will be based on GARVER's actual time and reimbursable expenses accrued to the project.

5.3 Payments

All statements are payable upon receipt and due within thirty (30) days. If a portion of GARVER's statement is disputed by CITY OF FAYETTEVILLE, the undisputed portion shall be paid by CITY OF FAYETTEVILLE by the due date. CITY OF FAYETTEVILLE shall advise GARVER in writing of the basis for any disputed portion of any statement. CITY OF FAYETTEVILLE will make reasonable effort to pay invoices within 30 days of date the invoice is approved. However, payment within 30 days is not guaranteed.

5.4 Final Payment

Upon satisfactory completion of the work performed under this Agreement, as a condition before final payment under this Agreement, or as a termination settlement under this Agreement, GARVER shall execute and deliver to CITY OF FAYETTEVILLE a release of all claims against CITY OF FAYETTEVILLE arising under or by virtue of this Agreement, except claims which are specifically exempted by GARVER to be set forth therein. Unless otherwise provided in this Agreement or by State law or otherwise expressly agreed to by the parties to this Agreement, final payment under this Agreement or settlement upon termination of this Agreement shall not constitute a waiver of CITY OF FAYETTEVILLE's claims against GARVER or his sureties under this Agreement or applicable performance and payment bonds, if any.

SECTION 6 - GENERAL CONSIDERATIONS

6.1 Insurance

6.1.1 During the course of performance of these services, GARVER will maintain (in United States Dollars) the following minimum insurance coverages:

<u>Type of Coverage</u>	<u>Limits of Liability</u>
Workers' Compensation Employers' Liability	Statutory \$500,000 Each Accident
Commercial General Liability Bodily Injury and Property Damage	\$1,000,000 Combined Single Limit
Automobile Liability: Bodily Injury and Property Damage	\$1,000,000 Combined Single Limit
Professional Liability Insurance	\$1,000,000 Each Claim

GARVER will provide to CITY OF FAYETTEVILLE certificates as evidence of the specified insurance within ten days of the date of this Agreement and upon each renewal of coverage.

6.1.2 CITY OF FAYETTEVILLE and GARVER waive all rights against each other and their officers, directors, agents, or employees for damage covered by property insurance during and after the completion of GARVER's services.

6.2 Professional Responsibility

6.2.1 GARVER will exercise reasonable skill, care, and diligence in the performance of GARVER's services and will carry out its responsibilities in accordance with customarily accepted professional engineering practices. CITY OF FAYETTEVILLE will promptly report to GARVER any defects or suspected defects in GARVER's services of which CITY OF FAYETTEVILLE becomes aware, so that GARVER can take measures to minimize the consequences of such a defect. CITY OF FAYETTEVILLE retains all remedies to recover for its damages caused by any negligence of GARVER

6.3 Cost Opinions and Projections

Cost opinions and projections prepared by GARVER relating to construction costs and schedules, operation and maintenance costs, equipment characteristics and performance, and operating results are based on GARVER's experience, qualifications, and judgment as a design professional. Since GARVER has no control over weather, cost and availability of labor, material and equipment, labor productivity, construction Contractors' procedures and methods, unavoidable delays, construction Contractors' methods of determining prices, economic conditions, competitive bidding or market conditions, and other factors affecting such cost opinions or projections, GARVER does not guarantee that actual rates, costs, performance, schedules, and related items will not vary from cost opinions and projections prepared by GARVER.

6.4 Changes

CITY OF FAYETTEVILLE shall have the right to make changes within the general scope of GARVER's services, with an appropriate change in compensation and schedule only after Fayetteville City Council approval of such proposed changes and, upon execution of a mutually acceptable amendment or change order signed by the Mayor of the CITY OF FAYETTEVILLE and the duly authorized officer of GARVER.

6.5 Termination

6.5.1 This Agreement may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party, provided that no termination may be effected unless the other party is given:

6.5.1.1 Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,

6.5.1.2 An opportunity for consultation with the terminating party prior to termination.

6.5.2 This Agreement may be terminated in whole or in part in writing by CITY OF FAYETTEVILLE for its convenience, provided that GARVER is given:

6.5.2.1 Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,

- 6.5.2.2 An opportunity for consultation with the terminating party prior to termination.
- 6.5.3 If termination for default is effected by CITY OF FAYETTEVILLE, an equitable adjustment in the price provided for in this Agreement shall be made, but
 - 6.5.3.1 No amount shall be allowed for anticipated profit on unperformed services or other work,
 - 6.5.3.2 Any payment due to GARVER at the time of termination may be adjusted to cover any additional costs to CITY OF FAYETTEVILLE because of GARVER's default.
- 6.5.4 If termination for default is effected by GARVER, or if termination for convenience is effected by CITY OF FAYETTEVILLE, the equitable adjustment shall include a reasonable profit for services or other work performed. The equitable adjustment for any termination shall provide for payment to GARVER for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by GARVER relating to commitments which had become firm prior to the termination.
- 6.5.5 Upon receipt of a termination action under Paragraphs 6.5.1 or 6.5.2 above, GARVER shall:
 - 6.5.5.1 Promptly discontinue all affected work (unless the notice directs otherwise),
 - 6.5.5.2 Deliver or otherwise make available to CITY OF FAYETTEVILLE all data, drawings, specifications, reports, estimates, summaries and such other information and materials as may have been accumulated by GARVER in performing this Agreement, whether completed or in process.
- 6.5.6 Upon termination under Paragraphs 6.5.1 or 6.5.2 above CITY OF FAYETTEVILLE may take over the work and may award another party an agreement to complete the work under this Agreement.
- 6.5.7 If, after termination for failure of GARVER to fulfill contractual obligations, it is determined that GARVER had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of CITY OF FAYETTEVILLE. In such event, adjustments of the agreement price shall be made as provided in Paragraph 6.5.4 of this clause.

6.6 Delays

In the event the services of GARVER are suspended or delayed by CITY OF FAYETTEVILLE or by other events beyond GARVER's reasonable control, GARVER shall be entitled to additional compensation and time for reasonable costs incurred by GARVER in temporarily closing down or delaying the Project.

6.7 Rights and Benefits

GARVER's services will be performed solely for the benefit of CITY OF FAYETTEVILLE and not for the benefit of any other persons or entities.

6.8 Dispute Resolution

6.8.1 Scope of Paragraph: The procedures of this Paragraph shall apply to any and all disputes between CITY OF FAYETTEVILLE and GARVER which arise from, or in any way are related to, this Agreement, including, but not limited to the interpretation of this Agreement, the enforcement of its terms, any acts, errors, or omissions of CITY OF FAYETTEVILLE or GARVER in the performance of this Agreement, and disputes concerning payment.

6.8.2 Exhaustion of Remedies Required: No action may be filed unless the parties first negotiate. If timely Notice is given under Paragraph 6.8.3, but an action is initiated prior to exhaustion of these procedures, such action shall be stayed, upon application by either party to a court of proper jurisdiction, until the procedures in Paragraphs 6.8.3 and 6.8.4 have been complied with.

6.8.3 Notice of Dispute

6.8.3.1 For disputes arising prior to the making of final payment promptly after the occurrence of any incident, action, or failure to act upon which a claim is based, the party seeking relief shall serve the other party with a written Notice;

6.8.3.2 For disputes arising within one year after the making of final payment, CITY OF FAYETTEVILLE shall give GARVER written Notice at the address listed in Paragraph 6.14 within thirty (30) days after occurrence of any incident, accident, or first observance of defect or damage. In both instances, the Notice shall specify the nature

and amount of relief sought, the reason relief should be granted, and the appropriate portions of this Agreement that authorize the relief requested.

6.8.4 Negotiation: Within seven days of receipt of the Notice, the Project Managers for CITY OF FAYETTEVILLE and GARVER shall confer in an effort to resolve the dispute. If the dispute cannot be resolved at that level, then, upon written request of either side, the matter shall be referred to the President or Chief Engineer of GARVER and the Mayor of CITY OF FAYETTEVILLE or his designee. These officers shall meet at the Project Site or such other location as is agreed upon within 30 days of the written request to resolve the dispute.

6.9 CITY OF FAYETTEVILLE represents that it has sufficient funds or the means of obtaining funds to remit payment to GARVER for services rendered by GARVER.

6.10 Publications

Recognizing the importance of professional development on the part of GARVER's employees and the importance of GARVER's public relations, GARVER may prepare publications, such as technical papers, articles for periodicals, and press releases, pertaining to GARVER's services for the Project. Such publications will be provided to CITY OF FAYETTEVILLE in draft form for CITY OF FAYETTEVILLE's advance review. CITY OF FAYETTEVILLE shall review such drafts promptly and provide CITY OF FAYETTEVILLE's comments to GARVER. CITY OF FAYETTEVILLE may require deletion of proprietary data or confidential information from such publications, but otherwise CITY OF FAYETTEVILLE will not unreasonably withhold approval. The cost of GARVER's activities pertaining to any such publication shall be for GARVER's account.

6.11 Indemnification

6.11.1 CITY OF FAYETTEVILLE agrees that it will require all construction Contractors to indemnify, defend, and hold harmless CITY OF FAYETTEVILLE and GARVER from and against any and all loss where loss is caused or incurred or alleged to be caused or incurred in whole or in part as a result of the negligence or other actionable fault of the Contractors, or their employees, agents, Subcontractors, and Suppliers.

6.12 Computer Models. GARVER may use or modify GARVER'S proprietary computer models in service of CITY OF FAYETTEVILLE under this agreement, or GARVER may develop computer models during GARVER's service to CITY OF OFAYETTEVILLE under this agreement. Such use, modification, or development by GARVER does not constitute a

license to CITY OF FAYETTEVILLE to use or modify GARVER's computer models. Said proprietary computer models shall remain the sole property of GARVER. CITY OF FAYETTEVILLE and GARVER will enter into a separate license agreement if CITY OF FAYETTEVILLE wishes to use GARVER's computer models.

6.13 Ownership of Documents

All documents provided by CITY OF FAYETTEVILLE including original drawings, disks of CADD drawings and cross sections, estimates, specification field notes, and data are and remain the property of CITY OF FAYETTEVILLE. GARVER may retain reproduced copies of drawings and copies of other documents.

Engineering documents, drawings, and specifications and other hard copy or electronic media prepared by GARVER as part of the Services shall become the property of CITY OF FAYETTEVILLE when GARVER has been compensated for all Services rendered, provided, however, that GARVER shall have the unrestricted right to their use. GARVER shall, however, retain its rights in its standard drawings details, specifications, databases, computer software, and other proprietary property. Rights to intellectual property developed, utilized, or modified in the performance of the Services shall remain the property of GARVER.

Any files delivered in electronic medium may not work on systems and software different than those with which they were originally produced. GARVER makes no warranty as to the compatibility of these files with any other system or software. Because of the potential degradation of electronic medium over time, in the event of a conflict between the sealed original drawings/hard copies and the electronic files, the sealed drawings/hard copies will govern.

6.14 Notices

Any Notice required under this Agreement will be in writing, addressed to the appropriate party at the following addresses:

CITY OF FAYETTEVILLE's address:
113 West Mountain Street
Fayetteville, Arkansas 72701

GARVER, LLC's address:
2049 E. Joyce Blvd, Suite 400
Fayetteville, Arkansas 72703

6.15 Successor and Assigns

CITY OF FAYETTEVILLE and GARVER each binds himself and his successors, executors, administrators, and assigns to the other party of this Agreement and to the successors, executors, administrators, and assigns of such other party, in respect to all covenants of this Agreement; except as above, neither CITY OF FAYETTEVILLE nor GARVER shall assign, sublet, or transfer his interest in the Agreement without the written consent of the other.

6.16 Controlling Law

This Agreement shall be subject to, interpreted and enforced according to the laws of the State of Arkansas without regard to any conflicts of law provisions.

6.17 Entire Agreement

This Agreement represents the entire Agreement between GARVER and CITY OF FAYETTEVILLE relative to the Scope of Services herein. Since terms contained in purchase orders do not generally apply to professional services, in the event CITY OF FAYETTEVILLE issues to GARVER a purchase order, no preprinted terms thereon shall become a part of this Agreement. Said purchase order document, whether or not signed by GARVER, shall be considered as a document for CITY OF FAYETTEVILLE's internal management of its operations.

SECTION 7 - SPECIAL CONDITIONS

7.1 Additional Responsibilities of GARVER

7.1.1 CITY OF FAYETTEVILLE's review, approval, or acceptance of design drawings, specifications, reports and other services furnished hereunder shall not in any way relieve GARVER of responsibility for the technical adequacy of the work. Neither CITY OF FAYETTEVILLE's review, approval or acceptance of, nor payment for any of the services shall be construed as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement.

7.1.2 GARVER shall be and shall remain liable, in accordance with applicable law, for all damages to CITY OF FAYETTEVILLE caused by GARVER's negligent performance of any of the services furnished under this Agreement except for errors, omissions or other deficiencies to the extent attributable to CITY OF FAYETTEVILLE or CITY OF FAYETTEVILLE-furnished data.

7.1.3 GARVER's obligations under this clause are in addition to GARVER's other express or implied assurances under this Agreement or State law and in no way diminish any other rights that CITY OF FAYETTEVILLE may have against GARVER for faulty materials, equipment, or work.

7.2 Remedies

Except as may be otherwise provided in this Agreement, all claims, counter-claims, disputes and other matters in question between CITY OF FAYETTEVILLE and GARVER arising out of or relating to this Agreement or the breach thereof will be decided in a court of competent jurisdiction within Arkansas.

7.3 Audit: Access to Records

7.3.1 GARVER shall maintain books, records, documents and other evidence directly pertinent to performance on work under this Agreement in accordance with generally accepted accounting principles and practices consistently applied in effect on the date of execution of this Agreement. GARVER shall also maintain the financial information and data used by GARVER in the preparation of support of the cost submission required for any negotiated agreement or change order and send to CITY OF FAYETTEVILLE a copy of the cost summary submitted. CITY OF FAYETTEVILLE, the State or any of their authorized representatives shall have access to all such books, records, documents and other evidence for the purpose of inspection, audit and copying during normal business hours. GARVER will provide proper facilities for such access and inspection.

7.3.2 Records under Paragraph 7.3.1 above, shall be maintained and made available during performance on assisted work under this Agreement and until three years from the date of final payment for the project. In addition, those records which relate to any controversy arising out of such performance, or to costs or items to which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such appeal, litigation, claim or exception.

7.3.3 This right of access clause (with respect to financial records) applies to:

7.3.3.1 Negotiated prime agreements:

7.3.3.2 Negotiated change orders or agreement amendments in excess of \$10,000 affecting the price of any formally advertised, competitively awarded, fixed price agreement.

7.3.3.3 Agreements or purchase orders under any agreement other than a formally advertised, competitively awarded, fixed price agreement. However, this right of access does not apply to a prime agreement, lower tier subagreement or purchase order awarded after effective price competition, except:

7.3.3.3.1 With respect to record pertaining directly to subagreement performance, excluding any financial records of GARVER;

7.3.3.3.2 If there is any indication that fraud, gross abuse or corrupt practices may be involved;

7.3.3.3.3 If the subagreement is terminated for default or for convenience.

7.4 Covenant Against Contingent Fees

GARVER warrants that no person or selling agency has been employed or retained to solicit or secure this Agreement upon an agreement of understanding for a commission, percentage, brokerage or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by GARVER for the purpose of securing business. For breach or violation of this warranty, CITY OF FAYETTEVILLE shall have the right to annul this Agreement without liability or at its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

7.5 Gratuities

7.5.1 If CITY OF FAYETTEVILLE finds after a notice and hearing that GARVER or any of GARVER's agents or representatives, offered or gave gratuities (in the form of entertainment, gifts or otherwise) to any official, employee or agent of CITY OF FAYETTEVILLE, in an attempt to secure an agreement or favorable treatment in awarding, amending or making any determinations related to the performance of this Agreement, CITY OF FAYETTEVILLE may, by written notice to GARVER terminate this Agreement. CITY OF FAYETTEVILLE may also pursue other rights and remedies that the law or this

Agreement provides. However, the existence of the facts on which CITY OF FAYETTEVILLE bases such finding shall be in issue and may be reviewed in proceedings under the Remedies clause of this Agreement.

7.5.2 In the event this Agreement is terminated as provided in Paragraph 7.5.1, CITY OF FAYETTEVILLE may pursue the same remedies against GARVER as it could pursue in the event of a breach of the Agreement by GARVER. As a penalty, in addition to any other damages to which it may be entitled by law, CITY OF FAYETTEVILLE may pursue exemplary damages in an amount (as determined by CITY OF FAYETTEVILLE) which shall be not less than three nor more than ten times the costs GARVER incurs in providing any such gratuities to any such officer or employee.

7.6 Arkansas Freedom of Information Act

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

IN WITNESS WHEREOF, CITY OF FAYETTEVILLE, ARKANSAS by and through its Mayor, and GARVER, by its authorized officer have made and executed this Agreement as of the day and year first above written.

CITY OF FAYETTEVILLE, ARKANSAS

GARVER

By : _____
Mayor, Lioneld Jordan

By:  _____
Brock Hoskins, PE

ATTEST:

By: _____
City Clerk

Title: Sr. Vice President/Chief Engineer

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

END OF AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES

APPENDIX A – SCOPE OF SERVICES

2.1 General

Generally, the scope of services includes design and partial bidding services for improvements to the City of Fayetteville Town Branch Trail. Improvements will consist primarily of a new pedestrian bridge, upgrade of an existing pre-fabricated bridge, and the trail design under the Highway 71B (School Avenue) Bridge over the Town Branch Creek.

2.2 Surveys

2.2.1 Design Surveys

The City of Fayetteville will provide all field survey data for designing the project including the location of utilities. This survey data will be assumed to be correct.

2.2.2 Property Surveys

The City of Fayetteville will perform all property surveys required for the project.

2.3 Geotechnical Services

Garver will subcontract with Grubbs, Hoskyn, Barton & Wyatt to provide geotechnical investigations and recommendations as specified in the attached proposal and made a part of this agreement.

2.4 Coordination

Garver will furnish final plans and obtain a Nationwide permit from the U.S. Army Corps of Engineers(COE) and a permit from the Arkansas State Highway and Transportation Department(AHTD) for work within the Highway 71B right-of-way.

Garver will also attend coordination meetings with the City of Fayetteville and other agencies as required. Garver will prepare exhibits for these meetings when appropriate.

2.5 Environmental Services

Garver will delineate wetlands as necessary to obtain a Nationwide Permit from the COE. In addition, Garver will provide design of BMP devices or stream bank stabilization as necessary to meet or exceed the requirements of the City of Fayetteville Streamside Protection Ordinance. Environmental services specifically excluded from this agreement include but are not limited to wetland mitigation design, Stormwater Pollution Prevention Plans (SWPPP), NEPA requirements, Short-Term Activity Authorization (STAA) and coordination with the US Fish and Wildlife Service (USFWS), State Historic Preservation Office (SHPO), and ADEQ.

2.6 Drainage Study

Garver will utilize existing HEC-HMS and HEC-RAS hydrologic models for the design of a new bridge across the Cato Springs Branch Creek at Greathouse Park and for the new trail design located under the existing School Avenue Bridge over the Town Branch Creek. Modeling parameters, such as areas, slopes, drainage paths, and distances will be obtained from City of Fayetteville provided planimetric contour maps and aerial photos and verified by field investigations. Runoff characteristics for non-developed areas will be based on current land-use plans.

Garver will utilize the modified and new HEC-RAS models for the design of the creek crossings and trail construction within the designated FEMA floodplain/floodway to achieve a "No-Rise" in the water surface elevations during the 100-year rainfall event.

Garver will develop a drainage report including the following:

- Existing HEC-HMS model data
- HEC-RAS model results and supporting data
- Summary of Results

2.7 Conceptual Design (30% Submittal)

The conceptual design phase submittal will include an analysis of the existing truss bridge over Town Branch Creek in Greathouse Park to determine the feasibility of replacing the wooden deck with a concrete deck, plan & profile sheets of all project structures showing horizontal and vertical alignment, Drainage Study preliminary results, recommended mitigation for work within the City stream bank protection zones, COE Nationwide permit draft, and an opinion of probable construction cost. This conceptual submittal will be for the purpose of coordinating the proposed improvements with the City of Fayetteville and developing an order of magnitude cost estimate for the project. Garver will not begin preliminary design until the conceptual design is approved by the City of Fayetteville in writing.

2.8 Preliminary Design (60% Submittal)

The preliminary design phase submittal will include plan & profile sheets, preliminary bridge and underpass details, Drainage Study report, COE Nationwide permit, draft of the technical specifications, and an opinion of probable construction cost. The preliminary design phase will represent approximately 60 percent of final construction contract plans. Garver will not begin final design until the preliminary design is approved by the City of Fayetteville in writing.

Garver will furnish plans to the COE for their review and comment.

2.9 Final Design (90% and 100% Submittals)

During the final design phase of the project, Garver will conduct final designs to prepare construction plans and specifications, for one construction contract, including final construction details and quantities, special provisions, applicable permit applications, and opinion of probable construction cost. Garver will also make any needed plan changes as a result of the final field inspection and the review of the 90% plans, and prepare the construction documents as required to advertise for bids.

Garver will furnish plans to the AHTD for approval of work within the Highway 71B right-of-way.

2.10 Property Acquisition Documents

The scope for the Property Acquisition Document is excluded from this agreement.

2.11 Bidding Services

During the bidding phase of the project, Garver will:

1. Support the contract documents by preparing addenda and responding to inquiries as appropriate.
2. Participate in a pre-bid meeting.
3. Attend the bid opening.
4. Evaluate bids and recommend award.

2.12 Construction Phase Services

The scope and fee for the Construction Phase Services will be inserted to this agreement by amendment at a later date.

2.13 Project Deliverables

The following will be submitted to the City of Fayetteville, or others as indicated, by Garver:

1. Two (2) copies of the preliminary drainage report and two (2) copies of the final drainage report.
2. Two (2) copies of the Geotechnical Report.
3. Three (3) copies of the Conceptual Design with opinion of probable construction cost.
4. Three copies (3) of the Preliminary Design with opinion of probable construction cost.
5. Three (3) copies of the Final Design with opinion of probable construction cost.
6. Three (3) copies of the revised Final Design with opinion of probable construction cost.
7. Electronic files as requested.

2.14 Extra Work

The following items are not included under this agreement but will be considered as extra work:

1. All surveying including topographical, property, and utility location.
2. Utility Coordination.
3. Payment of review fees or advertisement fees.
4. Design of plans and survey in AHTD format.
5. Property Acquisition Documents.
6. Redesign for the Owner's convenience or due to changed conditions after previous alternate direction and/or approval.
7. Submittals or deliverables in addition to those listed herein.
8. Design of any utilities relocation.
9. Street/Trail lighting or other electrical design.
10. Preparation of a Storm Water Pollution Prevention Plan (SWPPP).

11. Construction materials testing.
12. Environmental Handling and Documentation, including wetlands mitigation plans or other work related to environmentally or historically (culturally) significant items.
13. Coordination with FEMA and preparation/submittal of a CLOMR and/or LOMR.
14. Construction Phase Services.
15. Services after construction, such as warranty follow-up, operations support, etc.

Extra Work will be as directed by the City of Fayetteville in writing for an additional fee as agreed upon by the City of Fayetteville and Garver.

2.15 Schedule

Garver shall begin work under this Agreement within ten (10) days of a Notice to Proceed and shall complete the work in accordance with the schedule below:

<u>Phase Description</u>	<u>Calendar Days</u>
Geotechnical Engineering	30 days from start date
Conceptual Design (30%)	45 days from start date
Preliminary Design (60%)	45 days from approval of Conceptual Design
Final Design (90%)	45 days from approval of Preliminary Design
Final Construction Documents (100%)	15 days from approval of Final Design

APPENDIX B
Town Branch Trail / 11047130
Garver Hourly Rate Schedule

Classification	Rates
Engineers / Architects	
E-1	\$ 88.00
E-2	\$ 104.00
E-3	\$ 123.00
E-4	\$ 145.00
E-5	\$ 176.00
E-6	\$ 215.00
Planners	
P-1	\$ 106.00
P-2	\$ 124.00
Designers	
D-1	\$ 83.00
D-2	\$ 111.00
Technicians	
T-1	\$ 71.00
T-2	\$ 94.00
Surveyors	
S-1	\$ 42.00
S-2	\$ 52.00
S-3	\$ 70.00
S-4	\$ 99.00
S-5	\$ 127.00
2-Man Crew (Survey)	\$ 160.00
3-Man Crew (Survey)	\$ 200.00
2-Man Crew (GPS Survey)	\$ 180.00
3-Man Crew (GPS Survey)	\$ 220.00
Construction Observation	
C-1	\$ 80.00
C-2	\$ 108.00
C-3	\$ 144.00
Administration	
X-1	\$ 49.00
X-2	\$ 66.00
X-3	\$ 109.00

APPENDIX B

CITY OF FAYETTEVILLE TOWN BRANCH TRAIL

FEE SUMMARY

Title I Services	Estimated Fees
<i>Geotechnical Services</i>	\$6,500.00
Drainage Study	\$7,700.00
Conceptual Design	\$13,000.00
Preliminary Design	\$16,400.00
Final Design	\$47,300.00
Bidding Services	\$3,300.00
Subtotal for Title I Services	\$94,200.00

Title II Services	
<i>Construction Materials Testing</i>	\$0.00
Construction Phase Services	\$0.00
Subtotal for Title II Services	\$0.00

City of Fayetteville Staff Review Form

A. 4
AOS, LLC
Page 1 of 12City Council Agenda Items
and
Contracts, Leases or Agreements

2/7/2012

City Council Meeting Date
Agenda Items Only

Scott Huddleston

Submitted By

Information Technology

Division

FISD

Department

Action Required:

Council approve the purchase of a high performance server chassis and network switch with storage from Alexander Open Systems. This purchase is based on the current State Procurement Contract and the Western States Contracting Alliance approved pricing and will cost \$192,704.43 and approval of a budget adjustment.

\$	192,704.43	\$	70,000.00	Storage Area Network SAN
	Cost of this request		125,000.00	Local Area Network Upgrades
				Program Category / Project Name
4470-9470-5801.00		\$	-	
Account Number			Funds Used to Date	Program / Project Category Name
09031-1				
02056-1		\$	195,000.00	Sales Tax Capital Improvement
Project Number			Remaining Balance	Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☒

Scott Huddleston
Department Director

1/20/12
Date

Previous Ordinance or Resolution #

Jim Kelly
City Attorney

1-20-12
Date

Original Contract Date:

Original Contract Number:

Paul a. Beider
Finance and Internal Services Director

1-23-2012
Date

Received in City
Clerk's Office

Don Mar
Chief of Staff

Date

Received in
Mayor's Office

ENTERED
1/23/12
P.K.

David Jordan
Mayor

1/25/12
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and Members of the City Council

From: Scott Huddleston, Information Technology Director *SH*

Date: January 20, 2012

Subject: Purchase Computer Servers, Storage, and Switch

PROPOSAL:

As the City continues to grow more resources are required to support the existing and future applications. In addition, essential hardware components are in need of replacement due to age and capacity. The total cost utilizing the Western States Contracting Alliance (WSCA) and the Arkansas State Procurement contract for all proposed items is \$192,704.43.

- **Additional Servers and Upgrades:**

The City's current virtual server environment spans 2 disparate blade chassis systems. It originated in our IBM H Chassis roughly 5 years ago and has since expanded into a Cisco UCS Blade Chassis. The IBM blades no longer meet the needs of our environment. Our current Cisco environment is not fully fault-tolerant with a single point of failure in the fabric interconnect. The proposed upgrade would replace the aging IBM chassis with an additional Cisco UCS Blade Chassis and 4 additional servers, increasing overall processing and memory capacity while providing a viable disaster recovery solution for the City's servers. By utilizing these new servers and our continued efforts to virtualize our physical environment our power consumption and cooling costs will be reduced. The cost utilizing the Arkansas State Procurement Contract CISCO-SP-11-0185 is \$59,205.93.

- **Additional Storage:**

The City's virtual server and desktop environments are nearing capacity in both performance and available space. The proposed additional storage will increase available space as well as read/write performance. The cost for this upgrade utilizing the WSCA contract B27161 is \$67,480.68.

- **Core Switch Replacement:**

The City network's current core switch is a 9 year old non-fault-tolerant layer 3 switch with 10 available 1 Gbps ports. All 10 ports are currently full with no room for expansion. The switch has no redundant power, so a failure with the power supply would result in a complete loss of network access. Due to its age, capability, and expandability, it is in dire need of replacement. The proposed replacement is an

enterprise class chassis based switch with expandability that will last at least another 10 years. This switch will have fault-tolerance at several different layers giving us the highest level of reliability, resiliency, and performance. It will also replace 5 other switches in our primary data closet which will ease management considerably. The total cost for this upgrade utilizing the Arkansas State Procurement Contract CISCO-SP-11-0185 is \$66,017.81

RECOMMENDATION:

Staff recommends authorizing the purchase of servers, storage and switch from Alexander Open Systems. The quotes being considered are based on WSCA and the Arkansas State Procurement Contract in the amount of \$192,704.43.

BUDGET IMPACT:

This project was planned to be funded out of the Local Area Network (LAN) Upgrades and Storage Area Network (SAN) CIP projects. \$20,000 is being moved from the Geographic Information Systems (GIS) project and \$65,000 from the AS/400 Computer Upgrades CIP project to fund this request.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE PURCHASE OF A HIGH PERFORMANCE SERVER CHASSIS AND NETWORK SWITCH WITH STORAGE IN THE AMOUNT OF \$192,704.43 FROM AOS, LLC PURSUANT TO A STATE PROCUREMENT CONTRACT, 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 authorizes the purchase of a high performance server chassis and network switch with storage in the amount of \$192,704.43 from AOS, LLC pursuant to a state procurement contract.

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 7th day of February, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

V11.0424
AOS, LLC
Page 5 of 12

This project will increase the SAN's capacity and performance, and purchase additional servers.

TOTAL BUDGET ADJUSTMENT

EXHIBIT
A

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

Vendor #: 18311 Vendor Name: AOS, LLC

Address: 2105 S. 54th St. Fob Point:

City: Rogers State: AR Zip Code: 72758 Ship to code:

Requester: Brad Fulmer Requester's Employee #: 2273 Extension: 217

Item Description Quantity Unit of Issue Unit Cost Extended Cost Account Numbers Project/Subproject # Inventory # Fixed Asset #

1	UCS Server Chassis bundle	1		54,193.08	\$54,193.08	4470.9470.5801.00	02056.1		
---	---------------------------	---	--	-----------	-------------	-------------------	---------	--	--

2	EMC Storage Upgrade	1		61,767.21	\$61,767.21	4470.9470.5801.00	09031.1		
---	---------------------	---	--	-----------	-------------	-------------------	---------	--	--

3	Cisco Core Network Switch	1		60,428.20	\$60,428.20	4470.9470.5801.00	02056.1		
---	---------------------------	---	--	-----------	-------------	-------------------	---------	--	--

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: \$176,388.49
Tax: \$16,315.94
Total: \$192,704.43

Approvals:

Mayor: _____ Department Director: _____

Finance & Internal Services Director: _____ Budget Manager: _____

Dispatch Manager: _____ Utilities Manager: _____

Purchasing Manager: _____

IT Manager: _____

Other: _____

Requisition No.: _____ Date: 1/20/2012

P.O Number: _____ Expected Delivery Date: _____

Mail Yes: ☒ No: _____ Quotes Attached Yes: ☒ No: _____

Taxable Yes: ☒ No: _____ Division Head Approval: _____

Extension: 217

AOS, LLC

Springfield

636 W. Republic Rd
Unit F100 Corp Village Park
Springfield, MO 65807
Phone: 417-888-2675
Fax: 417-888-0994

Columbia

1000 W. Nifong Blvd #201C
Columbia, MO 65203
Phone: 573-441-5600
Fax: 572-441-5610

Tulsa

7666 E. 61st St
#310
Tulsa, OK 74133
Phone: 918-935-3530
Fax: 918-935-3532

Oklahoma City

3030 NW Expressway
Suite 1750
Oklahoma City, OK 73112
Phone: 405-943-8900
Fax: 405-943-8902

QUOTATION

AOS, LLC
Page 7 of 12

Quote No.: SQ008928
Customer ID: ZFAYE-101
Date: 1/18/2012
Sales Rep: JENNIFERE
Designer:

1

Please visit www.aos5.com for a complete listing of all service areas

QUOTE TO:	SHIP TO:
ACCOUNTS PAYABLE CITY OF FAYETTEVILLE 113 W MOUNTAIN STREET FAYETTEVILLE, AR 72701 Phone: (479) 575-8306 Fax:	CHRIS DOUGHTY CITY OF FAYETTEVILLE 113 W MOUNTAIN STREET FAYETTEVILLE, AR 72701

Arkansas State Contract-CISCO-SP-11-0185

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
24.00	8GB DDR3-1333MHz RDIMM/PC3-10600/dual rank/Low-Dual Volt	213.15	5,115.60
1.00	1xChassis-4xB200,2xE5649,96GMem/B200,12x146GB	0.00	0.00
8.00	Intel Xeon X5649 2.53GHz /6c/80W/12MB cache/DDR3 1333MHz	0.00	0.00
4.00	Power Cord, 125VAC 13A NEMA 5-15 Plug, North America	0.00	0.00
4.00	Power Cord, 250Vac 16A, twist lock NEMA L6-20 plug, US	0.00	0.00
12.00	8 Gbps Fiber Channel SW SFP+ LC	0.00	0.00
1.00	Single phase AC power module for UCS 5108 Crypto	0.00	0.00
2.00	UCS Manager v2.0	0.00	0.00
4.00	UCS M81KR Virtual Interface Card/PCIe/2-port 10Gb	0.00	0.00
4.00	UCS B200 M2 Blade Server w/o CPU, memory, HDD, mezzanine	0.00	0.00
8.00	HDD slot blanking panel for UCS B-Series Blade Servers	0.00	0.00
8.00	CPU heat sink for UCS B200 M1 Blade Server	0.00	0.00
1.00	Access. kit for 5108 Blade Chassis incl Railkit, KVM dongle	0.00	0.00
4.00	Blade slot blanking panel for UCS 5108/single slot	0.00	0.00
8.00	Fan module for UCS 5108	0.00	0.00
1.00	UCS 5108 Blade Server Chassis FW package	0.00	0.00
4.00	2500W power supply unit for UCS 5108	0.00	0.00
4.00	10GBASE-SR SFP Module	0.00	0.00
8.00	10GBASE-CU SFP+ Cable 3 Meter	0.00	0.00
2.00	UCS 6248UP Chassis Accessory Kit	0.00	0.00
2.00	UCS 6200 Series Expansion Module Blank	0.00	0.00
4.00	UCS 6248UP Fan Module	0.00	0.00
2.00	UCS 6248 Layer 2 Daughter Card	0.00	0.00
2.00	UCS 2208XP I/O Module (8 External; 32 Internal 10Gb Ports)	0.00	0.00
24.00	8GB DDR3-1333-MHz RDIMM/PC3-10600/2R/1.35v/RECOMMENDED 8GB	0.00	0.00
4.00	UCS 6248UP Power Supply/100-240VAC	0.00	0.00
8.00	UCS-SP3 300GB HDD	0.00	0.00
1.00	Chassis-4xB200, 2xE5649, 192GB RAM/ 48GB each	26,298.30	26,298.30
2.00	SP3 UP FI with Cables	7,581.77	15,163.54
3.00	UC SUPPORT 24X7X4OS 5108 Blade Server Chassis	180.11	540.33
12.00	UC SUPPORT 24X7X4OS UCSB200 M2 Blade Svr w/o CPU Mem HDD Mez	211.65	2,539.80
3.00	UC SUPPORT 24X7X4OS Null SKU--No line item services included	0.00	0.00

AOS, LLC

Springfield

636 W. Republic Rd
Unit F100 Corp Village Park
Springfield, MO 65807
Phone: 417-888-2675
Fax: 417-888-0994

Columbia

1000 W. Nifong Blvd #201C
Columbia, MO 65203
Phone: 573-441-5600
Fax: 572-441-5610

Tulsa

7666 E. 61st St
#310
Tulsa, OK 74133
Phone: 918-935-3530
Fax: 918-935-3532

Oklahoma City

3030 NW Expressway
Suite 1750
Oklahoma City, OK 73112
Phone: 405-943-8900
Fax: 405-943-8902

QUOTATION

AOS, LLC

Page 8 of 12

Quote No.: SQ008928
Customer ID: ZFAYE-101
Date: 1/18/2012
Sales Rep: JENNIFERE
Designer:

2

Please visit www.aos5.com for a complete listing of all service areas

6.00	UC SUPPORT 24X7X4OS UCS 6248UP 1RU Fabric Interconnect	666.49	3,998.94
			\$53,656.51
		Merchandise Total	\$53,656.51
		Tax Total	5,012.85
		Estimated Shipping	\$536.57
		Document Total	\$59,205.93

Above quoted pricing is valid until 2/13/2012 .

Customer signature constitutes agreement with all AOS Terms and Conditions, which may be found at <http://www.aos5.com/terms> in addition to any addendums shown on this quote.

Customer Signature

Date

AOS, LLC**Springfield**

636 W. Republic Rd
Unit F100 Corp Village Park
Springfield, MO 65807
Phone: 417-888-2675
Fax: 417-888-0994

Columbia

1000 W. Nifong Blvd #201C
Columbia, MO 65203
Phone: 573-441-5600
Fax: 572-441-5610

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7666 E. 61st St
#310
Tulsa, OK 74133
Phone: 918-935-3530
Fax: 918-935-3532

Oklahoma City

3030 NW Expressway
Suite 1750
Oklahoma City, OK 73112
Phone: 405-943-8900
Fax: 405-943-8902

QUOTATION

AOS, LLC
Page 9 of 12

Quote No.: SQ008917
Customer ID: ZFAYE-101
Date: 1/18/2012
Sales Rep: JENNIFERE
Designer:

1

Please visit www.aos5.com for a complete listing of all service areas

QUOTE TO:	SHIP TO:
ACCOUNTS PAYABLE CITY OF FAYETTEVILLE 113 W MOUNTAIN STREET FAYETTEVILLE, AR 72701 Phone: (479) 575-8306 Fax:	CHRIS DOUGHTY CITY OF FAYETTEVILLE 113 W MOUNTAIN STREET FAYETTEVILLE, AR 72701

The quote below is based on the State of Arkansas Contract number: B27161 and the EMC WSCA/NASPO Master Price Agreement number: B27161. POs must likewise contain the same Contracts references.

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
CX4 DRIVE UPGRADE			
1.00	EMC 4G DAE Factory or Field Installed	4,543.00	4,543.00
9.00	EMC 450GB 15K 4GB FC Upgrade Disk Drive	2,313.85	20,824.65
5.00	EMC 100GB Flash Drive Upg	6,375.60	31,878.00
			\$57,245.65
SECOND UPGRADE SOLUTION			
10.00	EMC 2TB 7200RPM 520BPS SATA Drive	2,391.00	23,910.00
			\$23,910.00
DISCOUNT			
-1.00	AOS Executive Discount	20,000.00	-20,000.00
			-\$20,000.00
	Merchandise Total		\$61,155.65
	Tax Total		5,713.47
	Estimated Shipping		\$611.56
	Document Total		\$67,480.68

Above quoted pricing is valid until 2/10/2012.

Customer signature constitutes agreement with all AOS Terms and Conditions, which may be found at <http://www.aos5.com/terms> in addition to any addendums shown on this quote.

Customer Signature _____

Date _____

AOS, LLC

Springfield

636 W. Republic Rd
Unit F100 Corp Village Park
Springfield, MO 65807
Phone: 417-888-2675
Fax: 417-888-0994

Columbia

1000 W. Nifong Blvd #201C
Columbia, MO 65203
Phone: 573-441-5600
Fax: 572-441-5610

Tulsa

7666 E. 61st St
#310
Tulsa, OK 74133
Phone: 918-935-3530
Fax: 918-935-3532

Oklahoma City

3030 NW Expressway
Suite 1750
Oklahoma City, OK 73112
Phone: 405-943-8900
Fax: 405-943-8902

QUOTATION

Quote No.: SQ008883
Customer ID: ZFAYE-101
Date: 1/11/2012
Sales Rep: JENNIFERE
Designer:

1

Please visit www.aos5.com for a complete listing of all service areas

QUOTE TO:	SHIP TO:
ACCOUNTS PAYABLE CITY OF FAYETTEVILLE 113 W MOUNTAIN STREET FAYETTEVILLE, AR 72701 Phone: (479) 575-8306 Fax:	CHRIS DOUGHTY CITY OF FAYETTEVILLE 113 W MOUNTAIN STREET FAYETTEVILLE, AR 72701

Arkansas State Contract-CISCO-SP-11-0185

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
Cisco			
1.00	4510R+E Chassis, Two WS-X4748-RJ45V+E, Sup7-E	19,800.00	19,800.00
1.00	Paper IP Base License	0.00	0.00
1.00	Default WS-X45-SUP7-E with WS-X4748-RJ45V+E Bundle	0.00	0.00
4.00	NEMA 5-15 to IEC-C19 13ft US	0.00	0.00
1.00	Catalyst 4500 4200WAC dual input Power Supply (Data + PoE)	1,797.00	1,797.00
1.00	Catalyst 4500 4200WAC dual input Power Supply (Data + PoE)	1,797.00	1,797.00
1.00	CAT4500e SUP7e Universal Crypto Image	0.00	0.00
1.00	Catalyst 4500 E-Series Supervisor, 848Gbps	0.00	0.00
1.00	Catalyst 4500 E-Series Supervisor, 848Gbps	11,997.00	11,997.00
1.00	Catalyst 4500 E-Series 12-Port GE (SFP)	3,597.00	3,597.00
1.00	Catalyst 4500 E-Series 12-Port 10GbE (SFP+)	16,197.00	16,197.00
2.00	Catalyst 4500E 48-Port PoE 802.3at 10/100/1000(RJ45)	0.00	0.00
1.00	SMARTNET 24X7X4 4510R+E Chassis, Two WS-X4748-RJ45V+E	3,593.90	3,593.90
12.00	Gigabit Ethernet SFP LC Connector SX Transceiver	300.00	3,600.00
2.00	10GBASE-LRM SFP Module	777.00	1,554.00
1.00	10GBASE-SR SFP Module	897.00	897.00
			\$64,829.90
Cisco Trade In Credit			
-1.00	Cisco Trade-In Credit	5,000.00	-5,000.00
			-\$5,000.00
Merchandise Total			\$59,829.90
Tax Total			5,589.61
Estimated Shipping			\$598.30
Document Total			\$66,017.81

Above quoted pricing is valid until 2/10/2012 .

Customer signature constitutes agreement with all AOS Terms and Conditions, which may be found at <http://www.aos5.com/terms> in addition to any addendums shown on this quote.

Customer Signature

Date

Form **W-9**
(Rev. October 2007)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give form to the
requester. Do not
send to the IRS.

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return) AOS, LLC	
	Business name, if different from above	
	Check appropriate box: ☐ Individual/Sole proprietor ☐ Corporation ☐ Partnership ☒ Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ▶ C..... ☐ Exempt payee ☐ Other (see instructions) ▶	
	Address (number, street, and apt. or suite no.) 2105 S. 54th St.	Requester's name and address (optional)
	City, state, and ZIP code Rogers, Arkansas 72758	
List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

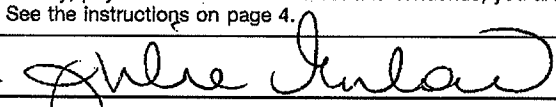
Social security number	
or	
Employer identification number	
20	2248503

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here	Signature of U.S. person ▶ 	Date ▶ 01-01-2011
-----------	--	--------------------------

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

City Council Agenda Items
and
Contracts, Leases or Agreements

2/7/2012

City Council Meeting Date
Agenda Items Only

Lindsley Smith

Submitted By

Communication Department

Division

Government Channel

Department

Action Required:

Approval of Budget Adjustment recognizing the public access fees balance for 2011 in the amount of \$2,610.00.

\$ 840.00

10,170.00

Materials & Supplies

\$ 1,770.00

\$ 15,641.00

Services & Charges

Cost of this request

Category / Project Budget

Program Category / Project Name

1010.0600.5200.00

1010.0600.5301.00

\$ -

Government Channel

Account Number

Funds Used to Date

Program / Project Category Name

11022

\$ 25,811.00

General

Project Number

Remaining Balance

Fund Name

Budgeted Item ☐Budget Adjustment Attached ☒

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

City Attorney

Date

Original Contract Number:

Finance and Internal Services Director

Date

Received in City 01-20-12 P01:33 RCVD
Clerk's Office

Chief of Staff

Date

Received in
Mayor's Office

Mayor

Date

Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan and City Council

From: Lindsley Smith, Communication Director

Date: January 20, 2012

Subject: Approval of a Budget Adjustment for Government Channel

PROPOSAL:

The Communication Department would like to recognize revenue from the Public Access Television second through fourth quarters of 2011 for Public Access Television services. These funds come from fees for business services to the City of Fayetteville through the contractor Your Media in the performance of the public access services contract with the City of Fayetteville. Specifically, these fees come from contract shoots, dubbing of DVDs, sales of blank DVDs, and fees from non-Fayetteville Washington County residents to take classes at the City of Fayetteville Television Center.

RECOMMENDATION:

Staff recommends approval of a budget adjustment to budget the public access fees for the second through fourth quarters of 2011.

BUDGET IMPACT:

Increase the Government Channel Division budget by \$2,610.00.

RESOLUTION NO. _____

**A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE
AMOUNT OF \$2,610.00 RECOGNIZING PUBLIC ACCESS TELEVISION
FEE REVENUE FOR 2011**

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of \$2,610.00 recognizing public access television fee revenue for 2011. A copy of the budget adjustment is attached to this Resolution as Exhibit "A".

PASSED and APPROVED this 7th day of February, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

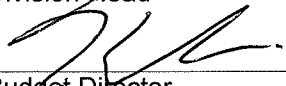
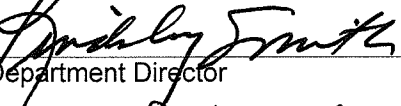
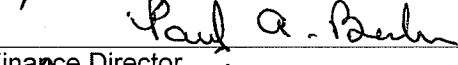
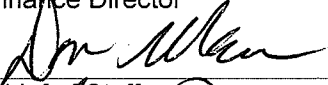
**City of Fayetteville, Arkansas
Budget Adjustment Form**

A. 5 V11.0425
Public Access Television Fee Revenue

Budget Year 2012	Division: Citywide Department: Citywide	Request Date 2/7/2012	Adjustment Number
----------------------------	--	---------------------------------	--------------------------

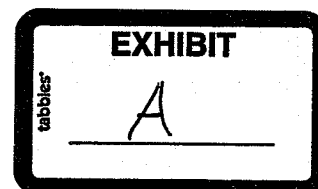
BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

To recognize funds received by Your Media for public information and outreach about the public services available at Public Access Television.

Division Head 	Date 1-20-2012	Prepared By: <u>BARBARA FELL</u>		
Budget Director 	Date 1-20-12	Reference: _____		
Department Director 	Date 1-20-2012	Budget & Research Use Only		
Finance Director 	Date 1-23-12	Type: A B C D E P		
Chief of Staff 	Date 1-25-12	General Ledger Date		
Mayor 	Date	Posted to General Ledger	Initial	Date
		Checked / Verified	Initial	Date

TOTAL BUDGET ADJUSTMENT

		2,610	2,610	Project.Sub Number
		Increase / (Decrease)		
Account Name	Account Number	Expense	Revenue	
Office supplies/printing	1010.0600.5200.00	840		11022 . 1101
Public notification	1010.0600.5301.00	1,770		11022 . 1101
	1010.0001.4449.00		2,610	11022 . 1101
				.
				.



City of Fayetteville Staff Review Form

A. 6
L-3 Mobile-Vision, Inc.
Page 1 of 6

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

2/7/2012

City Council Meeting Date
Agenda Items Only

Greg Tabor
Submitted By

Police
Division

Police
Department

Action Required:

Council adopt a resolution approving the purchase of thirty-one(31) replacement Digital Video Systems from L-3 Mobile Vision utilizing Ordinance No. 4551 bid waiver .

\$181,547.55
Cost of this request

\$ 185,000.00
Category / Project Budget

Police MVR Replacement
Program Category / Project Name

4470.9470.5201.00
Account Number

\$ -
Funds Used to Date

Cap. Imp./Materials and Supplies
Program / Project Category Name

12006-1
Project Number

\$ 185,000.00
Remaining Balance

General
Fund Name

Budgeted Item ☐ XXX

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

Received in City
Clerk's Office

01-13-12 P04:53 RCM

Chief of Staff

Date

Received in
Mayor's Office

Mayor

Date

Comments:



TO: Mayor Lioneld Jordan and Members of the City Council

FROM: Greg Tabor, Chief of Police 

DATE: January 17, 2012

RE: Purchase of replacement Mobile Vision digital in-car video systems

Recommendation:

Council adopt a resolution approving the purchase of thirty-one(31) replacement Digital Video Systems from L-3 Mobile Vision utilizing bid waiver Ordinance No. 4551.

Background:

The Fayetteville Police Department has utilized the Mobile Vision in-car video recording systems since 2003. In 2007, the department completed the transition from VHS recorders to digital video systems. Those systems have reached their end-of-life and are scheduled for replacement.

Discussion:

Bid Waiver Ordinance No. 4551 waives the requirement of formal competitive bidding for as long as the Fayetteville Police Department uses Mobile Vision in-car video systems.

The Mobile Vision back-end server solution is still viable and under a current maintenance contract. A different system would require a separate server.

The City currently owns seven (7) of the upgraded DVR systems which would still require the use of the Mobile Vision back-end server.

The replacement systems will require minimal installation time and expense with the reuse of the current wiring harnesses. These savings would not be possible if a different system were purchased.

Budget Impact:

This is a Capital Improvement Project scheduled replacement. Project cost is \$181,547.55 of the \$185,000 project budget.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE PURCHASE OF THIRTY-ONE (31) DIGITAL VIDEO SYSTEMS FOR THE POLICE DEPARTMENT FROM L3 MOBILE-VISION, INC. IN THE TOTAL AMOUNT OF \$181,547.55 PURSUANT TO A BID WAIVER AUTHORIZED BY ORDINANCE NO. 4551

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the purchase of thirty-one (31) digital video systems for the Police Department from L3 Mobile-Vision, Inc. in the total amount of \$181,547.55 pursuant to a bid waiver authorized by Ordinance No. 4551.

PASSED and APPROVED this 7th day of February, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



Mobile-Vision, Inc.

90 Fanny Rd, Boonton, NJ 07005
T. 800-336-8475 F. 973-257-3024

A. 6
L-3 Mobile-Vision, Inc.
Page 1 of 6

QUOTE

Number AAAQ5027
Date Dec 5, 2011

Sold To

Fayetteville Police Department

William Brown
100 - A West Rock Street
Fayetteville, AR 72702-1988
USA

Phone 4795873500
Fax 4795873522

Ship To

Fayetteville Police Department

William Brown
100 - A West Rock Street
Fayetteville, AR 72702-1988
USA

Phone 4795873500
Fax 4795873522

Salesperson		P.O. Number	Ship Via	Terms	
LEE			UPS GROUND	NET 30	
Line	Qty	SKU	Description	Unit Price	Ext. Price
1	28	MVD-FB2DVS-2	Flashback 2 In-Car Video System Assembly, Includes, Flashback 2 Digital Video Recorder w/8GB CF Card VoiceLink Plus 2 Wireless Microphone Assembly w/transmitter Docking Station, Office Charging Base, Belt Clip and Lapel Microphones GPS/WLAN Antenna Nite-Watch Color Camera (12x optical & 144x Digital Zoom) Monitor Console (3.5" color LCD display) All mounts, cables and hardware 1-year Parts and labor warranty (Installation not included unless quoted)	\$5,195.00	\$145,460.00
2	28	MVD-CRASH-BAT	Collision Sensor (Triggers DVR for recording when involved in crash) Assembly product	\$0.00	\$0.00
3	28	MVD-IR-CAM2	Option, Flashback IR Camera 2 w/14 Ft cable, FB	\$195.00	\$5,460.00
4	1	C1	Customer to arrange for own installation	\$0.00	\$0.00
5	3	MVD-FB2DVS-CV-2	System, Cyclevision 2 with VLP2 Assy, Flashback 2 Digital Video Recorder	\$5,045.00	\$15,135.00
6	75	MVD-VLP2-CG	VLP2 Charging Station with AC Power Adaptor	\$44.95	\$3,371.25
7	50	MVD-VLP2-TRA	Assembly, Voice Link Plus 2 Transmitter w/Belt Clip, VLP2 9" & 40" Lapel Microphones	\$245.00	\$12,250.00
8	31		Trade in credit	-\$500.00	-\$15,500.00

Signing below is in lieu of a formal Purchase Order.
Your signature will authorize acceptance of both pricing and product:

Signed: _____ Date: _____

L-3 Shipping Terms are FOB Boonton, NJ. By Signing below you agree to waive your shipping terms and ship this order FOB Boonton, NJ.

Signed: _____ Date: _____

SubTotal \$166,176.25

Tax TBD

S&H \$0.00

Total **\$166,176.25**

Credit Terms: Net 30 Days. State/
Local Fee and Taxes are not included

Quotation is valid for 60 days from date issued. These commodities, technology or software were exported from the United States in accordance with the Export Administration regulations. Diversion contrary to US law is prohibited.

ORDINANCE NO. 4551

MICROFILMED

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING THE PURCHASE OF FOUR (4) ADDITIONAL IN-CAR VIDEO SYSTEMS FROM MOBILE-VISION, INC. IN THE AMOUNT OF FIFTEEN THOUSAND NINE HUNDRED FORTY DOLLARS AND NINETY CENTS (\$15,940.90).

WHEREAS, the Fayetteville Police Department has placed Mobile Vision in-car video systems in seventeen (17) police units; and,

WHEREAS, the four (4) units used by the School Resource Officers (SRO's) are used as extra patrol vehicles on weekends and are not presently equipped with in-car video systems; and,

WHEREAS, our police officers and Fleet maintenance personnel are already trained and proficient with the Mobile Vision systems.

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

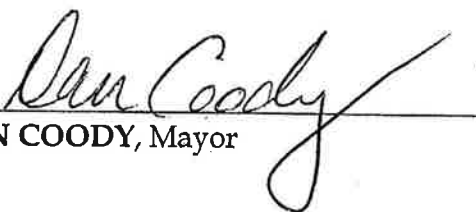
→ Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds that such circumstances constitute an exceptional situation where competitive bidding is not feasible or practical, and waives the requirements of formal competitive bidding for as long as the Fayetteville Police Department uses Mobile Vision in-car video systems, and approves the purchase of four (4) additional in-car video systems from Mobile-Vision, Inc. in the amount of Fifteen Thousand Nine Hundred Forty Dollars and Ninety Cents (\$15,940.90).

PASSED and APPROVED this 6th day of April 2004.

APPROVED:

By:

DAN COODY, Mayor



By:

SONDRA SMITH, City Clerk



City of Fayetteville Staff Review Form

C. 1
RZN 11-3999 (2514 W. Lori
Dr./Razorback Park Golf Course)
Page 1 of 16

City Council Agenda Items
and
Contracts, Leases or Agreements

2/7/2012

City Council Meeting Date
Agenda Items Only

Jesse Fulcher
Submitted By

Planning
Division

Development Services
Department

Action Required:

RZN 11-3999: (2514 W. LORI DR./RAZORBACK PARK GOLF COURSE, 285): Submitted by Ron Caviness for property located at 2514 WEST LORI DRIVE. The property is zoned RSF-1, Residential Single-Family, 1 unit per acre and contains approximately 32.7 acres. The request is to rezone the subject property to R-A, Residential Agricultural.

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

☐

Jesse Fulcher
Department Director

01-20-2012
Date

Previous Ordinance or Resolution #

Jim Kelley
City Attorney

1-20-12
Date

Original Contract Date:

Original Contract Number:

Paul A. Baker
Finance and Internal Services Director

1-20-2012
Date

Received in City *01-20-12 P02:13 RCVD*
Clerk's Office

Don Man
Chief of Staff

1-20-12
Date

Received in
Mayor's Office

Timothy Jordan
Mayor

1/23/12
Date



Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Jesse Fulcher, Current Planner

Date: January 19, 2012

Subject: RZN 11-3999 (2514 W. Lori Dr./Razorback Park Golf Course)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to rezone the subject property from RSF-1, Residential Single-family, 1 unit per acre to RA, Residential Agricultural.

BACKGROUND

Razorback Golf Course is located on the west side of Deane Solomon Road, between Vanike Drive and Lori Drive. The overall golf course is developed across multiple parcels containing approximately 114 acres. The golf course was developed in the county in the late 1950's, and later annexed into the City of Fayetteville and zoned RSF-1, Residential Single-family, 1 unit/acre. This zoning classification does not allow a golf course by right, or by conditional use.

The applicant has submitted an application to rezone approximately 32.7 acres of the golf course from RSF-1 to R-A, Residential Agricultural. This will allow the applicant the opportunity to make improvements to the golf course by conditional use permit.

DISCUSSION

On January 9, 2012, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 8-0-0.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 11-3999, FOR APPROXIMATELY 32 ACRES, LOCATED AT 2514 WEST LORI DRIVE FROM RSF-1, RESIDENTIAL SINGLE-FAMILY, 1 UNIT PER ACRE TO R-A, RESIDENTIAL AGRICULTURAL

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from RSF-1, Residential Single-Family, 1 unit per acre to R-A, Residential Agricultural, 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.

PASSED and APPROVED this day of , 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

C. 1
RZN 11-3999 (2514 W. Lori
Dr./Razorback Park Golf Course)
Page 4 of 16

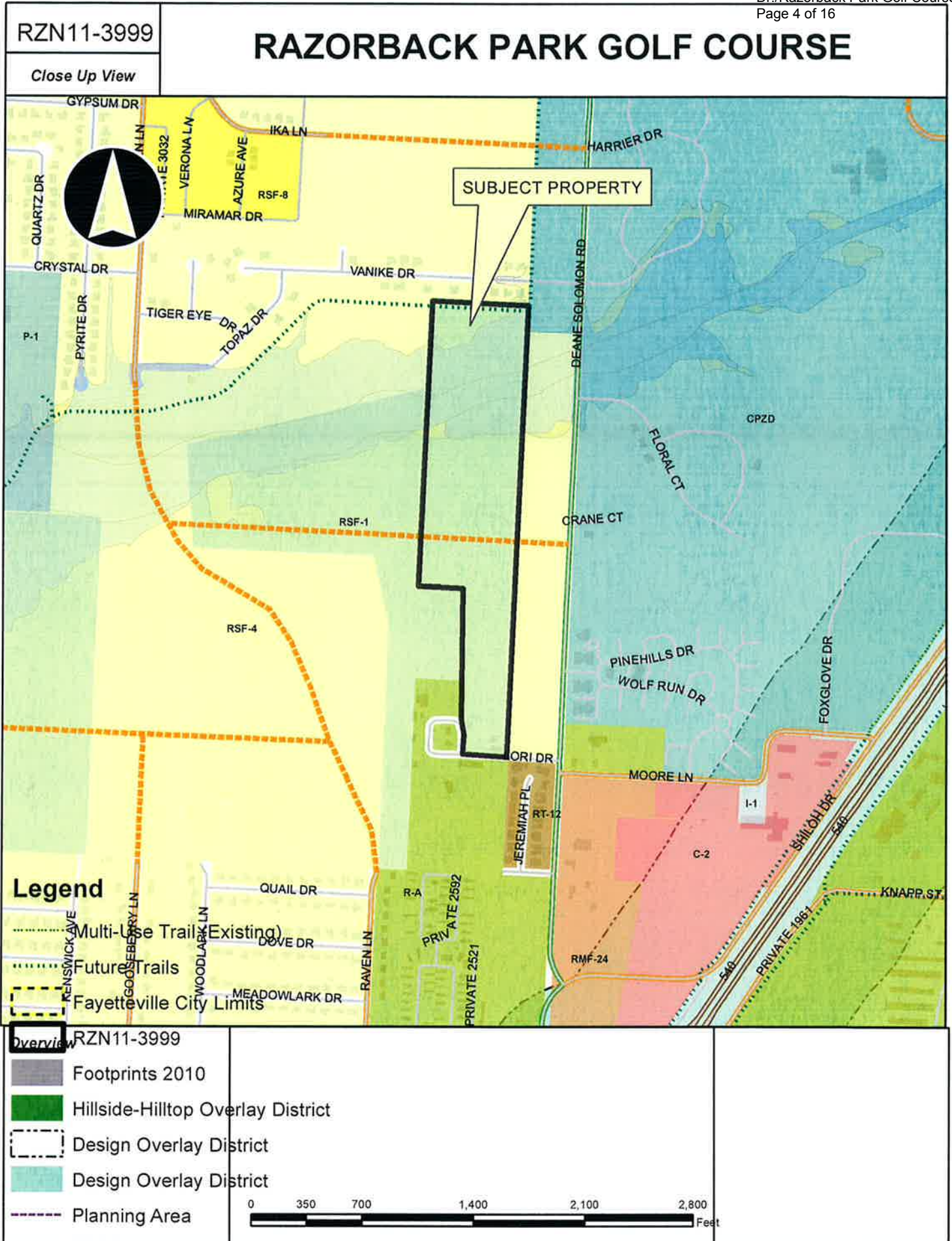


EXHIBIT "B"
RZN 11-3999

A PART OF THE EAST HALF OF SECTION 32, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N00°03'54"W 749.97' FROM THE SOUTHEAST CORNER OF SAID SECTION 32 AND RUNNING THENCE N88°49'59"W 278.06', THENCE N00°47'15"E 123.53', THENCE N11°54'32"W 101.76', THENCE N01°57'00"W 831.38', THENCE WEST 280.17', THENCE N00°03'54"W 1821.99', THENCE EAST 604.56', THENCE S00°03'54"E 2881.64' TO THE POINT OF BEGINNING, CONTAINING 32.7 ACRES MORE OR LESS.



PC Meeting of January 9, 2012

THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~December 27, 2011~~ Updated January 19, 2012

RZN 11-3999: Rezone (2514 W. LORI DR./RAZORBACK PARK GOLF COURSE, 285):
Submitted by RON CAVINESS for property located at 2514 WEST LORI DRIVE. The property is zoned RSF-1, RESIDENTIAL SINGLE-FAMILY, 1 UNIT PER ACRE and contains approximately 32.7 acres. The request is to rezone a portion of the property to R-A, RESIDENTIAL AGRICULTURAL. Planner: Jesse Fulcher

BACKGROUND:

Property Description: Razorback Golf Course is located on the west side of Deane Solomon Road, between Vanike Drive and Lori Drive. The overall golf course is developed across multiple parcels containing approximately 114 acres. The golf course was developed in the county in the late 1950's, and later annexed into the City of Fayetteville and zoned RSF-1, Residential Single-family, 1 unit/acre. This zoning classification does not allow a golf course by right, or by conditional use. Surrounding land uses and zoning are shown in *Table 1*.

Table 1: Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Residential	Residential single-family, 4 units per acre
South	Residential	Residential Agricultural/Residential Two & Three Family
East	Residential	C-PZD, Springwoods
West	Undeveloped	Residential single-family, 4 units per acre

Proposal: The applicant has submitted an application to rezone approximately 32.7 acres of the golf course from RSF-1 to R-A, Residential Agricultural. This will allow the applicant to request conditional use approval for a new snack bar for the course (Use Unit 20).

Public Comment: Staff has not received public comment.

RECOMMENDATION:

Staff recommends forwarding RZN 11-3999 to the City Council with a recommendation of approval based on findings stated herein.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date:	<u>January 9, 2012</u>	☒ Forwarded	☐ Denied	☐ Tabled	
Motion:	<u>Chesser</u>	Second:	<u>Cook</u>	Vote:	<u>8-0-0</u>
CITY COUNCIL ACTION:				Required	<u>YES</u>
Date:	<u>February 7, 2012</u>	☐ Approved	☐ Denied		

INFRASTRUCTURE:

- Streets:** The site has access to Lori Drive, an unimproved two lane street. Street improvements will be evaluated at the time of development.
- Water:** There is a 6" water main on a property to the west of this parcel. 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 not directly available to the site. There is an 8" main located in a residential subdivision to the south of this parcel. Public mains will 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 **Civic and Private Open Space/Park Areas**, which are sites predominantly dedicated to open space or park land.*

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: **Rezoning the subject property to R-A, Residential Agricultural is consistent with land use planning objectives and policies and with land use and zoning plans. The**

residential agricultural district is designed to increase scenic attractiveness, conserve open space, or to preserve agricultural land until an orderly transition to urban development is appropriate. This zoning is compatible with the surrounding land uses consisting of rural and residential uses on the periphery of the city. The R-A zoning district is also consistent with the future land use designation, Civic and Private Open Space.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **The proposed rezoning is needed at this time, so the property owner can invest in new amenities for the golf course. A golf course is not a permitted use, nor can a conditional use be requested in the current RSF-1 zoning district. Rezoning the property to R-A will allow the applicant to submit a conditional use application requesting an expansion to the existing facilities.**

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: **The owner plans to continue using the property for a golf course after it is rezoned, so an increase in traffic danger or congestion isn't expected. It is possible that the property could be redeveloped; however, the overall density would be less in the R-A district than in the RSF-1 district.**

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 rezoning will have no affect on the population density in the near term, since the owner plans to continue operating the golf course. Redevelopment of the property under the R-A designation would result in fewer residential units than the current RSF-1 zoning. Therefore, an undesirable increase on public services isn't expected.**

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.**



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 11-3999 (2514 W. Lori
Dr./Razorback Park Golf Course)

Page 9 of 16

Zoning Review

To: Jesse Fulcher
From: Captain Mark Stevens
Date: December 27, 2011
Re: RZN 11-3999 (2514 W. LORI DR./RAZORBACK PARK GOLF COURSE, 285):

This zoning change request from RSF-1 to R-A does not affect the fire department because it reduces the residential density for the property in question.

If you have any questions please feel free to contact me.

Captain Mark Stevens
Assistant Fire Marshal
Fayetteville Fire Department

Date 12/20/11

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 11-3999:
Rezone (2514 W. LORI DR./RAZORBACK PARK GOLF COURSE, 285): Submitted
by RON CAVINESS for property located at 2514 WEST LORI DRIVE.

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.

Sincerely,

Captain William Brown
Fayetteville Police Department

Parcel Number 765-24095-000 is currently owned by Linron Corp, which is owned in full by Ron and Linda Caviness. The parcel is part of Razorback Park Golf Course. When the golf course was incorporated into the city several years ago, the zoning designation that this parcel was giving was RSF-1. Currently, RSF-1 does not allow golf courses. This application is being made to change the zoning to R-A, which does allow golf courses.

There are no proposed or pending sales at this time.

The request for rezoning from RSF-1, to R-A is needed for the following reasons;

- a. To allow application for a conditional use permit to build a snack bar for the driving range;
- b. To bring the parcel in compliance with city zoning codes.

Rezoning to R-A has no effect on surrounding properties in terms of land use, traffic, appearance or signage.

There are no water or sewer changes to be made on the property.

City code currently prohibits golf courses in zoning RSF-1. Rezoning to R-A which allows golf courses is in line with city policies and land use.

The rezoning will be needed as soon as possible in order for our goals of providing better customer service and increasing business review to be accomplished.

There shouldn't be any increase in traffic danger or congestion due to these changes.

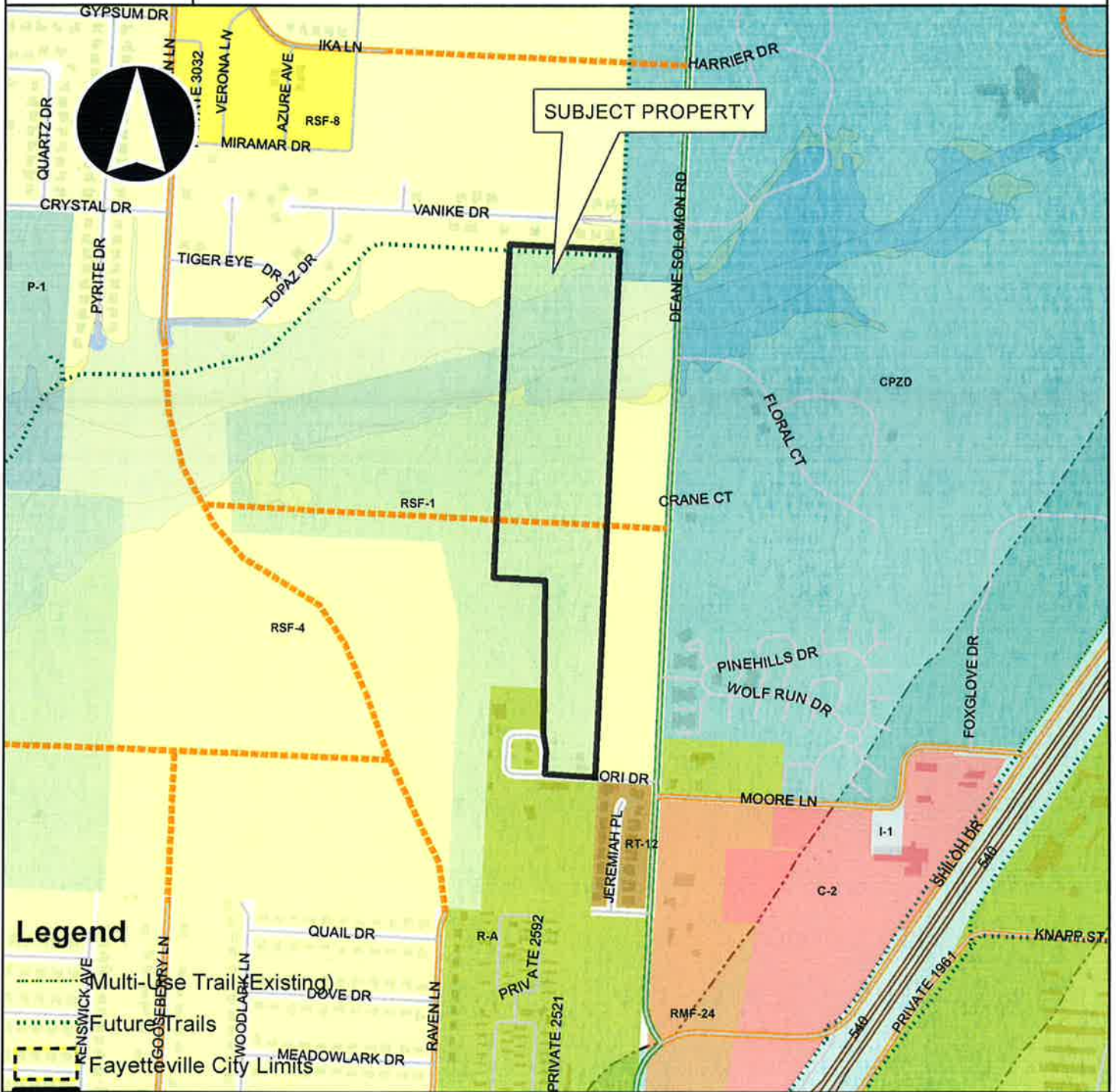
The proposed change in zoning will not alter population density.

Since this parcel is currently part of the golf course and golf courses aren't allowed in RSF-1 zoning, it is impractical to use the land under its existing zoning classification.

RZN11-3999

RAZORBACK PARK GOLF COURSE

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview RZN11-3999

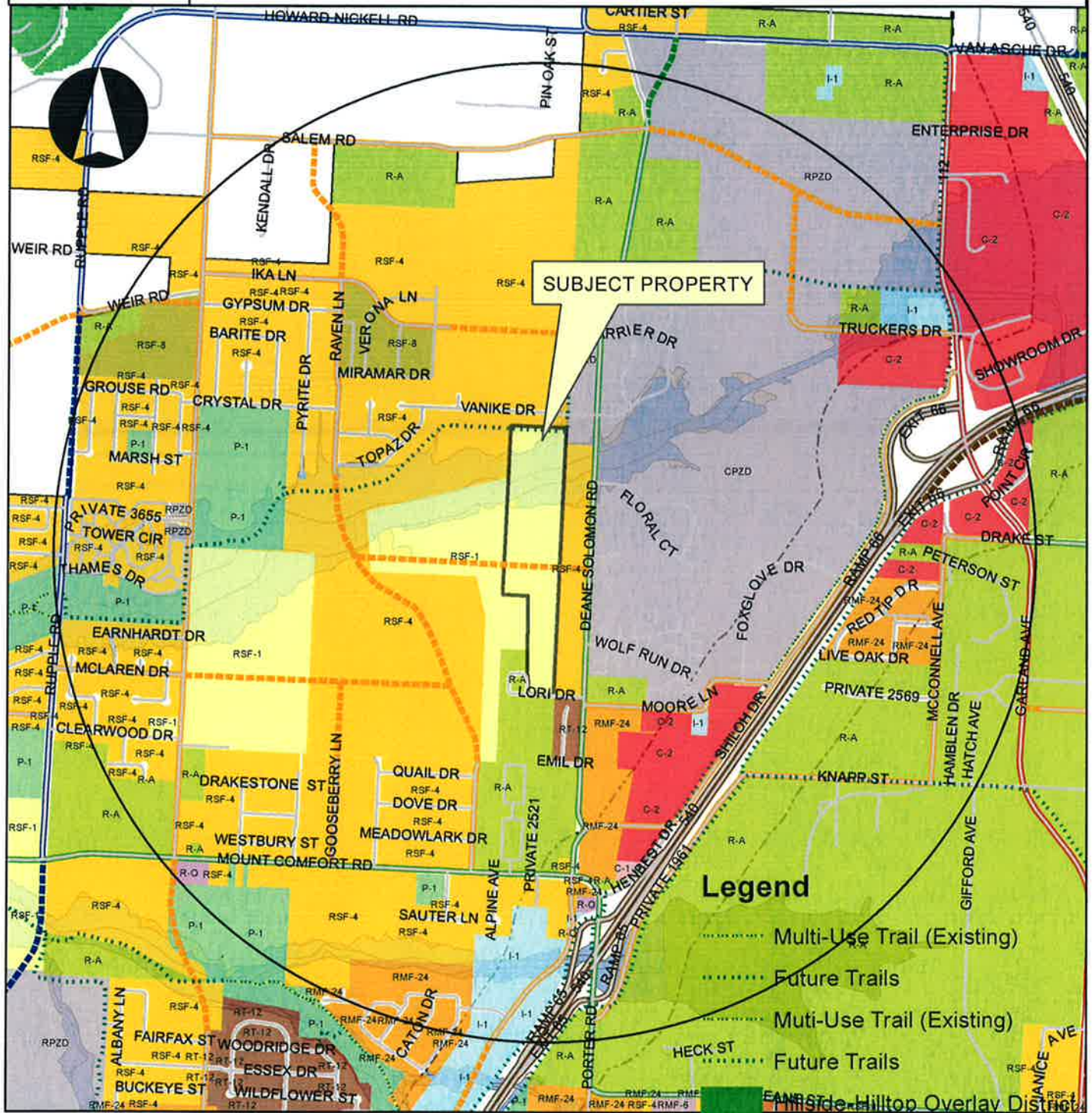
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



RZN11-3999

RAZORBACK GOLF COURSE

One Mile View

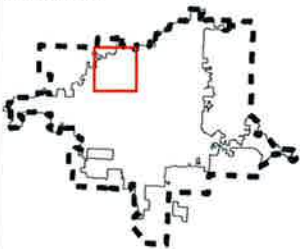


Legend

- Multi-Use Trail (Existing)
- Future Trails
- Multi-Use Trail (Existing)
- Future Trails

Eastside Hilltop Overlay District

Overview



Legend

Subject Property

RZN11-3999

Boundary

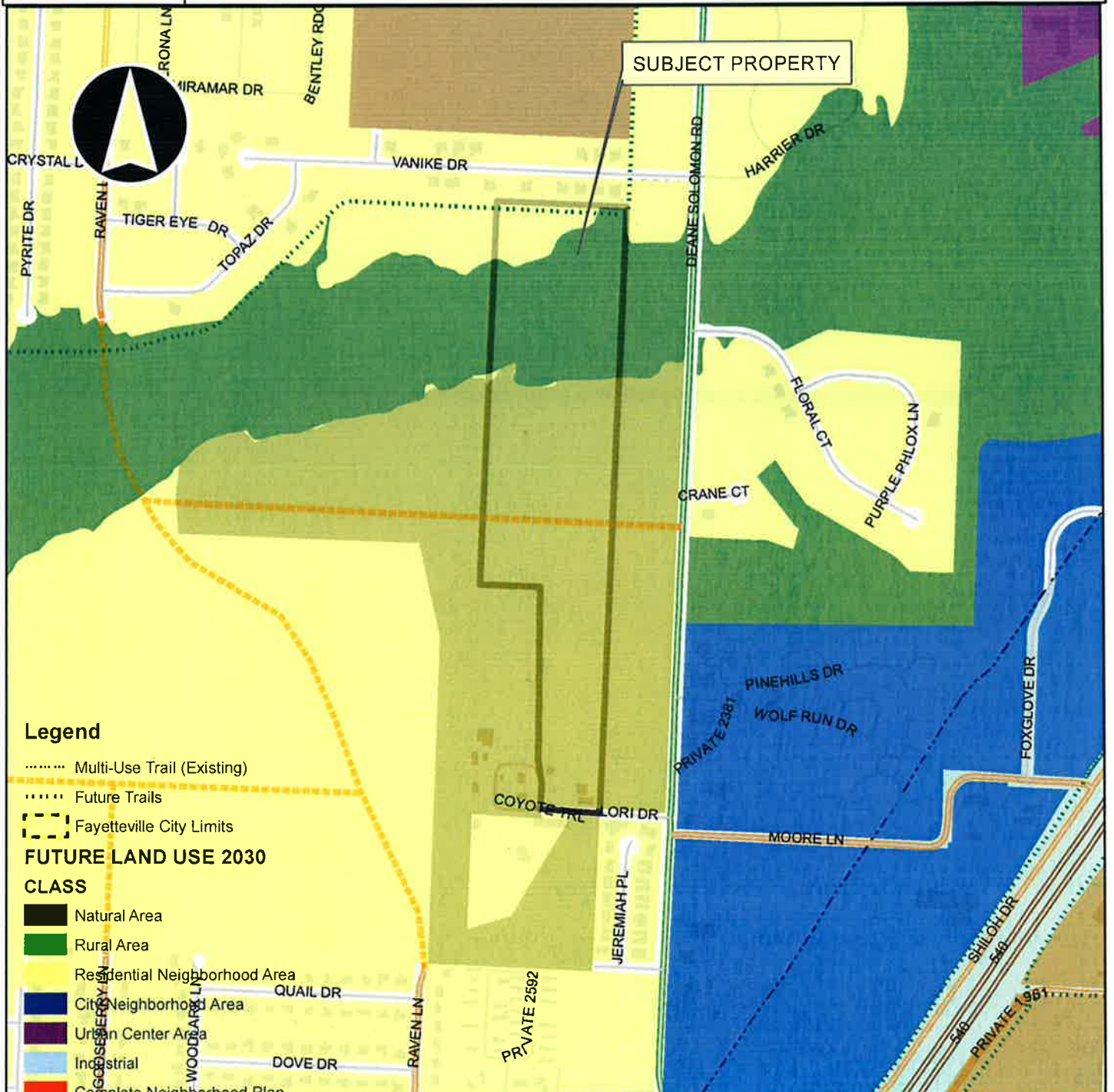
0 0.25 0.5 1 Miles

- RZN11-3999
- Design Overlay District
- Planning Area
- Fayetteville

RZN11-3999

RAZORBACK GOLF COURSE

Future Land Use



Legend

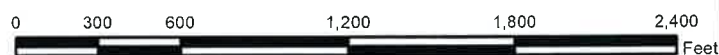
- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

FUTURE LAND USE 2030

CLASS

- Natural Area
- Rural Area
- Residential Neighborhood Area
- City Neighborhood Area
- Urban Center Area
- Industrial
- Complete Neighborhood Plan

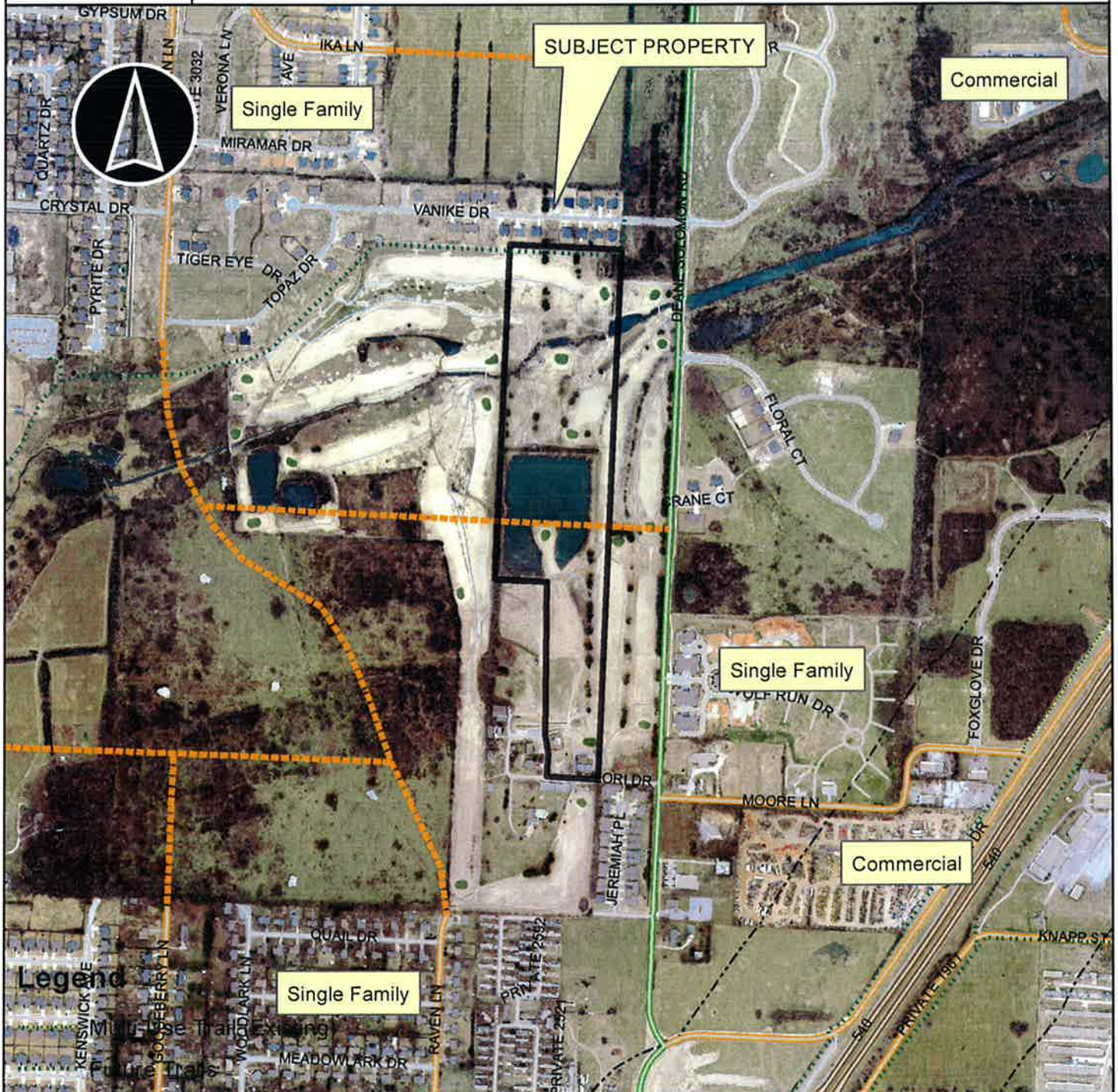
- Civic and Private Open Space/Parks
- Civic Institutional
- Non-Municipal Government
- ROW
- RZN11-3999
- Design Overlay District
- Design Overlay District
- Planning Area



RZN11-3999

RAZORBACK PARK GOLF COURSE

Current Land Use



Legend

Overview Fayetteville City Limits

- RZN11-3999
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area

0 350 700 1,400 2,100 2,800 Feet

City of Fayetteville Staff Review Form

C. 2
Amend Chapter 163 Use Conditions
Page 1 of 6

City Council Agenda Items
and
Contracts, Leases or Agreements

2/7/2012

City Council Meeting Date
Agenda Items Only

Jeremy Pate
Submitted By

Development Services
Division

Development Services
Department

Action Required:

Approval of an ordinance to amend Ch. 163 Use Conditions, related to industrial wrecking, demolition and metal processing.

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 #

City Attorney

Date

Original Contract Date:

Original Contract Number:

Finance and Internal Services Director

Date

Received in City Clerk's Office 01-20-12 P01:23 RCVD

Chief of Staff

Date

Received in Mayor's Office

Mayor

Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff

From: Jeremy Pate, Development Services Director

David Jurgens, Utilities Director

Date: January 20, 2012

Subject: Wrecking, Demolition and Metal Processing Operations

RECOMMENDATION

Staff recommends the City Council consider amending the Unified Development Code to prohibit industrial metal shredding, such as is used for car shredding, within the city limits, and to define the parameters by which other wrecking, demolition and metal processing operations may be permitted within the city limits.

BACKGROUND

The I-2, General Industrial district is "designed to provide areas for manufacturing and industrial activities which may give rise to substantial environmental nuisances, which are objectionable to residential and business use." However, even in this most intense zoning district, some uses are either not permitted at all or have specific parameters by which they are allowed. One such use, Use Unit 23, Heavy Industrial, contains uses that are permitted by right such as the processing and sales of scrap metal and refuse, Lumber and wood products, Paper and allied products, Petroleum and related industries, wrecking and demolition services, and other manufacturing uses. Due to the problematic issues surrounding some metal processing operations that are seemingly impossible to resolve due to the inherent noise and other environmental impacts associated with the use, staff encourages the City Council to prohibit metal shredding operations altogether within the city limits. We do not feel this is an industrial operation that can be of any substantial benefit within an urban community such as ours, and would rather cause substantial concern among our residents and business community. Some operations within the metal processing industry can be permitted and still maintain a "good neighbor" presence. Staff has utilized current best management practices recommended by the industry and by ADEQ to create some parameters by which metal crushing and processing operations may operate within the I-2 district, keeping hazardous fluids out of our drinking water sources and prohibiting explosions from occurring.

DISCUSSION

Staff recommends the Council consider adopting the proposed ordinance amendments, which have been created with research and discussion by staff from the Utilities Department and Development Services Department, with input from the City Attorney and Mayor's office.

BUDGET IMPACT

None.

ORDINANCE NO. _____

**AN ORDINANCE TO ENACT §163.17 WRECKING, DEMOLITION AND
SCRAP METAL PROCESSING INTO THE UNIFIED DEVELOPMENT
CODE AND TO ADOPT AN EMERGENCY CLAUSE**

WHEREAS, the large machines used to shred automobiles and other vehicles and large metal structures or machines create unacceptably loud noise levels as well as unplanned, occasional explosions and other unacceptable consequences of their use for our citizens and especially nearby neighbors and, therefore, these machines should not be allowed to operate within the city limits of Fayetteville and damage the peace, quiet, health and safety of Fayetteville citizens by their operation; and

WHEREAS, machines that crush vehicles or other metal objects can cause the harmful release of hazardous liquids (such as oil, fuel, antifreeze, mercury, lead, acid, etc.) which could escape into the soil and eventually into our water supply unless such crushing is done after all the hazardous liquids have been properly drained and the crushing machine is located on a permanent, properly designed impervious surface which will catch any residual hazardous liquids that can result from the crushing of a vehicle; and

WHEREAS, the public health and safety require that these new controls prohibiting car/vehicle shredding and regulating car/metal crushing become effective immediately.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby enacts §163.17 **Wrecking, Demotion and Scrap Metal Processing** of the Unified Development Code by enacting a new subsection §163.17 as shown on the attached Exhibit "A" which is hereby adopted.

Section 2: EMERGENCY CLAUSE. That the City Council of the City of Fayetteville, Arkansas hereby determines that in order to protect the peace, health and safety of the citizens of Fayetteville, this ordinance must become effective immediately upon its passage and approval, and therefore an emergency is declared to exist such that this ordinance will become effective immediately upon its passage and approval.

PASSED and APPROVED this 7th day of February, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

163.17 Wrecking, Demolition and Scrap Metal Processing

Some types of wrecking, demolition, and processing of scrap metal, including vehicles, are permitted within the I-2, General Industrial zoning district by right, under Use Unit 23, Heavy Industrial. These uses generally are separated from others because they cause the greatest adverse environmental effects. In order to ensure adjacent property owners and the environment are impacted to the least extent possible, the following standards shall apply to these and similar uses:

- (A) *Automobile Shredding.* The shredding of automobiles within the city limits is prohibited.
- (B) *Metal crushing.* The crushing of metal may be permitted within I-2, General Industrial districts, subject to the following criteria, which protect adjacent property owners and reduces impact to the environment from the detrimental conditions of these types of operations:
 - (1) All metal crushing shall be setback a minimum of 100 feet from any exterior property line.
 - (2) Explosions of any kind are not permitted.
 - (3) Vehicles shall be properly drained prior to crushing in order to minimize the volume of waste fluids to manage. Materials and fluids such as fuel, oil, transmission fluid, antifreeze, mercury switches, etc. shall be stored in separate containers that are clearly labeled. Fluids collected during vehicle crushing operations shall be managed as hazardous waste and all fluids shall be disposed of in a lawful manner.
 - (4) Mobile crushers shall always be situated on an impervious floor surface such as concrete, asphalt or other similar surface approved by the City that is sloped to contain fluids, and shall be covered by a roof and protected from the weather. Vehicle fluids shall not be permitted to drain to the soil and allowing vehicle fluids to be carried away by stormwater is prohibited.
 - (5) Waste tires from vehicle crushing operations shall be disposed of in compliance with all Arkansas Department of Environmental Quality regulations.

City of Fayetteville Staff Review Form

C. 3
 Repeal §172.10
 Parking Rack Requirements
 Page 1 of 10

City Council Agenda Items
 and
 Contracts, Leases or Agreements

2/7/2012

City Council Meeting Date
 Agenda Items Only

Leif Olson
 Submitted By

Planning
 Division

Development Services
 Department

Action Required:

ADM 11-4018: (CHAPTER 172: PARKING AND LOADING AMENDMENTS): Submitted by Staff to repeal and replace section 172.10: Bicycle Parking Rack Requirements of the Unified Development Code.

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

☐

Leif Olson
 Department Director

01-19-2012
 Date

Previous Ordinance or Resolution #

Kim G. King
 City Attorney

1-19-12
 Date

Original Contract Date:

Original Contract Number:

Paul A. Bahr
 Finance and Internal Services Director

1-20-2012
 Date

Received in City 01-19-12 P03:24 RCVD
 Clerk's Office

Kim G.

Don Mann
 Chief of Staff

1-20-12
 Date

Received in
 Mayor's Office



Frederick J. Foster
 Mayor

1/23/12
 Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Leif Olson, Associate Planner *LO*

Date: January 18, 2012

Subject: ADM 11-4018 UDC Amendment Chapter 172.10 Bicycle Parking Rack Requirements

RECOMMENDATION

Staff and the Planning Commission recommend approval of an ordinance to amend Unified Development Code Chapter 172: Parking and Loading (ADM 11-4018).

BACKGROUND

The City of Fayetteville first adopted the Bicycle Parking Rack Ordinance in 2001. This ordinance required that new commercial and high density residential uses install an adequate number of bicycle parking racks determined as a percentage of the automobile parking spaces required of the development. The ordinance also prescribed the type of bicycle rack allowed, spacing of racks, methods for anchoring and site considerations such as proximity to building entrances, etc. The existing bike rack ordinance does not allow for much variation in bike rack design. Recently, the City has had individuals and businesses express interest in installing alternative or artistically designed bike racks that could count towards the bike rack requirements for development. Under the existing ordinance this is not possible because only the one-piece inverted U-shaped bicycle rack is permitted. Per the ordinance, the number of bicycle racks required is proportional to the number of off-street automobile parking spaces required.

PROPOSAL

Staff proposes to repeal and replace section 172.10: Bicycle Parking Rack Requirements to be more consistent with the Association of Pedestrian and Bicycle Professionals (APBP) industry standards. Staff has worked with the Engineering Division to amend this ordinance so that it will be more flexible in the type of bicycle racks permitted. Additionally, staff proposes increasing the ratio of bicycle racks to parking spaces required for both residential and non-residential developments. The Planning Commission voted 6-2 in favor of the proposed bicycle rack requirements ordinance amendments at their January 3, 2012 meeting.

BUDGET IMPACT

None.

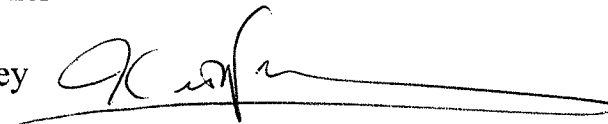
Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: **Mayor Jordan**
City Council

CC: **Don Marr**, Chief of Staff
Jeremy Pate, Development Services Director
Leif Olsen, Long Range Planner

FROM: **Kit Williams**, City Attorney



DATE: **January 19, 2012**

RE: **Bicycle Parking Rack Requirements**

When the new §172.10 was presented to the Planning Commission, some Planning Commissioners questioned whether every non-residential development should be required to have bicycle racks based upon the number of car parking spaces. Certain businesses like auto body shops and funeral homes would seem to have little if any need for bicycle racks (and certainly not the 5% of car parking spaces ratio).

On the other hand, residential developments (especially multifamily apartments) might need more bicycle racks than the about 3% level mandated in the new ordinance (which is actually slightly higher than the current ordinance for over 150 unit apartment complexes). The ordinance could encourage more bicycle racks where appropriate (such as the proposed Maple & Lafayette Street apartment complexes near the Frisco Trail) by permitting increased bike racks to reduce the number of required car parking spaces.

Any of these possible changes would need to be amended into (C) *Number of Bicycle Racks Required* of §172.10. See Exhibit "A". Now is the time to consider any such amendment before the replacement §172.10 is enacted.

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL §172.10 BICYCLE PARKING RACK REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE AND TO ENACT A REPLACEMENT §172.10

WHEREAS, §172.10 Bicycle Parking Rack Requirements of the Unified Development Code has proven to be too restrictive in design and location requirements; and

WHEREAS, the Planning Department recommends §172.10 Bicycle Parking Rack Requirements be made more consistent with the 2010 "Bicycle Parking Guidelines" of the Association of Pedestrian and Bicycle Professionals.

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 repeals §172.10 **Bicycle Parking Rack Requirements** of the Unified Development Code and enacts a new §172.10 **Bicycle Parking Rack Requirements** as shown in Exhibit "A" attached hereto.

PASSED and APPROVED this 7th day of February, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Exhibit "A"

172.10 Bicycle Parking Rack Requirements

(A) *Applicability.* All new construction or expansions requiring five (5) or more off-street automobile parking spaces shall provide bicycle parking as required by this chapter. Any property owner required to have bicycle parking may elect to establish a shared bicycle parking facility with any other property owner within the same block to meet the combined requirements.

(B) *Definition.* A bicycle rack is a fixture designed to park bicycles that can be secured with a standard u-shaped bicycle lock. Each bicycle parking rack holds two bicycles.

(C) *Number of Bicycle Racks Required.* The minimum number of bicycle parking racks required is determined by the number of parking spaces required for the type of land use. Alternative rack designs may be approved by the Planning Division so long as they have the bicycle capacity storage equivalent to total number of standard bicycle racks required. The following standards shall determine the number of bicycle racks required based on the number of automobile parking spaces in the development:

(1) *Non-residential Development.* Non-residential development shall provide one (1) bicycle parking rack per twenty (20) automobile parking spaces. At a minimum the development shall provide one (1) bike rack.

(2) *Residential Development.* Residential development shall provide (1) bicycle rack per thirty (30) dwelling units. At a minimum the development shall provide one (1) bike rack.

(D) *Bicycle Rack Site Design.* Careful consideration should be given to the layout and location of bicycle racks. For optimal functionality the following standards shall apply in determining the layout and position of bicycle racks:

(1) *Spacing between bicycle racks.* Each bicycle parking space shall have 36" of clear space, paved or unpaved, beside the rack allowing each rack to

support two bicycles. The 36" dimension may overlap another bicycle parking space such that racks positioned in a parallel row may be 36" on center. The minimum length dimension required is 8' free and clear (See: Figure 1).

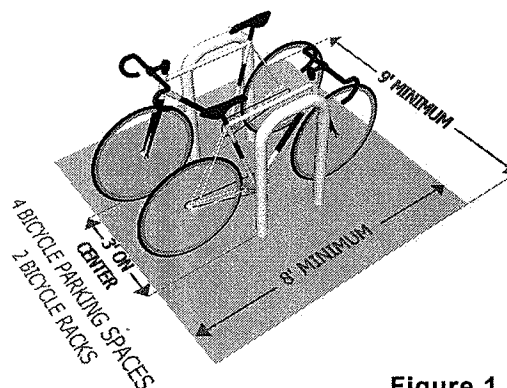


Figure 1

(2) *Location of Bicycle Parking Racks.* Bicycle racks should be located in areas where they are useful to the bicyclist while not impeding access. The following standards shall apply when determining the location of bicycle racks:

(a) Bicycle parking racks should be located within 50 feet of a public entry. In locations that have multiple entrances, such as shopping areas, bicycle parking racks should be distributed near all major points of public entry.

(b) Bicycle parking facilities should have adequate lighting for the operation of combination and key locks at night and to minimize theft.

(c) Bicycle parking racks should be positioned so that no pedestrian traffic is impeded.

(d) Bicycle parking racks should not be located within bus stops, loading zones, or other curb space where on-street parking is permitted unless approved by the City Engineer.

- (e) Bicycle parking racks shall have a 15' 0" clearance from the edge of fire hydrants.
 - (f) Bicycle parking racks should have a 4' 0" clearance from existing street furniture, including mailboxes and light poles.
 - (g) Bicycle parking rack location shall not interfere with ADA standards.
- (E) *Bicycle Rack Specifications.* The Planning Division has pre-approved the standard inverted u-shaped bicycle rack (see figure 1). Applicants may also request an alternative design with Planning Division approval (see examples in figure 2). All bicycle racks shall be designed so that they support a bicycle at two points on the bicycle frame and such that the bicycle may be securely locked with a u-shaped bicycle lock (See figure 3).

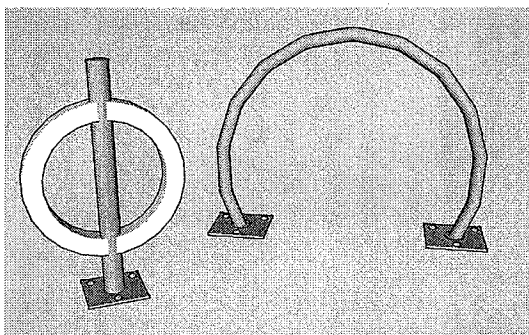


Figure 2

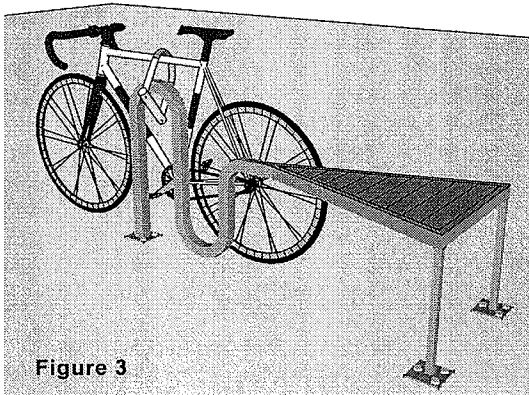


Figure 3

- (F) *Materials.* Racks are to be constructed of 1½ inch, Schedule 40 steel pipe (1.90" x 0.145" wall).
- (G) *Finishes.* Unless the pipe material is stainless steel, the pipe shall have PVC coating, powdercoat finish or hot-dipped galvanized finish applied after the flange has been welded in place (Surface Mount Method) or the anchoring cross bar/supports have been fitted (Embedment Method).
- (H) *Anchoring.* Bicycle racks shall be anchored with one of the following methods:
 - (a) *Embedded in concrete.* The rack legs shall extend a minimum of 9" into a concrete footing with an anchoring crossbar mounted 3 inches above the base.
 - (b) *Surface flange mount.* A pre-drilled, steel flange, minimum 8 inch square, shall be welded to the bottom of each leg before final finish is applied. The flange shall have a minimum of three bolt holes. Each bolt hole shall accept a ½ inch diameter steel bolt.
 - (c) *Alternative anchoring methods.* Alternative methods of anchoring bicycle racks may be permitted with approval of the City Engineer.

172.10 Bicycle Parking Rack Requirements

(A) ~~When bicycle parking racks are required.~~ All proposed new construction requiring twenty-five (5) off-street, automobile parking spaces or more shall require bicycle parking. All proposed or required expansions in automobile parking lots shall also meet the requirements of this ordinance.

(B) ~~Amount of bicycle parking racks required.~~ The following table shall be used to determine the minimum number of bicycle parking racks to be provided. (Note: each rack equals two bicycle parking spaces).

Total bicycle racks required	Equivalent total off-street automobile parking required by code in a non-residential development	Equivalent total off-street automobile parking required by code in a residential development
1	5-30	5-50
2	31-60	51-100
3	61-90	101-150
4	91-120	151-200
5	121-150	201-250
1 additional rack per/	Each additional 100 spaces	Each additional 150 spaces

(C) ~~Definition of a bicycle parking rack.~~ Each bicycle parking rack holds two bicycles. Each rack shall be an inverted U-type rack (as per specifications).

(D) ~~Spacing of racks.~~ Each bicycle parking space shall have 2' 0" x 6' x 0" clear space, paved or unpaved, beside the rack allowing each rack to potentially count as two spaces. The 2' 0" dimension may overlap another bicycle parking space such that racks positioned in a parallel row may be 2' 6" on center (See: Figure 1).

(E) ~~Position of bicycle parking racks.~~

- (1) Bicycle parking racks should be located within 50 feet of a public entry.
- (2) Bicycle parking facilities should have adequate lighting for the operation of combination and key locks at night and to minimize theft.
- (3) Bicycle parking racks should be positioned so that no pedestrian traffic is impeded.
- (4) Bicycle parking racks should not be located within bus stops, loading zones, or other curb

space where on-street parking is permitted unless approved by the City Engineer.

(5) ~~Bicycle parking racks shall have a 15' 0" clearance from the edge of fire hydrants.~~

(6) ~~Bicycle parking racks should have a 4' 0" clearance from existing street furniture, including mailboxes and light poles.~~

(7) ~~Bicycle parking rack location shall not interfere with ADA standards.~~

(F) ~~Variations in requirements.~~

(1) ~~Shared bicycle parking.~~ Any property owner required to have bicycle parking may elect to establish a shared bicycle parking facility with any other property owner within the same block to meet the combined requirements.

(2) ~~Rack configuration.~~ Custom bicycle parking racks may be permitted subject to Planning Division approval. Custom racks shall meet the material and embedment specifications in this chapter. Custom racks in the form of signage or corporate logos shall not be permitted.

(G) ~~Procedure for compliance.~~

(1) ~~For projects requiring bicycle parking,~~ the bicycle parking shall be indicated on the site plan that is submitted to the Planning Division for approval. All site plans must be drawn to scale.

(2) ~~Shared bicycle parking agreements that meet the requirements of this ordinance shall be automatically approved.~~

(H) ~~Specifications.~~

(1) ~~Design.~~ Each rack shall be an inverted U-type rack designed with either extended legs for embedment in concrete footing, or with steel flange for bolting onto paved surface. The apex of the U shall be 2' 9" - 3' 0" above the ground. The legs of the U-shape shall be 4' 6" on center.

(a) ~~With embedment.~~ The rack legs shall extend 9" into a concrete footing. Before applying finish, the pipe shall be drilled 3 inches above the base and fitted with a 6 inch long, 7/16 inch diameter steel cross bar. This cross bar shall be welded into place, lies horizontally and acts as an anchor.

(b) ~~With flange mount.~~ A pre-drilled, steel flange, minimum 8 inch square, shall be

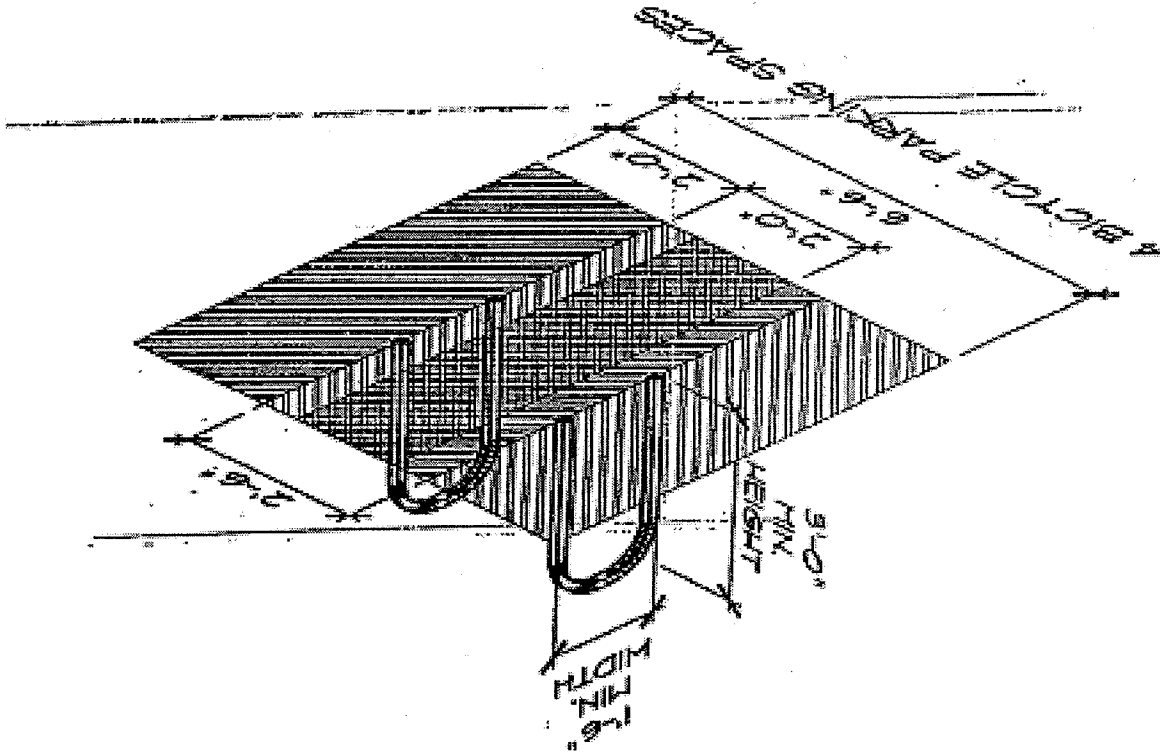
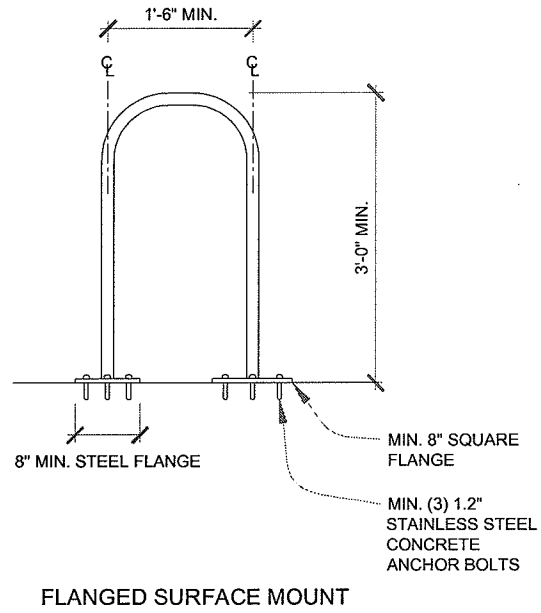
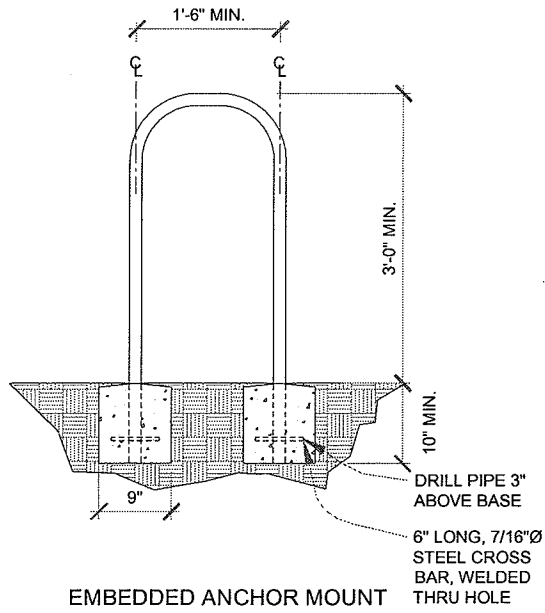


Figure 1. Two racks spaced 2 feet 6 inches on center and equaling 4 parking spaces.

- (2) **Materials.** Racks are to be constructed of 1½ inch, Schedule 40 steel pipe (1.90" x 0.145" wall). The pipe shall be bent in one piece (not welded in sections).
- (3) **Finishes.** Unless the pipe material is stainless steel, the pipe shall have PVC coating, powdercoat finish or hot-dipped galvanized finish applied after the flange has been welded in place (Surface Mount Method) or the anchoring cross bar has been fitted in a drilled hole (Embedment Method).
- welded to the bottom of each leg before final finish is applied. The flange shall have a minimum of three bolt holes. Each bolt hole shall accept a ½ inch diameter steel bolt.

- (4) **Anchoring the rack.** Paving is not required, however, racks shall be securely anchored through one of the two following methods:
- (a) **With embedment.** The rack shall be embedded in a minimum of 9 inch diameter, 10 inch deep concrete footing. (See: Illustration—Embedded Anchor Mount)
- (b) **With flange mount.** Racks shall be anchored with 3 inch anchor bolts, ½ inch in diameter. Mounting flange shall be a minimum ¾ inch plate. (See: Illustration—Flanged Surface Mount).



(Ord. No. 4293, 2-20-01; Ord. 5297, 12-15-09)

City of Fayetteville Staff Review Form

C. 4
Amend 176.03 Exemptions
Page 1 of 4

City Council Agenda Items
and
Contracts, Leases or Agreements

2/7/2012

City Council Meeting Date
Agenda Items Only

Leif Olson
Submitted By

Planning
Division

Development Services
Department

Action Required:

ADM 12-4031: (CHAPTER 176: OUTDOOR LIGHTING AMENDMENT): Submitted by Staff to exempt the use of decorative strands of individual lights (Christmas lights) from the requirements of the Outdoor Lighting Chapter of the Unified Development Code.

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

☐

W. C. Price
Department Director

01.18.2012
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

K. King
City Attorney

Jan 24, 2012
Date

Paul A. Becker
Finance and Internal Services Director

1-24-2012
Date

Received in City 01-19-12 P03:24 RCVD
Clerk's Office

Alan Mann
Chief of Staff

1-24-12
Date

Received in
Mayor's Office

David L. Jordan
Mayor

1/25/12
Date



Comments:



CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Leif Olson, Associate Planner *LO*

Date: January 18, 2012

Subject: ADM 12-4031UDC Chapter 176, Outdoor Lighting

RECOMMENDATION

Staff recommends approval of an ordinance to amend Unified Development Code Chapter 176, Outdoor Lighting (ADM 12-4031).

BACKGROUND

The City first adopted the Outdoor Lighting ordinance in 2005 with the purpose of protecting the privacy of property owners from the potential for glare and light trespass from adjacent properties, and to reduce atmospheric light pollution while allowing for flexibility in the style and array of light fixtures through efficient and cost effective lighting. Subsequently, this ordinance was amended in 2007 to allow for the up-lighting of architectural and landscape features. The ordinance exempts a number of uses for outdoor lighting such as; single and two-family residential dwellings, navigation lights, emergency lighting, the lighting of flags and accent lighting of landscape and architectural elements. However, the use of seasonal decorative lighting, or Christmas lights, was limited to a 60 day period.

Since the adoption of this ordinance, the City has required a number of businesses to remove or discontinue the use of Christmas lights after the holiday season. These businesses were typically using this lighting to accent landscaping or structural elements of their building or grounds such as patio spaces. Additionally, the City has received a lot of positive feedback requesting that the red Christmas lights on the tree in the Square Gardens remain year round which would not be permitted under the current ordinance.

PROPOSAL

It is Staffs opinion that certain uses of this type of lighting is not detrimental or at cross purposes with the intent of the Outdoor Lighting Ordinance. Therefore, staff proposes amending the Outdoor Lighting ordinance to exempt the use of strands of decorative lights for patio spaces associated with restaurants and bars and for the lighting of one tree within the Square Gardens.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §176.03 EXEMPTIONS OF THE OUTDOOR LIGHTING CHAPTER OF THE U.D.C. TO ALLOW THE LIGHTS TO REMAIN ON A TREE ON THE SQUARE AND TO ALLOW ACCENT LIGHTING ON RESTAURANT AND BAR PATIOS

WHEREAS, City Staff desires to leave the decorative light strands on one of the trees on the Square year-round to accent this tree throughout the year; and

WHEREAS, restaurant and bar owners have requested to be allowed to use strands of individual, low-intensity, decorative white lights on their patios during normal business hours.

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 §176.03 **Exemptions** of the Unified Development Code by enacting a new subsections §176.03 (J) (7) and (8) as shown below:

“§176.03(J)(7). The Fayetteville Parks and Recreation Department may place decorative light strands upon one tree within the Square Garden area for year-round accent lighting.

(8) Strands of individual, low-intensity, white decorative lights used to illuminate the outdoor patio space of bars and restaurants during their normal business hours.”

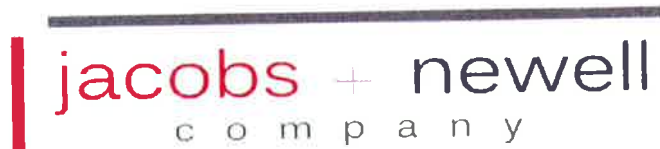
PASSED and APPROVED this 7th day of February, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



1-12-12

Sondra Smith
City Clerk/Treasurer Office
Fayetteville, AR 72701

RE: Block and East Project – City Council Appeal

Dear Sondra,

As the property owners we wish to appeal the Planning Commission decision to deny our variance of (*ADM 11-4019: Administrative Item - NORTH SIDE OF MLK BETWEEN BLOCK AND EAST AVENUES/JACOBS, 523*) to City Council.

Thanks

A handwritten signature in blue ink, appearing to read "Todd Jacobs", with a long, sweeping horizontal line extending to the right.

Todd Jacobs, LEED AP
Jacobs + Newell Company
Principal
1 East Center Street, Suite 330
Fayetteville, Arkansas 72701
Mobile 479-466-1717
tjacobs@jacobsnewellcompany.com
jacobsnewellcompany.com

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: January 12, 2012

Subject: ADM 11-4019 (NORTH SIDE OF MLK BETWEEN BLOCK AND EAST AVE/JACOBS)

RECOMMENDATION

On January 9, 2012 The Planning Commission denied a request for a shared curb cut onto Martin Luther King Boulevard (MLK) for access to six new lots. Four of these lots are proposed to be developed with single family homes and two of the lots are proposed to be developed with duplexes (a total of 10 residences). A motion to approve failed with a vote of 3-5-0 (Commissioners Cabe, Bunch, Cook, Hoskins, and Earnest voted "no", Commissioner Honchell was absent). The applicant has appealed the Planning Commission's decision to the City Council.

Staff recommends approval of an variance of the Access Management Ordinance to permit a shared curb cut onto Martin Luther King Boulevard (MLK), a Collector, when the property has access to two lesser classification streets (Block and East Avenues). Staff finds that the request to permit a shared curb cut for four new single family homes and two duplexes as proposed onto MLK, a Collector Street, meets the intent of the ordinance. The curb cut would be shared between six lots and would function more like a private mid-block alley than a standard curb cut. Staff recommends the variance be permitted, submitted to two conditions:

1. The subject property is limited to one curb cut as indicated on the submitted site plan; and
2. Prior to issuance of building permits on the subject property a shared access easement shall be dedicated providing access rights for all six lots.

BACKGROUND

This property is located on the north side of Martin Luther King (MLK) Boulevard between Block Avenue and East Avenue, in a residential neighborhood. The property is zoned NC, Neighborhood Conservation and contains approximately one acre. The original two parent tracts were recently subdivided into six lots to allow for the infill development of four single family and two duplex homes. The site is bounded by MLK to the south, Block Avenue to the west and East Avenue to the east. MLK is a Collector Street and Block and East Avenues are Local Streets on the Master Street Plan.

The applicant is in the process of designing homes for the six recently created lots. The applicant proposes rear-loaded garages and homes that face onto Block Avenue and East Avenue. The applicant proposes one shared

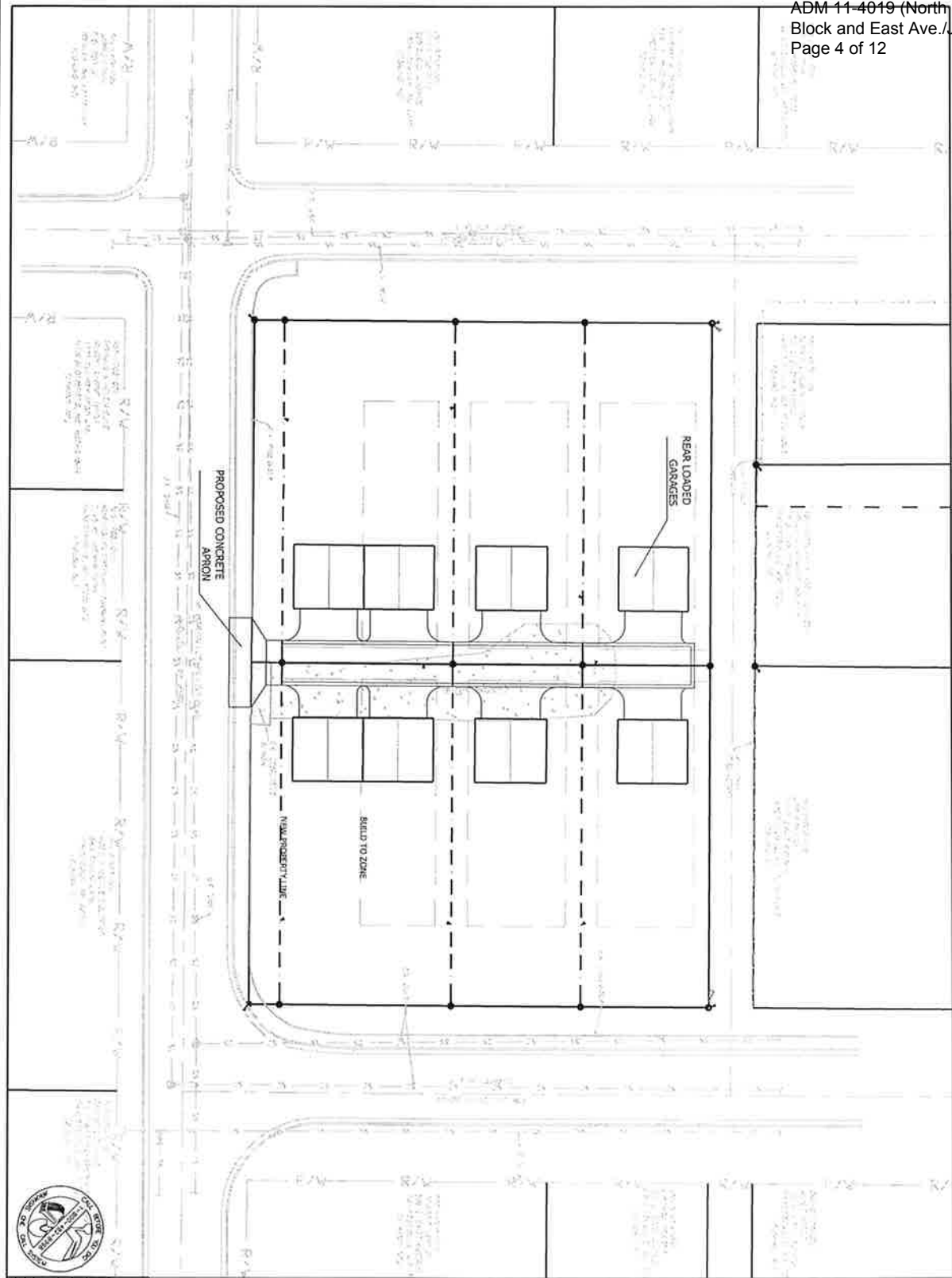
curb cut onto MLK for the six lots. This proposal would require a variance of the City's Street Design and Access Management Standards, Fayetteville Unified Development Code 166.08 (F) and 166.08(F)(1)(d). The ordinance requires this property to access the lower classification streets, Block and East Avenues, with no access to MLK (a Collector) unless a variance is granted. It is staff's finding that one shared access point at this location is both safer and more desirable six individual curb cuts accessing the new lots. The curb cut is at the safest functional location and is shared, both of which meet the intent of the Access Management Ordinance.

DISCUSSION

The unofficial draft meeting minutes from the January 9, 2012 Planning Commission meeting are included in this staff report.

BUDGET IMPACT

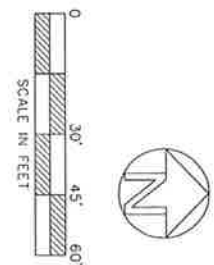
None.



JACOBS

200 W. Main St., Suite 200, Fayetteville, AR 72701
 Phone: (479) 243-1234
 Fax: (479) 243-1235
 Email: info@jacobsjr.com
 Website: www.jacobsjr.com

**BLOCK AVE. AND EAST ST.
 FAYETTEVILLE, AR**





PC Meeting of January 9, 2012

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: January 3, 2012 Updated January 12, 2012

ADM 11-4019: Administrative Item (NORTH SIDE OF MLK BETWEEN BLOCK AND EAST AVENUES/JACOBS, 523): Submitted by APIAN, INC. for property located ON THE NORTH SIDE OF MARTIN LUTHER KING BOULEVARD BETWEEN BLOCK AVENUE AND EAST AVENUE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 1.00 acre. The request is for a variance of the Access Management Ordinance to allow for a curb cut onto Martin Luther King Boulevard, a Collector Street, when the property also has frontage onto lower classification streets.
Planner: Andrew Garner

Findings:

Background: This property is located on the north side of Martin Luther King (MLK) Boulevard between Block Avenue and East Avenue. The property is zoned NC, Neighborhood Conservation and contains approximately one acre. The original two parent tracts were recently subdivided into six lots through an administrative lot split process. The site is bounded by MLK Boulevard to the south, Block Avenue to the west and East Avenue to the east. MLK Boulevard is a Collector Street and Block and East Avenues are Local Streets on the Master Street Plan.

Proposal: The applicant is in the process of designing homes for the six recently created lots. The applicant proposes rear-loaded garages and homes that face onto Block Avenue and East Avenue. The four lots in the rear are currently proposed for single family residences and the two lots on MLK Boulevard are proposed to be developed for duplexes. The applicant proposes one shared curb cut onto MLK Boulevard for all six lots (a total of 10 residences). This proposal would require a variance of the City's Street Design and Access Management Standards, Fayetteville Unified Development Code 166.08 (F) and 166.08(F)(1)(d). The ordinance requires this property to access the lower classification streets, Block and East Avenues, with no access to MLK Boulevard (a Collector) unless a variance is granted.

**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.

- (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.

Discussion: Staff finds that the request to permit a shared curb cut as proposed onto MLK Boulevard, a Collector Street, meets the intent of the City's Access Management Ordinance. The curb cut would be shared between six homes and would function more like a private mid-block alley than a standard curb cut. The applicant could access these lots through a platted alley to the north but this is an undeveloped alley and would require clearing of mature tree canopy and construction of a new alley at a substantial expense compared with the construction of the proposed shared driveway. This stretch of MLK is a relatively narrow two-lane section. There are several curb cuts on MLK Boulevard in this vicinity, homes and structures close to the street, and traffic speeds are slow. Staff does not find that that one curb cut on this block for six lots (10 residences) would create or exacerbate a dangerous traffic situation. Further, the development pattern proposed with rear-loaded garages is consistent with the NC zoning district that has a build-to zone and allows narrow lots.

Staff finds that the variance is warranted and that the location of the curb cut in the middle of the block is at the safest functional location.

RECOMMENDED MOTION: Staff recommends approval of ADM 11-4019 based on the findings herein, subject to the following conditions of approval:

Conditions of Approval:

1. The subject property shall be limited to one curb cut onto Martin Luther King Boulevard as indicated on the submitted site plan.
2. Prior to issuance of any building permits on the subject property a shared access easement shall be dedicated providing access rights for all six lots to Martin Luther King Boulevard in the location indicated on the submitted site plan.

PLANNING COMMISSION ACTION: yes Required

 Approved X Denied Tabled

Motion: Winston

Second: Chesser

Vote: 3-5-0 (Commissioners Cabe, Bunch, Cook, Hoskins, Earnest voting 'no')

Date: January 9, 2012

Note: Motion to approve failed.

New Business:

ADM 11-4019: Administrative Item (NORTH SIDE OF MLK BETWEEN BLOCK AND EAST AVENUES/JACOBS, 523): Submitted by APPIAN, INC. for property located ON THE NORTH SIDE OF MARTIN LUTHER KING BOULEVARD BETWEEN BLOCK AVENUE AND EAST AVENUE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 1.00 acre. The request is for a variance of the Access Management Ordinance to allow for a curb cut onto Martin Luther King Boulevard, a Collector Street, when the property also has frontage onto lower classification streets.

Andrew Garner, Senior Planner, presented the staff report.

Evan Neiheus, applicant, discussed the request.

No public comment was presented.

Commissioner Earnest asked for clarification on the variance process and access management.

Kit Williams, City Attorney, described the variance procedures listed in both chapters 166 and 156 of the Fayetteville Unified Development Code.

Garner discussed the variance process and staff's recommendation for this request.

Commissioner Earnest discussed reasons why he did not agree with the variance request.

Commissioner Hoskins asked about the design of the homes addressing the side streets instead of MLK.

Evan Neiheus, applicant, discussed that what they are proposing will be a good situation and that the shared drive will function like a center alley.

Commissioner Hoskins asked about property values being diminished by not addressing MLK and discussed safety issues with accessing MLK.

Evan Neiheus, applicant, discussed the proposed efficiency and design of the six lots and preservation of trees within the platted alley adjacent to the north.

Garner discussed that there is a platted undeveloped alley along the north property line, however it was somewhat of an economic hardship for the applicant to construct a public alley along the north property line and then construct the rear shared driveway for these lots as proposed.

Commissioner Hoskins stated that they have made a good case.

Commissioner Cabe discussed that MLK carries a lot of traffic and disagrees with staff and is not in support of the variance.

Commissioner Earnest discussed mature trees along the north property line, and concerns with this not meeting the access management ordinance.

Commissioner Cabe discussed that the developer created the hardship and that there are other options to access

this site.

Commissioner Chesser gave reasons for the variance including that this was one curb cut for six units. It is somewhat unreasonable to eliminate every single curb cut for this block onto MLK.

Motion:

Commissioner Winston made a motion to approve ADM 11-4019. **Commissioner Chesser** seconded the motion.

Upon roll call the motion failed with a vote of 3-5-0 (**Commissioners Cabe, Bunch, Cook, Hoskins, Earnest** voting 'No').



December 19, 2011

Planning Commission
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Re: Variance for Driveway Access onto Martin Luther King Blvd.

Dear Commissioners,

Thank for you time reviewing our request. On behalf of Jacobs+Newell Co, we are requesting a variance for driveway access onto Martin Luther King Blvd. Here, MLK functions quite a lot like a local street. Though an Arkansas State Highway, homes face onto MLK through this portion of the Street, and drives are regularly accessed directly off MLK. This could be partially design and partially an accident, as MLK passes through a residential part of South Fayetteville, and this condition partially serves to slow traffic as it enters Fayetteville's more urban districts.

This driveway access also allows these lots to be rear loaded more easily, overall reducing the number of curb cuts necessary on Fayetteville streets. The owner has looked at accessing the drive off of the access easement to the north of the properties, however the number of utilities and significant trees and canopy, make creating a driveway not only difficult, but potentially detrimental to the existing canopy within this older neighborhood of South Fayetteville.

This would not greatly change the nature of this property's access significantly and would fall under the general neighborhood's aesthetics. Currently, the property has a curb cut and existing concrete apron in this general location for the previous home on the property. As the owner, Jacobs+Newell would shift the apron slightly and improve it for City of Fayetteville and Arkansas Highway standards. As previously mentioned, there are several homes that directly access, and in turn this would not be a diversion from the neighborhood's character.

Commissioners, thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Evan Niehues'.

Evan Niehues, RLA
Appian, Inc.
eniehues@appianonline.com
479.200.7057

FEET TO THE P O B CONTAINING 0.12 ACRES (5726 SQ FT) MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD

765-07104-000
ROBERT ROSS
1641 W MARKHAM ROAD
FAVETTEVILLE, AR 72701-3922
(ZONING NC)

765-07111-000
HERSHEL & DENISE GARNE
3390 E MISSION BLVD
FAYETTEVILLE, AR 72703
(ZONING, NC)

765-07112-000
KILEY SURRETT
529 BLOCK AVENUE
FAYETTEVILLE, AR 72701
(ZONING NC)

765-8716-000
JAMES COOPER
P.O. BOX 17
WESLEY AR 727
(ZONING NC)

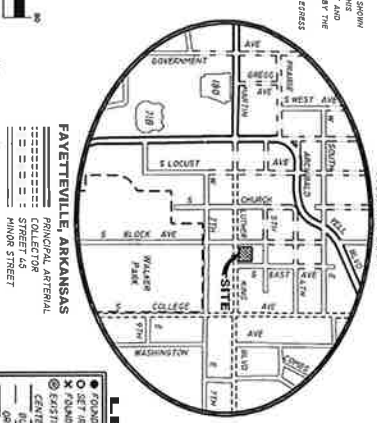
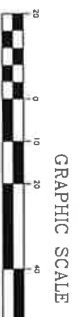
765-07081-000
RONALD S HELEN COLL
REVOC LIVING TRUST
3723 COUNTY ROAD 43
NEW BLOOMFIELD MO
(TOWNSHIP NC)

765-87082-003
NORTHWEST FROD
2076 W ARCHER
FAVETTEVILLE, A
(ZONING

765-07083-000
WADE & NICOLE BOLIN
1568 AMELIA LANE
SPRINGDALE, AR 727
(ZONING NC)

765-07045-001
AMY MCCLELLAND
7 E MARTIN LUTHER
FAYETTEVILLE, AR
(ZONING NC)

FAYETTEVILLE, AR 72702
OFFICER. TODD JACOBS

[illegible][illegible]

CENTERLINE RIGHT OF WAY
 BUILDING SETBACK
 ORIGINAL LOT LINE

735-977-0000
AMANDA STROOP
516 S EAST AVENUE
FAIRFAXVILLE, NC 27510
(CONSOLE NC)

FRONT	BUILD-TO ZONE THAT IS LOCATED BETWEEN THE FRONT PROPERTY LINE AND A LINE 25' FROM THE FRONT PROPERTY LINE	3
REAR		5
REAR FROM CENTRAL LINE OF AN ALLEY		12'

JORENSEN & ASSOCIATES
CONSULTING ENGINEERS, INC.
121 WEST SUNBURGH SUITE 5
FAYETTEVILLE, AR 72703
(479) 442-9127

OWNER:

CHURCH STREET PROPERTIES, LLC
P O BOX 393
FAYETTEVILLE, AR 72702
OFFICER, TODD JACOBS

JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS

SCALE 1"=20'	DATE REVISED	CHECKED BY:
DATE: 10/02/11	12/02/11	DLJ
LOT SPLIT F		
JACOBS / NEWELL COMPA		

JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS



EAST AVE

BLOCK AVE

MARTIN LUTHER KING BLVD

Subject Property

C. 5
ADM 11-4019 (North Side Park Between
Block and East Ave./Jacob's Appeal)
Page 11 of 12



1 inch = 75 feet
0 10 20 40 60 80 Feet

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
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**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
February 7, 2012**

A meeting of the Fayetteville City Council will be held on February 7, 2012 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:

Agenda Additions:

A. Consent:

1. Approval of the January 17, 2012 City Council meeting minutes.
2. **Airport Minimum Standards:** A resolution approving the revised minimum standards for the Fayetteville Executive Airport Drake Field as approved and recommended by the Airport Advisory Board.
3. **Garver, LLC:** A resolution approving an agreement for professional engineering services with Garver, LLC in an amount not to exceed \$94,200.00 for engineering design related to Town Branch Trail.

4. **AOS, LLC:** A resolution authorizing the purchase of a high performance server chassis and network switch with storage in the amount of \$192,704.43 from AOS, LLC pursuant to a state procurement contract, and approving a budget adjustment.
5. **Public Access Television Fee Revenue:** A resolution approving a budget adjustment in the amount of \$2,610.00 recognizing public access television fee revenue for 2011.
6. **L-3 Mobile-Vision, Inc.:** A resolution authorizing the purchase of thirty-one (31) digital video systems for the Police Department from L-3 Mobile-Vision, Inc. in the total amount of \$181,547.55 pursuant to a bid waiver authorized by Ordinance No. 4551.

B. Unfinished Business: None

C. New Business:

1. **RZN 11-3999 (2514 W. Lori Dr./Razorback Park Golf Course):** An ordinance rezoning that property described in rezoning petition RZN 11-3999, for approximately 32 acres, located at 2514 West Lori Drive from RSF-1, Residential Single-Family, 1 unit per acre to R-A, Residential Agricultural.
2. **Amend Chapter 163 Use Conditions:** An ordinance to enact §163.17 Wrecking, Demolition and Scrap Metal Processing into the Unified Development Code and to adopt an emergency clause.
3. **Repeal §172.10 Bicycle Parking Rack Requirements:** An ordinance to repeal §172.10 Bicycle Parking Rack Requirements of the Unified Development Code and to enact a replacement §172.10.
4. **Amend §176.03 Exemptions:** An ordinance to amend §176.03 Exemptions of the Outdoor Lighting chapter of the UDC to allow the lights to remain on a tree on the Square and to allow accent lighting on restaurant and bar patios.
5. **ADM 11-4019 (North Side MLK Between Block and East Ave./Jacobs) Appeal:** An appeal regarding a request for a shared curb cut onto Martin Luther King Boulevard (MLK) for access to six new lots.

ADD 6. Amend the definition of "Family" found in Chapter 151 Definitions.

D. City Council Agenda Session Presentations:

City Council Tour:

Announcements:

Adjournment:

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~~At this time, there are no questions regarding this.~~

Remove X

~~7. Police Department Policies~~

*Next meeting - Mayor wants
more review.*

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