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
October 02, 2012

A meeting of the Fayetteville City Council will be held on October 02, 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 September 18, 2012 City Council meeting minutes. **APPROVED**

2. **Callie's Prairie:** A resolution naming the Lake Fayetteville Prairie Restoration Area "Callie's Prairie" in honor of Callie Henson, an early pioneer and land owner.

   P**ASSED AND SHALL BE RECORDED AS RESOLUTION NO. 191-12**

3. **Garver, LLC:** A resolution approving an amendment to the contract with Garver, LLC for additional professional engineering services associated with the extension of Frisco Trail in an additional amount not to exceed $26,500.00.

THIS ITEM WAS REMOVED FROM CONSENT FOR DISCUSSION.

P**ASSED AND SHALL BE RECORDED AS RESOLUTION NO. 192-12**

4. **Arkansas Forestry Commission Urban and Community Forestry Program Grant:** A resolution authorizing acceptance of an Arkansas Forestry Commission Urban and Community Forestry Program 50/50 matching grant in the amount of $7,500.00 to provide for construction of parking lot improvements north of the City's Development Services Building, and approving a budget adjustment recognizing the revenue.

   P**ASSED AND SHALL BE RECORDED AS RESOLUTION NO. 193-12**

5. **CDBG Public Facility Program:** A resolution to approve a contract with GRR Land Company, LLC in the amount of $19,162.37 to use Community Development Block Grant Funds to rehabilitate a city building at 1932 S. Garland for charitable services for Fayetteville citizens.

   P**ASSED AND SHALL BE RECORDED AS RESOLUTION NO. 194-12**

B. Unfinished Business:

1. **§92.01 Definitions of the Animals Chapter & §92.35 Managed Care of Feral Cats:** An ordinance to enact new definitions into §92.01 **Definitions** of the **Animals** Chapter of the Fayetteville Code and enact §92.35 **Managed Care of Feral Cats.** *This ordinance was left on the Second Reading at the September 18, 2012 City Council meeting.*

   P**ASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5529**

2. **2012 Millage Levy:** An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2012 fixing the rate thereof at 1.3 mills for General Fund operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund and 1.0 mill for the Fayetteville Public Library; and certifying the same to the County Clerk of Washington County, Arkansas. *This ordinance was left on the First Reading at the September 18, 2012 City Council meeting.*

   P**ASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5530**

C. New Business:

1. **Bid #12-60 Advance Tire, Inc.:** A resolution to award Bid #12-60 to Advance Tire, Inc. for the purchase of four solid tire and wheel assemblies for the solid waste wheel loader in the total amount of $21,100.00.

   P**ASSED AND SHALL BE RECORDED AS RESOLUTION NO. 195-12**

2. **Amend §97.086 Vending and Peddling:** An ordinance to amend §97.086 Vending and Peddling of the Code of Fayetteville to expand the number of days per week that the Farmers' Market can operate at the Botanical Gardens.

   P**ASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5531**

3. **REO Holdings 1, LLC:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with REO Holdings 1, LLC in the amount of $31,712.00 for the construction of an eight-inch water main near Bridgewater Lane.

   THIS ITEM WAS LEFT ON THE THIRD READING AND TABLED TO THE OCTOBER 16, 2012 CITY COUNCIL MEETING.

4. **Neal Hefner Construction Company, Inc.:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Neal Hefner Construction Company, Inc. in the amount of $41,072.69 for the construction of extra-wide sidewalk to accommodate a future trail extension.

   P**ASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5532**

5. **VAC 12-4198 (5439 Maywood Dr./Win):** An ordinance approving VAC 12-4198 submitted by Alan Reid and Associates for property located at 5439 Maywood Drive to vacate a portion of a utility easement, a total of 477 square feet.

   P**ASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5533**

6. **VAC 12-4199 (2864 N. Prince William Dr./Cooper):** An ordinance approving VAC 12-4199 submitted by Alan Reid and Associates for property located at 2864 North Prince William Drive to vacate a portion of a utility easement, a total of 9.26 square feet.

   P**ASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5534**

7. **VAC 12-4205 (21st Amendment/Dickson St.):** An ordinance approving VAC 12-4205 submitted by John Starnes, AIA for property located at 404 & 406 West Dickson Street to vacate a landscape easement, a total of 0.10 acres.

   P**ASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5535**

City Council Tour: October 15, 2012 at 4:30 pm - RZN 12-4166 (South of Brookbury Crossing & East of Candlewood Developments/Riggins)

Announcements:

Adjournment: 8:50 p.m.

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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

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

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

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

City Council Meeting: **October 2, 2012** **Adjourn:** 8:50 p.m.

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

9-0

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

City Council Meeting: **October 2, 2012**

Subject:	**Consent**	Remove #3 from Consent Garver, LLC			
Motion To:		Approve			
Motion By:		Petty			
Seconded:		Gray			
Remove #3 Garver, LLC from Consent	**Petty**	✓			
	Tennant	✓			
	Ferrell	✓			
	Adams	✓			
	Lewis	✓			
Minutes Approved	**Gray**	✓			
	Boudreaux	✓			
Passed 191-12 thru 194-12	**Kinion**	✓			
	Mayor Jordan				

8-0

Subject:		Garver, LLC (Removed from the Consent Agenda)			
Motion To:		Approve			
Motion By:		Lewis			
Seconded:		Ferrell			
192-12 Passed	**Petty**	✓			
	Tennant	✓			
	Ferrell	✓			
	Adams	✓			
	Lewis	✓			
	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Mayor Jordan				

8-0

City Council Meeting: **October 2, 2012**

Subject:	**§92.01 Definitions of the Animals Chapter & §92.35 Managed Care of Feral Cats**				
Motion To:		3rd Read	Pass		
Motion By:		Boudreaux			
Seconded:		Ferrell			
B. 1 Unfinished Business	**Petty**	✓	✓		
	Tennant	✓	✓		
	Ferrell	✓	✓		
	Adams	✓	N		
	Lewis	✓	✓		
passed	**Gray**	✓	✓		
	Boudreaux	✓	✓		
	Kinion	N	N		
5529	**Mayor Jordan**				
		7-1	6-2		

Subject:	**2012 Millage Levy**				
Motion To:		2nd Reading	3rd Read	Pass	
Motion By:		Justin	Gray		
Seconded:		Adella	Ferrell		
B. 2 Unfinished Business	**Petty**	✓	✓	✓	
	Tennant	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Adams	✓	absent during the vote.	✓	
passed	**Lewis**	✓	✓	✓	
	Gray	✓	✓	✓	
	Boudreaux	✓	✓	✓	
	Kinion	✓	✓	✓	
5530	**Mayor Jordan**				
		8-0	7-0	8-0	

City Council Meeting: **October 2, 2012**

Subject:	**Bid #12-60 Advance Tire, Inc**				
Motion To:		Approve			
Motion By:		Ferrell			
Seconded:		Adams			
C. 1 New Business	**Petty**	absent during the vote.			
	Tennant	✓			
	Ferrell	✓			
	Adams	✓			
Passed	**Lewis**	✓			
	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
195-12	**Mayor Jordan**				

7-0

Subject:	**Amend §97.086 Vending and Peddling**				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Boudreaux	Boudreaux		
Seconded:		Lewis	Tennant		
C. 2 New Business	**Petty**	✓	✓	✓	
	Tennant	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Adams	✓	✓	✓	
Passed	**Lewis**	✓	✓	✓	
	Gray	✓	✓	✓	
	Boudreaux	✓	✓	✓	
	Kinion	✓	✓	✓	
5531	**Mayor Jordan**				

8-0 8-0 8-0

City Council Meeting: **October 2, 2012**

Subject:	**REO Holdings 1, LLC**				
Motion To:		2nd Read	3rd Read	Table to Oct. 16, 2012	
Motion By:		Tennant	Ferrell	Gray	
Seconded:		Ferrell	Adams	Tennant	
C. 3 New Business	**Petty**	✓	✓	✓	
	Tennant	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Adams	✓	✓	✓	
Left on the Third Reading & Tabled to Oct. 16, 2012.	**Lewis**	✓	✓	✓	
	Gray	✓	✓	✓	
	Boudreaux	✓	✓	✓	
	Kinion	✓	✓	✓	
	Mayor Jordan				
		8-0	8-0	8-0	

Subject:	**Neal Hefner Construction Company, Inc**				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Ferrell	Ferrell		
Seconded:		Adams	Adams		
C. 4 New Business	**Petty**	✓	✓	✓	
	Tennant	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Adams	✓	✓	✓	
passed	**Lewis**	✓	✓	✓	
	Gray	✓	✓	✓	
	Boudreaux	✓	✓	✓	
	Kinion	✓	✓	✓	
5532	**Mayor Jordan**				
		8-0	8-0	8-0	

City Council Meeting: **October 2, 2012**

Subject:	**VAC 12-4198 (5439 Maywood Dr./Win)**				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Ferrell	Boudreaux		
Seconded:		Adams	Lewis		
C. 5 New Business	**Petty**	✓	✓	✓	
	Tennant	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Adams	✓	✓	✓	
	Lewis	✓	✓	✓	
Passed	**Gray**	✓	✓	✓	
	Boudreaux	✓	✓	✓	
	Kinion	✓	✓	✓	
5533	**Mayor Jordan**				
		8-0	8-0	8-0	

Subject:	**VAC 12-4199 (2864 N. Prince William Dr./Cooper)**				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Ferrell	Lewis		
Seconded:		Tennant	Ferrell		
C. 6 New Business	**Petty**	✓	✓	✓	
	Tennant	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Adams	✓	✓	✓	
Passed	**Lewis**	✓	✓	✓	
	Gray	✓	✓	✓	
	Boudreaux	✓	✓	✓	
	Kinion	✓	✓	✓	
5534	**Mayor Jordan**				
		8-0	8-0	8-0	

City Council Meeting: **October 2, 2012**

Subject:	**VAC 12-4205 (21st Amendment/Dickson St.)**				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Ferrell	Petty		
Seconded:		Petty	Lewis		
C. 7 New Business	**Petty**	✓	✓	✓	
	Tennant	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Adams	✓	✓	✓	
	Lewis	✓	✓	✓	
Passed	**Gray**	✓	✓	✓	
	Boudreaux	✓	✓	✓	
	Kinion	✓	✓	✓	
5535	**Mayor Jordan**				
		8-0	8-0	8-0	

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

Fayetteville
ARKANSAS
www.accessfayetteville.org

Departmental Correspondence

LEGAL DEPARTMENT

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: **Mayor Jordan**

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

DATE: **October 3, 2012**

RE: **Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of October 2, 2012**

1. **Callie's Prairie:** A resolution naming Lake Fayetteville Prairie Restoration Area "Callie's Prairie" in honor of Callie Henson, an early pioneer and landowner.

2. Garver, LLC: A resolution approving an amendment to the contract with Garver, LLC for additional professional engineering services associated with the extension of Frisco Trail in an additional amount not to exceed $26,500.00

3. AR Forestry Commission Urban & Community Forestry Grant: A resolution authorizing acceptance of an Arkansas Forestry Commission Urban and Community Forestry Program 50/50 matching grant in the amount of $7,500.00 to provide for construction of parking lot improvements north of the City's Development Services building, and approving a budget adjustment recognizing the revenue.

4. CDBG Public Facility Program: A resolution to approve a contract with GRR Land Company, LLC in the amount of $19,162.37 to use Community Development Block Grant funds to rehabilitate a city building at 1932 S. Garland for charitable services for Fayetteville citizens.

5. **§92.01 Definitions of the Animals Chapter & §92.35 Managed Care of Feral Cats:** An ordinance to enact new definitions into §92.01 **Definitions** of the **Animals** chapter of the Fayetteville Code and to enact §92.35 **Managed Care of Feral Cats**.

6. **2012 Millage Levy:** An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2012 fixing the rate thereof at 1.3 mills for General Fund operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund and 1.0 mill for the Fayetteville Public Library; and certifying the same to the County Clerk of Washington County, Arkansas.

7. **Bid #12-60:** A resolution to award Bid #12-60 to Advance Tire, Inc. for the purchase of four solid tire and wheel assemblies for the Solid Waste wheel loader in the total amount of $21,100.00.

8. **Amend §97.086 Vending and Peddling:** An ordinance to amend §97.086 **Vending And Peddling** of the Code of Fayetteville to expand the number of days per week that the Farmers' Market can operate at the Botanical Gardens.

9. **Neal Hefner Construction Co., Inc.:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Neal Hefner Construction Co., Inc. in the amount of $41,072.69 for the construction of an extra-wide sidewalk to accommodate a future trail extension.

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
October 02, 2012

A meeting of the Fayetteville City Council will be held on October 02, 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 September 18, 2012 City Council meeting minutes.

2. **Callie's Prairie:** A resolution naming the Lake Fayetteville Prairie Restoration Area "Callie's Prairie" in honor of Callie Henson, an early pioneer and land owner.

3. **Garver, LLC:** A resolution approving an amendment to the contract with Garver, LLC for additional professional engineering services associated with the extension of Frisco Trail in an additional amount not to exceed $26,500.00.

4. **Arkansas Forestry Commission Urban and Community Forestry Program Grant:** A resolution authorizing acceptance of an Arkansas Forestry Commission Urban and Community Forestry Program 50/50 matching grant in the amount of $7,500.00 to provide for construction of parking lot improvements north of the City's Development Services Building, and approving a budget adjustment recognizing the revenue.

5. **CDBG Public Facility Program:** A resolution to approve a contract with _____ in the amount of $_____ to use Community Development Block Grant Funds to rehabilitate a city building at 1932 S. Garland for charitable services for Fayetteville citizens.

B. Unfinished Business:

1. **§92.01 Definitions of the Animals Chapter & §92.35 Managed Care of Feral Cats:** An ordinance to enact new definitions into §92.01 **Definitions** of the **Animals** Chapter of the Fayetteville Code and enact §92.35 **Managed Care of Feral Cats.** *This ordinance was left on the Second Reading at the September 18, 2012 City Council meeting.*

   Left on the Second Reading.

2. **2012 Millage Levy:** An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2012 fixing the rate thereof at 1.3 mills for General Fund operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund and 1.0 mill for the Fayetteville Public Library; and certifying the same to the County Clerk of Washington County, Arkansas. *This ordinance was left on the First Reading at the September 18, 2012 City Council meeting.*

   Left on the First Reading.

C. New Business:

1. **Bid #12-60 Advance Tire, Inc.:** A resolution to award Bid #12-60 to Advance Tire, Inc. for the purchase of four solid tire and wheel assemblies for the solid waste wheel loader in the total amount of $21,100.00.

2. **Amend §97.086 Vending and Peddling:** An ordinance to amend §97.086 Vending and Peddling of the Code of Fayetteville to expand the number of days per week that the Farmers' Market can operate at the Botanical Gardens.

3. **REO Holdings 1, LLC:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with REO Holdings 1, LLC in the amount of $31,712.00 for the construction of an eight-inch water main near Bridgewater Lane.

4. **Neal Hefner Construction Company, Inc.:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Neal Hefner Construction Company, Inc. in the amount of $41,072.69 for the construction of extra-wide sidewalk to accommodate a future trail extension.

5. **VAC 12-4198 (5439 Maywood Dr./Win):** An ordinance approving VAC 12-4198 submitted by Alan Reid and Associates for property located at 5439 Maywood Drive to vacate a portion of a utility easement, a total of 477 square feet.

6. **VAC 12-4199 (2864 N. Prince William Dr./Cooper):** An ordinance approving VAC 12-4199 submitted by Alan Reid and Associates for property located at 2864 North Prince William Drive to vacate a portion of a utility easement, a total of 9.26 square feet.

7. **VAC 12-4205 (21st Amendment/Dickson St.):** An ordinance approving VAC 12-4205 submitted by John Starnes, AIA for property located at 404 & 406 West Dickson Street to vacate a landscape easement, a total of 0.10 acres.

City Council Tour: October 15, 2012 at 4:30 pm - RZN 12-4166 (South of Brookbury Crossing & East of Candlewood Developments/Riggins)

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:

> **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.
>
> **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.
>
> **Old business and new business.**
>
> > **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.
> >
> > **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.
>
> **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.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Little Rock Field Office, Region VI
Office of the Field Office Director
425 West Capitol Avenue, Suite 1000
Little Rock, AR 72201
Phone (501) 918-5700 - Fax (501) 324-6142
www.hud.gov or espanol.hud.gov

September 17, 2012

RECEIVED
SEP 19 2012
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

Honorable Lioneld Jordan
Mayor, City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Dear Mayor Jordan:

The purpose of this letter is to inform you of HUD's recent review and assessment of the City's progress in meeting CDBG program timeliness standards. On September 17, 2012, HUD noted that the City's timeliness ratio was 2.04, which indicates that the City's CDBG line of credit balance ($1,101,275) represented 2.04 years of funding, based on its current grant of $540,226. In order to satisfy HUD's November 2, 2012 timeliness requirement (1.50 or less) the City is required to expend a minimum of $290,936 by November 2, 2012.

HUD's guidelines for acceptable performance found at 24 CFR 570.902 require that a grantee's line of credit balance not exceed 1.5 equivalent years of funding at 60 days prior to the end of the current program year. HUD's timeliness test is completed on November 2nd of each year. Failure to achieve this requirement would make the City untimely during its 2012 Program Year. This designation would require the City to submit a detailed plan with appropriate milestones for achieving timeliness over the following twelve (12) months.

Moreover, failure to achieve the timeliness requirement for the second consecutive year would result in subtraction of 100 percent of the amount in excess of 1.50 times the City's 2013 grant, from the City's 2014 grant, unless HUD determines that the second untimely designation was beyond the City's control.

We are available to provide technical assistance to the City's current efforts to meet HUD's timeliness guidelines by November 2, 2012. Thank you for your continued interest in HUD's programs. If there are questions, or if we may be of further assistance in the implementation of your CDBG Program, please contact me on 501-918-5700 or Clint Johnson, Acting Community Planning and Development Director, on 501-918-5739.

Sincerely,

Alice Rufus
Field Office Director

cc:
Ms. Yolanda Fields

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

9/18/2012
City Council Meeting Date
Agenda Items Only

Paul A. Becker	Finance & Internal Services	Finance & Internal Services
Submitted By	**Division**	**Department**

Action Required:

City Council is requested to adopt real and personal property tax rates for 2012 for the Policemen's Pension & Relief, the Firemen's Pension & Relief Funds, and the Fayetteville Public Library. The rate to be adopted for the Policemen's Pension & Relief Fund and the Firemen's Pension & Relief Fund is 0.4 mils for real property and 0.4 mils for personal property, the millage for the Fayetteville Public Library is 1.0 mil for real property and 1.0 mil for personal property. City Council is also requested to adopt real and personal property tax rates for 2012 for the City's General Fund. The rate requested for the City's General Fund is 1.3 mils for real property and 1.3 mils for personal property.

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

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Paul A. Becker — Department Director — 8-30-2012 Date

Previous Ordinance or Resolution # 5447

Original Contract Date:

Original Contract Number:

8-31-12 — City Attorney — Date

Paul A. Becker — Finance and Internal Services Director — 9-4-2012 Date

Received in City Clerk's Office 08-31-12 P03:06 RCVD

9-4-12 — Chief of Staff — Date

Received in Mayor's Office ENTERED 9/4/12

9/5/12 — Mayor — Date

Comments:

Revised January 15, 2009

Left on First Reading at the 9/18/12 CC mtg.

TO: Mayor Lioneld Jordan and Fayetteville City Council

THRU: Don Marr, Chief of Staff

FROM: Paul A. Becker, Finance Director

DATE: August 27, 2012

SUBJECT: **2012 Millage Levy**

Recommendation:

City staff recommends that City Council approve the millage levy ordinance approving the 0.4 mils for the Policemen's Pension and Relief Fund, 0.4 mils for the Firemen's Pension and Relief Fund, 1.0 mils for the Fayetteville Public Library, and 1.3 mils for 2013 General Fund operations. This will continue the same millage as levied last year.

Background:

Each year the City must approve an ordinance to renew the levy of ad valorem taxes on real and personal property within the City. This request will provide for such levy on property assessed during 2012.

The total assessed value of real and personal property located within the city limits of Fayetteville, as of August 3, 2012, is approximately $1.307 billion. The assessed valuation is before the Washington County Board of Equalization has made all the changes to the County Assessors Abstract. Based on the preliminary assessments, the growth in real property assessments is approximately 1.36% as of August 3, 2012.

Discussion:

A millage levy ordinance must be approved by City Council in order for the City to continue to collect property taxes for the Policemen's Pension and Relief Fund and the Firemen's Pension and Relief Fund. The millage levy for the Policemen's Pension and Relief Fund is 0.4 mils for real property and 0.4 mils on personal property. The millage levy for the Firemen's Pension and Relief Fund is 0.4 mils for real property and 0.4 mils on personal property as was approved by referendum.

A millage levy ordinance must be approved for the operation of the Fayetteville Public Library and that was approved by the voters on October 1, 2002. The millage levy for the Fayetteville Public Library is 1.0 mils for real property and 1.0 mils on personal property.

Finally, City staff is requesting that City Council approve a millage levy ordinance for General Fund operations in the amount of 1.3 mils for both real and personal property.

The 2013 proposed property tax revenue amount based on the 1.3 mil levy is estimated to bring in $1,614,000 in General Fund revenue. Below is a proposed calendar of meetings during the months of September and October to discuss the millage levy.

Tuesday, September 11	Agenda Session
Tuesday, September 18	City Council Meeting
Tuesday, September 25	Agenda Session
Tuesday, October 2	City Council Meeting
Tuesday, October 9	Agenda Session
Tuesday, October 16	City Council Meeting

Budget Impact:

The 0.4 mils Police and 0.4 mils Fire is needed to fund the Pension plans for both. The 1.0 mils is used to fund the operation of the Fayetteville Public Library. The 1.3 mils will be used to fund General Fund operations.

Conclusion:

The millage levy must be at Washington County in time to be included in their consolidated levy ordinance which will be approved at the November 8, Quorum Court meeting. The deadline for receipt is set by the County. Last year that deadline was November 1. The City levy will be added to the levies by Washington County, the various school districts, improvement districts and other cities within the County when the Washington County Quorum Court adopts its millage levy for 2012.

The administration is requesting the same millage rate as was approved in 2011 as follows:

1.3 mils for General Fund Operations
1.0 mils for the Fayetteville Public Library
0.4 mils for the Police Pension Fund
0.4 mils for the Fire Pension Fund

If you have any questions concerning this agenda request please contact me at 575-8330.

City of Fayetteville
Property Tax Revenue per Mil
August 3, 2012

Millage	Approximate Revenue
0.10	$ 124,000
0.20	$ 248,000
0.30	$ 373,000
0.40	$ 497,000
0.50	$ 621,000
0.60	$ 745,000
0.70	$ 869,000
0.80	$ 994,000
0.90	$ 1,118,000
1.00	$ 1,242,000
1.20	$ 1,490,000
1.30	$ 1,614,000
2.00	$ 2,484,000
2.10	$ 2,608,000
2.60	$ 3,229,000
3.10	$ 3,850,000
3.60	$ 4,471,000
4.10	$ 5,092,000
4.60	$ 5,713,000

The millage revenue reflected above is based on the Washington County Preliminary Summary Report of County Assessments for the Year 2012 dated August 3, 2012 and includes real and personal property for Utilities. The City Council can approve up to 5.0 mils for operations. The table assumes a 95% collection rate. Total real and personal property assessments for 2013 amount to approximately $1,307 million excluding real estate and personal property for utilities.

Property Tax Impact Illustration

	Appraised Value	Assessed Value	1 Mil Tax / Year
Single Family Home	$ 75,000.00	$ 15,000.00	$ 15.00
Single Family Home	$ 100,000.00	$ 20,000.00	$ 20.00
Single Family Home	$ 150,000.00	$ 30,000.00	$ 30.00

ORDINANCE NO. _____

AN ORDINANCE LEVYING A TAX ON THE REAL AND PERSONAL PROPERTY WITHIN THE CITY OF FAYETTEVILLE, ARKANSAS, FOR THE YEAR 2012 FIXING THE RATE THEREOF AT 1.3 MILLS FOR GENERAL FUND OPERATIONS, 0.4 MILLS FOR THE FIREMEN'S PENSION AND RELIEF FUND, 0.4 MILLS FOR THE POLICEMEN'S PENSION AND RELIEF FUND AND 1.0 MILL FOR THE FAYETTEVILLE PUBLIC LIBRARY; AND CERTIFYING THE SAME TO THE COUNTY CLERK OF WASHINGTON COUNTY, ARKANSAS

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

Section 1: That a tax is hereby levied on the real and personal property within the City of Fayetteville, Arkansas, for the year 2012 to be collected in 2013 for the following purposes at the following rates:

REAL AND PERSONAL PROPERTY

Purpose	Levy
General Fund – Operations	1.3 mills
Fayetteville Public Library	1.0 mills
Policemen's Pension Fund	0.4 mills
Firemen's Pension Fund	0.4 mills
TOTAL	3.1 mills

Section 2: That the real and personal property tax so levied and the rates provided therefore are hereby certified to the Clerk of Washington County, Arkansas, to be placed in the tax book by the County Clerk and collected in the same manner that the county and school district taxes are collected.

Section 3: The City Clerk is hereby authorized and directed to file certified copies of this ordinance in the office of the County Recorder, County Clerk, County Assessor, and the County Tax Collector for Washington County, Arkansas.

PASSED and **APPROVED** this 18th day of September, 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

Fayetteville
ARKANSAS

Aldermen

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

City of Fayetteville Arkansas
City Council Meeting Minutes
September 18, 2012

A meeting of the Fayetteville City Council was held on September 18, 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, Tennant, Ferrell, Adams, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Petty

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items:

Advertising and Promotion Commission Appointment – The Commission recommends the appointment of Ching Mong.

Alderman Ferrell moved to approve the appointment of Ching Mong to the Advertising and Promotion Commission. Alderman Lewis seconded the motion. Upon roll call the motion passed 6-0. Alderman Adams was absent during the vote. Alderman Petty was absent.

Nominating Committee Report – Alderman Adella Gray gave the Nominating Committee Report. A copy of the report is attached.

Alderman Ferrell moved to approve the Nominating Committee report. Alderman Tennant seconded the motion.

Alderman Lewis: Can you clarify the "to be determined".

Alderman Gray: That has not been given to us yet. This is a brand new committee (Town and Gown) and I am assuming that they are going to make that determination at a later time.

Alderman Lewis: The Committee itself is going to make that determination.

Alderman Gray: I am assuming so.

Don Marr: One of the action items at their first meeting is the discussion on terms, rotating their terms and length of terms. The ordinance did not define that so it is left up to the committee to determine.

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

Agenda Additions:

The following was added to the agenda

Alderman Ferrell moved to add the 2014 Governor's Conference on Tourism resolution to the agenda. Alderman Tennant seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent.

2014 Governor's Conference on Tourism: A resolution to encourage selection of Fayetteville for the 2014 Governor's Conference on tourism.

Alderman Tennant: The A&P Commission is putting a bid together to host this conference. This will show that the City of Fayetteville supports this activity and conference.

Alderman Gray moved to approve the resolution. Alderman Tennant seconded the motion. Upon roll call the resolution passed 7-0. Alderman Petty was absent.

Resolution 184-12 as recorded in the office of the City Clerk.

Consent:

Approval of the September 4, 2012 City Council meeting minutes.

Approved

Repeal Resolution No. 152-12 Drake Field Pavement Rehab & Re-Marking Phase II Project: A resolution repealing Resolution No. 152-12 rescinding an unneeded budget adjustment.

Resolution 185-12 as recorded in the office of the City Clerk.

2012-2013 Selective Traffic Enforcement Program (STEP) Grant: A resolution to approve the 2012-2013 Selective Traffic Enforcement Program Grant award in the amount of $112,500.00 and to approve the attached budget adjustment.

Resolution 186-12 as recorded in the office of the City Clerk.

Riggs Cat: A resolution to approve the purchase of a backhoe loader pursuant to the state contract from Riggs Cat in the amount of $136,000.00 plus any applicable sales tax and to approve the attached budget adjustment.

Resolution 187-12 as recorded in the office of the City Clerk.

Goodwin & Goodwin Change Order 1: A resolution to approve Change Order No. 1 of the construction contract with Goodwin & Goodwin, Inc. for an additional $105,125.00 and to approve a budget adjustment.

Resolution 188-12 as recorded in the office of the City Clerk.

Bid 12-67 Second Nature Property Management, LLC: A resolution awarding Bid #12-67 and authorizing a contract with Second Nature Property Management, LLC in the amount of $48,206.00 for the planting and maintenance of trees from the Tree Escrow Fund, and approving a ten percent (10%) project contingency.

Resolution 189-12 as recorded in the office of the City Clerk.

Razing and Removal Costs for 1609 S. Duncan Avenue: A resolution certifying to the Tax Collector of Washington County, Arkansas the costs of razing and removal of a dilapidated and unsafe structure upon the property owned by Adam P. Dyess, Perry J. Dyess and Carolyn A. Dyess located at 1609 S. Duncan Avenue in the City of Fayetteville, Arkansas.

Removed from the Consent Agenda and later reconsidered.

Alderman Kinion moved to approve the Consent Agenda. Razing and Removal Costs for 1609 S. Duncan Avenue was later reconsidered. Alderman Boudreaux seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent.

Unfinished Business:

RZN 12-4166 (South of Brookbury Crossing & East of Candlewood Developments/Riggins): An ordinance rezoning that property described in rezoning petition RZN 12-4166, for approximately 20.99 acres, located to the south of Skillern Road from R-A, Residential Agricultural to RSF-0.5, One Half Single-Family Units Per Acre. *This ordinance was left on the First Reading at the August 21, 2012 City Council meeting and Tabled to the September 18, 2012 City Council meeting.*

Jeremy Pate: The applicant submitted an email requesting that this be tabled for one month so October 16th would be the meeting date if it were tabled tonight.

A discussion followed on what reading it should be left on.

Jared Inman with Jorgensen and Associates stated we know, from the brief discussions with the neighbors, that traffic is an issue with this development. Our traffic report came in yesterday so City staff has not had a chance to look at it. The reason for tabling is we want to get all the information out before we take your time and I promised the neighbors that we would be meeting with them prior to having this issue.

Alderman Gray: You are pretty sure you will be ready in a month. We have all had emails from the neighbors that say they do not want to keep putting it off. They want to know for sure when it's going to happen.

Jared Inman: The developer doesn't want to put it off either.

Alderman Gray: So in a month you should be ready.

Jared Inman: We should be.

Alderman Lewis: So this is a rezoning request? The traffic study on something like this is considering the zoning and not the development plan?

Jeremy Pate explained the considerations involved in this project.

Alderman Ferrell: I also received correspondence from constituents. He referenced the business license process and how many times it had been tabled.

Jimmy Roy, a resident of Brookbury stated I agree that it should be tabled as well.

Alderman Ferrell moved to table the ordinance to the October 16, 2012 City Council meeting. Alderman Lewis seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent.

This ordinance was Tabled to the October 16, 2012 City Council meeting.

City Attorney Kit Williams: I think we are going to have to go back to item #7 on the Consent Agenda because that must be a public hearing. So I would like the City Council to vote to reconsider that and then let's conduct a public hearing.

The following item was removed from the Consent Agenda for reconsideration:

Alderman Ferrell moved to reconsider Razing and Removal Costs for 1609 S. Duncan Avenue from the Consent Agenda for discussion. Alderman Adams seconded the motion.

A discussion followed on which item it was.

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

Razing and Removal Costs for 1609 S. Duncan Avenue: A resolution certifying to the Tax Collector of Washington County, Arkansas the costs of razing and removal of a dilapidated and unsafe structure upon the property owned by Adam P. Dyess, Perry J. Dyess and Carolyn A. Dyess located at 1609 S. Duncan Avenue in the City of Fayetteville, Arkansas.

Mayor Jordan opened the public hearing.

There was no public comment during the public hearing.

City Attorney Kit Williams: If there is no one in the public speaking we have evidence in the agenda showing a bill from M & M Excavating, LLC in the amount of $3,495.00 plus we have pictures demonstrating that this house had to be razed and removed. He explained various evidence that had been presented.

Mayor Jordan closed the public hearing.

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

Resolution 190-12 as recorded in the office of the City Clerk.

New Business:

§92.01 Definitions of the Animals Chapter & §92.35 Managed Care of Feral Cats: An ordinance to enact new definitions into §92.01 **Definitions** of the **Animals** Chapter of the Fayetteville Code and enact §92.35 **Managed Care of Feral Cats.**

City Attorney Kit Williams read the ordinance.

Alderman Boudreaux gave a brief description of the ordinance. This ordinance will provide a nature reduction of feral cats.

Justine Middleton, Animal Services Director stated we fully support. She spoke in favor of the ordinance. This would allow for a sponsoring animal welfare organization that would take on the financial burden of paying for some of the costs involved.

Alderman Lewis: The animal welfare organization, is that a request for proposals process or how is that established?

Justine Middleton stated we are going to have a simple application form. She explained the application process.

Alderman Adams stated you said this is a more humane way and I am not convinced of that at all. I am not in favor of this. She expressed her concerns with this being humane.

Justine Middleton explained that we are going to continue to see an increase in population if we don't do something else and discussed how the cats would be monitored over time.

City Attorney Kit Williams clarified what the ordinance means.

Alderman Lewis: I noticed the need for language defining caretaker. I am wondering if we might add a definition.

Alderman Boudreaux: I think there was a concern about making it so rigid in the ordinance and I think they wanted to do this more with the practices and procedures rather than make it all policy. There was a real concern about keeping it open ended as far as the staff's viewpoint and being able to administrate it. I appreciate your concern Rhonda about animals being trapped. The animals will be trapped by people that care enough to donate their time to taking care of the colony. So I don't think in this situation you are going to have traps out there unattended. She stated this is far more humane.

Alderman Adams: If the caretakers are taking good care of these animals now why do we need an ordinance?

Alderman Boudreaux: The cats need to be spayed and neutered.

Alderman Adams: Why do we need a law that says they have to do that if they are taking good care of them?

Justine Middleton: Currently we have a problem with people that do take care of feral cats. They don't want to invest the time and money in spaying and neutering a cat.

Dr. Robb Jones: I also support this whole heartedly. The cats that are out there are repopulating and the population is going to get out of control.

Alderman Adams: So how big is the problem? Do we count colonies or have statistics?

Dr. Robb Jones: I don't know that we specifically count them but I know that we are receiving frequent calls on trapping feral cats.

Alderman Adams: Probably worth having an ordinance?

Tony Rankin, Animal Services Program Manager: Yes, there are several places in town and we go routinely to houses and trap cats already. We are going to manage this with a policy.

Alderman Adams: I have more confidence in you as a trained animal services person than I may have in the general public with that kind of ordinance.

Alderman Lewis: How many cats per colony are we talking?

Tony Rankin: For instance at the mall location we are probably talking 20 to 40 cats in one area. It is a colony that is organized by an individual.

Alderman Lewis: It's hard to know how many are in a colony because they are roaming free. We don't really know and that is another reason for this initiative to better understand what the situation is.

Yolanda Fields, Community Services Director: Currently the ordinance does not allow for cats to be off the leash. We do have individuals that are out there caring for these feral cats and they are afraid to come forward because they are not supposed to be doing that. We will establish policy to make sure that the cats are fed, watered, healthy and well cared for.

Alderman Lewis: In the current method there is a complaint and then the City goes out and traps. This would be the caretaker trapping and making the cats available to be neutered and vaccinated and so on. Therefore reducing the trapping and trying to capture. So to me it seems like this would reduce the trapping.

Yolanda Fields: Right, and once the cat's ear has been tipped then we know that that cat has been neutered. So then it would just be a matter of keeping up with the medical records and vaccinations which will control the spread of disease.

Alderman Tennant: Inspections of the care takers, is that going to be done quarterly?

Yolanda Fields: Yes, we will establish a policy and an SOP that will provide the guidelines of what is going to happen with that and if we see the need for monthly then we will modify that.

Alderman Tennant: So you will change it if you need to.

Yolanda Fields: Right and that way we don't have to keep coming back to Council with changes to the procedures.

Terri Phelan spoke on the current problems with our pet population and expressed her concerns with the ordinance. She stated she is opposed to the ordinance. She believes the proposed ordinance will turn Fayetteville into a dumping destination.

Alderman Kinion: I did read your information and I appreciate the time you put into it. I think it did specifically point out that you have a concern for cats and after reading this I did more research and I looked at other ordinances where they had enacted these. It is a commendable and honorable idea to have managed feral cat colonies. I think you have let us know that yes there are concerns. I want you to know that I appreciate that you specifically handled the wording of the ordinance and some deficiencies where we may go back and improve this to make it more comprehensive.

Alderman Lewis: I also received it and in looking at it it surprised me that you were not supportive of it because of your recognition that the feral cat population is an issue in our community. I think the intent of this is similar to what you care about and I am wondering if you could respond to the idea that this is a step toward making improvements. You are saying this misses on some of the vaccinations.

Terri Phelan: Correct, and studies have shown that diseases can be transferred back and forth between feral cats and wildlife. She referenced another study and went on to give its findings.

Alderman Lewis: The intent of this is to establish more neutered cats in those populations.

Terri Phelan: I think that is needed but the problem is they are released into an open environment and are allowed to roam. I have a huge problem with the roaming. How do you address that?

Ruth Frances, an animal advocate stated I am not opposed to your proposal but my main problem is that it goes too far. This is cumbersome expecting the caretakers to do all of the things that you list here. She expressed her concerns with the ordinance.

Alderman Boudreaux explained the reasons why they created the ordinance.

Ruth Frances: I am not disagreeing with you at all. I think the caretakers will quit doing it and then your program has failed.

Alderman Boudreaux: We hope that doesn't happen and that the caretakers will follow through.

Ruth Frances addressed Alderman Adams comments and she stated once they are spade and neutered they lose their ability to defend themselves and are at risk for injury. I am just concerned that you are making it too complicated for the caretakers.

Carol Mason, resident of 1923 E. Joyce expressed her concerns and spoke against the ordinance. She stated I hope that you will do more about socializing feral cats because they deserve to live. I believe your plan is a step in the right direction.

Alderman Boudreaux moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 6-2. Alderman Kinion and Adams voting no. Alderman Petty was absent. Mayor Jordan voted yes to suspend the rules.

City Attorney Kit Williams read the ordinance.

Alderman Lewis: My first request is that we keep it here. The one thing I am thinking is that across the board everyone agrees that there is a problem with feral cats so the question is how do we address it. One option is for an individual who does care very much and wants to take responsibility for cats that are roaming, with an effort to begin to minimize those that are coming to their point where they put out food; because there is no telling how far they roam; but if they are willing to follow these guidelines then there can begin to be an effort to minimize that colony as a result of the neutering.

Alderman Boudreaux: I am glad to keep it here because Alan Long who chairs the Animal Services Advisory Board is not here and I am sure that some of those people that serve on that committee would like to be here and also address it. All this does is give one opportunity to something being done in one section of town and I am sure there is going to be more than one caretaker. This is just enabling one other way of dealing with an issue and trying to help a few more cats out there.

Alderman Kinion: I think this is commendable but as we move forward I want to be certain that we are doing the best possible plan and being the most comprehensive in our preplanning. I can't support it as it is right now but I do support the idea. We must have a comprehensive solution based on real data, real plans before I can support it and move forward.

Alderman Ferrell: Ultimately don't you think that the proposed policy will help with the negative or harmful affects on domestic pets and decrease the feral cat population in this area. That is the intent. How prevalent is feline leukemia in the feline community here?

Dr. Robbins: From our population at the shelter it is not very common at all. Over the last three years we have probably had 20 to 30 positives.

Alderman Ferrell: Out of how many cats?

Dr. Robbins: Thousands.

Alderman Boudreaux: We did not have a full quorum at the Ordinance Review Committee meeting with exception of Matthew the members seem to be in support of this. Do you all see any reason for us to take this back to the committee?

Alderman Adams: Did you all look at the keeping of wild animal's ordinance and do we need this to be a separate subsection or do we need to look back at the ordinances that we're living by now and see how we can work this into it?

Alderman Boudreaux: The City Attorney actually reviewed how to place it in the code so that is not an issue. So really all we are talking about is do we want to hash this out some more before the next meeting?

Alderman Adams: I like the idea that we would define what a caretaker is.

City Attorney Kit Williams: A caretaker is one that fulfills the caretaker duties and is registered with the animal welfare organization.

Alderman Lewis: I don't think there is a need to meet again.

Mayor Jordan thanked the Animal Services Division for the hard work they do and Alderman Boudreaux for bringing this forward.

This ordinance was left on the Second Reading.

VAC 12-4141 (555 W. Maple St./555 Maple): An ordinance approving VAC 12-4141 submitted by McClelland Consulting Engineers, Inc. for property located at 555 West Maple Street to vacate a portion of Lafayette Street right-of-way, a total of 0.04 acres.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Alderman Lewis: I am noticing there is a designated tree area, is that on a different corner?

Jeremy Pate explained where the area is located.

Alderman Kinion: So we are not removing any trees from what I see.

Jeremy Pate: Not from this, no sir.

Alderman Lewis 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 Petty was absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5524 as Recorded in the office of the City Clerk

VAC 12-4201 Nantucket Phase IV: An ordinance approving VAC 12-4201 submitted by Civil Design Engineering for property located west of Morningside Drive (Nantucket Phase IV) to vacate a utility easement, a total of 0.24 acres.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Alderman Lewis: A lot of times the other utilities will use those same easements but they didn't provide input.

Jeremy Pate: In this particular case it was just a sewer easement so if it is a general utility easement then we require all those utility companies to sign off.

Alderman Lewis: So they already have their easement identified?

Jeremy Pate: Yes.

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Adams was absent during the vote. Alderman Petty was absent.

Ordinance 5525 as Recorded in the office of the City Clerk

ADM 10-3554 I-540 Design Overlay District and Board of Adjustment Variance Findings: An ordinance to amend Chapters, 151, 156, 161, 164, 166, and 174 of the Unified Development Code to repeal the requirements of the I-540 Design Overlay District and revise various sections

of the code accordingly and to amend the Board of Adjustment findings for variances to reflect state statutes.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

City Attorney Kit Williams thanked the Planning staff for working with him on this. I certainly agree with Planning that this is proper and I would recommend it for your consideration.

Alderman Ferrell: I like this one comment, this means that buildings that are constructed for public schools and church's will not be reviewed for aesthetic design consideration, I think there were a lot of things that were minute and I think it was overarching some of the restrictions.

City Attorney Kit Williams: They never have been reviewed for aesthetics and I did not want them added. I did not believe we had the constitutional and statutory power to do that.

Mayor Jordan: We just thought we would clean it up a little bit.

Alderman Lewis: I think this will facilitate the development process for people so there is not these two different codes that have to be looked at in those areas. Its really going to be useful in the neighborhood plan for Wedington in that that corridor is part of the Wedington Neighborhood Plan. So I really am glad that this is coming forward.

Jeremy Pate gave examples of past development submittals and how this would really help solidify exactly what they should be looking at in terms of the development process.

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 Petty was absent.

City Attorney Kit Williams read the ordinance.

Alderman Lewis 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 Petty 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 Petty was absent.

Ordinance 5526 as Recorded in the office of the City Clerk

Amend 163.13 Wireless Communication Facilities: An ordinance to amend §163.13 Wireless Communication Facilities of the Unified Development Code to clarify height limitations for antennas placed upon existing structures, to empower the zoning and development administrator to grant a variance in appropriate circumstances and to declare an emergency.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams gave a brief description of the ordinance.

Jeremy Pate stated I agree with the recommended changes and gave the intent behind the ordinance.

Alderman Lewis: What if it's blocking someone's view?

Jeremy Pate: Normally it's going to be in the center of a property and the ordinance actually speaks to locating it back from the edge of a structure. He went on to explain the requirements.

Todd Walters, resident of Harvard St. asked for clarification on the emergency clause.

City Attorney Kit Williams gave an explanation of an emergency clause.

Todd Walters: So if the emergency clause wasn't enacted what would be the next step?

City Attorney Kit Williams: It would be 31 days before the ordinance would go into effect and that would delay construction.

Scott Broadbent with pb2 Architecture & Engineering representing Nexstar stated I am here to answer any questions that you may have.

Alderman Tennant: Are these going to be the same basic satellites that I see now on the back of the building here?

Scott Brodbent: Very similar, there is only two. They won't be on a similar structure. These will be taken down and brand new ones installed.

Alderman Ferrell thanked Kit and Jeremy for facilitating this because of the need for communications.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5527 as Recorded in the office of the City Clerk

Alderman Boudreaux moved to approve an Emergency Clause. Alderman Ferrell seconded the motion. Upon roll call the Emergency Clause passed 7-0. Alderman Petty was absent.

Alderman Marr: One of the goals of the staff is to try to solve these situations so that we remove unnecessary steps and add flexibility where it's needed within our ordinances. We appreciate your continued support of that.

Amend §36.01 Initiative Petitions; When to be Filed: An ordinance to amend §36.01 Initiative Petitions; when to be filed to change 60 days before the general election to 83 days before the general election to facilitate ballot printing for early voting.

City Attorney Kit Williams read the ordinance.

City Clerk Sondra Smith gave a brief description of the ordinance.

Alderman Lewis: So this would minimize the amount of time a petition would have in order to get something on the ballet?

City Attorney Kit Williams: It would have to be filed earlier than it is now. That is necessary because there are rights for people to challenge signatures or petitions. 60 days really makes it unworkable for the County and City Clerk to fulfill their duties so that everyone is allowed to vote on something.

Alderman Lewis: So the 60 days sounds like it was established before we had early voting?

City Attorney Kit Williams: Yes, it goes all the way back to Amendment 7 and they did not do early voting when that was passed.

City Clerk Sondra Smith: Also, the Election Commission requests that ballot issues get to them 70 days before an election so it is still giving us a very short time frame to even meet their deadline.

Alderman Ferrell: I am kind of sensitive to the fact that our men and women in uniform, in a timely manner, get to be able to cast their ballots, and if this will help in that then I certainly support it.

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

City Attorney Kit Williams read the ordinance.

Alderman Lewis: Where are other counties or cities on this?

City Clerk Sondra Smith: The County Clerk was going to check with other cities. She recommended we do 90 to 120 days but after reading the state statue and confirming with Kit he said we can't do that because the Constitution says we can go up to 90 days. The County I believe does 90 days.

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

Ordinance 5528 as Recorded in the office of the City Clerk

2012 Millage Levy: An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2012 fixing the rate thereof at 1.3 mills for General Fund operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund and 1.0 mill for the Fayetteville Public Library; and certifying the same to the County Clerk of Washington County, Arkansas.

City Attorney Kit Williams read the ordinance.

Mayor Jordan: Paul Becker is not here and I am sure he wants us to leave it here.

Don Marr: It's the staff's request that since this is a rededication of the current tax levy; just to have public have ample opportunity to provide you comments prior to a vote; we would like to ask that you leave this on the first reading.

This ordinance was left on the First Reading

Announcements:

Adjournment: 8:25 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

Handed out at the 10/2/12 CC mtg.

Received on 10/1/12

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

10/2/2012
City Council Meeting Date
Agenda Items Only

Yolanda Fields	Community Services	Development Services
Submitted By	**Division**	**Department**

Action Required:

CDBG - Approval of P.O. for Public Facility project for GRR Land Company, LLC dba, Rip Gresham Construction, for the amount of $19,162.37.

$19,162.37	$ 40,000.00	
Cost of this request	Category / Project Budget	Program Category / Project Name
2180.4990.5315.00	$ -	
Account Number	Funds Used to Date	Program / Project Category Name
1932-12	$ 40,000.00	Community Development
Project Number	Remaining Balance	Fund Name

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

Department Director — 10-01-2012 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

City Attorney — Oct 2, 2012 Date

Original Contract Number: _____

Paul A. Becker — 10-2-2012 Date
Finance and Internal Services Director

Received in City Clerk's Office: 10-01-12 P05:01 RCVD — Kim G.

Chief of Staff — 10-2-12 Date

Received in Mayor's Office: ENTERED 10/2/12

Mayor — 10/2/12 Date

Comments: Staff recommends approval of P.O. for Public Facility Project

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy Pate, Development Services Department Director

From: Yolanda Fields, Community Services Director

Date: 10-01-2012

Subject: CDBG Public Facility Program- Approval of PO for CDBG Public Facility Project

PROPOSAL:

The property located at 1932 S. Garland was acquired with Community Development Block Grant (CDBG) funds. This property is part of the CDBG Public Facility Program. Properties acquired with CDBG funds are made available through an application process to non-profits that provide services to low to moderate residents in the City of Fayetteville. Improvements to include:

- Replacing deteriorated concrete sidewalk leading to wheel chair ramp
- New 36 inch entry doors
- Remodeling of restroom to make it ADA accessible
- Removal of wall to allow waiting room ADA access
- Replacement storage shed
- New smoke detectors and emergency lighting

RECOMMENDATION:

Staff recommends approval of Purchase Order for the project located at 1932 Garland Ave. for GRR Land Company, LLC dba, Rip Gresham Construction for the amount of, $19,162.37.

BUDGET IMPACT:

Project cost approximately $19,162.37

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A CONTRACT WITH GRR LAND COMPANY, LLC. IN THE AMOUNT OF $19,162.37 TO USE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO REHABILITATE A CITY BUILDING AT 1932 S. GARLAND FOR CHARITABLE SERVICES FOR FAYETTEVILLE CITIZENS

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a contract with GRR Land Company, LLC. in the amount of $ 19,162.37 to use Community Development Block Grant Funds to rehabilitate a city building at 1932 S. Garland for charitable services for Fayetteville citizens.

PASSED and **APPROVED** this 2nd day of October, 2012.

APPROVED: ATTEST:

By: _____ By: _____

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

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

STANDARD BID PROPOSAL FORM

PROJECT NUMBER: 1932-12 **DATE ISSUED:** 09-17-2012

DATE AND TIME OF OPENING: Monday 4:00 pm, October 01, 2012

OWNER'S NAME: City of Fayetteville

PROJECT ADDRESS: 1932 S. Garland Ave. Fayetteville, AR 72701

ATTENTION

The City has the right to select which of the items listed below will be completed based on the amount of funds available.

*In blanks below please quote price for each item and the total for project at the bottom.

A) Concrete Sidewalk:	877.52
B) Demo and Framing:	2916.99
C) Doors:	1790.61
D) Drywall:	887.25
E) Interior Trim and paint	522.32
F) Bath #2 plumbing	1771.20
G) Flooring	979.95
H) Electrical	2005.48
I) Bathroom #2 Extras	2069.69
J) Storage Shed	3300.00
K) Clean up	1486.35
F) Other	555.00
TOTAL	19162.37

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

MY TOTAL BID PRICE FOR THIS PROJECT IS $ 19162.37

Upon signing this Bid, the bidder certifies that they have viewed the property, read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated.

Complete Business Address:

Name of Firm: GRR Land Co. LLC dba Rip Gresham Construction Phone # 501-454-4849

Residential Contractors License number 0153160SRD

Street address or P O Box 3205 SW Stonepoint Ave

City / State/ Zip Code Bentonville, AR 72712

Printed Name: John Gresham

Signature: [signature] Title: Managing Member

RECEIPT OF BIDS

OWNER(S): City of Fayetteville

ADDRESS: 1932 S. Garland PROJECT No: 1932-12

PROJECT TITLE: Moderate Rehabilitation at 1932 S. Garland

BID CLOSING DAY/DATE/TIME: October 1, 2012, 4:00 P.M.

CONTRACTOR: Garland Co, LLC dba RP Gresham Construction BID AMOUNT: 19,162.37

CONTRACTOR: _____ BID AMOUNT: _____

CONTRACTOR: _____ BID AMOUNT: _____

CONTRACTOR: _____ BID AMOUNT: _____

CONTRACTOR: _____ BID AMOUNT: _____

Certified by: _____ Date: 10/4/12

Witness: _____ Date: 10-4-12

Handed Out at the City Council Meeting 10-02-12

Alley Cat Allies
The cats' leading advocate

How to Implement an Organizational Trap-Neuter-Return Program

Feral cats require a different kind of care because they are unsocialized to people and are not candidates for adoption. Many organizations recognize their unique needs, and offer information about how to improve the lives of stray and feral cats. Others want to go a step further and launch their own Trap-Neuter-Return programs. These groups understand that the best practice is to neuter, vaccinate, and allow feral cats to remain in their original habitat along with their colony members. *Alley Cat Allies' guidelines will help organizations interested in adopting this humane, life-saving program implement one that is effective and sustainable.*

Because every community faces different circumstances when it comes to implementing a Trap-Neuter-Return program, there is no single formula for success—though there are basic common denominators. One town may already have a flourishing feral cat care model in place. Another community may face an uphill battle, with punitive laws or public perceptions that are obstacles to implementing a program.

Most effective programs include some element of the seven steps outlined and explained below. Though none are required, consider each one and how it applies to your organization and locale before moving forward.

Benefits of an Organizational Trap-Neuter-Return Program

Through Trap-Neuter-Return, cats are humanely trapped, vaccinated, and spayed or neutered. Stray cats (cats socialized to humans) and kittens are adopted into homes, and healthy adult feral cats are returned to their outdoor homes, where their lives are greatly improved without the strains of mating behaviors and pregnancy. Another important component of a Trap-Neuter-Return program includes outreach—promoting organizational services and educating the public about humane methods of cat care.

For an organizational program, it is important to understand that Trap-Neuter-Return involves straightforward steps that result in significant, measurable, and positive outcomes for the cats, the community, and your organization.

Organizations realize positive benefits after implementing Trap-Neuter-Return, including:

- Improving the cats' lives;
- Stabilizing colonies—reproduction stops and litters are not born;
- An immediate reduction in calls from neighbors about behaviors associated with mating, including spraying, caterwauling, fighting, roaming, and breeding;
- Resources previously spent on ineffective removal and/or lethal services are spent on non-lethal, life-saving, positive, publicly-supported initiatives such as subsidized neuter services, adoption, and outreach programs; and
- Positive public reaction, fundraising platforms and partnership opportunities, media exposure, and support from staff, volunteers, other like-minded organizations, and the community at large.

Seven Recommended Considerations for Trap-Neuter-Return Program Implementation

1. **Gather baseline statistics and assess your community.**
2. **Build your "people power."**
3. **Set policies and establish a trapping plan.**
4. **Determine a funding plan.**
5. **Set a veterinary care plan.**
6. **Organize a community outreach component to educate the public, promote services, and build support.**
7. **Evaluate the success of your Trap-Neuter-Return program.**

1. Gather baseline statistics and assess your community.

- *Gather statistics.*
  Statistics are an invaluable measure of progress. Take time to collect a baseline of facts and figures about your organization prior to implementing your Trap-Neuter-Return program, and update them at regular intervals (at least once a month) after the program is fully implemented. You can then track the impact that Trap-Neuter-Return is having on your community's animal services system in both the short - and long-term.

  Document the following every month:

  - The number of outdoor cat-related calls
  - The specific concern (noise, smell, kittens, animals on property, sick animals)
  - The specific location of the cats in the community
  - The number of cats picked up/accepted by your organization
  - The number of cats your organization adopts out
  - The number of cats killed (if applicable)—specify how many were feral out of the total
  - The number of cats spayed or neutered and returned to their outdoor colonies
  - The number of people who contacted your organization looking for animals to adopt
  - The total amount of your budget spent caring for stray and feral cats, and the amount that this care costs per cat
  - The cost of spaying or neutering one male cat; one female cat; average per cat
  - The percentage of employee/volunteer turnover
  - The number of Trap-Neuter-Return volunteers
  - Community support—in dollars and in number of participants (for all programs, not just Trap-Neuter-Return)

- *Assess your community.*
  Because every community faces unique circumstances, your Trap-Neuter-Return program will be built around the information you gather as you assess the needs, availability of resources, and potential roadblocks to success. Identify and understand the following areas before moving ahead:

  - Need
    What programs are currently in place for stray and feral cats? Are any feral cats in the community part of neutered/vaccinated colonies? Have they been neutered?

Use your gathered statistics and local connections to determine the appropriate approach for your organization to take. If there is already a thriving feral cat group, you may consider working with them to provide services they require, such as a subsidized neuter clinic and a volunteer pool. If there are only nascent groups, you will want to build partnerships and possibly contribute to program management. If there are no programs currently in place, you will have to build one from the ground up.

- Current Level of Support
  What is the general perception of cats within the community? How involved is the community with feral cats and with your organization?

  Use your research on cat-related calls, as well as other avenues that might help you gauge the public's support for feral cat related programs. These could include the success level of other groups' current programs (funding, volunteers, supporter base) as well as any possible media coverage of feral cats (and if it is positive or negative in tone).

- Potential Roadblocks
  Are there punitive or misinterpreted laws on the books that threaten or penalize caregivers or put cats unnecessarily at risk?

  These and other potential roadblocks can actually be turned in your favor as educational opportunities. Take advantage of these situations to promote the need for humane care and mediate with disgruntled groups to get to the source of and properly address their problems.

2. Build your "people power."

- *Hire or appoint a feral cat coordinator.*
  Having a staff member/volunteer responsible for feral cat protocols and information within the organization is a great way to jump-start a Trap-Neuter-Return program. This person would be responsible for educating the rest of the organization on protocols, including how to respond to the public regarding feral cats. This person would also:

  - Create and implement humane protocols for feral cats.
  - Educate and train volunteers/staff on Trap-Neuter-Return protocol and trapping techniques.
  - Create and manage local trap depots so that residents can borrow traps for use in Trap-Neuter-Return.
  - Determine target areas for Trap-Neuter-Return based on phone calls from the public.
  - Coordinate targeted trapping events and neuter appointments for feral cats.
  - Communicate with neighborhoods in order to educate, identify caregivers and feral cat colonies, coordinate trapping, and organize volunteers.
  - Process all feral cat intake paperwork from clinics. Manage database of feral cats that have gone through clinics.
  - Develop and maintain relationships with community feral cat volunteers and other organizations.
  - Plan and host community outreach and training meetings or workshops.
  - Procure necessary equipment for Trap-Neuter-Return program.
  - Identify and apply for appropriate grants and other funding mechanisms to carry out Trap-Neuter-Return and offer services for caregivers of outdoor cats.
  - Evaluate the success of the Trap-Neuter-Return program through statistical analysis.

- *Volunteers*
  Recruit and train a volunteer base willing to help with Trap-Neuter-Return. Potential volunteers can be found by: working with other local feral cat groups and colony caregivers; returning calls from the public about feral cats; and recruiting through your public education efforts. Emphasize that there are many different roles for volunteers, including trapping, neuter clinic support, fostering, and administrative tasks.

- *Partnerships*
  Partnerships with other organizations can guarantee your Trap-Neuter-Return program's success.

  Work with local animal control or animal services to support and implement the Trap-Neuter-Return program. Progressive and compassionate animal control officers have the ability to educate the public during their interactions about feral and stray cats and refer residents to workshops and local neuter resources.

  If you are collaborating with other animal organizations, be sure to: encourage participation of key stakeholders; establish the project leaders; involve each organization in discussing the plans; and keep everyone informed of the program's progress.

  Working with feral cat caregivers and other concerned citizens is a key ingredient. Often they know the details that you need about colonies—they have been on the ground, doing the hands-on work.

3. Set policies and establish a trapping plan.

- *Set policies.*
  Launching an organization-sponsored Trap-Neuter-Return program is just one element in your new, comprehensive humane approach for cats. If you operate a shelter, then our Feline-Friendly Practices cover the steps shelters must take to best serve the cats and the public.

- *Establish a trapping plan.*
  Once you have the research and support in place, you can get down to creating a trapping plan. Use your data to identify colonies and map their locations. Use your connections with caregivers and volunteers to put your trapping plan into practice.

  - *Step-by-Step Trap-Neuter-Return*
    Learn all you can about the actual process of Trap-Neuter-Return. Read our How to Conduct Trap-Neuter-Return Guide (**http://www.alleycat.org/Trap-Neuter-Return**) and watch our video, Trapping Cats: How to Trap an Entire Colony.

  - *Pilot Program*
    Once you have these preparations in place, consider implementing a pilot Trap-Neuter-Return program before attempting to address the entire community. A pilot program focuses Trap-Neuter-Return on no more than one or two neighborhoods. Pilot programs are designed to be successful with the minimum commitment level of resources and volunteers. They are also a good way to get buy-in from government officials, if that is a goal of your organization. Providing assurance that the program will be tested first and modified as needed has persuasive power. If the pilot works, it is more likely that an expansion program will be supported.

  - *Targeted Trapping*
    Targeted trapping is a method of trapping, neutering, and vaccinating an entire colony at one

time before moving on to the surrounding colonies in a specific geographic location. This method is inclusive of all cats in the neighborhood, because it provides opportunities for residents to get their companion cats neutered and vaccinated at a reduced cost. Including these cats helps reduce the chances of future colonies being created. Targeted trapping allows you to focus your work judiciously and accomplish more in the long-run.

4. Determine a funding plan.

We often hear from organizations claiming they do not have money to institute a Trap-Neuter-Return program.

In the case of pounds and shelters, when they stop trapping, holding and feeding, killing, and disposing of stray and feral cats they realize substantial budgetary savings. But savings from implementing Trap-Neuter-Return programs are not limited to pounds and shelters alone. Other organizations dealing with adoptions, for example, will also see cost savings as Trap-Neuter-Return reduces kitten litters—and therefore also reduces resources spent on adoption.

- *Use Savings to Invest in New, Humane Programs*
  For shelters, the money saved across almost every budgetary line item can be allocated for providing humane services—including a Trap-Neuter-Return program, but also subsidized neuter services, adoption, and outreach programs—for cats.

- *Fundraise around your new approach*
  Improving your organization's services by introducing Trap-Neuter-Return means that you are gaining a new fundraising platform. The public and foundations will be more interested in supporting your organization when they hear that you are adopting a more humane approach for cats.

Check out **www.sheltersource.org/fundraising.html**, **www.sheltersource.org/grants.html**, **www.petsmartcharities.org**, and **www.petco.com** for grant opportunities. Many of these grant programs are interested in hearing about a focus on the feral and stray cat population or on increasing neuter availability. For other fundraising suggestions, read our Fundraising Guide (**http://www.alleycat.org/Page.aspx?pid=483**).

5. Set a veterinary care plan.

Feral cats require a special veterinary approach that takes into account their unique needs and the fact that they are unsocialized to humans. For Trap-Neuter-Return to be successful, you must have a veterinary care plan in place with professionals who are comfortable with the specific methods and procedures necessary to provide appropriate care for feral cats. Read our Feral Cat Veterinary Care Guide (**http://www.alleycat.org/Veterinarian**) to determine exactly what you must have in place.

Then, determine your ability to provide neuter services.

If your organization has a clinic on site, provide subsidized or low-cost neuter services for stray and feral cats. Some organizations set aside one day a week specifically for feral cats. If possible, offer weekend neuter services to allow feral cat caregivers to trap when most convenient. For help, access our Spay and Neuter Clinic Information (**http://www.alleycat.org/Page.aspx?pid=463**), watch or order our video, *Feral Cat Clinic Procedure* (***http://www.alleycat.org/Page.aspx?pid=492***), and order Operation Catnip's manual, *Idealism in Action* in our Marketplace (**http://www.alleycat.org/Page.aspx?pid=469**). For more hands-on information visit the Feral Cat Spay/Neuter Project (**http://www.feralcatproject.org/**) and Humane Alliance (**http://www.humanealliance.org/**).

If your organization does not have a clinic, convince local veterinarians to provide subsidized or low-cost neuter for feral cats (even if only offered one day per month). It may be necessary to subsidize expenses and/or purchase supplies for use on spay days. Consider assisting with paperwork and intake procedures.

6. Organize a community outreach component to educate the public, promote services, and build support.

The majority of callers reporting outdoor cats are looking for help. Callers can't ask for services that they do not know are available. And they also may not understand all of their options.

- *Take advantage of every opportunity to educate.*
  Share educational materials and information about: feral cats and their life in colonies outdoors (that they are not candidates for adoption); humane ways to deter cats from unwanted areas such as gardens and play areas; Trap-Neuter-Return; and your organization's response to feral cats through:
  - Newsletters
  - Website. Post a ready-made webpage about outdoor cats and Trap-Neuter-Return on your own website (**http://www.alleycat.org/Document.Doc?id=106**) (instructions: http://www.alleycat.org/Document.Doc?id=107).
  - Blog
  - Advertising, press releases, and articles placed in local media. Learn more about working with the media (**http://www.alleycat.org/Page.aspx?pid=373**) and creating publicity materials (**http://www.alleycat.org/Page.aspx?pid=372**).
  - Distributing flyers and posters in local neighborhoods
  - Being a guest speaker at schools and local community clubs
  - Posting on in-shelter displays and bulletin boards
  - Communicating with residents when they call the organization for help with cats
  - Hosting public workshops. Learn more about how to host a Helping Community Cats Workshop (**http://www.alleycat.org/Page.aspx?pid=371**).
- *Promote your organization's services.*
  When discussing your organization's approach for feral cats with the public, explain:
  - Trap-Neuter-Return and its benefits to the community and the lives of the cats.
  - That you will be providing tools and support to community volunteers to help you implement Trap-Neuter-Return.
  - In the case of shelters, your policy of no longer picking up or accepting stray and feral cats.
- *Share important information about cats.*
  Be aware that some community members will want the cats to "go someplace else" after they have been trapped. Educate the public about the vacuum effect and the failures associated with relocation of feral cats. Indicate that cats will not be removed from areas where they currently reside. In some cases it may be necessary to gently remind people that it is illegal for any individual to harm a cat, as stated in your state's animal anti-cruelty laws.

  Read more information that you can share with the public about how to deter cats from areas where they are not wanted (**http://www.alleycat.org/deterrents**).

Go to our marketplace (**http://www.alleycat.org/marketplace**) to purchase brochures with this and other information to distribute in your community.

- *Build community support by including the public in your programs.*
  Purchase a supply of traps to lend out to the public. Consider charging a refundable deposit to ensure that traps are returned. Learn how to use the traps and become familiar with trapping techniques. Learn more about Alley Cat Allies equipment suggestions for feral cats (**http://www.alleycat.org/Equipment**). Include information about how to trap feral cats with each trap, and always make sure people borrowing traps sign an agreement stating that the traps will be used only for the purpose of Trap-Neuter-Return. Show borrowers how to set the traps before they leave your facility.

  See the "**People Power**" section for more information about including community members in your programs.

7. Evaluate the progress of your Trap-Neuter-Return program.

Using the baseline statistics that you gathered prior to the implementation of the program, determine the impact Trap-Neuter-Return is having in your community. Refer to the tracking statistics posed under the "**Gather Baseline Statistics**" section above. Compare and contrast the statistics prior to the program and after the program has been established.

Be sure to continually measure your success. Accurate statistics will help identify areas that need improvement. Adjust the program accordingly, and demonstrate the effectiveness of your changes.

Our experience has shown that by taking into account these seven guidelines, organizations can implement a successful Trap-Neuter-Return program that improves the lives of cats and in helping improve your community. You will be joining a movement that values cats' lives and paves the way for the expansion of humane care for cats.

© 2012 Alley Cat Allies

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
October 02, 2012

A meeting of the Fayetteville City Council will be held on October 02, 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 September 18, 2012 City Council meeting minutes.

2. **Callie's Prairie:** A resolution naming the Lake Fayetteville Prairie Restoration Area "Callie's Prairie" in honor of Callie Henson, an early pioneer and land owner.

3. **Garver, LLC:** A resolution approving an amendment to the contract with Garver, LLC for additional professional engineering services associated with the extension of Frisco Trail in an additional amount not to exceed $26,500.00.

4. **Arkansas Forestry Commission Urban and Community Forestry Program Grant:** A resolution authorizing acceptance of an Arkansas Forestry Commission Urban and Community Forestry Program 50/50 matching grant in the amount of $7,500.00 to provide for construction of parking lot improvements north of the City's Development Services Building, and approving a budget adjustment recognizing the revenue.

5. **Bid #12-60 Advance Tire, Inc.:** A resolution to award Bid #12-60 to Advance Tire, Inc. for the purchase of four solid tire and wheel assemblies for the solid waste wheel loader in the total amount of $21,100.00.

6. **CDBG Public Facility Program:** A resolution to approve a contract with _____ in the amount of $_____ to use Community Development Block Grant Funds to rehabilitate a city building at 1932 S. Garland for charitable services for Fayetteville citizens. This item is a placeholder for the agenda. Additional information will follow.

B. Unfinished Business:

1. **§92.01 Definitions of the Animals Chapter & §92.35 Managed Care of Feral Cats:** An ordinance to enact new definitions into §92.01 **Definitions** of the **Animals** Chapter of the Fayetteville Code and enact §92.35 **Managed Care of Feral Cats.** *This ordinance was left on the Second Reading at the September 18, 2012 City Council meeting.*

   Left on the Second Reading.

C. New Business:

1. **Amend §97.086 Vending and Peddling:** An ordinance to amend §97.086 Vending and Peddling of the Code of Fayetteville to expand the number of days per week that the Farmers' Market can operate at the Botanical Gardens.

2. **REO Holdings 1, LLC:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with REO Holdings 1, LLC in the amount of $31,712.00 for the construction of an eight-inch water main near Bridgewater Lane.

3. **Neal Hefner Construction Company, Inc.:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Neal Hefner Construction Company, Inc. in the amount of $41,072.69 for the construction of extra-wide sidewalk to accommodate a future trail extension.

4. **VAC 12-4198 (5439 Maywood Dr./Win):** An ordinance approving VAC 12-4198 submitted by Alan Reid and Associates for property located at 5439 Maywood Drive to vacate a portion of a utility easement, a total of 477 square feet.

5. **VAC 12-4199 (2864 N. Prince William Dr./Cooper):** An ordinance approving VAC 12-4199 submitted by Alan Reid and Associates for property located at 2864 North Prince William Drive to vacate a portion of a utility easement, a total of 9.26 square feet.

6. **VAC 12-4205 (21st Amendment/Dickson St.):** An ordinance approving VAC 12-4205 submitted by John Starnes, AIA for property located at 404 & 406 West Dickson Street to vacate a landscape easement, a total of 0.10 acres.

D. City Council Agenda Session Presentations: Maylon Rice Library Board - One Book, One Community.

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:

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.

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.

Old business and new business.

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.

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.

Courtesy and respect. All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public

who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

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

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

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

10/2/2012
City Council Meeting Date
Agenda Items Only

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

Action Required:

A resolution to name the Lake Fayetteville prairie restoration area Callie's Prairie in honor of Callie Henson, early pioneer and property owner.

$ -		
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	Fund Name

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Connie Edmonston 9-14-12
Department Director — Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

9-14-12
City Attorney — Date

Paul A. Becker 9-17-2012
Finance and Internal Services Director — Date

Received in City Clerk's Office 09-14-12P12:28 RCVD

9-17-12
Chief of Staff — Date

Received in Mayor's Office ENTERED 9/17/12

9/18/12
Mayor — Date

Comments:

Revised January 15, 2009

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council

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

From: Byron Humphry, Maintenance Superintendent BH

Date: September 14, 2012

Subject: **Name the prairie renovation area at Lake Fayetteville, "Callie's Prairie".**

PROPOSAL:

Parks and Recreation, the Fayetteville Natural Heritage Association (FNHA), and the Environmental Study Center have been involved in a prairie restoration project since 2009. This project is located in the Northeast portion of Lake Fayetteville Park and is adjacent to the historic Butterfield Trail that traverses the park. The prairie area consists of approximately 30 acres of managed prairie. The focus of the project is to slowly transform the project area from an ecosystem dominated by invasive plant species to a prairie/oak savannah ecosystem dominated by native plants. The process began by physically removing invasive eastern red cedars and will continue to be managed by selective plant removal and prescribed burns. The result is a prairie area that is reminiscent of what early European settlers encountered when they first settled in the area.

As the project develops and the prairie area becomes more defined and distinct, park patrons are given a glimpse of our historical heritage. In keeping with this mindset, FNHA conducted extensive research into the history of the area where the prairie project is located at Lake Fayetteville Park. One of the early landowners of the property was Callie Henson. A more detailed account of Callie's life and trek to NW Arkansas is attached to this packet. Because of Callie's documented love of the property and the historical significance that her story gives to the area, FNHA requests that the prairie area be named Callie's Prairie.

Parks Staff and FNHA brought the naming request before the Parks and Recreation Advisory Board at the August meeting. Per City policy, the Parks Board tabled the item for one month to allow for public input. The request was voted on at the September Parks Board meeting where the vote passed unanimously.

RECOMMENDATION:

A resolution to name the Lake Fayetteville prairie restoration area Callie's Prairie in honor of Callie Henson, early pioneer and property owner.

BUDGET IMPACT:

Naming the prairie will in itself have no budget impact. FNHA has requested the Parks Department cost share an interpretative sign that gives historical information concerning Callie's Prairie. The Parks Department also wishes to provide signage that details the process of the project and provides information on the prairie/oak savannah ecosystem. The costs of the signs will come from existing Parks budget.

Attachments:
Staff Review Form
PRAB August minutes
PRAB September minutes
History of Callie Henson
Map of Lake Fayetteville Prairie Restoration Area

RESOLUTION NO. _____

A RESOLUTION NAMING THE LAKE FAYETTEVILLE PRAIRIE RESTORATION AREA "CALLIE'S PRAIRIE" IN HONOR OF CALLIE HENSON, AN EARLY PIONEER AND LAND OWNER

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby names the Lake Fayetteville Prairie Restoration Area "Callie's Prairie" in honor of Callie Henson, an early pioneer and land owner.

PASSED and **APPROVED** this 2nd day of October, 2012.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

FAYETTEVILLE PARKS AND RECREATION ADVISORY BOARD

Minutes for August 6, 2012

Opening:
The regular meeting of the Parks and Recreation Advisory Board was called to order by Steve Meldrum at 5:37 p.m. at the Frisco Trail, west of the Greenhouse Grille, and north of MKL Blvd. The meeting then convened at Room 111 at City Hall at 113 West Mountain in Fayetteville, Arkansas.

Present:
Parks and Recreation Advisory Board members Meldrum, Watson, Lawson, Leonard, McKnight, Paul, Proffitt, and Waite were present. No one was absent. Staff members Edmonston, Gipson, Jumper, Mihalevich, and Thomas were in attendance.

AGENDA:

5. **FNHA Request to name Lake Fayetteville's Prairie Restoration Area as Callie's Prairie: Bob Caulk, FNHA**
   See attached Park Naming Policy and proposal.

   Staff Recommendation: To name Lake Fayetteville's Prairie Restoration Area as Callie's Prairie. This item will be tabled for one month in order to allow for public input until the September 10th meeting.

   Bob Caulk, a member of the Fayetteville National Heritage Association, says the organization wants to rename the prairie as 'Callie's Prairie'. The prairie is in the NE portion of the park. That area has been identified as former upland prairie. Parks has been working with the group to help restore the area with controlled burns, and removing invasives. FNHA is working with the City to develop a restoration plan. He said by naming the prairie 'Callie's Prairie', it can help teach the value of selective eco-restoration. He

added that the area's history complements the Butterfield Trail, and Callie's romantic story adds interest.

Edmonston said that the prairie naming has to be tabled for one month per City policy in order to allow for public comment.

Meldrum thanked Caulk for the history behind the prairie.

Edmonston also thanked Caulk as well as the FNHA for their work on this project. She said that the history is fascinating.

PRAB Motion: This was tabled for one month to allow for public comment.

FAYETTEVILLE PARKS AND RECREATION ADVISORY BOARD

Minutes for September 10, 2012

Opening:
The regular meeting of the Parks and Recreation Advisory Board was called to order by Steve Meldrum at 5:33 p.m. in Room 111 at the City Administration Building at 113 West Mountain Street in Fayetteville, Arkansas.

Present:
Parks and Recreation Advisory Board members McKnight, Leonard, Meldrum, Lawson, and Proffitt were present. Waite, Paul, and Watson were absent. City Staff members present were Edmonston, Jumper, and Humphry.

1. **FNHA Request to name Lake Fayetteville's Prairie Restoration Area as Callie's Prairie: Bob Caulk, FNHA**
   See attached Park Naming Policy and proposal.

   Staff Recommendation: To name Lake Fayetteville's Prairie Restoration Area as Callie's Prairie. This item was tabled for one month at the August 6th meeting in order to allow for public input until the September 10th meeting.

   Meldrum asked if anyone had received any public input on the name.

   No one had.

   PRAB Motion: A motion to accept the request to name Lake Fayetteville's Prairie Restoration area as Callie's Prairie was made. The motion passed 5-0-0 by voice vote.

Sarah Caroline 'Callie' Gregg Henson

The Gregg and Henson families were early landowners in eastern Washington County near the community of Oxford Bend, located on the White River four miles east of Fayetteville, AR. In 1857 at eighteen, Sarah Caroline 'Callie' Gregg married a twenty five year old widower, Thomas Andrew 'Andy' Henson. Andy's first wife had two children; Byrd and Laura Louise.

At the beginning of the civil war, Andy and Callie's home and other homes in the area were attacked by bushwhackers. After being nearly killed by bushwhackers, the Henson's decided to leave. Andy freed his slaves (2), then took Callie and the children to Missouri for relative safety. After he enlisted in the Union Army, he served as a scout in the First Arkansas Calvary.

Callie's parents Albert G. Gregg and Sultana Jane Barr, lived on land that was patented in 1840's near Son's Chapel and the Oxford Bend Community. Callie was born in 1839 when Sultana was sixteen. In 1852 Sultana died and in 1854 Albert married Elizabeth McRoy. Albert G. a farmer and landowner was the first postmaster of Shiloh (later Springdale) of the Lynch's Prairie Post Office which was established in 1859 to receive the mail from the Butterfield Overland Stage. The Butterfield Overland Route was discontinued with the start of the civil war in 1861, and the post office was discontinued in 1866. According to the Prisoner-of-War Diary (1863) of Evan Atwood, Albert G. Gregg was killed by bushwhackers.

The difficult time that Callie had during the civil war is an untold story. Callie was in her early twenties when she, her two children, and two step children were relocated to Missouri. During this exodus period her father was killed; her husband was away in the Army; and in 1863 they buried two newborn infants.

The Henson family history in <u>Flashback</u> April 1960 relates that after the Civil War in the spring of 1865, Andy and Callie were returning to AR on Old Missouri Road. As they passed a farm at the north east end of what is now Lake Fayetteville Callie said, "I want this farm! I want to live here." The Henson's bought the farm in 1871 and over the years added land so that by the time Andy died in 1885, the farm was 1,700 acres in size. Andy was known as a good business man who traded livestock and land.

Of the fourteen babies that were born to Callie, six children died while newborns or infants. When two of Callie's children married Sanders, the Sanders became relatives. Callie lived on the farm on Old Missouri Road with Solon and his wife (Naomi Sanders) until her death in 1927. Her son, Solon G., bought the farm from the family members in 1922 and sold it in 1948.

In 2009 the Fayetteville Natural Heritage Association and the Fayetteville Parks and Recreation Department began a multiple year program to restore 27 acres of the Henson Farm to upland prairie by removing invasive plants, controlled burning, natural regeneration and supplementary seeding. This prairie restoration area was purchased by the City of Fayetteville in 1949 as part of the Lake Fayetteville water supply project. At that time this 27 acres of the Henson Farm, used primarily for pasture, had been in the ownership of the Henson family for 77 years.

Callie Henson will be remembered as the young women who in the spring of 1865 fell in love with Clear Creek, it's spring, and the beautiful grasslands. We wish to honor this memory by naming it <u>CALLIE'S PRAIRIE.</u>

July 2, 2012/JW

'Callie Henson'

Sarah Caroline 'Callie' GREGG Henson
Born: 16 October 1839 Washington County, Arkansas
Died: 7 May 1927 Washington County, Arkansas (87 years old)
Buried: Son's Chapel Cemetery, near Oxford Bend Community, Washington County

Parents:
Albert G. Gregg
Born: 27 Feb 1817 Lawrence County, Alabama
Died: June 1863 1st m.
Sultana Jane BARR
Born: March 1823 Alabama
Died: 8 May 1852 Washington County, Arkansas
First child born was Sarah Caroline when Sultana was 16 years old.
Sultana died after the birth of her fifth child.

Spouse:
Thomas Andrew 'Andy' Henson
Born: 9 Jul 1832 Bledsoe County, TN
Died: 1 Oct 1885 Washington County, AR; Buried Son's Chapel Cemetery

Parents:
Jonathan Henson
Born: Sequatchie Valley Bledsoe County TN
Died:?1842
m. Lydia JONES
Born: TN
Died: ?1842

Thomas Henson 1st m. in 1852 Louiza Maria KENNAN
Born: 11 April 1831 Columbia, Missouri
Died: 3 January 1857 Washington County, AR; Buried Son's Chapel Cemetery
They lived on farm 4 miles east of Fayetteville, AR

Children of Thomas and Louiza:
Alexander Byrd
Born: 1854 Washington County, AR
Died: Feb 1932 Washington County, AR

Laura Louise
Born: 1856 Washington County, AR
Died:

2nd m. in Sept 1857 Sarah Caroline GREGG
(See above for birth and death dates)

Children of Thomas Andrew 'Andy' and Sarah Caroline

'Callie': Ezekiel b.l8 Jul 1858 d. 12 Jan 186? William A.

b. 1861 d. after 1927, California James A. b. 21 Jan. 1864

d. 18 August 1888 m. Martha 2 infants b. & d. 1863,

Cemetery Son's Chapel

Jonathan F. b. 1866 d._____ after Nov. 1958, Nickerson, KA

Elizabeth E. b.l8 Feb 1869 d. 30 Nov 1869, Cemetery Son's Chapel

Eddie A. b. ll Oct 1870 d. 8 Mar 1872, Cemetery Son's Chapel

Lydia A. b. 1871 d. ___ m. Butcher Walnut Grove, MO

Charles H. b. 1874 d. ____ after Nov. 1958, Springdale, AR m. Mary E.

Serenie C. b. 3 Mar 1877 d. 19 Jan 1878, Cemetery Son's Chapel

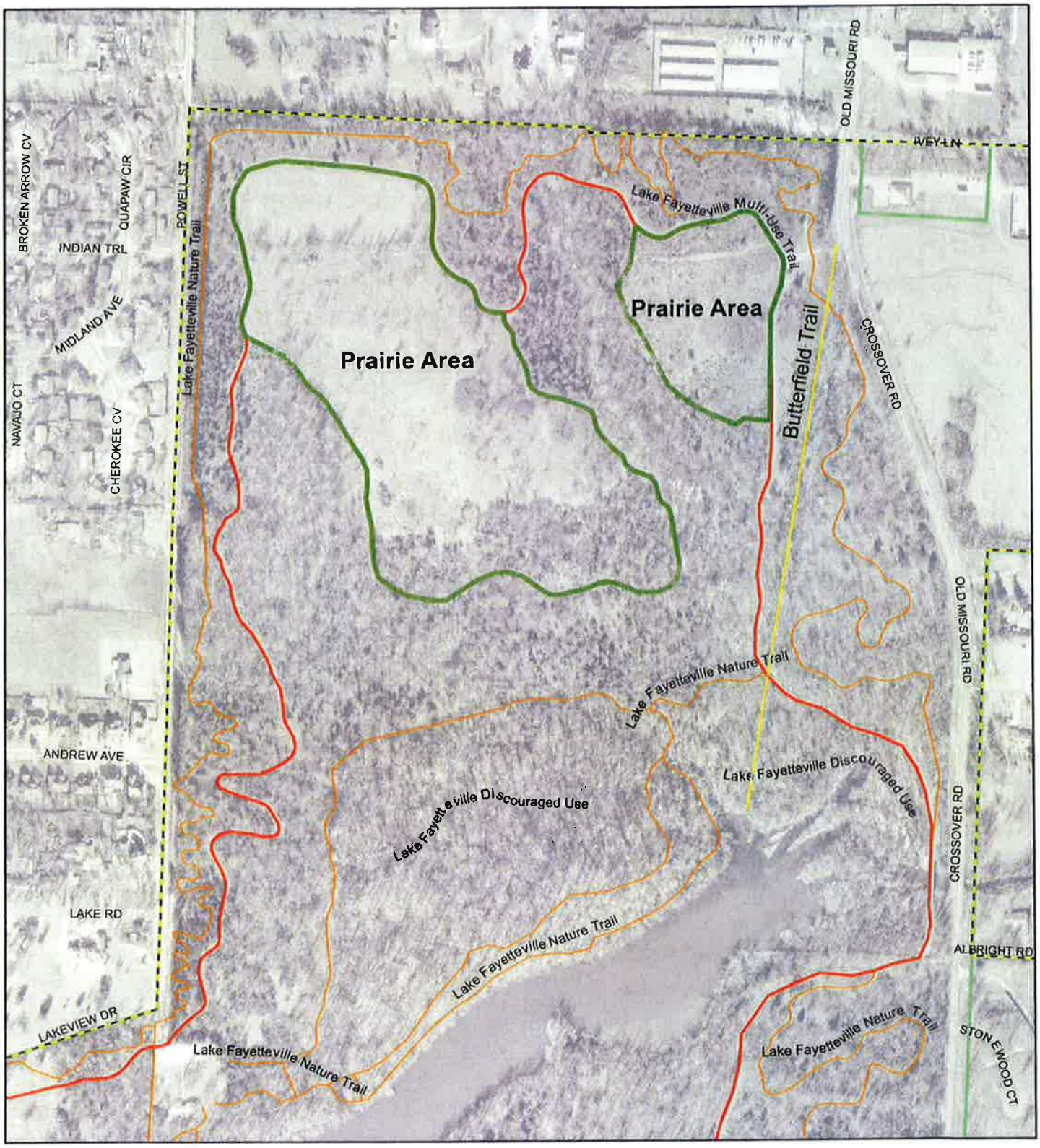
Solon C. b. 1877 d. Nov. 1958 m. Naomi Sanders Nov. 5,1898 Springdale, AR

Lillie A. b. 1880 d. _____m. Robert Bredding 1901 Billings, Montana

Minnie M. b. 1883 d.____in Montana m. Claude Sanders Billings, Montana

When first married, Andy and Callie lived on the farm 4 miles east of Fayetteville. After 1865 they lived on a farm on Old Missouri Road near Clear Creek.

References included: Henson Family history in the book - Washington County History, 1850 census for Prairie Township, 1880 census for Springdale Township, 1900 census, Flashback Feb. 1985 p. 14&15, Helen Henson, Son's Chapel Cemetery records, Solon C. Henson's obituary in 1958.



Lake Fayetteville Prairie Renovation Area

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

10/2/2012
City Council Meeting Date
Agenda Items Only

Matt Mihalevich	Engineering	Development Services
Submitted By	**Division**	**Department**

Action Required:

A resolution approving contract amendment number 1 with Garver, LLC. for additional professional engineering services associated with the extension of Frisco Trail south from Martin Luther King Jr. Blvd. to Walker Park. in an amount not to exceed $26,500 for a total contract amount of $216,000.

$ 26,500.00	$ 216,000.00	Trail Development
Cost of this request	Category / Project Budget	Program Category / Project Name
4470.9470.5814.05	$ 189,500.00	Trail Improvements
Account Number	Funds Used to Date	Program / Project Category Name
02016.1201	$ 26,500.00	Sales Tax Cap Imp
Project Number	Remaining Balance	Fund Name

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

Department Director — 9/13/12 Date

City Attorney — 9-14-12 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Finance and Internal Services Director — 9-17-2012 Date

Chief of Staff — 9-17-12 Date

Mayor — 9/18/12 Date

Received in City Clerk's Office 09-14-12P12:28 RCVD

Received in Mayor's Office ENTERED 9/17/12

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

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

From: Matt Mihalevich, Trails Coordinator MM

Date: September 13, 2012

Subject: Engineering Contract Amendment with Garver, LLC.

RECOMMENDATION

Staff recommends a resolution approving contract amendment number 1 with Garver, LLC. for additional professional engineering services associated with the extension of Frisco Trail south from Martin Luther King Jr. Blvd. to Walker Park. in an amount not to exceed $26,500 for a total contract amount of $216,000.

PROPOSAL:

On March 20th, 2012 resolution number 57-12 authorized Garver, LLC to begin the design work on the ½ mile Frisco Trail Southern Extension. This important trail extension is part of the 36-mile Razorback Regional Greenway and will provide safe pedestrian and bicycle connections to the numerous residents and businesses around Walker Park, as well as the future Tsa La Gi (Cherokee) trail to be extended west along the old rail line south of MLK Jr. Blvd. Over the past several months, Garver has assisted the City with a series of public meetings for the trail alignment and highway crossings. The schematic design for the Frisco Trail Southern Extension was approved by the Fayetteville Street Committee on August, 28th 2012 following the recommendations from public surveys, Garver, the Active Transportation Advisory Committee, and the Parks and Recreation Advisory Board. The concept includes construction of a tunnel under MLK, installation of 3 new bridges at stream crossings, and installation of a pedestrian hybrid beacon signal at the proposed crossing of School Avenue (Hwy 71B).

The administration requested staff to gather additional public input related to the trail alignment. Due to Garver's involvement with this process additional time was necessary resulting in increased cost; however, this has resulted in a well-vetted, comprehensive evaluation of the trail alignment and highway crossings that allows the design team to now move forward confidently to final design. In addition, based on concerns from a affected property owner, the trail alignment has moved on the west side of 71B near 9th Street. This alignment change includes a new trail bridge that results in additional design, survey and geotechnical work. This contract amendment with Garver, LLC will cover the design cost for these unanticipated changes without changing the schedule for final construction documents.

Trail design work is planned to be completed by the end of 2012, allowing construction to begin as early as 2013. Funding for construction is available though the Northwest Arkansas Regional Planning Commission as part of the Razorback Regional Greenway.

BUDGET IMPACT:

No City funds are necessary for this request. Funds in the amount of $108,000 from the Home Depot Foundation will be combined with $108,000 from the Walton Family Foundation for a total budget of $216,000. The original contract with Garver, LLC was $189,500 therefore this contract amendment of $26,500 will reach the total budget of $216,000. A check for the Home Depot Foundation funds has been received and the Walton Family Foundation funds will be received as reimbursement on a quarterly basis.

RESOLUTION NO. _____

A RESOLUTION APPROVING AN AMENDMENT TO THE CONTRACT WITH GARVER, LLC FOR ADDITIONAL PROFESSIONAL ENGINEERING SERVICES ASSOCIATED WITH THE EXTENSION OF FRISCO TRAIL IN AN ADDITIONAL AMOUNT NOT TO EXCEED $26,500.00

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves an amendment to the contract with Garver, LLC for additional professional engineering services associated with the extension of Frisco Trail in an additional amount not to exceed $26,500.00.

PASSED and **APPROVED** this 2nd day of October, 2012.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

AMENDMENT TO AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES CITY OF FAYETTEVILLE FAYETTEVILLE, ARKANSAS

CONTRACT AMENDMENT NO. 1

Frisco Trail Extension

This Contract Amendment No. 1, dated _____, 2012 shall amend the original contract between the CITY OF FAYETTEVLLE, ARKANSAS and GARVER, LLC, (Garver) dated March 20, 2012 for professional engineering services in connection with the Frisco Trail Extension from Martin Luther King, Jr. Boulevard to Walker Park, (the "Project"). This Contract Amendment No. 1 adds professional engineering services for the Design Phase Services, as described herein.

The contract is hereby modified as follows:

SECTION 2 - BASIC SERVICES OF GARVER

The following Sections add to corresponding Sections in the original contract.

2.1 General

2.1.1.2 The additional Scope of Services to be furnished by GARVER during the remainder of the Design Phase is included in Section 2.2 hereafter and in Appendix A and B attached hereto and made part of this Agreement.

2.2 Design Services

2.2.1 GARVER will perform additional engineering and related services in order to prepare drawings and related services as described in Appendix A.

SECTION 5 – PAYMENTS TO GARVER

5.1 Compensation

CITY OF FAYETTEVILLE shall pay GARVER an additional amount **not to exceed $26,500** for a total amount **not to exceed $216,000** in accordance with the provisions described in the following paragraphs. CITY OF FAYETTEVILLE shall pay GARVER for time spent on the project at the rates shown in attached Appendix B for each classification of GARVER's personnel plus reimbursable expenses, including but not limited to printing, courier service, reproduction, and travel. For informational purposes, a breakdown of GARVER's estimated costs is included in Appendix B. The rates shown in Appendix B will be increased annually with the first increase effective on or about June 1, 2013. Underruns in any phase may be used to offset overruns in another phase as long as the overall contract amount is not exceeded.

IN TESTIMONY OF WHICH, this instrument has been executed on behalf of GARVER ENGINEERS, and has been executed on behalf of the CITY OF FAYETTEVILLE, in three (3) counterparts, each of equal force, on the day and year first above written.

CITY OF FAYETTEVILLE	**GARVER, LLC**
By: _____	By: _____
	Brock Hoskins, PE
Title: _____	Title: Sr. Vice President
ATTEST: _____	ATTEST: _____

APPENDIX A – SCOPE OF SERVICES Amendment No. 1

2.1 General

Generally, the scope of services is amended to include surveying, structural bridge design, and preparation of property acquisition documents for the City of Fayetteville Frisco Trail for an additional alignment between the Campus Crest apartments and the intersection of School Avenue and 9th Street, which will include an additional bridge over Tanglewood Branch creek crossing near School Avenue.

2.2 Surveys

2.2.1 Design Surveys

Garver will provide additional field survey data for designing the project, and this survey will be tied to the Owner's control network.

Garver will conduct field surveys, utilizing radial topography methods, at intervals and for distances along the project site as appropriate for modeling the existing ground, including locations of pertinent features or improvements. Garver will locate buildings and other structures, streets, drainage features, trees over eight inches in diameter, visible utilities as well as those underground utilities marked by their owners and/or representatives, and any other pertinent topographic features that may be present at and/or along the project site. Garver will establish control points for use during construction.

2.2.2 Property Surveys

Garver will locate existing monumentation representing right of way and/or easements based on record data which will be provided by an abstractor under a subconsultant agreement with Garver.

2.3 Geotechnical Services

Garver will subcontract with Grubbs, Hoskyn, Barton & Wyatt to provide geotechnical investigations and recommendations for the design of the additional bridge.

2.4 Coordination

Coordination required for these additional services includes furnishing plans to all known utility owners potentially affected by the project at the conceptual and final stages of development. Garver will conduct a coordination meeting among all known affected utility owners to enable them to coordinate efforts for any necessary utility relocations. Garver will include the surveyed locations of the observable and marked utilities in the construction plans. Garver will also include proposed and/or relocated utility information in the construction plans as provided by the utility companies.

Garver will furnish final plans to the following agencies: NWARPC, AHTD, ADEQ, COE, USFWS, for their review and comment as necessary.

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 perform wetland delineation for the Tanglewood Branch creek crossing located near School Avenue. Garver will work to obtain a Nationwide Permit for the project from the US Army Corps of Engineers and to obtain clearance from the US Fish and Wildlife Service (USFWS) and the State Historic Preservation Office (SHPO) if necessary.

In addition, Garver will provide design of BMP devices and stream bank stabilization as necessary to meet or exceed the requirements of the City of Fayetteville Streamside Protection Ordinance.

2.6 Drainage Study

Garver will utilize the existing HEC-HMS and HEC-RAS hydrologic models for the design of a new bridge across the Tanglewood Branch creek crossing located near School Avenue. Modeling parameters, such as areas, slopes, drainage paths, and distances will be obtained from Owner-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 HEC-RAS hydraulic model for design of the creek crossing and trail construction within the designated FEMA floodplain/floodway to achieve a "No-Rise" in the water surface elevation during the 100-year rainfall event. The remainder of the drainage system for the project will be designed in accordance with the City of Fayetteville Drainage Criteria Manual.

Garver will develop a drainage report including the following:

- Existing HEC-HMS model data.
- HEC-RAS modified model results and supporting data.
- Drainage Computations for minor crossings and the MLK Jr. Tunnel.
- Summary of Results.

Garver will coordinate with COE to acquire a Nationwide permit for Spout Springs Branch Creek crossing.

2.7 Schematic Study

No additional services are required for the schematic study phase.

2.8 Conceptual Design (30% Submittal)

No additional services are required for the conceptual design phase.

2.9 Preliminary Design (60% Submittal)

The preliminary design phase submittal will include an additional bridge structure, Drainage Study, and COE Nationwide permit. The preliminary design phase will represent approximately 60 percent of final construction contract plans. This submittal will not include technical specifications or "front end" contract documents. Garver will not begin final design until the preliminary design is approved by the City of Fayetteville in writing.

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

2.10 Final Design (90% & 100% Submittals)

During the final design phase of the project, Garver will conduct additional final designs to prepare construction plans and specifications, for one construction contract, including final construction details and quantities, technical specifications, special provisions, and opinion of probable construction cost. Garver will also perform final field inspection with the City of Fayetteville, make any needed plan changes as a result of the final field inspection and/or special easement acquisition considerations, and prepare the construction documents as required to advertise for bids.

Garver will also prepare, submit, and coordinate approval of a Stormwater Pollution Prevention Plan (SWPPP) and Short-Term Activity Authorization (STAA) with ADEQ.

2.11 Property Acquisition Documents

Garver will provide additional mapping as required for preparing Right-of-Way/Easement acquisition documents for the City of Fayetteville's use in acquiring the property. Documentation will include an individual tract map with description of temporary and permanent acquisition for each property. The City of Fayetteville will provide a standard easement acquisition document or "go-by" example for use by Garver. The fee for providing property acquisition documentation is based on permanent right of way and temporary construction easements for no more than two (2) additional properties. Property acquisition document preparation will begin after receiving the City of Fayetteville's comments from the Preliminary Design review.

Fayetteville ARKANSAS

PURCHASE ORDER

Each Package Must Be Marked Exactly As Shown Here
City of Fayetteville, Arkansas

PURCHASE ORDER # 12-0000177-001

DATE 3/27/12

VENDOR NO. 52650

Garver Engineers

2049 E Joyce Blvd Ste 400
Fayetteville AR 72703

FOB Fyv

TERMS NET 30 DAY

Qty.	Unit of Issue	Qty. Received	Description and Account Number	Unit Price	TOTALS
1.00	JOB	_____	a) Engineering Serivces Related to Frisco Trail (South) Per RFQ #11-01 Res #57-12 Contract #2237 4470.9470.5814.05 020161201	189500.00	189500.00

Change Order #1
Please add line item b) Amendment #1 to Contract #2237 for additional engineering services in the amount of $26,500.00 for a total contract amount of $216,000.00

SHIP TO: Transportation Dept
1525 S Happy Hollow Rd

Fayetteville AR 72701

Nelson, J

Sales Tax Total: $.00
Purchase Order Total: 189500.00

DEPARTMENT VERIFICATION — BY — DATE

RECEIVED
DEPT HEAD APPROVAL — 9/13/12
AMOUNT TO PAY $ Change Order — 9/13/12

A/P VERIFICATION

PURCHASING VERIFICATION
PRICE CHANGE VERIFICATION

RETURN CHECK TO _____
SEND COPY TO _____

ADDITIONAL APPROVAL

_____ CHECK # _____
_____ DOES NOT MEET PURCHASING POLICY
_____ CONTRACT PAYMENT
_____ OTHER

APPROVED BY _____

PROJECT # _____
THIS PAYMENT $ _____
PREVIOUS PAYMENT(S) $ _____
TOTAL PYMT(S) $ _____
BALANCE $ _____

DEPT COPY

Fayetteville
ARKANSAS

Frisco Trail

MLK Jr. South to Walker Park
CONCEPTUAL TRAIL LAYOUT
AUGUST 2012

0 100 200

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

10/2/2012
City Council Meeting Date
Agenda Items Only

Alison Jumper	Park Planning	Parks and Recreation
Submitted By	**Division**	**Department**

Action Required:

A resolution approving the acceptance of an Arkansas Forestry Commission Urban and Community Forestry Program 50/50 matching grant in the amount of $7,500 and a budget adjustment to recognize the revenue for the construction of parking lot improvements north of the Development Services building.

$ 10,222.50	$ 84,060.00	Materials & Supplies
$ 10,382.68	$ 28,000.00	Parking Lot Imrovements
Cost of this request	Category / Project Budget	Program Category / Project Name
2100.4130.5216.00	$ 46,263.00	Drainage Maintenance
2130.9131.5819.00	$ 6,735.00	Parking Lot Improvements
Account Number	Funds Used to Date	Program / Project Category Name
12014.1	$ 37,797.00	Street
06001.0	$ 21,265.00	Park Lot Improvements
Project Number	Remaining Balance	Fund Name

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

Department Director — 9-14-12 Date

City Attorney — 9-14-12 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Finance and Internal Services Director — 9-17-2012 Date

Chief of Staff — 9-17-12 Date

Mayor — 9/18/12 Date

Received in City Clerk's Office 09-14-12 P03:44 RCVD

Received in Mayor's Office ENTERED 9/17/12

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan, City Council

Thru: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director
Terry Gulley, Transportation Director
David Jurgens, Utilities Director

From: Alison Jumper, Park Planning Superintendent

Date: September 11, 2012

Subject: Arkansas Forestry Commission Urban and Community Forestry Program Grant Acceptance Approval

PROPOSAL:

The Arkansas Forestry Commission Urban and Community Forestry Program advertised for proposals for a 50/50 matching grant to assist local groups and government entities manage their natural resources. The program has six general objectives (see attached grant application guide) that focus on tree management, green space restoration, low impact development, skill enhancement, education and productive urban landscapes. Eligible recipients of the grant include state and local governments, non-profit organizations and educational institutions.

Grant funding comes from the United States Department of Agriculture through the US Farm Bill to provide financial assistance through state foresters to eligible entities. The federal share of any project cannot exceed 50% of the total project. Non-federal match may be cash, services or in-kind contributions. The maximum allowance is $7,500, unless waived by the Grant Review Committee for exceptional projects.

Eligible projects include those addressing Low Impact Development (LID) installed on public property. The City of Fayetteville currently owns a parking lot located at the northeast corner of Mountain and Church streets where trees have been planted, but are in very poor condition due to the lack of water and rooting space. The project for the grant application includes removing approximately an 8' wide by 220' long asphalt between parking bays between Mountain and Church, and two smaller areas to the east just north and south of the existing awning (see attached map). The new island area would be a depressed island to accommodate storm water runoff from the parking lot and adjacent rooftops to the east. New trees would be planted in the islands and a flush concrete curb would be installed around the edges. Topsoil and river rock would be placed in the island for growing medium and mulch as well as irrigation. Additionally, new parking meters would be placed on either side of the island.

The City of Fayetteville has been awarded the $7,500 grant. If approved, construction is anticipated to begin in December and be complete in February.

RECOMMENDATION:
Staff recommends approving a resolution to accept an Arkansas Forestry Commission Urban and Community Forestry Program reimbursable 50/50 matching grant in the amount of $7,500 and approving a budget adjustment to recognize the revenue for the construction of parking lot improvements north of the Development Services building.

BUDGET IMPACT:
Total project cost is estimated at $20,605. $7,500 will be reimbursed to the City after the project is complete. The grant will be matched with $13,105 in materials as well as in-kind labor and equipment provided by the Transportation and Parks departments. $10,382 is available in the Parking Lot Improvements project to refurbish the parking meters, and $2,722 is available in the Transportation construction materials account. All work will be completed in house.

Attachments:
Letter of Award from the Arkansas Forestry Commission
Grant Agreement
Grant Application
Site Map
Budget Adjustment

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING ACCEPTANCE OF AN ARKANSAS FORESTRY COMMISSION URBAN AND COMMUNITY FORESTRY PROGRAM 50/50 MATCHING GRANT IN THE AMOUNT OF $7,500.00 TO PROVIDE FOR CONSTRUCTION OF PARKING LOT IMPROVEMENTS NORTH OF THE CITY'S DEVELOPMENT SERVICES BUILDING, AND APPROVING A BUDGET ADJUSTMENT RECOGNIZING THE REVENUE

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 acceptance of an Arkansas Forestry Commission Urban and Community Forestry Program 50/50 matching grant in the amount of $7,500.00 to provide for construction of parking lot improvements north of the City's Development Services Building.

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", recognizing the revenue.

PASSED and **APPROVED** this 2nd day of October, 2012.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

City of Fayetteville, Arkansas
Budget Adjustment Form

A. 4 V12.0724
Arkansas Forestry Commission Urban and Community Forestry Program Grant
Page 1 of 1

Budget Year	Division: Transportation Services Department: Transportation Services	Request Date	Adjustment Number
2012		9/14/2012	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Mountain Street parking lot - To recognize grant funds of $7,500 from the Arkansas Forestry Commission to be used to make improvements to the Mountain Street parking lot (across from Development Services Building).

Division Head	9-14-12	Date
Budget Director	9-18	Date
Department Director	9-14-12	Date
Finance Director	9-17-2012	Date
Chief of Staff	9-17-12	Date
Mayor	9/18/12	Date

Prepared By: Alan E. Bearden, Jr.
Reference: ggundlach

Budget & Research Use Only

Type: A B C D E P

General Ledger Date

Posted to General Ledger — Initial — Date

Checked / Verified — Initial — Date

TOTAL BUDGET ADJUSTMENT 7,500 7,500

Account Name	Account Number		Increase / (Decrease) Expense	Revenue	Project.Sub Number
Construction materials	2100.4130.5216.00	EX	7,500		12014.1
Federal Grants-Capital	2100.0910.4309.00	RE		7,500	12014.1
					.
					.

EXHIBIT tabbies A

C:\Users\ggundlach\Documents\BA to recognize Transportation Grant Revenue 9-14-12

ARKANSAS FORESTRY COMMISSION

2752 North Garland Avenue
Fayetteville, Arkansas 72704
(479) 442-4963 fax: (479) 587-1442

Joe Fox
State Forester

August 20, 2012

Alison Jumper, PLA
Park Planning Superintendent
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Dear Ms. Jumper:

After a detailed review of the Urban & Community Forestry Assistance Grant applications by the grant review committee, I am very pleased to award a grant for $7,500 to the Fayetteville Parks and Recreation. The Arkansas Forestry Commission has assigned this project the number UCF12-01. There are two items that need to be addressed prior to implementing this grant:

1. The Certification for Lobbying form is missing and needs to be turned in.
2. We would like for you to add at least one additional tree species to the project and submit to me.

Please sign the attached agreement and return to me with the information requested above.

Your vision will help to foster stewardship of our natural resources and enhance the character and economic viability of our communities. With eighty percent of our citizens living in urban areas it is important that we keep our communities healthy through proper planning and management of our community forest.

Thank you for your dedication in furthering the importance of Arkansas' natural resources.

Sincerely yours,

Patti Erwin

Patti Erwin
Urban Forestry Coordinator

GRANT AGREEMENT
BETWEEN
ARKANSAS FORESTRY COMMISSION
AND
City of Fayetteville

8/20/12 – 7/31/2013

This Grant Agreement is hereby entered into by and between the Arkansas Forestry Commission, hereafter referred to as 'AFC', and the **City of Fayetteville**, hereafter referred to as 'Grantee.'

All funds must be used for the purposes stated below. Any modification of purpose, final product, grant award, or matching contribution must be requested in writing and approved by the AFC. Grantee must raise the entire balance of funds necessary to complete the budget as proposed, from non-federal sources.

Purpose: **Retro fit a parking lot with bioswale and tree planting**

The **$7,500** grant will be paid on a reimbursement basis upon submission of approved cost records AND a project final report. The amount paid will equal 50% of the approved project costs, not to exceed either the grant amount or the out-of-pocket expenses. The Grantee shall be responsible for a minimum match of **$7,500**, in eligible cash purchases or in-kind contributions.

The Grantee shall be responsible for providing proof-of-payment records for all purchases and in-kind contributions. These include source documentation such as invoices, canceled checks, paid receipts, payroll or time and attendance records, contract documents, and valuation letters for third-party in-kind contributions. Cost records must be retained for three years following conclusion of the project.

The Grantee shall submit a final project performance report, a financial summary with supporting documentation, and a copy of any product developed through the grant within 30 days of project completion, or by **July 31, 2013**, at the latest.

The State Forester and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of the Grantee which are pertinent to the grant in order to make audits, examinations, excerpts, and transcripts.

(For Tree Planting Projects Only) Trees must be maintained for three full years following planting. The Grantee must replace any dead trees within the period of this three-year period.

The Grantee agrees to include in all promotion, publicity, programs, advertising, and in any printed materials pertaining to all AFC Urban Forestry funded programs and/or projects, the following credit line: "This project is supported in part by the Arkansas Forestry Commission's Urban Forestry Program and the U. S. Forest Service."

If a Grantee materially fails to comply with any term of this award, as stated above, the AFC may disallow all or part of the cost of the activity or action not in compliance, wholly or partly suspend or terminate the current award for the Grantee, withhold further awards for the program, demand repayment of the grant, or take other legally available remedies.

The Grantee agrees not to discriminate against any employee, applicant for employment or any person participating in any aspect of this grant on the basis of race, creed, color, national origin, religion, sex, age or physical or mental disability.

The Grantee may terminate this entire Agreement, without cause, prior to the expiration of the grant period, upon sixty (60) days written notice. Upon cancellation of this Agreement and release of the unexpended grant funds, the Grantee is fully released of all obligations under this Agreement.

If any part of this Agreement shall be deemed to be or shall, in fact, be invalid, inoperative, or unenforceable as applied, such circumstance shall not have the effect of rendering any other provision of this Agreement invalid, inoperative, or unenforceable to any extent whatever.

We accept this grant subject to the terms and provisions stated above.

Signature Patti Erwin

Date 8/21/12

Patti Erwin, Urban Forestry Coordinator
Arkansas Forestry Commission

Signature _____

Date _____

Mayor Lioneld Jordan
City of Fayetteville

FAYETTEVILLE

URBAN AND COMMUNITY FORESTRY GRANT APPLICATION 2012

MOUNTAIN AND CHRUCH STREET PARKING LOT IMPROVEMENTS

JULY 2012

PARKS AND RECREATION
Fayetteville
ARKANSAS

LIST OF CONTENTS

"The right of children to play, sing and to dance; the right of youth to sport for sport's sake; the right of men and women to use leisure in the pursuit of happiness in their own way, are basic to our American Heritage."

—Harry Truman

Cover Page	1
List of Contents	2
Application Form	3
Narrative	4-6
Budget Proposal Form	7
Tree Planting Information Form	8
Bids for equipment, trees, consultants, etc.	9
Maps, sketches, informational materials	10
Letters of Support	11
Governor 's Briefing Form	12
Federal Forms	13-18

APPLICATION FORM

ARKANSAS FORESTRY COMMISSION

URBAN & COMMUNITY FORESTRY ASSISTANCE GRANT

Applicant: City of Fayetteville

Address: 113 W. Mountain

Fayetteville, AR 72701

Contact person(s): Alison Jumper

Phone number(s): 479-444-3469

Email address(s): ajumper@ci.fayetteville.ar.us

Federal Employer ID No. (FEIN): 71-6018462

Brief description of project: The City of Fayetteville is seeking funds to retrofit an existing City owned parking lot located at the northeast corner of Mountain and Church Streets with a bioswale and tree planting. The bioswales would be excavated each varying sizes with the largest being approximately 8' by 220 ' long. The swales would be planted with shade trees and mulched with river rock. The existing parking lot is in the downtown area.

Project timetable: August 15, 2012 – July 31, 2013

Federal Cost-Share requested: $ 7,500.00

Non-federal share: $ 31,553.98

Projected total expenditures: $39,053.98

*Any printed material will have prior approval by AFC and will contain a statement to the effect that funding was made possible by a grant from the USFS and the AFC. Printed material must also contain a non-discrimination statement.

Alison Jumper
(Signature of Authorized Contact Person)

7/25/12
(Date)

PROJECT NARRATIVE

The City of Fayetteville is requesting funding for the construction of low impact development improvements in an existing city owned parking lot. Funds will be used to create three bioswales in an existing asphalt parking lot to reduce the urban heat island effect and to capture and filter storm water coming from the parking lot and adjacent rooftops.

The City of Fayetteville currently owns a parking lot located at the northeast corner of Mountain and Church streets where trees have been planted, but are in very poor condition due to the lack of water and rooting space. This project includes removing approximately an 8 ' wide by 220 'long (1,700 s.f.) asphalt area between parking bays and two smaller areas, approximately 8 ' wide by 100 ' long (217 s.f.)8 ' wide by 27 ' long (815 s.f.). The existing trees, parking meters, asphalt and 3 ' of underlying material would be removed in the islands. A 4 ' perforated pipe would be installed in the bottom of the swale to receive water and covey it to the street during heavy rains to keep the swales from overflowing. The new island areas would be filled with a topsoil mix to promote proper tree root growth and contoured to be depressed to accommodate stormwater runoff from the east. New trees would be planted in the islands and a layer of 3-4 " river rock would be installed on top of the topsoil. A concrete flush curb would be installed around the edges of the island to allow water to sheet flow across the parking area into the island. Wheel stops would be used to prevent cars from driving into the island. Parking meters would be placed on either side of the island to users to access. Signage will be included explaining the importance of low impact development.

The City of Fayetteville currently manages its urban forest with City Staff and with private contractors. City staff waters, prunes and mulches trees on a routine schedule, and the City also currently has a three – year

(Continued on page 5)

PROJECT NARRATIVE

maintenance contract to water, mulch and prune trees planted within the rights-of-way. This project would serve as an example of how other developments can incorporate low impact development into their designs.

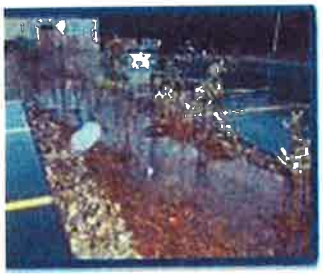
This parking lot is located in a highly visible location, where many citizens, engineers and developers park to attend meetings, pay water bills and take car of other city related business, exposing them to low impact development techniques.

Maintenance including watering and pruning will be performed on a regular basis by City Staff. River rock is being used as mulch to minimize maintenance and to ensure the material stays in place in times of rain. Irrigation will be installed to establish and ensure the long term survival of the trees

This project meets the Arkansas Forestry Commission 's objectives by creating an exemplary low impact development project in the heart of downtown to help educate others of the importance of responsible design, planning and development. This project would add valuable green space and water infiltration areas to an otherwise completely impervious parking area. By removing asphalt and replacing it with pervious rooting space for trees, this project would help improve water and air quality, reduce the urban heat island effect, provide wildlife habitat and sequester carbon.

The Transportation Department, Parks Department and Parking Division will partner on this project to make it a success. The Transportation Department will be responsible for the demolition including tree, meter and asphalt removal as well as constructing the curb and placing the topsoil and river rock, irrigation pipe and drain. The Parks Department will be responsible for securing, planting and maintaining the trees for the first three years of establishment and installing the irrigation emitters. After

PROJECT NARRATIVE



establishment, maintenance of the trees will be turned over to the Transportation Department.

The City of Fayetteville received its continued designation of Tree City USA for the seventeenth year in 2011. This project would help the City achieve its goal of obtaining the designation for 2012 as well.

The project will be an educational tool for all citizens, developers and engineers who utilize the lot. This parking area services two of the most busy City facilities, City Hall and the Development Services Department. Retrofitting the parking area with Low Impact Development features would help reinforce the importance of integrated storm water management and the City 's commitment to being a leader in responsible development. If awarded, the project would begin in December and be incomplete in February 2013.

BUDGET

DETAILED PROJECT BUDGET PROPOSAL

Categories	Federal Grant	Non-Federal Match		Total
		Cash	In-kind	
Personnel (include fringe benefits)				
Crew Leader			$1,800	$1,800.00
Maintenance Worker 4			$4,320	$4,320.00
Maintenance Worker 3			$3,840	$3,840.00
Temporary			$600	$600.00
In house tree planting			$2,100	$2,100
Travel				
Equipment				
Crew Truck			$852.48	$852.48
Dump Truck			$2,688	$2,688.00
Gradall			$1,656.48	$1,656.48
Backhoe			$591.84	$591.84
Supplies				
Topsoil	$2,640			$2,640.00
River Rock	$1,550			$1,559.00
Trees	$2,800			$2,800.00
Concrete			$2,362.50	$2,362.50
4 " Perforated Pipe	$320.00			$320.00
1-1/4 " Schedule 40 Pipe			$160.00	$160.00
Parking Meters			$10,382.68	$10,382.68
Backflow Preventer	$190.00		$200.00	
Contractual				
Other				
TOTALS	$7,500.00		$31,553.98	$39,053.98

TREE PLANTING INFORMATION

(1) SPECIES Gleditsia tricanthos 'Shademaster' SIZE 2' caliper B &B

NUMBER 14 COST per TREE $200.00 TOTAL COST $2,800.00

SIZE = CALIPER, HEIGHT, CONTAINER SIZE, ETC.
If more than ten (10) species are being planted, furnish above information on each additional species.
NOTE: Trees should be planted in fall and early winter

BIDS

Fayetteville

City of Fayetteville, Arkansas
Purchasing Department
Request and Quotations Form - Revised 8/25/2005

Amount	Quote Requirements	Notes
$1000-$2499.99	3 Verbal Quotes	Please put vendor names and quote amount in comment section of your P-Card/PO request. Please write "sole source" if it applies.
$2500-$20,000	3 Written Quotes	Purchases $2500 and up cannot be processed by using a P-Card, you MUST USE A PO. Please make sure that your quotes are attached to your PO Request before you send it to Purchasing.
$20,000 - above	Contact Purchasing Division	Formal Bid Process - Contact Purchasing Division

Quote Number: _____ (Your records only)

GL Account Number: _____

Date: 7/16/2012.

Purchase Order Number: _____ (Please use a P-Card if possible. Only order after request is approved (P-Cards) or after obtaining a PO Number first)

Date Needed: / /

Department: Parks and Recreation.

Taken By: Derek Linn, Urban Forestry Secretary.

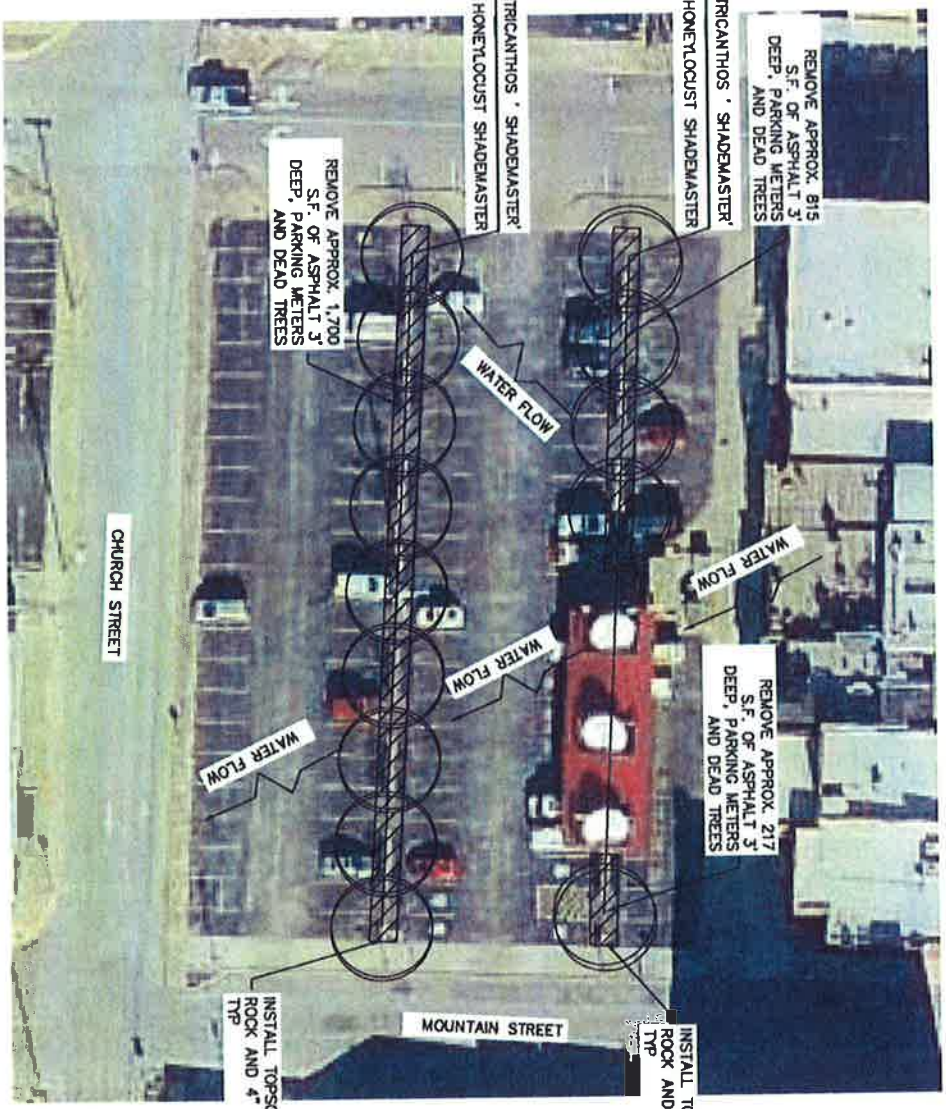
Description of Item (s):
2" B & Bcaliper Gleditsia Trianthos 'Shademaster' - Thornless Honey Locust

Quantity: 14

Vendor List	Unit Price	Total Price	Terms/Remarks
Vendor #1: Sharum Garden Center Address: East Henri De Tonti Boulevard Springdale, AR 72762	$200	$2,800	
Vendor #2: White River Nursery Address: 5635 East Huntsville Road Fayetteville, AR 72701	$200	$2,800	
Vendor #3: Sanders Nursery Address: 13302 E. 590 Road Inola, OK	$119	1,666	Does not include shipping
Vendor #4: Address:			

Comments:

MAP



MOUNTAIN AND CHURCH
STREET PARKING LOT
IMPROVEMENTS

0 30 60

SUPPORT

Urban Forestry Advisory Board
Nancy Varvil, Chair
Betty Martin, Vice Chair
Henry Gaston
Don Steinkraus
Lacy Nelson
Kathy Launder
Malcolm LeVois

Opening:
The regular meeting of the Urban Forestry Advisory Board was called to order at 4:03 p.m. on July 11, 2012 at the City Administration Building located at 113 West Mountain Street in Fayetteville, Arkansas in Room 111.

Present:
The Urban Forestry Advisory Board members present were Varvil, Gaston, Nelson, and LeVois. City employees present were Jumper, Dale, and Linn.

AGENDA

Excerpt highlighting Agenda Item #5:

5. Application Approval for Urban & Community Forestry Grant – Alison Jumper

Jumper notified the Board that a grant opportunity is available through the Arkansas Forestry Commission. She said the grant encourages urban forestry projects that address Low Impact Development (LID) on public property.

She said the grant is a 50/50 matching grant for amounts up to $7500. She said the City is considering applying for the grant and would like to use the project money to bring improvements to the parking lot near the City Administration Building. She said the proposed project would incorporate a bioswale down the length of the parking lot to increase on-site rainwater collection. The proposal would also include several deciduous trees to bring warm-season shade and cooler conditions to pedestrians and automobiles.

Varvil asked if Fayetteville would be competing with other cities for the grant.

Jumper said Fayetteville would be competing with other cities, and that local community support is an important aspect in the evaluation of applicants.

Varvil asked the Board if this grant application sounded like a valuable endeavor.

Nelson motioned to recommend the City's applying for the Urban & Community Forestry Grant. Gaston seconded it.

Jumper expressed appreciation for their consideration of the grant.

BRIEFING FORM

STATE AGENCY: Arkansas Forestry Commission

Contact: Patti Erwin **Phone:** 479-442-4963

APPLICANT: City of Fayetteville

City/Town: Fayetteville **County:** Washington

Mayor: Lioneld Jordan **County Judge:** Marilyn Edwards

Population (City): 73,580 **Population** (County): 207,521

If not government agency identify members and/or agents of organization:

Legislators (State Senator and Representatives): Greg Leding, Uvalde Lindsey, Sue Madison, Bill Pritchard, Richard Love, Garry Smith

Control Number: (assigned by the AFC)

Scope of Project: (i.e. type, purpose, environmental, social, economic impact, etc.)

To improve water and air quality, reduce the urban heat island effect and educate citizens about the importance of low impact development by construction bioswales in an existing city-owned parking lot.

Funds: $31,553.98

Federal Funds: $7,500.00

Estimated Total: $39.053.98

Project Timetable (dates):

Start of project: August 15, 2012

Advertisement for bids:

Project completed:

Other:

FEDERAL FORMS

OMB Number: 4040-0004
Expiration Date: 03/31/2012

Application for Federal Assistance SF-424

* 1. Type of Submission:
- [ ] Preapplication
- [x] Application
- [ ] Changed/Corrected Application

* 2. Type of Application:
- [x] New
- [ ] Continuation
- [ ] Revision

* If Revision, select appropriate letter(s):

* Other (Specify):

* 3. Date Received: Completed by Grants.gov upon submission.

4. Applicant Identifier:

5a. Federal Entity Identifier:

* 5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name: City of Fayetteville, AR

* b. Employer/Taxpayer Identification Number (EIN/TIN): 71-6018462

* c. Organizational DUNS: 07567742

d. Address:

* Street1: 113 West Mountain Street
Street2:
* City: Fayetteville
County/Parish:
* State: Arkansas
Province:
* Country: USA: UNITED STATES
* Zip / Postal Code: 72701

e. Organizational Unit:

Department Name: Parks and Recreation

Division Name: Park Planning

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Ms.
* First Name: Alison
Middle Name:
* Last Name: Jumper
Suffix:

Title: Park Planning Superintendent

Organizational Affiliation:

* Telephone Number: 479-444-3429
Fax Number: 479-521-7714

* Email: ajumper@ci.fayetteville.ar.us

Application for Federal Assistance SF-424

9. Type of Applicant 1: Select Applicant Type:

C. City Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

United States Department of Agriculture

11. Catalog of Federal Domestic Assistance Number:

CFDA Title:

*** 12. Funding Opportunity Number:**

CDA#10.664

* Title:

Urban and Community Forestry Financial Assistance Program

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment | Delete Attachment | View Attachment

*** 15. Descriptive Title of Applicant's Project:**

Parking Lot Improvements at Mountain and Church Streets

Attach supporting documents as specified in agency instructions.

Add Attachments | Delete Attachments | View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant: Third (3rd)
* b. Program/Project: Third (3rd)

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment | Delete Attachment | View Attachment

17. Proposed Project:

* a. Start Date: December 1, 2012
* b. End Date: February 28, 2013

18. Estimated Funding ($):

* a. Federal	7,500
* b. Applicant	0
* c. State	0
* d. Local	31,553.98
* e. Other	0
* f. Program Income	0
* g. TOTAL	39,053.98

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- [x] a. This application was made available to the State under the Executive Order 12372 Process for review on 7-30-12.
- [ ] b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- [ ] c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

- [ ] Yes
- [x] No

If "Yes", provide explanation and attach

Add Attachment | Delete Attachment | View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

- [x] ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix:	Mr.
* First Name:	Lioneld
Middle Name:	
* Last Name:	Jordan
Suffix:	
* Title:	Mayor
* Telephone Number:	479-575-8330
Fax Number:	
* Email:	ljordan@ci.fayetteville.ar.us
* Signature of Authorized Representative:	Completed by Grants.gov upon submission.
* Date Signed:	Completed by Grants.gov upon submission.

BUDGET INFORMATION - Non-Construction Programs

OMB Number: 4040-0006
Expiration Date: 06/30/2014

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. Bioswale Construction		$	$	$ 7500	$ 31,553.98	$ 39,053.98
2.						
3.						
4.						
5. Totals		$	$	$ 7500	$ 31,553.98	$ 39,053.98

Standard Form 424A (Rev. 7- 97)
Prescribed by OMB (Circular A -102) Page 1

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY (1)	(2)	(3)	(4)	Total (5)
	Bioswale Construction				
a. Personnel	$ 12,600.00	$	$	$	$ 12,600.00
b. Fringe Benefits					
c. Travel					
d. Equipment	5,788.80				5,788.80
e. Supplies	20,605.18				20,605.18
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a-6h)					$
j. Indirect Charges					$
k. TOTALS (sum of 6i and 6j)	$ 39,053.98	$	$	$	$ 39,053.98
7. Program Income	$	$	$	$	$

Authorized for Local Reproduction

Standard Form 424A (Rev. 7- 97)
Prescribed by OMB (Circular A -102) Page 1A

SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e)TOTALS
8. Parking Lot Improvements	$ 31,553.98	$	$	$ 31,553.98
9.				
10.				
11.				
12. TOTAL (sum of lines 8-11)	$	$	$	$

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$ 7,500	$	$	$	$ 7,500.00
14. Non-Federal	$ 31,553.98				31,553.98
15. TOTAL (sum of lines 13 and 14)	$ 39,053.98	$	$	$	$ 39,053.98

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (YEARS) (b)First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTAL (sum of lines 16 - 19)	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION

21. Direct Charges:

22. Indirect Charges:

23. Remarks:

Authorized for Local Reproduction

Standard Form 424A (Rev. 7- 97)
Prescribed by OMB (Circular A -102) Page 2

OMB Number: 4040-0007
Expiration Date: 06/30/2014

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C.§§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U. S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee- 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

* SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	* TITLE
Completed on submission to Grants.gov	Mayor Lioneld Jordan
* APPLICANT ORGANIZATION	* DATE SUBMITTED
City of Fayetteville	Completed on submission to Grants.gov

Standard Form 424B (Rev. 7-97) Back

U.S. DEPARTMENT OF AGRICULTURE

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 7 CFR Part 3017, Section 3017.510, Participants' responsibilities. The regulations were published as Part IV of the January 30, 1989 Federal Register (pages 4722-4733). Copies of the regulations may be obtained by contacting the Department of Agriculture agency offering the proposed covered transaction.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) have not within a three-year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

City of Fayetteville — Organization Name

Parking Lot Improvements — PR/Award Number or Project Name

Mayor Lioneld Jordan — Name(s) and Title(s) of Authorized Representative(s)

Signature(s)

7/19/12 — Date

Form AD-1047 (1/92)

Instructions for Certification

1. By signing and submitting this form, the prospective primary participant is providing the certification set out on the reverse side in accordance with these instructions.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out on this form. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this form that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this form that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

U.S. DEPARTMENT OF AGRICULTURE

CERTIFICATION REGARDING
DRUG-FREE WORKPLACE REQUIREMENTS (GRANTS)
ALTERNATIVE I - FOR GRANTEES OTHER THAN INDIVIDUALS

This certification is required by the regulations implementing Section 5151-5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D: 41 U.S.C.701 et seq.), 7 CFR Part 3017. Subpart F, Section 3017.600, Purpose. The January 13, 1989, regulations were amended and published as Part II of the May 25, 1990 Federal Register (pages 21681-21691). Copies of the regulations may be obtained by contacting the Department of Agriculture agency offering the grant.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON PAGE3)

Alternative I

A. The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about -

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will -

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position

title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted -

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or, local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, State, zip code)

Northeast corner of Mountain and Church Streets, Fayetteville, AR 72701

Check ☐ If there are workplaces on file that are not identified here.

City of Fayetteville	Parking Lot Improvements
Organization Name	Award Number or Project Name
Mayor Lioneld Jordan	
Name and Title of Authorized Representative	
Lioneld Jordan	7/19/12
Signature	Date

INSTRUCTIONS FOR CERTIFICATION

1. By signing and submitting this form, the grantee is providing the certification set out on pages 1 and 2.

2. The certification set out on pages 1 and 2 is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).

5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s). If it previously identified the workplaces in question (see paragraph three).

6. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

   "Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

   "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or States criminal drug statutes;

   "Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

   "Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) all "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g. volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces)

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,00 0 and not more than $100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subjec t to a civil penalty of not less than $10,000 and not more than $1 00,000 for each such failure.

*APPLICANT'S ORGANIZATION

City of Fayetteville

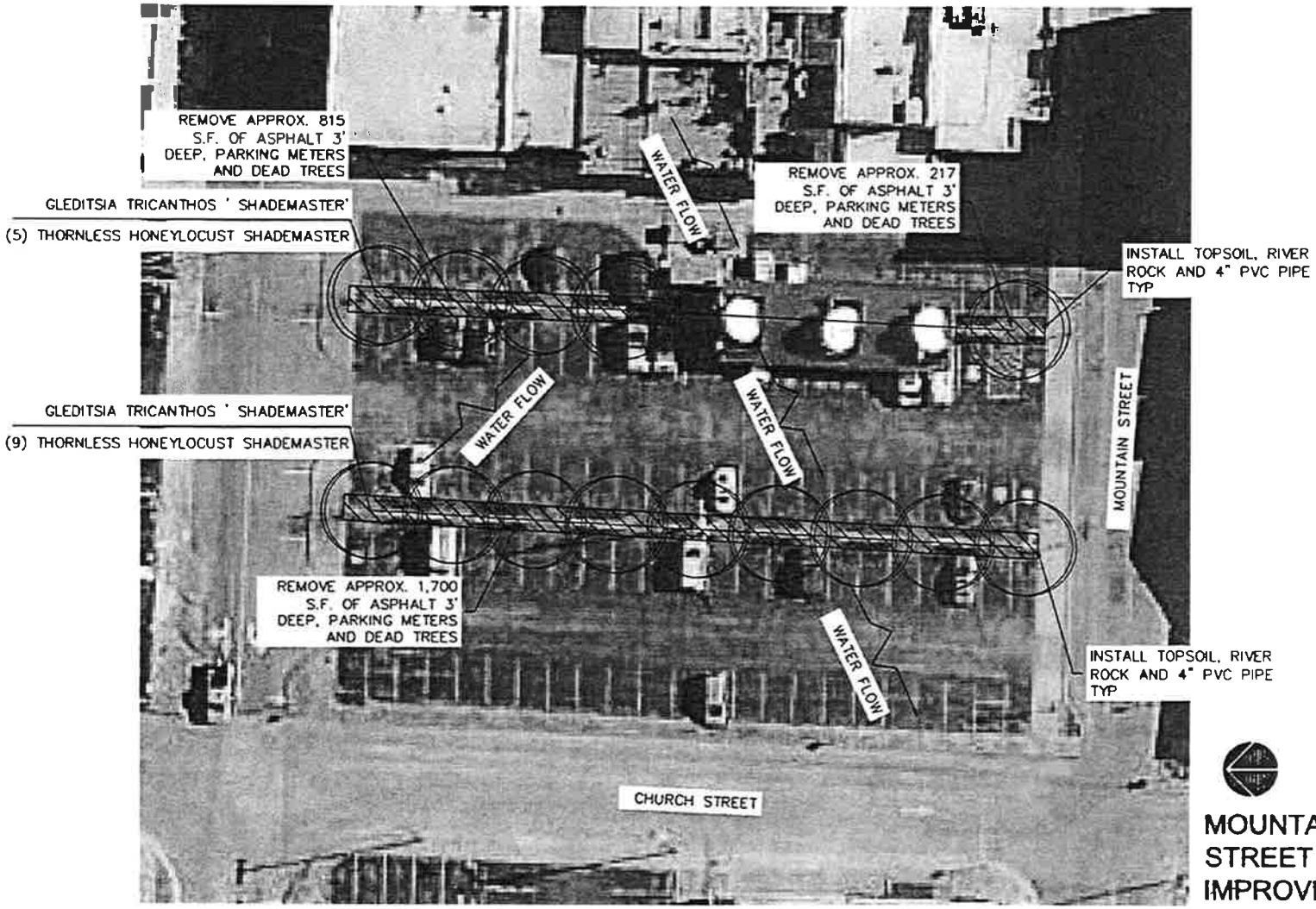
*PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

Prefix: | *First Name: Lioneld | Middle Name:

*Last Name: Jordan | Suffix:

*Title: Mayor

*SIGNATURE: Complete upon submission to Grants.gov *DATE: 8/30/12



MOUNTAIN AND CHURCH STREET PARKING LOT IMPROVEMENTS

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

10/2/2012
City Council Meeting Date
Agenda Items Only

Dennis Pratt / Barbara Olsen	Fleet Operations	Transportation
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid #12-60 to Advance Tire, Inc of Millstone, NJ in the amount of $21,100 (tax included) for the purchase of four solid tires and wheel assemblies for the Solid Waste Wheel Loader.

$ 21,100.00	$ 25,800.00	Solid Waste Transfer Station
Cost of this request	Category / Project Budget	Program Category / Project Name
5500.5040.5403.00	$ 1,600.00	Maintenance
Account Number	Funds Used to Date	Program / Project Category Name
	$ 24,200.00	Solid Waste fund
Project Number	Remaining Balance	Fund Name

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

Department Director — Date 9-14-12

City Attorney — Date 9-17-12

Finance and Internal Services Director — Date 9-17-2012

Chief of Staff — Date 9-17-12

Mayor — Date 9/18/12

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office 09-17-12 A10:52 RCVD

Received in Mayor's Office ENTERED 9/17/12

Comments:

Revised January 15, 2009

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: **Mayor/City Council**

Thru: **Terry Gulley, Director of Transportation** TG

From: **Dennis Pratt, Fleet Operations Supt.**

Date: September 13, 2012

Subject: Purchase of Four Tire and Wheel Assemblies for Solid Waste Loader

PROPOSAL: That City Council approve the purchase of four solid rubber tires and wheel assemblies from Advance Tire, Inc., of Millstone, NJ in the amount of $21,100 (tax included) for use on the Solid Waste loader in the Transfer Station.

RECOMMENDATION: Bid #12-60 was opened July 11, 2012. Six bids were received; a bid tab sheet is attached. Advance Tire, Inc is the lowest bid to meet specs.

I recommend acceptance of bid #1 from Advance Tire for four Kolossus 20.5 – 25 solid rubber tires and wheel assemblies in the amount of $19,300 plus tax.

BUDGET IMPACT: Funds are available for this purchase in Solid Waste vehicle maintenance account.

RESOLUTION NO. _____

A RESOLUTION TO AWARD BID #12-60 TO ADVANCE TIRE, INC. FOR THE PURCHASE OF FOUR SOLID TIRE AND WHEEL ASSEMBLIES FOR THE SOLID WASTE WHEEL LOADER IN THE TOTAL AMOUNT OF $21,100.00

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #12-60 to Advance Tire, Inc. for the purchase of four solid tire and wheel assemblies for the solid waste wheel loader in the total amount of $21,100.00.

PASSED and **APPROVED** this 2nd day of October, 2012.

APPROVED: ATTEST:

By: _____ By: _____

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

Fayetteville
ARKANSAS

BID: 12-60
DATE: 07/11/12
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 12-60, Tire and Wheel Assemblies for Wheel Loader

	BIDDER	Make & Model	Quantity	Unit Price	TOTAL BASE BID
1	Advance Tire Inc.	Kolossus 20.5 - 25	4	$ 4,825.00	
			PLUS TAX	$21,300	$ 19,300.00
2	Northwest Tire Service	Maine Industrial Tire Brawler Solid Flex HPS	4	$ 6,974.84	
					$ 27,899.36
3	SETCO Solid Tire	SETCO Junk Yard Dog	4	$ 4,823.81	
					$ 19,295.24
4	TY Cushion Tire	Tong Yong 20.5 - 25 D2A	4	$ 4,245.00	
					$ 16,980.00
5	Warrior of Arkansas, Inc.	Maine Industrial Tire 20.5 - 25	4	$ 7,089.00	
					$ 28,356.00
6	Wilson Industrial Tire Service	Brawler Solid Flex 20.5 - 25 Traction Groove	4	$ 6,612.00	
					$ 26,448.00

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

CERTIFIED: P Vice — P. VICE, PURCH MGR

Julie Peladeau — WITNESS

07/20/12 — DATE

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

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

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

Requisition No.:		Date: 9/14/2012	
P.O Number:		Expected Delivery Date:	
Vendor #:	Vendor Name: ADVANCE TIRE INC	Mail Yes:__ No: X	
Address:	Fob Point:	Taxable Yes:___ No: X	Quotes Attached Yes:___ No: x
City:	State:	Zip Code:	Ship to code: 50
Requester: BARBARA OLSEN	Requester's Employee #: 1940	Extension: 485	Divison Head Approval:

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	SOLID TIRES AND WHEEL ASSEMBLIES FOR	4	EA	4,825.00	$19,300.00	5500.5040.5403.0			
2	WHEEL LOADER #692, PER BID SPECS ON BID				$0.00				
3	#12-60.				$0.00				
4					$0.00				
5					$0.00				
6					$0.00				
7					$0.00				
8					$0.00				
9					$0.00				
10					$0.00				
*	Shipping/Handling		Lot		$0.00				

Special Instructions:

Subtotal:	$19,300.00
Tax:	$1,785.25
Total:	$21,085.25

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____

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

Dispatch Manager: _____ Utilities Manager: _____ Other: _____

Revised 1/2/2008

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

10/2/12
~~10/1/2012~~

City Council Meeting Date
Agenda Items Only

Yolanda Fields	Community Services	Development Services
Submitted By	**Division**	**Department**

Action Required:

CDBG - Approval of P.O. for Public Facility project

Cost of this request	Category / Project Budget	Program Category / Project Name
2180.4990.5315.00	$ -	
Account Number	Funds Used to Date	Program / Project Category Name
	$ -	Community Development
Project Number	Remaining Balance	Fund Name

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

Department Director	09.18.2012 Date	Previous Ordinance or Resolution #
City Attorney	9-18-02 Date	Original Contract Date:
Finance and Internal Services Director	9/18/12 Date	Original Contract Number:
Chief of Staff	9/18/12 Date	
Mayor	9/18/12 Date	

Received in City Clerk's Office 09-13-12 A10:08 RCVD

Received in Mayor's Office ENTERED 9/18/12 BKP

Comments: Staff recommends approval of P.O. for Public Facility Project

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy Pate, Development Services Department Director

From: Yolanda Fields, Community Services Director

Date: 09-18-2012

Subject: CDBG Public Facility Program- Approval of PO for CDBG Public Facility Project

PROPOSAL:

The property located at 1932 S. Garland was acquired with Community Development Block Grant (CDBG) funds. This property is part of the CDBG Public Facility Program. Properties acquired with CDBG funds are made available through an application process to non-profits that provide services to low to moderate residents in the City of Fayetteville. Planned improvements are to include:

- Replacing deteriorated concrete sidewalk leading to wheel chair ramp
- New 36 inch entry doors
- Remodeling of restroom to make it ADA accessible
- Removal of wall to allow waiting room ADA access
- Replacement storage shed
- New smoke detectors and emergency lighting
-

RECOMMENDATION:

Staff recommends approval of a Purchase Order for the project located at 1932 Garland Ave. Bids for this project will open on October 1, 2012 and award information will be provided for the Council Meeting of October 2, 2012. As you are aware, normally bid amounts and the awarded party is submitted with the packet. Staff is requesting that this item be placed on the agenda in anticipation of receiving acceptable bids, due to a time-sensitive issue related to the CDBG grants for this year. This process will assist in meeting the CDBG timeliness ratio calculation. Under the provisions of 24 CFR 570.902 of the CDBG regulations, a grantee (like the City) is considered to be timely, if 60 days prior to the end of the grantee's program year, the balance in its line-of-credit does not exceed 1.5 times the annual grant. If this requirement is not met the City's CDBG funding for next will be automatically cut in the amount that exceeds this limit. This year the City received its CDBG funding at the end of August which gave us two months to meet our timeliness test; testing for the City of Fayetteville will be conducted at the end of October, thus it is critical that this contract be awarded and the funds expended as soon as possible to meet the CDBG criteria and retain the maximum possible level of funding for the following year.

BUDGET IMPACT:

Project cost, as awarded in the bid, paid for with CDBG funds.
Potential reduction in future years' awarded CDBG funds if required amount of funds are not expended.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A CONTRACT WITH _____ IN THE AMOUNT OF $_____ TO USE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO REHABILITATE A CITY BUILDING AT 1932 S. GARLAND FOR CHARITABLE SERVICES FOR FAYETTEVILLE CITIZENS

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a contract with _____ in the amount of $ _____ to use Community Development Block Grant Funds to rehabilitate a city building at 1932 S. Garland for charitable services for Fayetteville citizens.

PASSED and **APPROVED** this 18th day of September, 2012.

APPROVED: ATTEST:

By: _____ By: _____

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

Highland Home Builder, Inc.
Bruce Kerr 479-903-0966
Community Services Spec writer
brucegkerr@netzero.com
Community Services Division

Public Facility Project

Scope of Project: Make Office #12 a waiting area and bath #2 an ADA compliant bathroom. Redo concrete sidewalk. Work will include demo, framing, new exterior door, electrical, plumbing, hardware, flooring, drywall, paint, and trim. Provide a new 8 ft by 10 ft storage shed. (See drawing of the building that has the numbered rooms)

Owner's Name: City of Fayetteville (Office Building)

Project Location: 1932 S Garland, Fayetteville, AR

Project # **1932-12**

Administrator: Brent Johnson Phone: 479-575-8270 Fax: 479-444-3445

Contractors Description of Work:

Minimum requirements for bidder: Proof of current Arkansas Commercial Contractor's license which is provided by the State of Arkansas Contractors Licensing Board, Certificate of Liability Insurance, and a statement of Completion of EPA/HUD Approved Lead Safety Training if applicable.

GENERAL:

The contractor will be responsible for all aspects of the construction, installation, repairs, and cleanup as stated in the Scope of Work and Specifics at the project location stated above.

Each bidder will be responsible for a complete inspection of the property at the project location before submitting bid. All the distances, measurements, procedures, and listed materials should be verified before submitting your bid to complete the work. The requirements listed here, in the description of work, are general requirements and it will be the responsibility of the winning bidder to assure the City of Fayetteville that the finished project is in compliance with all applicable codes and standards and achieves the goal of raising the efficiency of the building.

The contractor's duties and responsibilities include, but are not limited to, the following:

1) Purchasing of all materials.
2) Supervision of all employees and subcontractors.
3) Coordination with the City of Fayetteville CDBG Administrator, the City of Fayetteville Code Compliance Office and owners.
4) Project design.
5) Clean up and restoration of all lawns, planters, walking and driving surfaces to their original condition.
6) Keep job site safe for others and practice safe working practices as required.

SPECIFICS:

A: CONCRETE SIDEWALK

A - 1 Tear out the old concrete sidewalk going to the wheelchair ramp on the south side of the building. Haul off old concrete.

A - 2 Remove the last little angled wood transition piece from the end of the wheelchair ramp.

A - 3 Pour a 5 ft wide concrete sidewalk from the driveway to the wheelchair ramp. The top of the concrete should be the same height as the first board of the ramp for a smooth transition. (Ramp is approximately 22 ft long)

B: DEMO AND FRAMING

B - 1 Remove the East wall of office #12 to open the room up to the small entry hallway.

B - 2 Demo the opening to the long hallway from the newly expanded office #12. Frame a new wider doorway with a support header to make the opening a 6 foot cased opening to the long hallway #19.

B - 3 Demo the closet out of bathroom #2.

B - 4 Demo the entry door to bathroom #2 and frame using a header to accept a 36 inch wide door.

B - 5 Demo the entry door to office #4 and frame using a header to accept a 36 inch wide door.

B - 6 Demo the exterior door to the new larger office #12 and frame using a header to accept a 36 inch wide exterior door.

B - 7 Demo and remove the vanity cabinet and sink in bathroom #2.

C : DOORS

C - 1 Add a new 36 inch wide interior door to office #4 and bathroom #2 with the same hand swing as the old door and similar style to the rest of the doors in hallway #19. Reinstall the old door handles if possible or buy new ones. The bathroom door handle needs to be able to lock.

C - 2 Add a new 36 inch commercial steel exterior door to the entrance to the newly expanded office #12. The door should be like the one that was removed. Reinstall door hardware. Repair the outside siding and trim.

D: DRYWALL

D - 1 Remove the shinny white wall paneling in bathroom #2 and in the newly expanded #12 office.

D - 2 Add or repair the drywall in areas that had the wall paneling or the walls removed.

D - 3 Repair any drywall needed that was disturbed to install any electrical, plumbing work, door headers, or grab bars.

D - 4 Apply texture to match surrounding walls.

E: INTERIOR TRIM AND PAINT

E - 1 Trim all added doors and case the new 6 ft opening. Repair and add back any disturbed baseboards to any rooms that were effected by framing changes and door additions.

E - 2 Paint all interior doors and trim that has been added.

E - 3 Paint all newly added or repaired drywall areas to match the surrounding walls..

F: BATH #2 PLUMBING

F - 1 Remove and replace the toilet with a new ADA compliant toilet. Use new wax ring.

F - 2 Add a new sink and faucet that can be used with a wheelchair that is ADA compliant. Make all needed water and drain connections.

G: FLOORING

G - 1 Remove all existing flooring in office #12.

G - 2 Install new commercial vinyl flooring in office #12 that has been expanded and patch the small amount of carpet where the door was widened to office #4. (This carpet is fairly new, match the carpet to what is there if possible. (Possibly take a little carpet out of a closet that cannot be easily seen)

G - 3 In bathroom #2 remove the flooring and install new similar flooring product to what was removed. (If the flooring was individual vinyl flooring tiles that are still available, the floor can be filled in where the floor is bare after demo was done)

G - 4 Add any transition flooring pieces that may possibly be needed.

H: ELECTRICAL

H - 1 Remove the old light that was in the hallway by the exterior door that was changed. Cap off the electric wire in an electrical box in the attic.

H - 2 Remove old fixture on the ceiling of office #12 that is in the center of the room and install a new 4 ft fluorescent light fixture that has 3 bulbs and a lens. Have the light fixture on a 3 way switch that turns on from beside the exterior door and by the new 6 ft cased opening.

H - 3 Make sure there is still a switch next to the exterior door in office #12 to the exterior light.

H - 4 Move and relocate nearby any switches or plugs to accommodate the new widened interior doors or removed walls.

H - 5 Install a new energy efficient electric hand dryer to bathroom #2 where the closet was. Make all needed electric connections needed to add the dryer.

H- 6 Install smoke detectors that are interconnected with existing smoke alarms in office, 1, 5, 3, 15 and the kitchen.

H-7 Install new emergency exit light in hall 18, similar to other exit lights in the building.

I: BATHROOM #2 EXTRAS

I - 1 Remove old mirror and install a new mirror over the sink.

I - 2 Add grab bars needed to bathroom to make the bathroom ADA compliant. Add additional supports behind the drywall if needed to make them sturdy.

I - 3 Install a new enclosed toilet paper dispenser that locks.

J: STORAGE SHED

J - 1 Build or buy an 8 feet by 10 feet storage shed to be put on the edge of the property. (See the administrator Brent Johnson for location) The shed is to be a wood framed shed with T-111 siding or similar painted white. It should be up on blocks so the wood floor joists do not contact the ground. It should have a gable roof with a door on one gabled end that is at least 4 feet wide. Shingles should be asphalt shingles.

J - 2 Build a ramp that slopes from the pavement to the door that a mower could easily go up to enter the shed.

K: CLEANUP

K - 1 All new, used, and excess construction materials that relate to the job or a change order(s) belongs to the contractor and can be removed from the property by the contractor as needed during the project and shall be removed at completion.

K - 2 All trash shall be hauled off by contractor and preferably recycled if possible.

K - 3 All affected areas shall be left broom clean.

K - 4 If lead paint is present, cleanup will be compliant with EPA/HUD Approved Lead Safety standards.

L: OTHER

L - 1 All work or materials which are not directly noted in the Scope of Work and Specifics, but are necessary for the proper carrying out of the obvious intentions thereof, are to be understood as implied work and will be provided for by the contractor as if specifically described or drawn.

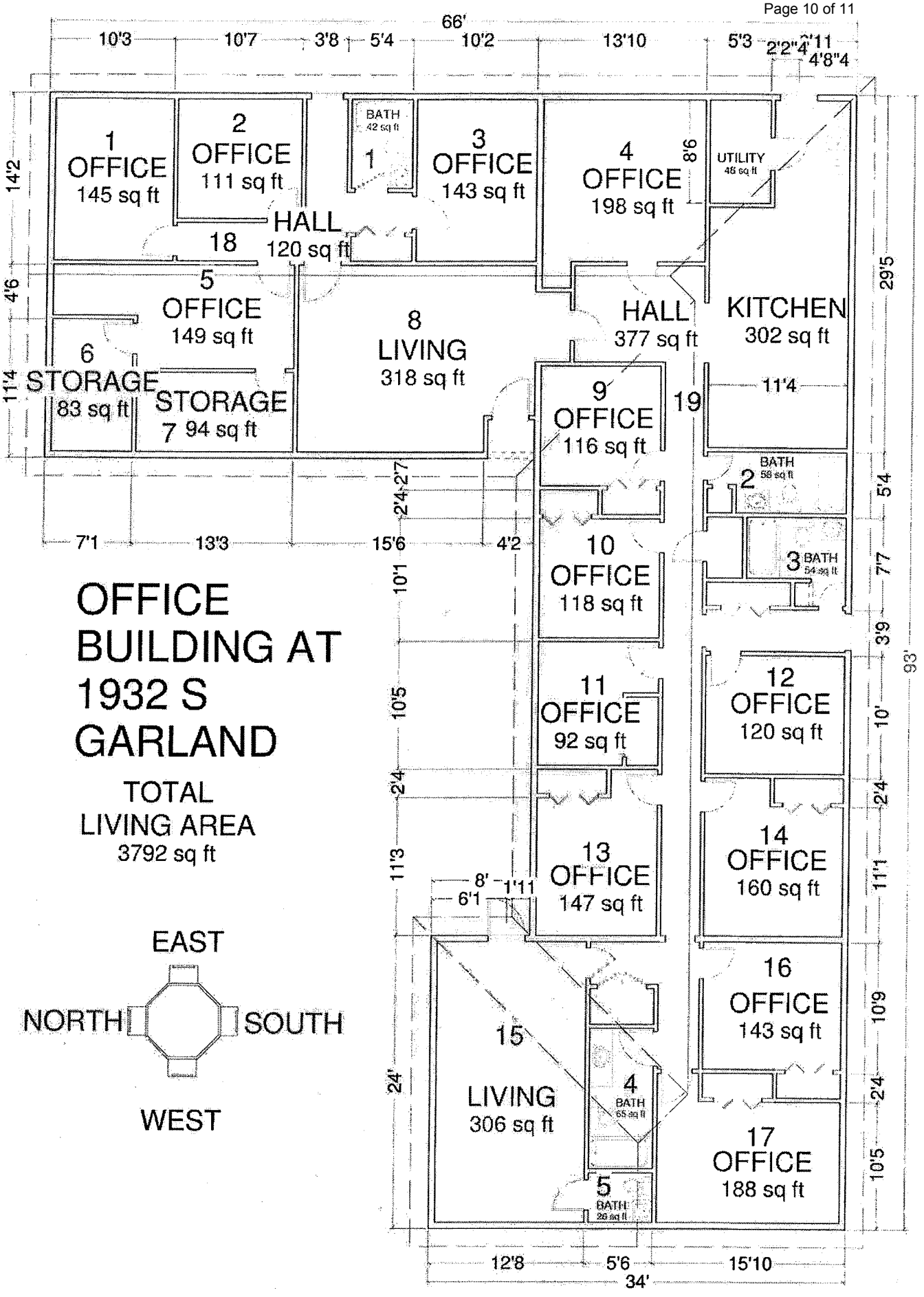
L - 2 All work shall be performed in a workmanlike manner according to common construction practices, according to the specifications set forth in the Community Services Program's General Specification Manual, and with adherence to city, state, and national codes.

L - 3 Any damage to the dwelling or property caused by the contractor, his/her worker(s) or delivery person, and/or their vehicles during the project shall be repaired to like new conditions.

L - 4 Where applicable, all plumbing work shall be performed by a Arkansas State licensed plumbing contractor with adherence to the current Arkansas Plumbing Code.

L - 5 Where applicable, all electrical work shall be performed by a Arkansas State licensed electrical contractor with adherence to the current National Electrical Code.

L - 6 Where applicable, all HVAC work shall be performed under the supervision of a licensed HVAC contractor with adherence to all codes.



OFFICE BUILDING AT 1932 S GARLAND

TOTAL LIVING AREA
3792 sq ft

EAST
NORTH
SOUTH
WEST

Added at Agenda Session
9-11-12

AGENDA REQUEST

FOR: COUNCIL MEETING OF SEPTEMBER 18, 2012

FROM:

ALDERMAN BRENDA BOUDREAUX

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Enact New Definitions Into §92.01 **Definitions** Of The **Animals** Chapter Of The Fayetteville Code And To Enact §92.35 **Managed Care Of Feral Cats**

APPROVED FOR AGENDA:

Brenda Boudreaux — 9/11/12
Alderman — Date

09-11-12P03:47 RCVD

City Attorney — September 6, 2012
(as to form) — Date

Left on the Second Reading at the 9/18/12 CC mtg.

Fayetteville
ARKANSAS
www.accessfayetteville.org

Departmental Correspondence

LEGAL DEPARTMENT

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: **Mayor Jordan**
City Council

CC: **Jeremy Pate**, Development Services Director
Yolanda Fields, Community Services Director
Justine Middleton, Animal Services Superintendent

FROM: **Kit Williams**, City Attorney

DATE: **September 6, 2012**

RE: **Control of feral cat population**

Animal Services has looked at how some other cities have attempted to better control and manage their feral cat population. The key is to prevent breeding in the most effective manner possible. A trap, neuter and return program appears to be the best solution. Accordingly, we have drafted the proposed new code section which authorizes such a program in Fayetteville if an Animal Welfare Organization volunteers to administer the program.

This ordinance was scheduled and heard at the Ordinance Review Committee with myself, Yolanda Fields, Justine Middleton, Dr. James Robb and other staff present to discuss the problem of feral cats and this potential new way to control their population. Several audience members also spoke about this issue and supported this new ordinance.

Since the Ordinance Review Committee did not have a quorum, no official vote in support of this ordinance could be taken. However, Chairman Brenda Boudreaux examined the ordinance, questioned staff and indicated her personal support for the ordinance to enact a trap, neuter and return program for Fayetteville.

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: City Council

Thru: Yolanda Fields, Dir. Community Services

From: Justine Middleton, Animal Services Superintendent

Date: August 30, 2012

Subject: New Ordinance for the managed care of feral cats

PROPOSAL:

Allowing for the managed care for existing feral cats is a topic that has arisen repeatedly at the Animal Services Advisory Board. The main purpose behind allowing such activity is to humanely reduce the population of feral cats that otherwise goes largely unchecked. Currently, Animal Services will trap ferals cats on a strictly complaint driven basis. Those cats that are deemed feral are held the required five days and then euthanized. There is no evidence that this is curbing the feral cat population in any way.

Having a structure in place to allow for well organized management of feral cats through a trap, neuter, and return (TNR) program will eventually lead to a natural reduction in the number of feral cats as well as an increase in their current quality of life. Both the Humane Society of the United States and the American Society for the Prevention of Cruelty to Animals endorse trap, neuter, return program. These types of programs are also highly touted by no kill advocates.

The proposed ordidnance is crafted in a way that will allow for TNR activities to be underwritten by a sponsoring Animal Welfare Organization (i.e. a third party non-profit) with the day to day management being given by volunteer caretakers. Animal Services will preform quarterly inspections of each designated colony to ensure compliance with the requirements of the ordinance.

RECOMMENDATION:

Staff endorses this new ordinance as another step in lowering the euthanasia rate at the Animal Shelter in addition to a more effective and humane means of controlling the existing feral cat population in Faytteville.

BUDGET IMPACT:

N/A

ORDINANCE NO. _____

AN ORDINANCE TO ENACT NEW DEFINITIONS INTO §92.01 **DEFINITIONS** OF THE **ANIMALS** CHAPTER OF THE FAYETTEVILLE CODE AND TO ENACT §92.35 **MANAGED CARE OF FERAL CATS**

WHEREAS, increased efforts to control feral cats and reduce their ability to reproduce is needed in Fayetteville; and

WHEREAS, an ordinance for managed care of feral cats would improve control over feral cats and reduce their overall number through a spay and neuter program.

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 and adds the following definitions (properly alphabetized) into §92.01 **Definitions** of the **Animals** Chapter of the Fayetteville Code:

Eartip. A mark identifying a feral cat as having been sterilized, specifically the removal of a quarter inch off the tip of the cat's left ear in a straight line cut while the cat is anesthetized.

Feral cat. A cat that is not socialized to humans and is not an owned cat.

Feral cat colony. A group of feral cats that congregate together as a unit and share a common food source.

Sterilize. To spay or neuter.

Trap, Neuter and Return Program. A program pursuant to which feral cats are trapped, sterilized, vaccinated against rabies, eartipped, returned to the location where they were captured and provided with long-term care by a Caretaker in accordance with this Chapter.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby enacts §92.35 **Managed Care of Feral Cats** into the Fayetteville Code as shown on Exhibit A.

PASSED and **APPROVED** this 18th day of September, 2012.

APPROVED: ATTEST:

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

EXHIBIT A

"§92.35 Managed Care of Feral Cats

(A) *Trap, Neuter and Return Program*

A Trap, Neuter and Return program is established to better control and manage feral cats who are living in a colony cared for by a Caretaker. This program will not be in effect until it is sponsored and managed by a non-profit Animal Welfare Organization approved by the Fayetteville Animal Services Program. This sponsoring organization shall supervise the Caretakers and ensure the Caretakers perform all duties imposed upon them by §92.35 (B). This approved Animal Welfare Organization shall report annually to Animal Services concerning the status and population of all registered feral cat colonies including the total number of managed cats and the number of cats and kittens sterilized, vaccinated and/or placed for adoption.

(B) *Caretaker Duties*

A Caretaker of a feral cat colony shall regularly provide food, water and shelter for the cats in his or her feral cat colony. The Caretaker shall make reasonable efforts to:

(1) trap all cats so they can be sterilized, vaccinated, and ear-tipped by a veterinarian;
(2) recapture all cats to update rabies vaccinations as required by state law;
(3) register all feral cats with the sponsoring Animal Welfare Organization and maintain medical records for all cats;
(4) find adoptive or foster homes for any kittens born to the feral cats of the colony;
(5) report annually in writing the total number of feral cats in the colony, the number sterilized and vaccinated, the number of kittens born and the number of cats and kittens adopted or placed in foster care.

(C) *Caretaker Exemption from §92.22 (C) and (D)*

A Caretaker of a feral cat colony who is properly registered with the approved Animal Welfare Organization and in compliance with all Caretaker Duties stated above shall be exempt from §92/22 **Running at Large Prohibited** subsections (C) and (D) only for allowing properly managed feral cats from running at large. Any such feral cat which is running at large within Fayetteville and is a nuisance or problem for neighbors may be trapped or caught by Animal Services officers, impounded and dealt with as any other cat or dog captured while running at large would be handled. Such exemption ends if the Caretaker's status is revoked or abandoned.

(D) *Loss of Caretaker Status*

(1) If a Caretaker fails to adequately perform the duties required by (B), the Animal Welfare Organization shall report this failure to Animal Services which may revoke all of the Caretaker's rights to care for the feral cat colony and the exemption from §92.22 (C) and (D). If the Caretaker disputes the grounds for revocation of his or her Caretaker status, the Caretaker can appeal in writing within three business days to the Community Services Director who shall conduct a hearing during which the Caretaker can explain why his or her Caretaker's status should not be revoked. The Director shall then make a final determination whether or not to revoke the Caretaker's status.

(2) If a person desires to be released from Caretaker duties, the person shall immediately notify the Animal Welfare Organization who shall notify the City's Animal Services Program, which shall release and revoke the person's Caretaker status and the duties and exemption thereunder.

Current law

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

CHAPTER 92 ANIMALS

ARTICLE I
GENERAL PROVISIONS

92.01 Definitions

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Abandon. Any person who knowingly deserts an animal on public or private property.

Animal. Any living creature, domestic or wild.

Animal shelter. Any facility operated by a humane society, municipal agency or its authorized agent(s) for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

At large. Not under the physical control of the animal's owner or harborer, or his authorized representative, either by leash, trolley system, or enclosure. An animal intruding upon or damaging the property of another person or upon public property, trespassing on school grounds, harassing passersby or passing vehicles, or interfering with refuse collection, harassing meter readers and not under the physical control referred to herein shall be deemed "running at large." An animal within an automobile or other vehicle shall not be deemed "running at large" if the animal is physically confined to the vehicle. An animal shall not be considered "at large" when on the premises of the owner or harborer thereof and accompanied by the owner or harborer.

Cat. A feline of either sex, including one neutered or sterilized.

City. City of Fayetteville, Arkansas.

Dangerous Animal. Any animal which, when unprovoked, approaches in a manner of attack any person or domestic animal upon the streets, sidewalks, or any other public ground or place.

Dog. A canine of either sex, including one neutered or sterilized.

Enclosure. A fence or pen, or structure forming or causing an enclosure of sufficient strength or construction to contain the specific animal and prevent the animal from escaping. Owners confining dogs or cats by means of an enclosure must provide a minimum space of 100 square feet (10x10) per dog or cat four (4) months of age or older.

Harbor. For a period of three days or more, to keep and care for an animal or provide a premises to which the animal returns.

Kennel means a structure or facility used for the purpose of breeding two or more litters of puppies or kittens within any twelve month period. A facility used for commercially boarding more than three dogs or cats or combination thereof at any time shall be considered a 'Kennel'.

Locked Enclosure. A fence or pen, or structure with all gates or entrances locked with a key or combination device. The structure forming or causing an enclosure of sufficient strength or construction to contain the specific animal and prevent the animal from escaping.

Microchip. An identifying integrated circuit placed under the skin of a dog or cat for purposes of identifying the owner of the animal.

Noisy Animals. Any domestic animal which barks, whines, or howls in an unwarranted, or continuous, or loud, or frequent fashion.

Pet Shop means a commercial establishment or facility which regularly sells pets such as dogs, cats, birds, rodents, reptiles and/or fish to the general public. Pet Shops are only allowed in C-1, C-2, C-3, Downtown Core, Mainstreet Center, Downtown General and by Conditional Use in R-O Districts

Restrained. Any animal secured by leash and under the control of owner or harborer. At public events of 100 persons or more, leashes shall be a maximum length of 6 feet. The animal must be within 4 feet of the owner or harborer.

Special Event. A specified or designated public occurrence, affair, or event at which more than three hundred (300) persons are reasonably expected by the organizer or sponsor thereof to be in attendance.

Sterilize means to surgically alter an animal so that it cannot reproduce.

Tether. A rope, chain, or cable of appropriate strength that is firmly anchored to the bed of an open bed pickup truck or similar vehicle in at least two places. Tether is to be used to restrain the animal and fastened to the animal by means of a harness or collar and to be the appropriate length as to afford the animal freedom to move about the vehicle, but to restrict the animal to a set radius to prevent it from reaching either side or the rear of the vehicle so that the animal cannot be thrown

City Clerk - Management of the Feral Cat population

From: Alan Long <alanthomaslong@gmail.com>
To: Adella Gray <adellag@cox.net>, Adella Gray <ward1_pos1@ci.fayetteville.ar.us>, Bob Ferrell <ward3_pos2@ci.fayetteville.ar.us>, Brenda Boudreaux <ward1_pos2@ci.fayetteville.ar.us>, Justin Tennant <ward3_pos1@ci.fayetteville.ar.us>, mark kinion <mkinion@cox.net>, mark kinion <ward2_pos1@ci.fayetteville.ar.us>, Matthew Petty <ward2_pos2@ci.fayetteville.ar.us>, Rhonda Adams <ward4_pos1@ci.fayetteville.ar.us>, Sarah Lewis <ward4_pos2@ci.fayetteville.ar.us>, mayor <mayor@ci.fayetteville.ar.us>
Date: 9/18/2012 1:14 PM
Subject: Management of the Feral Cat population
CC: City Clerk <city_clerk@ci.fayetteville.ar.us>

I will be unable to attend the city council meeting tonight, but I want you all to know that this proposal has my unmitigated support. This is the best, humane way for Fayetteville to address the feral cat population. This was discussed by members of the ASAB and the board members also agree that this is a positive change.
I appreciate your thoughtful consideration of this proposal. Please let me know if you have any questions or concerns.
Best Regards,

--

Alan Long, Waterman Woods

Candidate for Fayetteville City Council-Ward 4

Fayetteville Animal Services Advisory Board Chairman

www.LongWard4.com

Longward4@gmail.com

www.facebook.com/longward4

Twitter. @longward4
479.466.8219

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

10/2/2012
City Council Meeting Date
Agenda Items Only

Connie Edmonston CE.	Parks & Recreation	Parks & Recreation
Submitted By	**Division**	**Department**

Action Required:

Approval of an Ordinance to Amend §97.086 Vending and Peddling of Chapter 97 Parks and Recreation of the Fayetteville Code to allow the Farmers' Market to extend their days and hours of operation to sell produce, flowers and items on Saturday, Sunday and on another day of the week year round within the area leased to the Botanical Garden Society of the Ozarks located in Lake Fayetteville Park.

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

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Connie Edmonston	9/14/2012	Previous Ordinance or Resolution #	5310
Department Director	Date	§97.086 Vending & Peddling	
		Original Contract Date:	130-03
	9-17-2012	Lease Agreement with BGSO	
City Attorney	Date	Original Contract Number:	9/2/2003
Paul A. Becker	9-17-2012		
Finance and Internal Services Director	Date		
	9-17-12		
Chief of Staff	Date		
	9/18/12		
Mayor	Date		

Received in City Clerk's Office 09-14-12 P03:15 RCVD Kim G.

Received in Mayor's Office ENTERED 9/17/12

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSA
DEPARTMENT CORRESPONDENC

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council

Thru: Don Marr, Chief of Staff

From: Connie Edmonston, Parks and Recreation Director

Date: October 14, 2012

Subject: Ordinance to Amend §97.086 Vending & Peddling at Lake Fayetteville Park

PROPOSAL:
Ordinance §97.086 prohibits vending and peddling in parks. In 2010, this ordinance was amended to allow the Farmers' Market to sell produce, flowers and items allowed by Fayetteville Code §114.02 (C) on Sundays from April until October within the land leased by the Botanical Garden Society of the Ozarks (BGSO) at Lake Fayetteville Park.
See attached Ordinance #5310.

The Farmers' Market is requesting to expand their market to sell goods year-round on Saturdays from 7 am to 12 pm, Sundays from 9 am to 2 pm and on another day of the week from 4 pm until 7 pm. The area requested by the Farmers' Market is within the 100 acres of Lake Fayetteville Park that has been leased to BGSO since 1997 for the purpose of operating a botanical garden. The market would be located south of BGSO, in the meadow south of Hilton Creek. The area east of the trail would remain as customer parking for the market, BGSO and the trail. See attached map.

BGSO's Board of Directors has approved the Farmers' Market request to expand their operations at Lake Fayetteville Park in the BGSO leased area upon approval of the City Council. See Ronald Cox's attached letter to Mayor Jordan. BGSO and the Farmers' Market have entered into an Operating Agreement to mutually support their partnership at Lake Fayetteville Park.

The Parks and Recreation Advisory Board at their September 10, 2012 meeting recommended approval of the amendment to Ordinance §97.086 to allow the expansion of year-round operation of the Farmers' Market at the BGSO on Saturdays, Sundays, and another day during the week. See attached meeting minutes.

If the City Council approves this proposal, the Farmers' Market would be required to modify their Conditional Use Permit from the current ordinance allowing the Farmers' Market at BGSO on Sundays from April until October to add Saturdays and another day of the week and for the time period to be year-round. The Planning Commission can not consider the Farmers' Market request for modified hours of operation until the City ordinance would allow them to operate the extended hours requested.

At a later date, the Farmers' Market has expressed interest in erecting a 48' x 135' tent to operate the market. According to the City's process, the Farmers' Market would need to submit an Administrative Item request to the Planning Commisssion to include the tent as part of their conditional use permit.

RECOMMENDATION:
BGSO and Parks and Recreation Advisory Board recommend approval of an Ordinance to Amend §97.086 Vending and Peddling to allow the Farmers' Market to extend their days and hours of operation to sell produce, flowers and items on Saturday, Sunday and on another day of the week year-round within the area leased to the Botanical Garden Society of the Ozarks located in Lake Fayetteville Park. The Farmers' Market is a very popular event in our City. BGSO's location within Lake Fayetteville Park will be an opportune site to expand the services of the Farmers' Market, as well as attract citizens to BGSO and Lake Fayetteville Park.

BUDGET IMPACT:
None

Attachments:
Ordinance 5310
Farmers' Market Request
Farmers' Market Site Map
BGSO Letter of Approval
PRAB Meeting Minutes September 10, 2012

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §97.086 **VENDING AND PEDDLING** OF THE CODE OF FAYETTEVILLE TO EXPAND THE NUMBER OF DAYS PER WEEK THAT THE FARMERS' MARKET CAN OPERATE AT THE BOTANICAL GARDENS

WHEREAS, the Parks and Recreation Advisory Board recommends that the Farmers' Market be allowed to expand their hours of operation at the Botanical Gardens of the Ozarks (if approved by this organization) from Sundays only to Sundays, Saturdays and one weekday.

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 §97.086 **Vending and Peddling** (B) *Exemptions* by repealing the last sentence of (B) and enacting a replacement sentence as follows:

> "The Farmers' Market and its members may sell items allowed pursuant to §114.02 (C) of the Fayetteville Code on Sundays, Saturdays and one weekday within a portion of the Lake Fayetteville Park that is licensed to the Botanical Garden Society of the Ozarks (if approved by the Society) as shown on Exhibit A."

PASSED and **APPROVED** this 18th day of September, 2012.

APPROVED: ATTEST:

By: _____ By: _____

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

firecrackers, torpedoes, skyrockets, roman candles or other fireworks, explosives or inflammable materials without having first obtained prior written consent pursuant to the requirements of §94.04.

(Code 1965, §§17A-24, 17A-26; Ord. No. 1594, 4-1-68; Code 1991, §97.082)

Cross reference(s)--Penalty, §97.999, Sale and use of fireworks, §94.04(B).

97.083 Soliciting Alms

No person in a park shall solicit alms or contributions for any purpose, whether public or private.

(Code 1965, §17A-25; Ord. No. 1594, 4-1-68; Code 1991, §97.083)

Cross reference(s)--Penalty, §97.999.

97.084 Entering Closed Areas

No person in a park shall enter an area posted as "Closed to the Public", nor shall any person use, or abet the use of, any area in violation of posted notices.

(Code 1965, §17A-27; Ord. No. 1594, 4-1-68; Code 1991, §97.084)

Cross reference(s)--Penalty, §97.999.

97.085 Going Onto Ice

No person in a park shall go onto the ice on any of the waters except such areas as are designated as skating fields, and provided a safety signal is displayed.

(Code 1965, §17A-28; Ord. No. 1594, 4-1-68; Code 1991, §97.085)

Cross reference(s)--Penalty, §97.999.

97.086 Vending And Peddling

(A) *General prohibition of selling or offering to sell items in city parks.* No person or business shall, within a city park, display, offer for sale, or sell any article, thing or service, nor place any stand, cart or vehicle for the display, sale or transportation of any such article.

(B) *Exemptions.* The City's regularly licensed concessionaires acting pursuant to the authority and regulation of the City are exempt from subsection (A). Nonprofit organizations which have obtained a special events permit may sell nonalcoholic beverages and food during an annual event. Gulley Park Concert sponsors may sell food and nonalcoholic beverages during the concerts when specifically permitted by the Parks and Recreation Department Director.

The Farmers' Market and its members may sell items allowed pursuant to §114.02 (C) of the Fayetteville Code on Sundays within a portion of Lake Fayetteville Park that is licensed to the Botanical Garden Society of the Ozarks (if approved by the Society) as shown on Exhibit 'A'.

Farmers' Market at Lake Fayetteville Park within Botanical Garden leased area

(Code 1965, §17A-29; Ord. No. 1594, 4-1-68; Code 1991, §97.086, Ord. 5310, 4-6-10)

Cross reference(s)--Penalty, §97.999.

97.087 Advertising Prohibited

No person in a park shall announce, advertise, or call the public attention in any way to any article or service for sale or hire.

(Code 1965, §17A-30; Ord. No. 1594, 4-1-68; Code 1991, §97.087)

Cross reference(s)--Penalty, §97.999.

97.088 Signs Prohibited

(A) No person in a park shall paste, glue, tack, or otherwise post any sign, placards, advertisement, or inscription whatsoever, nor shall any person erect or cause to be erected any sign whatsoever on any public lands or highways or roads adjacent to a park, except as set forth hereinbelow.

(B) *Exceptions.*

(1) *Athletic Field Signage.* Signs shall be permitted on softball/baseball outfield fences and scoreboards at locations and

BOTANICAL GARDEN OF THE OZARKS

August 17, 2012

Mayor Lioneld Jordan
City of Fayetteville
Administration Building
113 West Mountain Street
Fayetteville, AR 72701

Dear Mayor Jordan:

The Botanical Garden of the Ozarks and the Fayetteville Farmer's Market have joined as community partners for several years to provide natural foods and crafts to the public and to bring both residents and visitors to the Botanical Garden. The Botanical Garden is very supportive of the efforts of the Fayetteville Farmer's Market. With the approval of city officials, Fayetteville Farmer's Market has the approval of the Botanical Garden of the Ozarks and its Board of Directors to operate on the grounds of the Botanical Garden on dates and times mutually agreed upon agreed upon by both parties. In addition, with the prior approval of the Botanical Garden, the Fayetteville Farmer's Market may on occasion conduct other special events and activities at the Botanical Garden.

The Botanical Garden of the Ozarks supports the efforts of the Fayetteville Farmer's Market to maximize its public exposure and maximize sales of its products.

Sincerely,

Ronald Cox
Executive Director

4703 N. Crossover Road
P.O. Box 10407
Fayetteville, Arkansas 72703-0042
TEL 479-750-2620 FAX 479-756-1920
WWW.BGOZARKS.ORG

FAYETTEVILLE FARMERS' MARKET

Rural Mountain Producers Exchange
PO Box 3076 Fayetteville AR 72702
www.fayettevillefarmersmarket.org

Mayor Jordan and City Council

The mission of the Rural Mountain Producers Exchange is to support the development of a healthy economy for small-scale agriculture in Northwest Arkansas primarily by establishing farmers' markets for the direct sale of local agricultural products and handcrafted items. Our further goals are to provide education on local food and growing practices to the public, and to promote sustainability and economic development in our community.

The Fayetteville Farmers' Market requests additional days and hours of operation of the Farmers' Market at the Botanical Garden of the Ozarks. This would allow the Farmers' Market to operate Saturdays, Sundays, and one additional day or evening. With this, we would also like to operate the Market year round. We believe that this will not only provide additional opportunities to our vendors, it allows us to reach a different demographic not currently being served by the Fayetteville Farmers' Market. We do not feel that this will impact the Downtown Square Market in any way, but will instead provide our services to a different clientele.

The Fayetteville Farmers' Market (FFM) and the Botanical Garden Society of the Ozarks (BGSO) have reached an operating agreement that is acceptable to both parties. Both organizations feel that our partnership will benefit the community we serve through educational programs and accessibility to locally grown and handmade products.

Thank you for considering our request.

Respectfully,

RMPE Board of Directors and Fayetteville Farmers' Market Management

Chuck Rutherford, RMPE President

Lori L. Boatright, FFM Coordinator

FAYETTEVILLE PARKS AND RECREATION ADVISORY BOARD

Minutes for September 10, 2012

Opening:
The regular meeting of the Parks and Recreation Advisory Board was called to order by Steve Meldrum at 5:33 p.m. in Room 111 at the City Administration Building at 113 West Mountain Street in Fayetteville, Arkansas.

Present:
Parks and Recreation Advisory Board members McKnight, Leonard, Meldrum, Lawson, and Proffitt were present. Waite, Paul, and Watson were absent. City Staff members present were Edmonston, Jumper, and Humphry.

1. **Botanical Garden Society of the Ozarks and Farmers' Market request to amend Ordinance 97.086 Vending and Peddling of Chapter 97 Parks and Recreation:**
   Lori Boatright, Farmers' Market and Ron Cox, Executive Director of BGSO

   Botanical Garden Society of the Ozarks and Farmers' Market are requesting to allow the Farmers' Market to sell produce, flowers, and items on Saturday, Sunday, and one additional day within the area leased to the Botanical Garden Society of the Ozarks located in Lake Fayetteville Park.

   Edmonston presented the current ordinance requirements

   Meldrum wanted to know if they were asking to expand from one day to three days.

   Boatright said it would be open Saturday and Sunday and one evening during the week. It would still be the same members limited as to what they can do on the square. They would like an alternate shopping location for a different demographic.

   Meldrum said that the Saturday market has grown. He said this is a great idea. It would open it up to Springdale.

   Edmonston said the City supports growth. The only concern is the impact on Saturday's market on the square.

   Boatright said entirely different cliental will be served.

   McKnight asked if the records would be kept separately.

   Boatright said yes, and there would be no impact on Saturday's numbers.

Leonard asked if there would be staffing adjustments for the Botanical Gardens.

Cox said no. He added that the market would be from 7 a.m. until noon, and cleared by 1 p.m.

Lawson asked if the Botanical Gardens would make money from the market.

Cox said no.

Lawson wanted to know if they charged for weddings.

Cox said yes.

Edmonston said the ordinance needs to be amended to allow vending and peddling to sell on Saturdays and weekdays and also make it year round.

Boatright added that the vendors need a winter market, since there isn't one available now.

McKnight said he had no objection.

PRAB Motion: Proffitt motioned to accept amended Ordinance §97.086 to include Sundays and weekdays. Meldrum seconded it. Motion passed 5-0-0 by voice vote.

ORDINANCE NO. 5310

AN ORDINANCE TO AMEND **§97.086 VENDING AND PEDDLING** OF **CHAPTER 97 PARKS AND RECREATION** OF THE FAYETTEVILLE CODE TO ALLOW THE FARMERS' MARKET TO OPERATE IN LAKE FAYETTEVILLE PARK

WHEREAS, The Botanic Garden Society of the Ozarks has requested to be allowed to site the Farmers' Market on its leased grounds on Sunday; and

WHEREAS, the Farmers' Market desires to sell produce, flowers, and items allowed by §114.02 (C) of the Fayetteville Code within the area leased to the Botanical Garden Society of the Ozarks which is within Lake Fayetteville Park; and

WHEREAS, allowing Farmers' Market to sell within a city park requires an amendment to the general prohibition of vending in city parks.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals **§97.086 Vending and Peddling** of the Fayetteville Code and enacts a new **§97.086 Vending and Peddling** as shown below:

"97.086 Vending and Peddling

"(A) *General prohibition of selling or offering to sell items in city parks.* No person or business shall, within a city park, display, offer for sale, or sell any article, thing or service, nor place any stand, cart or vehicle for the display, sale or transportation of any such article.

"(B) *Exemptions.* The City's regularly licensed concessionaires acting pursuant to the authority and regulation of the City are exempt from subsection (A). Nonprofit organizations which have obtained a special events permit may sell nonalcoholic beverages and food during an annual event. Gulley Park Concert sponsors may sell food and

nonalcoholic beverages during the concerts when specifically permitted by the Parks and Recreation Department Director. The Farmers' Market and its members may sell items allowed pursuant to §114.02 (C) of the Fayetteville Code on Sundays within a portion of Lake Fayetteville Park that is licensed to the Botanical Garden Society of the Ozarks (if approved by the Society) as shown on Exhibit 'A'."

PASSED and **APPROVED** this 6th day of April, 2010.

APPROVED

By: _____
LIONEL D JORDAN, Mayor

ATTEST:

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

CITY CLERK/TREASURER CITY OF FAYETTEVILLE ARKANSAS WASHINGTON COUNTY

Farmers' Market at Botanical Gardens

Exhibit A

1 inch = 150 feet

N

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

10/2/2012
City Council Meeting Date
Agenda Items Only

David Jurgens	Utilities	Utilities
Submitted By	**Division**	**Department**

Action Required:

Approval of a cost-share and bid waiver in the approximate amount of $31,712.00, with REO Holdings 1, LLC for the upsizing from a 2" to an 8" proposed water main

$ 31,712.00	$ 154,472.00	Water and Sewer Cost Sharing
Cost of this request	Category / Project Budget	Program Category / Project Name
5400.5600.5808.00	$ -	Water Line Improvements
Account Number	Funds Used to Date	Program / Project Category Name
02067.1	$ 154,472.00	Water and Sewer Fund
Project Number	Remaining Balance	Fund Name

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

Department Director — 14Sept12 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

City Attorney — 9-14-12 Date

Original Contract Number: _____

Finance and Internal Services Director — 9-18-2012 Date

Received in City Clerk's Office 09-14-12P12:28 RCVD

Chief of Staff — 9-17-12 Date

Received in Mayor's Office ENTERED 9/17/12

Mayor — 9/18/12 Date

Comments:

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff

From: David Jurgens, Utilities Director

Date: September 13, 2012

Subject: Approval of a cost-share and bid waiver in the approximate amount of $31,712.00, with REO Holdings 1, LLC for the upsizing from a 2" to an 8" proposed water main

RECOMMENDATION

City Administration recommends approval of an ordinance for a cost-share and bid waiver in the approximate amount of $31,712.00 with REO Holdings 1, LLC for the upsizing from a 2" to an 8" proposed water main.

BACKGROUND

REO Holdings 1, LLC recently submitted a lot split for approval by the City of Fayetteville. As a condition of approval for this proposed split, a water main is required to be extended approximately 1000 feet from Bridgewater Lane to serve each lot. A 2" water main is the size that is necessary to serve the proposed homes on this property. REO Holdings 1, LLC has hired and engineer to prepare plans for the construction of this water main.

DISCUSSION

The proposed cost share will be to upsize the required 2" water main to an 8" water main. This upsizing will further the 8" grid in the area and create the potential for a future loop to the south and east of this property. The Slone Subdivision is located approximately 700 feet to the east and has a system of 8" mains installed. Altus Drive is located approximately 1200 feet to the south and currently has a 2" main. The future 8" loop to these properties will improve the pressure and flow in this area.

The City would benefit from the cost share by utilizing the developer's contractor who will already be onsite performing water line installation. A bid waiver is requested since this cost share is greater than $20,000.

Developer's Share (2" Water Line)	**$ 33,508.00**
City's Share	**$ 25,783.00**
Contingency	**$ 5,929.00**
Total	**$ 65,220.00**

BUDGET IMPACT

Funds for the City portion of work are available in the Water and Sewer Cost Sharing Project.

The final actual cost to the City will be based upon actual bid price for this project.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A COST-SHARE AGREEMENT WITH REO HOLDINGS 1, LLC IN THE AMOUNT OF $31,712.00 FOR THE CONSTRUCTION OF AN EIGHT-INCH WATER MAIN NEAR BRIDGEWATER LANE

WHEREAS, REO Holdings 1, LLC, as a condition of a lot split approval, is required to extend one thousand (1000) feet of two-inch water line from Bridgewater Lane to serve each of the split lots, and

WHEREAS, upsizing the extended water line to an eight-inch water main would be of benefit to the City by furthering the eight-inch grid in the area and creating the potential for a future loop to the south and east of the affected area, and

WHEREAS, entering into a cost-share agreement with REO Holdings 1, LLC for the difference in cost related to upsizing the required water line extension is the most cost-effective way to add capacity to the City's water system in this area,

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines the above-stated facts constitute an exceptional situation in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a cost-share agreement with REO Holdings 1, LLC in the amount of $31,712.00 for the construction of approximately one thousand (1000) feet of eight-inch water main near Bridgewater Lane.

PASSED and **APPROVED** this 2nd day of October, 2012

APPROVED: ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

CONTRACTUAL AGREEMENT

This Agreement, made and entered into this _____, by and between the City of Fayetteville, Arkansas and REO Holdings 1, LLC, Witnesseth:

WHEREAS, REO Holdings 1, LLC, has hired an engineer for the design and a contractor for the construction of a 2" public water line to serve their property south of Bridgewater Lane; and

WHEREAS, there is an existing 8" water line to the north of this property on Bridgewater Lane and Horse Meadow Drive. REO Holdings 1, LLC will be connecting to this line; and extending a 2" main south 1000 feet to his property; and

WHEREAS, it will benefit the City of Fayetteville to upgrade this 2" water main to an 8" water main to further the 8" grid in this area and to create a potential for a future loop to the south and to the east of this property. The future 8" loop will improve the pressure and flow in this area.

NOW, THEREFORE, the City of Fayetteville and REO Holdings 1, LLC agree as follows:

1. Upon the City Council and/or the Mayor approving the Water Main Cost-Share, the City of Fayetteville agrees to:

   A. Pay for 100% of the actual documented construction costs for the upsizing to an 8" main to serve this property.

   B. Pay a maximum-not-to-exceed cost of $31,712.00 for the afore mentioned water main construction as was provided by REO Holdings 1, LLC's engineer and made a part of this agreement.

   C. Reconsider the costs if the future and actual construction costs exceed the maximum-not-to-exceed amount that was furnished by REO Holdings 1, LLC. The contractual agreement shall be required to be reevaluated and re-approved by the Mayor and/or City Council as appropriate prior to proceeding with construction.

   D. Make all efforts to provide payment to REO Holdings 1, LLC within thirty (30) days after receipt of the invoice(s) but cannot guarantee the thirty day schedule.

2. REO Holdings 1, LLC agrees to:

   A. Provide the necessary and normal project management, inspection, and

testing as necessary for a complete and acceptable water main installation.

B. Provide a copy of the invoice(s) from the Contractor and a completed lien waiver executed by the Contractor upon acceptance of the water main installation.

C. Not proceed with the proposed construction unless/until the proposed contractual agreement is approved by the City Council and/or the Mayor.

3. It is further understood that the contract for construction is between REO Holdings 1, LLC and his Contractor and that the City has no contractual obligation with either the Contractor or the Engineer. The City's only obligation shall be to participate in a contractual agreement with a not-to-exceed amount of $31,712.00 for the water main upgrade.

IN AGREEMENT WITH ALL THE TERMS AND CONDITIONS ABOVE, WE SIGN BELOW:

CITY OF FAYETTEVILLE

By:_____
LIONELD JORDAN, Mayor

REO Holdings 1, LLC

By:_____

CLINTON BENNETT
WATER LINE EXTENSION
CONSTRUCTION COST ESTIMATE

Page: 1
9/4/2012

2" PVC WATER LINE

	ITEM	UNIT	QUANTITY	UNIT PRICE	COST
1	MOBILIZATION	LS	1	$ 2,600.00	$ 2,600
2	2" 13.5 PVC WATER LINE	EA.	999	$ 18.00	$ 17,982
3	WATER METER SET - DOUBLE	EA.	2	$ 1,200.00	$ 2,400
4	8X2 SADDLE AND 3/4 CORP STOP/ CONNECT TO EXISTING	EA.	1	$ 500.00	$ 500
5	2" GATE VALVE	EA.	1	$ 1,000.00	$ 1,000
6	ROAD CROSSING-CUT & REPAIR (4' X 40')	SY	18	$ 135.00	$ 2,430
7	1" COPPER WATER SERVICE	LF	20	$ 25.00	$ 500
8	2" BLOW-OFF	EA.	1	$ 1,500.00	$ 1,500
9	SOD DISTURBED AREAS	SF	14385	$ 0.25	$ 3,596
10	TRAFFIC CONTROL	LS	1	$ 500.00	$ 500
11	RIP RAP	LS	1	$ 500.00	$ 500

SUBTOTAL ***$ 33,508***

TOTAL WITH CONTINGENCY OF 10% ***$ 36,859***

8" PVC WATER LINE

	ITEM	UNIT	QUANTITY	UNIT PRICE	COST
1	MOBILIZATION	LS	1	$ 2,600.00	$ 2,600
2	8" C-900 PVC WATER LINE (INC. 20' AT END)	EA.	1019	$ 35.00	$ 35,665
3	WATER METER SET - DOUBLE	EA.	2	$ 1,200.00	$ 2,400
4	8X8 TAPPING SLEEVE & VALVE / CONNECT TO EXISTING	EA.	1	$ 3,600.00	$ 3,600
5	MJ FITTINGS	LB	100	$ 5.00	$ 500
6	ROAD CROSSING-CUT & REPAIR (4' X 40')	SY	18	$ 135.00	$ 2,430
7	1" COPPER WATER SERVICE	LF	20	$ 25.00	$ 500
8	FIRE HYDRANT ASSEMBLY	EA.	1	$ 4,000.00	$ 4,000
9	SOD DISTURBED AREAS	SF	14385	$ 0.25	$ 3,596
10	TRAFFIC CONTROL	LS	1	$ 500.00	$ 500
11	8X6 TEE AND 8" GATE VALVE	EA.	1	$ 2,500.00	$ 2,500
12	CAP & PLUG 8" PVC	EA.	1	$ 500.00	$ 500
13	RIP RAP	LS	1	$ 500.00	$ 500

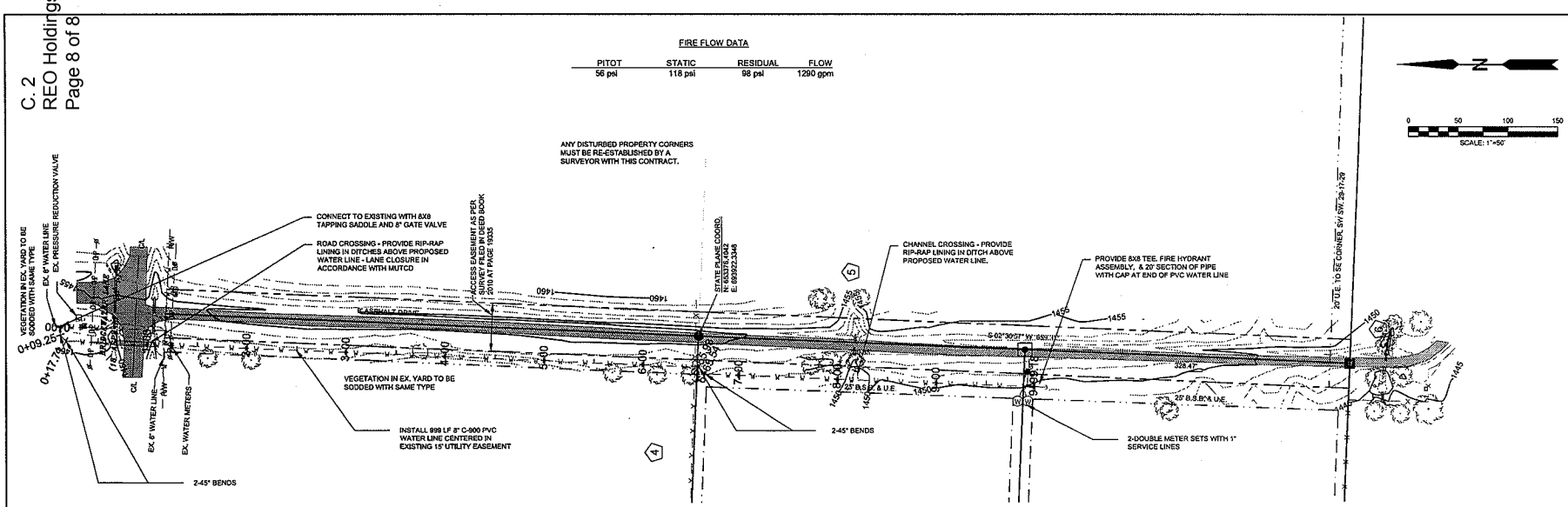
SUBTOTAL ***$ 59,291***

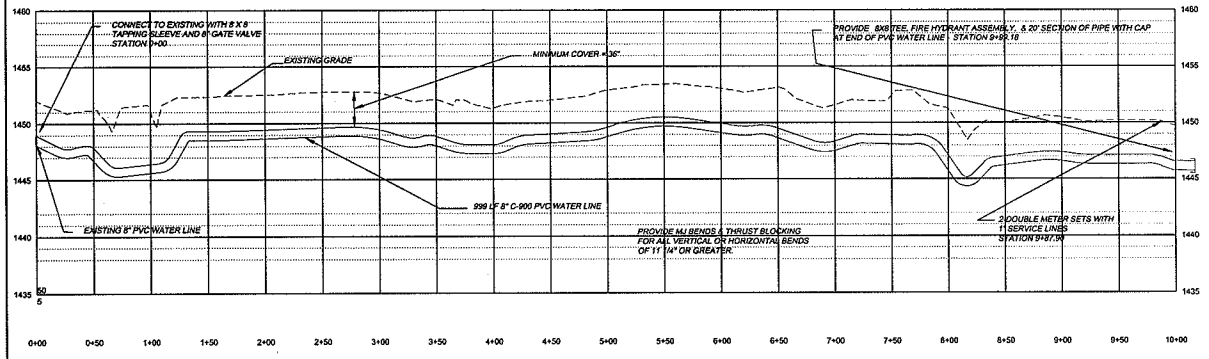
TOTAL WITH CONTINGENCY OF 10% ***$ 65,220***

IOTE: THIS ESTIMATE DOES NOT INCLUDE ANY ROCK EXCAVATION EXPENSE.
SURVEYING AND ENGINEERING ARE NOT INCLUDED.
LOT STAKING AND CONSTRUCTION STAKING ARE NOT INCLUDED.

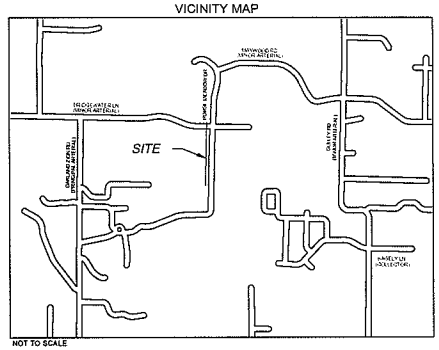
FIRE FLOW DATA

PITOT	STATIC	RESIDUAL	FLOW
56 psi	118 psi	98 psi	1290 gpm





VICINITY MAP



NOTES:

1. ALL DISTURBED AREAS SHALL RECEIVE 4 INCHES OF TOP SOIL AND RE-VEGETATED PER SECTION 169.06 OF THE UDC.
2. RE-VEGETATION. RE-VEGETATION SHALL BE REQUIRED TO MEET THE FOLLOWING PERFORMANCE STANDARDS (SEDIMENT CONTROLS SHALL REMAIN IN PLACE UNTIL RE-VEGETATION IS ESTABLISHED) UNLESS OTHERWISE ALLOWED BY THE CITY ENGINEER:
   - TOPSOIL. A MINIMUM OF 4 INCHES OF TOPSOIL SHALL BE REQUIRED TO BE EITHER EXISTING OR INSTALLED IN AREAS TO BE REVEGETATED AS SET FORTH IN§169.06(F)(6) BELOW. ANY APPLICATION OF TOPSOIL AND SEEDING UNDER THE DRIP LINE OF A TREE SHOULD BE MINIMIZED TO 3 INCHES SO AS NOT TO DAMAGE THE TREES ROOT SYSTEM.
   - ZERO TO 10% GRADE: RE-VEGETATION SHALL BE A MINIMUM OF SEEDING AND MULCHING. SAID SEEDING SHALL PROVIDE COMPLETE AND UNIFORM COVERAGE THAT MINIMIZES EROSION AND RUNOFF.
   - 10:1 UP TO 4:1 GRADE: RE-VEGETATION SHALL BE A MINIMUM OF HYDRO-SEEDING WITH MULCH AND FERTILIZER, SOD, OR GROUNDCOVER. SAID PLANTING SHALL PROVIDE COMPLETE AND UNIFORM COVERAGE THAT MINIMIZES EROSION AND RUNOFF.
   - 4:1 TO 3:1 GRADE: THE SLOPE SHALL BE COVERED WITH LANDSCAPE FABRIC AND HYDRO-SEEDED WITH MULCH AND FERTILIZER, OR STAKED SOD, OR GROUNDCOVER. SAID PLANTING SHALL PROVIDE COMPLETE AND UNIFORM COVERAGE THAT MINIMIZES EROSION AND RUNOFF.
3. DEBRIS, MUD, AND SOIL IN PUBLIC STREETS. DEBRIS, MUD AND SOIL SHALL NOT BE ALLOWED ON PUBLIC STREETS BUT IF ANY DEBRIS, MUD, OR SOIL FROM DEVELOPMENT SITES REACHES THE PUBLIC STREET IT SHALL BE IMMEDIATELY REMOVED VIA SWEEPING OR OTHER METHODS OF PHYSICAL REMOVAL. DEBRIS, MUD, OR SOIL IN THE STREET MAY NOT BE WASHED OFF THE STREET OR WASHED INTO THE STORM DRAINAGE SYSTEM. STORM DRAINAGE SYSTEMS DOWNSTREAM OF A DEVELOPMENT SITE SHOULD BE PROTECTED FROM DEBRIS, MUD, OR SOIL IN THE EVENT THAT DEBRIS, MUD, OR SOIL REACHES THE DRAINAGE SYSTEM.
4. PRIOR TO OBTAINING A FINAL ACCEPTANCE, THE FOLLOWING ITEMS MUST BE PERFORMED OR PROVIDED TO THE SATISFACTION OF THE ENGINEERING DEPARTMENT:
   - THE WORK SHOWN ON THE CIVIL SITE PACKAGE MUST BE COMPLETE AND THE ITEMS ON THE FINAL PUNCH LIST COMPLETED.
   - VEGETATION MUST BE ESTABLISHED IN ACCORDANCE WITH SECTION 169.06 OF THE UDC AND PERIMETER CONTROLS REMOVED.
   - ONE (1) SET OF AS-BUILT DRAWINGS OF THE COMPLETE PROJECT (EXCLUDING DETAILS) AS A HARD COPY AND IN TIFF OR PDF FORMAT;
   - PUBLIC INFRASTRUCTURE AND SERVICES SHALL BE SURVEYED AFTER INSTALLATION IN RELATION TO EASEMENTS, PROPERTY LINES, AND RIGHTS-OF-WAY.
   - PROFESSIONAL SURVEYOR SHALL PROVIDE STAMP DRAWINGS SPECIFICALLY IDENTIFYING THE LIMITS OF AS-BUILT SURVEY PERFORMED.
   - MORE THAN 2 FT DEVIATION OF DESIGN ALIGNMENT SHALL REQUIRE NEW EASEMENT DEDICATION OR ADJUSTMENT OF THE UTILITY/STORM DRAIN.
   - UNIT PRICE CONSTRUCTION COSTS AND A SINGLE 2 YEAR MAINTENANCE BONDS IN THE AMOUNT OF 25% OF THE PUBLIC IMPROVEMENTS HAVE BEEN PROVIDED TO THE CITY;
   - CERTIFICATION THAT THE WATER LINE WAS INSTALLED PER APPROVED PLANS AND CITY OF FAYETTEVILLE REQUIREMENTS;
   - SURVEYOR'S CERTIFICATION OF COMPLIANCE FOR MONUMENTS AND PROPERTY PINS.
5. THE ENGINEER OF RECORD SHALL PROVIDE "FULL TIME" INSPECTION FOR UTILITIES FOR THIS PROJECT. THE ENGINEER OF RECORD SHALL ALSO REVIEW AND APPROVE MATERIAL SUBMITTALS- WEEKLY INSPECTION REPORTS SHOULD BE SUBMITTED TO THE CITY OF FAYETTEVILLE'S PUBLIC WORKS INSPECTOR.
6. THE PUBLIC WORKS INSPECTOR SHALL BE NOTIFIED NO LESS THAN 48 HOURS PRIOR TO THE INSTALLATION OF PUBLIC UTILITIES, INFRASTRUCTURE, ROADWAY, ETC. TESTING SHALL BE COORDINATED WITH THE PWI BY THE ENGINEER OF RECORD.
7. A COPY OF THE APPROVAL LETTER FROM ADH SHALL BE PRESENTED PRIOR TO INSTALLATION OF PUBLIC UTILITIES.

NOTE:
ALL IMPROVEMENTS ON THESE PLANS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH CITY OF FAYETTEVILLE SPECIFICATIONS AND STANDARD DETAILS. SEE CITY OF FAYETTEVILLE STANDARD CONSTRUCTION DETAILS - SHEET 2 OF 2.

NOTE:
MINIMUM DISTANCES OF 10' HORIZONTAL AND 18" VERTICAL SHALL BE MAINTAINED BETWEEN ALL WATER & SEWER MAINS AND SERVICES.

811 Know what's below. Call before you dig.

CERTIFICATE OF AUTHORIZATION BLEW & ASSOCIATES, PA No.1534 ARKANSAS

STATE OF ARKANSAS REGISTERED PROFESSIONAL ENGINEER No. 9584 HOLLIS GERALD FOX

DATE	REVISION	BY
8-29-12	REVISED PER CITY COMMENTS	HGF
9-4-12	REVISED PER CITY COMMENTS	HGF

BLEW & ASSOCIATES, PA
PROFESSIONAL ENGINEERS
LAND SURVEYORS
524 W. SYCAMORE ST., SUITE 4
FAYETTEVILLE, AR 72703
PH: (479) 443-4506 FAX: (479) 582-1883
http://www.blew.com

CLINTON BENNETT PROJECT

WATER LINE EXTENSION PLAN & PROFILE

DATE: 08-21-12

Scale: H= 50' V= 5' | DRAWN BY: HGF

JOB # 12-465

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

10/2/2012
City Council Meeting Date
Agenda Items Only

Chris Brown (CB)	Engineering	Development Services
Submitted By	**Division**	**Department**

Action Required:

Approval of a cost-share and bid waiver in the amount of $41,072.69 with Neal Hefner Construction Company, Inc., for the construction of approximately 366' of 12' wide sidewalk.

$ 41,072.69	$ 373,366.00	St.ROW/Intersection/ Cost Sharing
Cost of this request	Category / Project Budget	Program Category / Project Name
4470.9470.5809.00	$ -	Sales Tax Capital Improvement
Account Number	Funds Used to Date	Program / Project Category Name
02116.0001	$ 373,366.00	Street Improvement
Project Number	Remaining Balance	Fund Name

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

Department Director — 9/13/12 Date

City Attorney — 9-14-12 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Paul A. Becker — 9-17-2012 Date
Finance and Internal Services Director

Received in City Clerk's Office: 09-14-12P12:28 RCVD — Kim J.

Chief of Staff — 9-17-12 Date

Received in Mayor's Office: ENTERED 9/17/12

Mayor — 9/18/12 Date

Comments:

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

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

From: Chris Brown, City Engineer CB

Date: September 13, 2012

Subject: Cost Share and Bid Waiver with Neal Hefner Construction Company, Inc.

RECOMMENDATION

Staff recommends approval of a cost-share and bid waiver in the amount of $41,072.69 with Neal Hefner Construction Company, Inc., for the construction of approximately 366' of 12' wide sidewalk.

PROPOSAL:

G & C Family LLC is in the process of upgrading their property at 2518 W. Martin Luther King Jr. Blvd for an Automatic Auto Finance business. The property improvements include remodeling of the building, adding a new driveway with parking and removing of the existing driveway near Martin Luther King Jr. Blvd. As part of the improvements, 241 linear feet of 5' sidewalk is required. The location of the new sidewalk is also on the Fayetteville Alternative Transportation and Trails (FATT) Master Plan as a section of Shiloh Trail that will extend from Garland to Cato Springs Road along the west side of I-540. Due to the topography and limited space on the site, it is critical to incorporate the widened sidewalk at the time of these improvements.

Jorgenson & Associates Engineers has designed the wide sidewalk to meet City standards and the owner is agreeable to a cost share to allow their contractor, Neal Hefner Construction Company, Inc. to install the wide sidewalk. The owner has also agreed to provide an easement to accommodate the widened sidewalk. Neal Hefner Construction Company, Inc. has provided a letter with the detailed cost analysis included in the packet. Staff has reviewed the estimate and determined the cost to be acceptable when factoring in the challenging site and donation of the necessary easement.

Of the 366 linear feet of the proposed 12 wide sidewalk, 241 linear feet is required as 5 foot wide sidewalk, therefore the value for 241 linear feet of 5 foot wide sidewalk has been deducted from the cost share.

BUDGET IMPACT:

Sufficient funds in the amount of $41,072.69 are available for cost share improvements from street right of way intersection cost sharing account.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A COST-SHARE AGREEMENT WITH NEAL HEFNER CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF $41,072.69 FOR THE CONSTRUCTION OF EXTRA-WIDE SIDEWALK TO ACCOMMODATE A FUTURE TRAIL EXTENSION

WHEREAS, Neal Hefner Construction Company, Inc., on behalf of G&C Family LLC is in the process of improving property located at 2518 W. Martin Luther King Jr. Boulevard, including remodeling the building, adding a new driveway with parking and removing the existing driveway near Martin Luther King Jr. Boulevard, and

WHEREAS, part of the City-required improvements include construction of 241 feet of sidewalk five (5) feet wide, however the location of the new sidewalk is also on the Fayetteville Alternative Transportation Trails Master Plan as a section of Shiloh Trail, which will extend from Garland Avenue to Cato Springs Road along the west side of I-540, and

WHEREAS, due to topography and limited space at the site, it is critically important to incorporate extra-wide sidewalks of twelve (12) feet wide to accommodate the future Shiloh Trail at the same time as the current improvements are undertaken, and

WHEREAS, a cost-share agreement whereby the City pays the difference in cost between the City-required five (5) foot wide sidewalk and the desired twelve (12) foot wide sidewalk to accommodate Shiloh Trail is the most cost-efficient way,

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines the above-stated facts constitute an exceptional situation in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a cost-share agreement with Neal Hefner Construction Company, Inc. in the amount of $41,072.69 for the construction of approximately 366 feet of sidewalk twelve (12) feet wide, to accommodate the future Shiloh Trail.

PASSED and **APPROVED** this 2nd day of October, 2012

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

NEAL
HEFNER
CONSTRUCTION
COMPANY, INC.
GENERAL CONTRACTOR

2308 S. Turner, Suite #1
Springdale, AR 72764
479-756-5602
Fax: 479-750-0865

September 13, 2012

Chris Brown, P.E.
City Engineer
City of Fayetteville
125 W. Mountain Street
Fayetteville , AR 72701

RE: AAF

Dear Chris,

Please find the following bid from Neal Hefner Construction, Inc., for work associated with installation of a proposed wide sidewalk along Shiloh Drive.

5' sidewalk: 241 LF @ $24.80/LF = $5,977.31 (only the portion required of the new parking lot, thence north)

1. 12' wide sidewalk: 366 LF @ $59.60/LF	$21,815.00
2. Install 317 CY of Select Import @ $13.00/CY	$ 4,122.00
3. Install 72 CY 4" Class 7 @ $29.80/CY	$ 2,146.00
4. Sawcut Existing Parking Lot & Remove Concrete	$12,611.00
5. Install 117 LF of New Curb along Trail @ $18/LF	$ 2,106.00
6. Install extra hillside material outside trail to get back to grade @ 3:1 and hydroseed	$ 1,250.00
7. General Conditions	$ 3,000.00
Total Sum:	$47,050.00
Cost share difference: $47,050.00 minus $5,977.31	**$41,072.69**

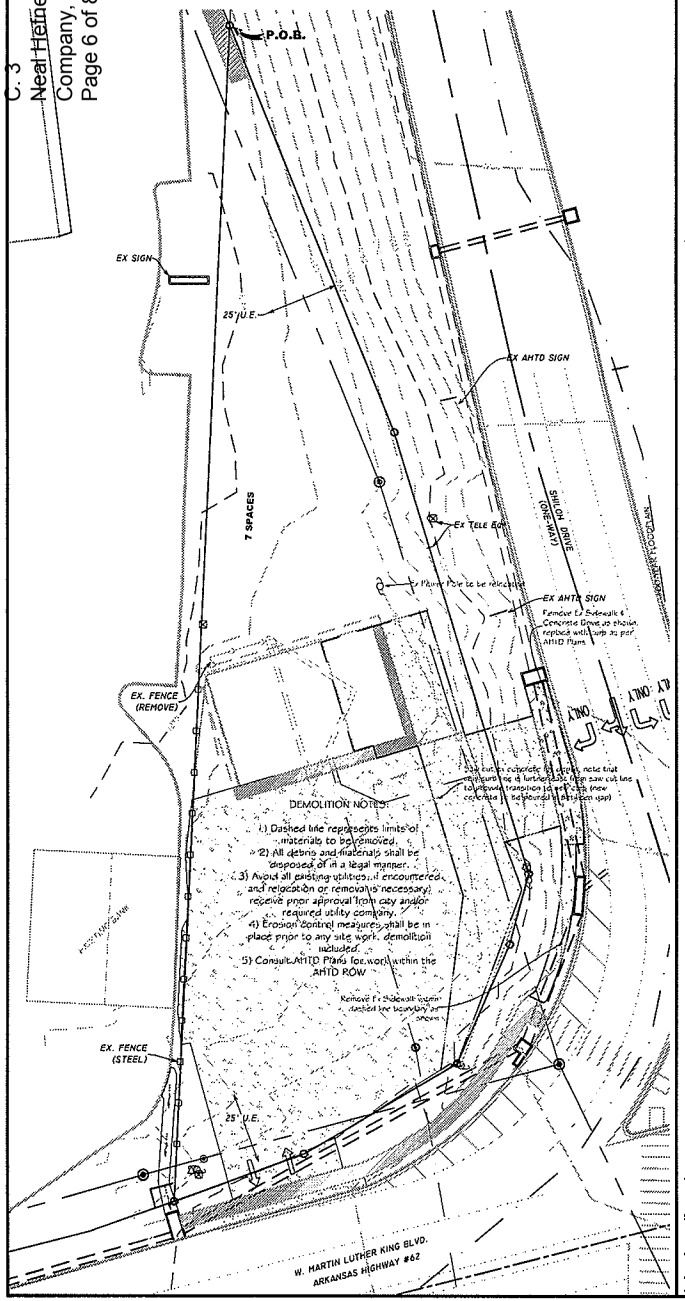
Sincerely,

Neal Hefner, General Contractor
AR#0012630413

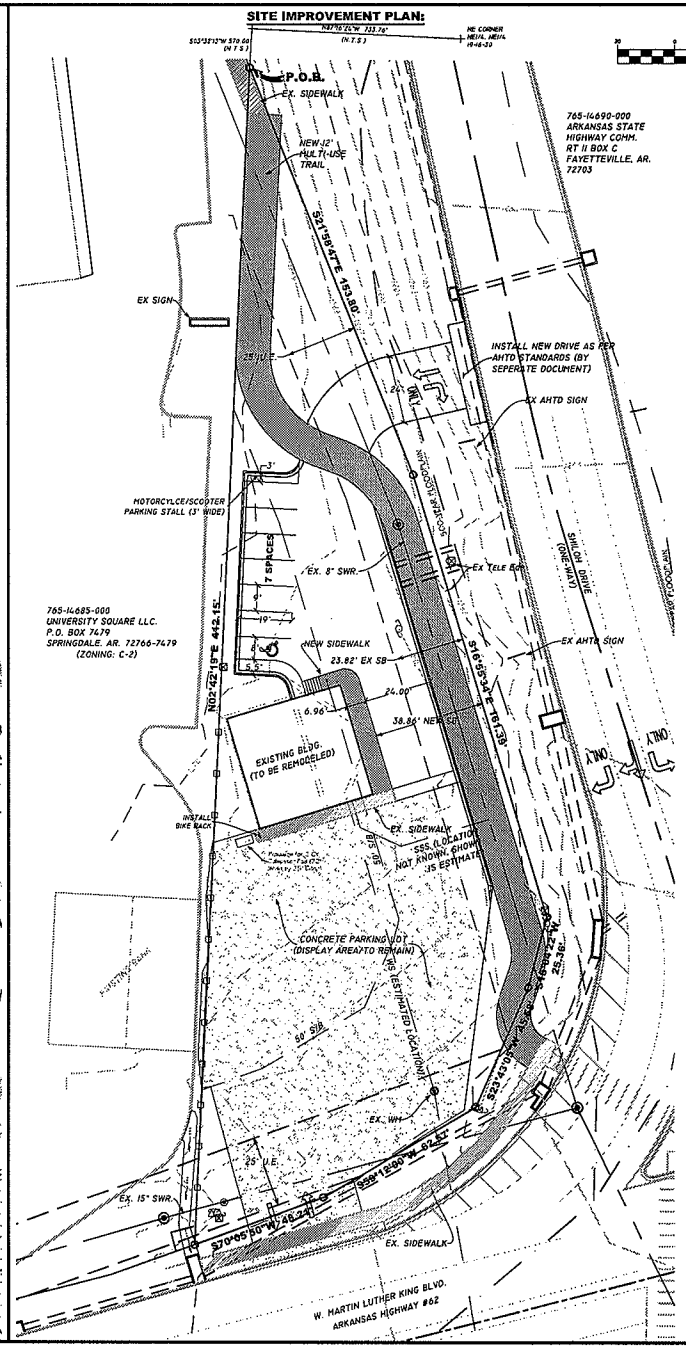
11821 pur

C. 3
Neal Hefner Construction
Company, Inc.
Page 6 of 8

DEMOLITION PLAN:



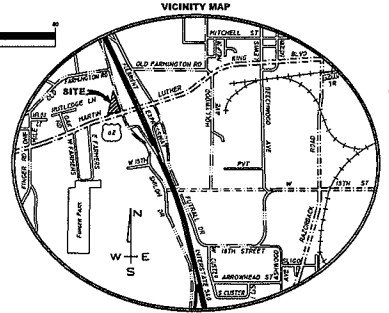
SITE IMPROVEMENT PLAN:



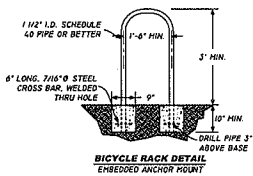
GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

VICINITY MAP



FAYETTEVILLE, ARKANSAS



BICYCLE RACK DETAIL
EMBEDDED ANCHOR MOUNT

BICYCLE RACK NOTES:

1. EACH BICYCLE SPACE REQUIRES 2'-0" BY 6'-0" OF CLEAR SPACE BESIDE THE RACK. THE 2'-0" DIMENSION MAY OVERLAP ANOTHER BICYCLE SPACE SUCH THAT PARALLEL RACKS MAY BE 2'-6" ON CENTER.
2. BICYCLE RACKS MUST HAVE 15'-0" CLEARANCE FROM EDGE OF FIRE HYDRANTS.
3. BICYCLE RACKS MUST HAVE 4'-0" CLEARANCE FROM EXISTING STREET FURNITURE, INCLUDING MAILBOXES AND LIGHT POLES.
4. BICYCLE RACK REQUIRED IF ADDING 25 OR MORE PARKING SPACES.

BUILDING SETBACK TABLE

ZONING	FRONT	SIDE	SIDE WHEN CONTIGUOUS TO A RESIDENTIAL DISTRICT	REAR
C-2	50'	NONE	15'	20'

ENGINEER:
JORGENSEN & ASSOCIATES
CONSULTING ENGINEERS INC.
124 WEST SUNBRIDGE SUITE 5
FAYETTEVILLE, AR. 72703
(479) 442-9127

OWNER:
G & C FAMILY LLC.
P.O. BOX 765
SPRINGDALE. AR. 72765

FREEWAY / EXPRESSWAY
PRINCIPAL ARTERIAL
FUTURE PRINCIPAL ARTERIAL
COLLECTOR
FUTURE COLLECTOR
MINOR STREET

LEGEND

- FOUND IRON PIN
- CALCULATED POINT
- SET IRON PIN & CAP
- EXISTING GAS METER
- EXISTING ELECTRIC METER
- EXISTING TELEPHONE PEDESTAL
- EXISTING POWER POLE
- EXISTING WATER METER
- EXISTING SEWER MANHOLE
- EXISTING FIRE HYDRANT
- UTILITY EASEMENT
- BUILDING SETBACK
- CENTERLINE STREET
- ACCESS EASEMENT
- EXISTING WATERLINE
- EXISTING SEWER LINE
- EXISTING ELECTRIC LINE
- EXISTING FORCE MAIN (FM)
- EXISTING GAS LINE (GAS)
- EXISTING WOOD FENCE
- EXISTING SIDEWALK
- PROPOSED SIDEWALK

STANDARD CITY NOTES:

1) ALL NEW UTILITIES SHALL BE PLACED UNDERGROUND, AND ALL EXISTING UTILITIES UNDER 12 kV SHALL BE RELOCATED UNDERGROUND.

2) ALL MECHANICAL AND UTILITY EQUIPMENT LOCATED ON THE WALL AND/OR ON THE GROUND SHALL BE SCREENED. ALL ROOF-MOUNTED UTILITIES AND MECHANICAL EQUIPMENT SHALL BE SCREENED BY INCORPORATING SCREENING INTO THE STRUCTURE UTILIZING MATERIALS COMPATIBLE WITH THE SUPPORTING BUILDINGS. SMALLER GROUND-MOUNTED EQUIPMENT MAY BE SCREENED WITH TALL GRASSES OR SHRUBS.

LEGAL DESCRIPTION:

A PART OF NE1/4 OF THE NE1/4 OF SECTION 19, T16N, R30W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF SAID NE1/4, NE1/4; THENCE N87°16'24"W 733.76 FEET; THENCE S03°32'13"W 570.10 FEET TO THE P.O.B.; THENCE S21°54'47"E 153.80 FEET; THENCE S16°55'34"E 161.39 FEET; THENCE S15°04'22"W 25.36 FEET; THENCE S23°43'05"W 45.56 FEET; THENCE S59°15'50"W 82.57 FEET; THENCE S70°05'50"W 48.21 FEET; THENCE N02°42'19"E 412.15 FEET TO THE P.O.B.; CONTAINING 0.66 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

TREE CANOPY TABLE:

THERE ARE CURRENTLY NO TREES ON THIS PROPERTY SO THERE WILL BE NO TREE PRESERVATION NEEDED.

SITE AREA CALCULATIONS:
TOTAL AREA: 0.655 AC/28,551 SF
IMPERVIOUS: 0.505 AC/22,017 SF (77.1%)
PERVIOUS: 0.15 AC/6,534 SF (22.9%)
ORIGINAL BUILDING SIZE: 2,440 SF
PROPOSED REMODELED BUILDING: 1,670 SF (14" TO PARAPET, 25' TO TOP OF WALL)

PARKING REQUIREMENTS:
REQUIREMENT: 1 SPACE / 250 SQ. FT.
NEW BUILDING: 1,670 SF; THEREFORE 7 SPACES REQUIRED
PROVIDED: 7 SPACES

HANDICAP REQUIRED (1 PER 1-25 SPACES): 1 SPACE
HANDICAP PROPOSED: 1 SPACE

BICYCLE RACKS REQUIRED: 1
BICYCLE RACKS PROVIDED: 1

MOTORCYCLE PARKING REQUIRED: 1 SPACE
MOTORCYCLE PARKING PROVIDED: 1 SPACE

NOTES:

1) PLAT PAGE #558

2) CURRENT ZONING = C-2

3) PARCEL NUMBER: 765-14664-000

4) THIS PROPERTY IS NOT AFFECTED BY THE 100-YEAR FLOOD PLAIN AS PER FIRM #05143C0215F DATED MAY 16, 2008

5) BASIS OF ROTATION - ARKANSAS HIGHWAY DEPARTMENT HIGHWAY 62 IMPROVEMENTS AND LOT LINE ADJUSTMENT BY CEI ENGINEERING FOR UNIVERSITY SQUARE FILED ON AUGUST 19, 2002 AND WARRANTY DEED OF SURVEYED PROPERTY.

CERTIFICATE OF AUTHORIZATION — JORGENSEN & ASSOCIATES — No. 722 — ARKANSAS — ENGINEER

STATE OF ARKANSAS — REGISTERED PROFESSIONAL ENGINEER — No. 13643 — BLAINE C. JORGENSEN

JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS
124 W. SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • 479-442-9127 • FAX 479-443-0507

SCALE: 1"=30'
DATE: 4-3-12
DATE REVISED: 4-3-12
CHECKED BY: DLJ
DRAWN BY: B.JR/DEJ
F:\LSD\2012\2215.SLD

1/2

G & C FAMILY LLC.
DEMOLITION & SITE IMPROVEMENT PLAN FOR:

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

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

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

Requisition No.:		Date: 9/13/2012	
P.O Number:		Expected Delivery Date:	
Vendor #: 11821	Vendor Name: Neal Hefner Construction Company, Inc	Mail Yes:__ No:____	
Address:	Fob Point:	Taxable Yes:__ No:____	Quotes Attached Yes:_____ No:_____
City:	State:	Zip Code:	Ship to code: PUR
Divison Head Approval:			
Requester: Tandi Leigh Taylor	Requester's Employee #: 3062	Extension: 206	

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	**Cost share for the construction of 366' of**	**1**			**$41,072.69**	**4470.9470.5809.00**	**02116.001**		
2	**12' wide sidewalk**				**$0.00**				
3					**$0.00**				
4					**$0.00**				
5					**$0.00**				
6					**$0.00**				
7					**$0.00**				
8					**$0.00**				
9					**$0.00**				
10					**$0.00**				
*	Shipping/Handling		Lot		**$0.00**				

Special Instructions:

-

Subtotal:	**$41,072.69**
Tax:	
Total:	**$41,072.69**

Approvals:

Mayor: _____ Department Director:_____ Purchasing Manager: _____

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

Dispatch Manager:_____ Utilities Manager:_____ Other:_____

Revised 1/2/2008

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

10/2/2012
City Council Meeting Date
Agenda Items Only

Andrew Garner	Planning	Development Services
Submitted By	**Division**	**Department**

Action Required:

VAC 12-4198: Vacation (5439 MAYWOOD DR./WIN, 219): Submitted by ALAN REID AND ASSOCIATES for property located at 5439 MAYWOOD DRIVE. The property is in the PLANNING AREA, and contains 0.75 acre. The request is to vacate a portion of a utility easement.

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 — 9/14/12 Date

City Attorney — 9/17/12 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Paul A. Becker — 9-17-2012 Date
Finance and Internal Services Director

Chief of Staff — 9-17-12 Date

Mayor — 9/18/12 Date

Received in City Clerk's Office 09-14-12 P03:05 RCVD Kim G.

Received in Mayor's Office ENTERED 9/17/12

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Andrew Garner, Senior Planner amg

Date: September 14, 2012

Subject: VAC 12-4198 (5439 Maywood Drive/Win)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to vacate a portion of a utility easement.

BACKGROUND

The subject property is located at 5439 Maywood Drive in the Fayetteville Planning Area and is utilized for a single family dwelling. A recent survey indicates that a portion of the garage and house that was constructed in 2006 encroaches onto the 25 foot wide utility easement which fronts on 5439 Maywood Drive.

Request: The applicant's request is to vacate approximately 477 square feet of easement. The applicant has submitted the required easement vacation notification forms to the utility companies and to the City with no objections.

DISCUSSION

On September 10, 2012, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 9-0-0.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 12-4198 SUBMITTED BY ALAN REID AND ASSOCIATES FOR PROPERTY LOCATED AT 5439 MAYWOOD DRIVE TO VACATE A PORTION OF A UTILITY EASEMENT, A TOTAL OF 477 SQUARE FEET

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of the platted utility easement is not required for corporate purposes;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following described utility easement in Exhibit B (attached).

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached and labeled Exhibit A shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the Condition of Approval and shall not be in effect until the condition is met.

"Any relocation of existing utilities shall be at the owner/developer's expense."

PASSED and **APPROVED** this day of , 2012.

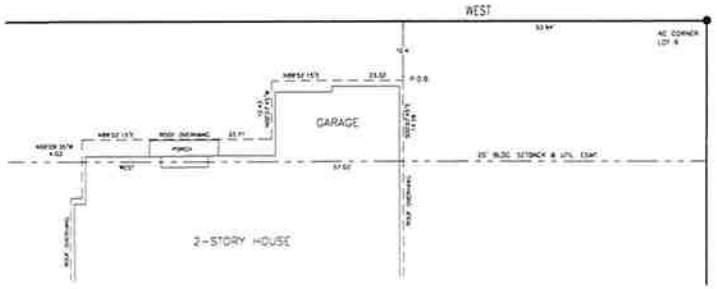
APPROVED: ATTEST:

By: _____ By: _____

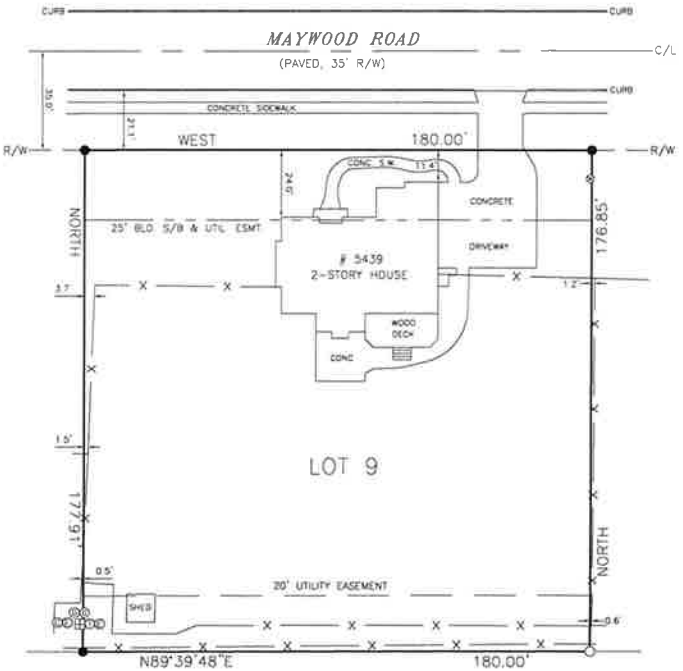
LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

C. 4
VAC 12-4198 (5439 Maywood
Dr./Win)
Page 4 of 20

EXHIBIT "A"



ENCROACHMENT DETAIL



0' 30' 60' 90'

1" = 30'

DESCRIPTION OF EASEMENT ENCROACHMENT

A PART OF LOT NUMBERED NINE (9), OVERTON PARK, A SUBDIVISION TO THE COUNTY OF WASHINGTON, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 23 AT PAGE 131, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT NINE (9), SAID POINT BEING AN EXISTING IRON REBAR; THENCE WEST 53.74 FEET ALONG THE NORTH LINE OF SAID LOT NINE (9) TO A POINT; THENCE LEAVING THE NORTH LINE OF SAID LOT NINE (9), SOUTH 10.40 FEET TO THE INTERSECTION OF THE NORTH AND EAST ROOF OVERHANGS OF AN EXISTING HOUSE (GARAGE) FOR THE TRUE POINT OF BEGINNING; THENCE S00°07'45"E 14.59 FEET ALONG THE EAST ROOF OVERHANG TO A POINT ON THE 25 FOOT WIDE BUILDING SETBACK AND UTILITY EASEMENT LINE; THENCE WEST 57.03 FEET ALONG SAID BUILDING SETBACK AND UTILITY EASEMENT LINE TO A POINT ON THE WEST ROOF OVERHANG OF THE EXISTING HOUSE; THENCE N00°09'35"W 4.03 FEET ALONG AND IN LINE WITH SAID WEST ROOF OVERHANG TO A POINT; THENCE N89°52'15"E 33.71 FEET TO A POINT ON THE WEST ROOF OVERHANG OF THE GARAGE; THENCE N00°07'45"W 10.43 FEET TO THE INTERSECTION OF THE WEST AND NORTH OVERHANG OF SAID GARAGE; THENCE N89°52'15"E 23.32 FEET ALONG THE NORTH ROOF OVERHANG OF SAID GARAGE TO THE POINT OF BEGINNING, CONTAINING 476.76 SQUARE FEET, MORE OR LESS.

PLAT NOTES:

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE:

EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDED THE SEAL AND SIGNATURE OF THE SURVEYOR.

THIS SURVEY MEETS OR EXCEEDS THE CURRENT "ARKANSAS MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AND PLATS".

DECLARATION IS MADE TO THE ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY.

PARCEL #366-00009-000

LOT NUMBERED NINE (9), OVERTON PARK, A SUBDIVISION TO THE COUNTY OF WASHINGTON, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 23 AT PAGE 131, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS.

N

W E

S

LEGEND

- EXISTING IRON REBAR
- SET 1/2" IRON REBAR
- CABLE PEDESTAL
- GAS METER
- ELECTRIC METER
- TELEPHONE PEDESTAL
- TRANSFORMER
- WATER METER
- UTILITY EASEMENT
- BUILDING SETBACK LINE
- EXISTING FENCE

REVISIONS		
DATE	DESCRIPTION	BY

ARA
Alan Reid & ASSOCIATES
PROFESSIONAL LAND SURVEYORS
BOUNDARY
TOPO
GPS
118 S. COLLEGE AVENUE
FAYETTEVILLE, ARKANSAS 72701
479 444 1536
479 444 0734 FAX
1 888 549 8764
orasurveying@sbcglobal.net

SOE WIN
5439 MAYWOOD ROAD
FAYETTEVILLE, ARKANSAS 72703

EASEMENT VACATION

DRAFTSMAN	ARA
DATE	07/21/2012
CHECKED	-
SCALE	1" = 30'
SHEET SIZE	18"x 24"

JOB NO.
12101A

SHEET 1 OF 1

EXHIBIT "B"
VAC 12-4198

DESCRIPTION OF EASEMENT ENCROACHMENT

A PART OF LOT NUMBERED NINE (9), OVERTON PARK, A SUBDIVISION TO THE COUNTY OF WASHINGTON, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 23 AT PAGE 131, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT NINE (9), SAID POINT BEING AN EXISTING IRON REBAR; THENCE WEST 53.74 FEET ALONG THE NORTH LINE OF SAID LOT NINE (9) TO A POINT; THENCE LEAVING THE NORTH LINE OF SAID LOT NINE (9), SOUTH 10.40 FEET TO THE INTERSECTION OF THE NORTH AND EAST ROOF OVERHANGS OF AN EXISTING HOUSE (GARAGE) FOR THE TRUE POINT OF BEGINNING; THENCE S00°07'45"E 14.59 FEET ALONG THE EAST ROOF OVERHANG TO A POINT ON THE 25 FOOT WIDE BUILDING SETBACK AND UTILITY EASEMENT LINE; THENCE WEST 57.03 FEET ALONG SAID BUILDING SETBACK AND UTILITY EASEMENT LINE TO A POINT ON THE WEST ROOF OVERHANG OF THE EXISTING HOUSE; THENCE N00°09'35"W 4.03 FEET ALONG AND IN LINE WITH SAID WEST ROOF OVERHANG TO A POINT; THENCE N89°52'15"E 33.71 FEET TO A POINT ON THE WEST ROOF OVERHANG OF THE GARAGE; THENCE N00°07'45"W 10.43 FEET TO THE INTERSECTION OF THE WEST AND NORTH OVERHANG OF SAID GARAGE; THENCE N89°52'15"E 23.32 FEET ALONG THE NORTH ROOF OVERHANG OF SAID GARAGE TO THE POINT OF BEGINNING, CONTAINING 476.76 SQUARE FEET, MORE OR LESS.

Fayetteville
ARKANSAS

PC Meeting of September 10, 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:	~~September 4, 2012~~ *Updated September 14, 2012*

VAC 12-4198: Vacation (5439 MAYWOOD DR./WIN, 219): Submitted by ALAN REID AND ASSOCIATES for property located at 5439 MAYWOOD DR. The property is in the Planning Area and contains approximately 0.75 acres. The request is to vacate a portion of a utility easement. Planner: Andrew Garner

Findings:

Property Description and Background: The subject property is located at 5439 Maywood Drive in the Fayetteville Planning Area and is utilized for a single family dwelling. A recent survey indicates that a portion of the garage and house that was constructed in 2006 encroaches onto the 25 foot wide utility easement which fronts on 5439 Maywood Drive.

Request: The applicant's request is to vacate approximately 477 square feet of easement.

Easement Vacation Approval: The applicant has submitted the required easement vacation notification forms to the utility companies and to the City with the results summarized below.

UTILITIES	**RESPONSE**
Ozarks Electric	No Objections
Cox Communications	No Objections
Source Gas	No Objections
AT&T	No Objections
CITY OF FAYETTEVILLE:	**RESPONSE**
Water/Sewer	No Objections

Transportation	No Objections
Solid Waste	No Objections

Public Comment: No public comment has been received.

Recommendation: Staff recommends forwarding **VAC 12-4198** to the City Council with a recommendation for approval subject to the following condition:

1. Relocation of or damage to any existing utilities will be at the owner's expense.

CITY COUNCIL ACTION: Required

PLANNING COMMISSION ACTION: Required

Planning Commission Action: **X Forwarded** ☐ **Denied** ☐ **Tabled**

Date: September 10, 2012

Motion: Cook
Second: Chesser
Vote: 9-0-0

Notes: _____

ARA

Alan Reid
& ASSOCIATES
PROFESSIONAL
LAND
SURVEYORS

August 15, 2012

City of Fayetteville
Planning & Engineering
125 W. Mountain St.
Fayetteville, Arkansas 72701

Dear Planners,
On behalf of my client, Soe Win, I am submitting for your review, a proposed Utility Easement Vacation for County Parcel 366-00009-000. A portion of the garage and house encroaches onto the twenty-five (25) foot wide utility easement which fronts on 5439 Maywood Road. The area to be vacated is 476.76 square feet. If you should have any questions, please feel free to contact me at 444.8784.

Sincerely,

Alan Reid
Professional Land Surveyor
Arkansas Registration 1005

118 S. College Avenue Fayetteville, Arkansas 72701 479 444 8784 arasurveying@sbcglobal.net

PETITION TO VACATE A PORTION OF A TWENTY-FIVE (25) FOOT WIDE UTILITY EASEMENT IN LOT NINE (9), OVERTON PARK SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS.

To: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the utility easement hereinafter sought to be abandoned and vacated, lying Lot 9, Overton Park Subdivision, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a portion of said easement which is described as follows:

DESCRIPTION OF EASEMENT ENCROACHMENT

A PART OF LOT NUMBERED NINE (9), OVERTON PARK, A SUBDIVISION TO THE COUNTY OF WASHINGTON, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 23 AT PAGE 131, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT NINE (9), SAID POINT BEING AN EXISTING IRON REBAR; THENCE WEST 53.74 FEET ALONG THE NORTH LINE OF SAID LOT NINE (9) TO A POINT; THENCE LEAVING THE NORTH LINE OF SAID LOT NINE (9), SOUTH 10.40 FEET TO THE INTERSECTION OF THE NORTH AND EAST ROOF OVERHANGS OF AN EXISTING HOUSE (GARAGE) FOR THE TRUE POINT OF BEGINNING; THENCE S00°07'45"E 14.59 FEET ALONG THE EAST ROOF OVERHANG TO A POINT ON THE 25 FOOT WIDE BUILDING SETBACK AND UTILITY EASEMENT LINE; THENCE WEST 57.03 FEET ALONG SAID BUILDING SETBACK AND UTILITY EASEMENT LINE TO A POINT ON THE WEST ROOF OVERHANG OF THE EXISTING HOUSE; THENCE N00°09'35"W 4.03 FEET ALONG AND IN LINE WITH SAID WEST ROOF OVERHANG TO A POINT; THENCE N89°52'15"E 33.71 FEET TO A POINT ON THE WEST ROOF OVERHANG OF THE GARAGE; THENCE N00°07'45"W 10.43 FEET TO THE INTERSECTION OF THE WEST AND NORTH OVERHANG OF SAID GARAGE; THENCE N89°52'15"E 23.32 FEET ALONG THE NORTH ROOF OVERHANG OF SAID GARAGE TO THE POINT OF BEGINNING, CONTAINING 476.76 SQUARE FEET, MORE OR LESS.

That the abutting real estate affected by said abandonment of the utility easement is (1) Lot 8, Overton Park Subdivision lying to the West of petitioners property, (2) Lot 10, Overton Park Subdivision lying to the East of petitioners property and (3) the street right-of-way of Maywood Road, lying North of the petitioners property, and that the public interest and welfare would not be adversely affected by the abandonment of the above described portion of the utility easement.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described portion of the utility easement.

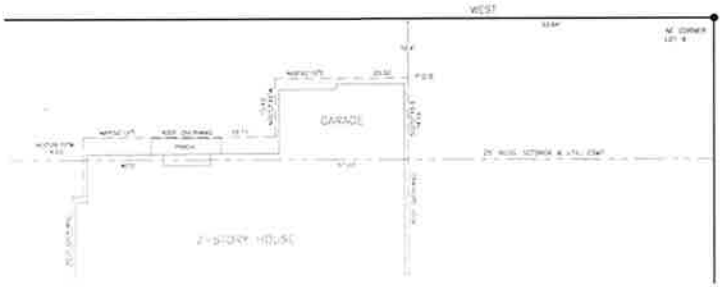
Dated this 15 day of AUGUST, 2012

SOE WIN
Printed name

Signature

MYINT M KYU
Printed name

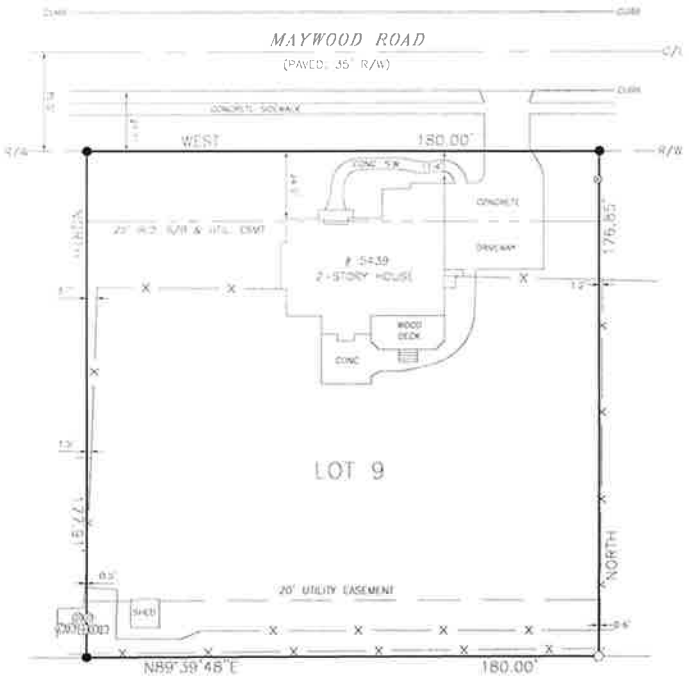
Signature



ENCROACHMENT DETAIL

DESCRIPTION OF EASEMENT ENCROACHMENT

A PART OF LOT NUMBERED NINE (9), OVERTON PARK, A SUBDIVISION TO THE COUNTY OF WASHINGTON, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 23 AT PAGE 131, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT NINE (9), SAID POINT BEING AN EXISTING IRON REBAR; THENCE WEST 53.74 FEET ALONG THE NORTH LINE OF SAID LOT NINE (9) TO A POINT; THENCE LEAVING THE NORTH LINE OF SAID LOT NINE (9), SOUTH 10.40 FEET TO THE INTERSECTION OF THE NORTH AND EAST ROOF OVERHANGS OF AN EXISTING HOUSE (GARAGE) FOR THE TRUE POINT OF BEGINNING; THENCE S00°07'45"E 14.59 FEET ALONG THE EAST ROOF OVERHANG TO A POINT ON THE 25 FOOT WIDE BUILDING SETBACK AND UTILITY EASEMENT LINE; THENCE WEST 57.03 FEET ALONG SAID BUILDING SETBACK AND UTILITY EASEMENT LINE TO A POINT ON THE WEST ROOF OVERHANG OF THE EXISTING HOUSE; THENCE N00°09'35"W 4.03 FEET ALONG AND IN LINE WITH SAID WEST ROOF OVERHANG TO A POINT; THENCE N89°52'15"E 33.71 FEET TO A POINT ON THE WEST ROOF OVERHANG OF THE GARAGE; THENCE N00°07'45"W 10.45 FEET TO THE INTERSECTION OF THE WEST AND NORTH OVERHANG OF SAID GARAGE; THENCE N89°52'15"E 23.32 FEET ALONG THE NORTH ROOF OVERHANG OF SAID GARAGE TO THE POINT OF BEGINNING, CONTAINING 476.76 SQUARE FEET, MORE OR LESS.



PLAT NOTES

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE:

EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS OR OTHER LAND USE REGULATIONS, AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDED THE SEAL AND SIGNATURE OF THE SURVEYOR.

THIS SURVEY MEETS OR EXCEEDS THE CURRENT "ARKANSAS MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AND PLATS"

DECLARATION IS MADE TO THE ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY.

PARCEL #366-00009-000
LOT NUMBERED NINE (9), OVERTON PARK, A SUBDIVISION TO THE COUNTY OF WASHINGTON, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 23 AT PAGE 131, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS

LEGEND

- EXISTING IRON REBAR
- SET 1/2" IRON REBAR
- CABLE PEDESTAL
- GAS METER
- ELECTRIC METER
- TELEPHONE PEDESTAL
- TRANSFORMER
- WATER METER
- UTILITY EASEMENT
- BUILDING SETBACK LINE
- EXISTING FENCE

REVISIONS

DATE	DESCRIPTION	BY

JOB NO. 12101A

SHEET 1 OF 1

DRAFTSMAN: ARA
DATE: 07/21/2012
CHECKED: -
SCALE: 1" = 30'
SHEET SIZE: 18"x 24"

SCE WIN
5439 MAYWOOD ROAD
FAYETTEVILLE, ARKANSAS 72703

EASEMENT VACATION

ARA
Alan Reid & ASSOCIATES
PROFESSIONAL LAND SURVEYING
112 S. COLLEGE AVENUE
FAYETTEVILLE, ARKANSAS 72701
479.444.9786
479.846.0794 FAX
479.841.2264
arasurvey@sbcglobal.net

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7/21/12

UTILITY COMPANY: AT&T

APPLICANT NAME: SUE WIN / ALAN REID - REP APPLICANT PHONE: 444-8784

REQUESTED VACATION (*applicant must check all that apply*):

X Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 5439 MAYWOOD RD, FAYETTEVILLE, AR. 72703

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

_____

_____

- No objections provided the following conditions are met:

RELOCATION OF OR DAMAGE TO ANY EXISTING AT&T FACILITIES WILL BE AT THE OWNER'S EXPENSE

Susan K Cromer
Signature of Utility Company Representative

OSP ENGINEER - DESIGN
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7/21/12

UTILITY COMPANY: OECC

APPLICANT NAME: JOE WIN / ALAN REID-REP APPLICANT PHONE: _____

REQUESTED VACATION (*applicant must check all that apply*):

~ X Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 5439 MAYWOOD RD, FAYETTEVILLE, AR 72703

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.

(•) No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

NO Objection to a partial front Lot easement as described on drowing by Alan Reid. Job NO. 12101A All other easements Retained

- No objections provided the following conditions are met:

_____

_____

OZARKS Electric

Signature of Utility Company Representative

Lead staking Tech

Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7/21/12

UTILITY COMPANY: COX COMMUNICATIONS

APPLICANT NAME: JOE WIN / ALAN REED - REP APPLICANT PHONE: 444 8784

REQUESTED VACATION (*applicant must check all that apply*):

X Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 5439 MAYWOOD RD, FVILLE, AR 72703

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

_____

_____

- No objections provided the following conditions are met:

_____

_____

_____
Signature of Utility Company Representative

Construction Planner
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7/24/12

UTILITY COMPANY: FAYETTEVILLE WATER & SEWER

APPLICANT NAME: SOE WIN / ALAN REID - REP. APPLICANT PHONE: 44448784

REQUESTED VACATION (*applicant must check all that apply*):

~ X Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 5439 MAYWOOD RD, FAYETTEVILLE, AR 72703

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

(•) No objections to the vacation(s) described above.

- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

_____

_____

- No objections provided the following conditions are met:

_____

_____

_____
Signature of Utility Company Representative

Utilities Engineer
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7/21/12

UTILITY COMPANY: FAYETTEVILLE TRANSPORTATION

APPLICANT NAME: SUE WIN / ALAN REID - REP APPLICANT PHONE: 4448184

REQUESTED VACATION (*applicant must check all that apply*):

~ X Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 5439 MAYWOOD RD, FAYETTEVILLE, AR 72703

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

(•) No objections to the vacation(s) described above.

- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

_____

_____

- No objections provided the following conditions are met:

_____

_____

_____
Signature of Utility Company Representative

ASSISTANT TRANSPORTATION MANAGER
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7/21/12

UTILITY COMPANY: FAYETTEVILLE SOLID WASTE

APPLICANT NAME: SUE WIN / ALAN REED-REP APPLICANT PHONE: 4448784

REQUESTED VACATION (*applicant must check all that apply*):

~ X Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 5439 MAYWOOD ROAD, FAYETTEVILLE, AR 72703

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

(•) No objections to the vacation(s) described above.

• No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

_____

_____

• No objections provided the following conditions are met:

_____

_____

Brian Pitt
Signature of Utility Company Representative

Waste Reduction Coordinator
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 9/21/12

UTILITY COMPANY: Atmos Source Gas Arkansas

APPLICANT NAME: Joe Wood / Allied Rep. APPLICANT PHONE: 4448784

REQUESTED VACATION (*applicant must check all that apply*):

~ X Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 5439 Maywood Rd, Fayetteville, AR 72703

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

_____

_____

- No objections provided the following conditions are met:

_____

_____

Signature of Utility Company Representative

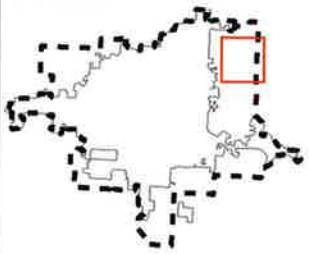
Division Manager
Title

VAC12-4198

One Mile View

WIN

Overview



Legend

Subject Property

VAC12-4198

Boundary

VAC12-4198

Design Overlay District

Planning Area

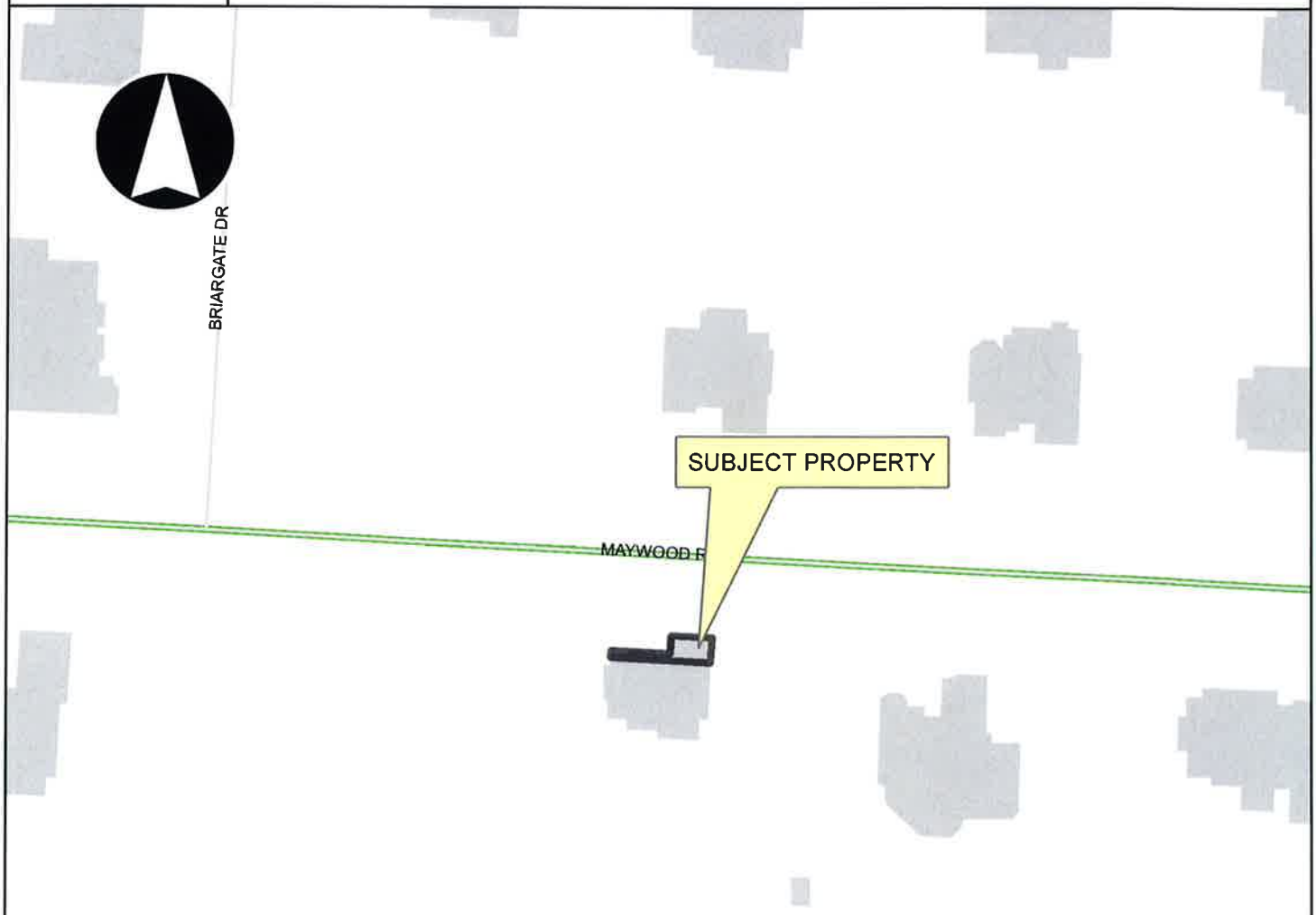
Fayetteville

0 0.25 0.5 1 Miles

VAC12-4198

Close Up View

WIN



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits
- Overview VAC12-4198
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area

0 37.5 75 150 225 300 Feet

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

10/2/2012
City Council Meeting Date
Agenda Items Only

Andrew Garner	Planning	Development Services
Submitted By	**Division**	**Department**

Action Required:

VAC 12-4199: Vacation (2864 N. PRINCE WILLIAM DR./COOPER, 250): Submitted by ALAN REID AND ASSOCIATES for property located at 2864 NORTH PRNCE WILLIAM DRIVE. The property is zoned RT-12, RESIDENTIAL TWO AND THREE FAMILY, and contains 0.28 acre. The request is to vacate a portion of a utility easement.

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 — 9/14/12 Date

City Attorney — 9/17/12 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Paul A. Becker — 9-17-2012 Date
Finance and Internal Services Director

Chief of Staff — 9-17-12 Date

Mayor — 9/18/12 Date

09-14-12P03:05 RCVD
Received in City Clerk's Office — Kim O.

Received in Mayor's Office — ENTERED 9/17/12

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Andrew Garner, Senior Planner

Date: September 14, 2012

Subject: VAC 12-4199 (2864 N. Prince William Drive/Cooper)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to vacate a portion of a utility easement.

BACKGROUND

The subject property is located at 2864 Prince William Drive, is zoned RT-12, and is utilized for a single family dwelling. A recent survey indicates that the northwest portion of the garage that was constructed in 2001 encroaches onto the 25 foot wide utility easement which fronts on 2864 Prince William Drive.

Request: The applicant's request is to vacate approximately 9.26 square feet of easement. The applicant has submitted the required easement vacation notification forms to the utility companies and to the City with no objections.

DISCUSSION

On September 10, 2012, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 9-0-0.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 12-4199 SUBMITTED BY ALAN REID AND ASSOCIATES FOR PROPERTY LOCATED AT 2864 NORTH PRINCE WILLIAM DRIVE TO VACATE A PORTION OF A UTILITY EASEMENT, A TOTAL OF 9.26 SQUARE FEET

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of the platted utility easement is not required for corporate purposes;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following described utility easement in Exhibit B (attached).

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached and labeled Exhibit A shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the Condition of Approval and shall not be in effect until the condition is met.

"Any relocation of existing utilities shall be at the owner/developer's expense."

PASSED and **APPROVED** this day of , 2012.

APPROVED: ATTEST:

By: _____ By: _____

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

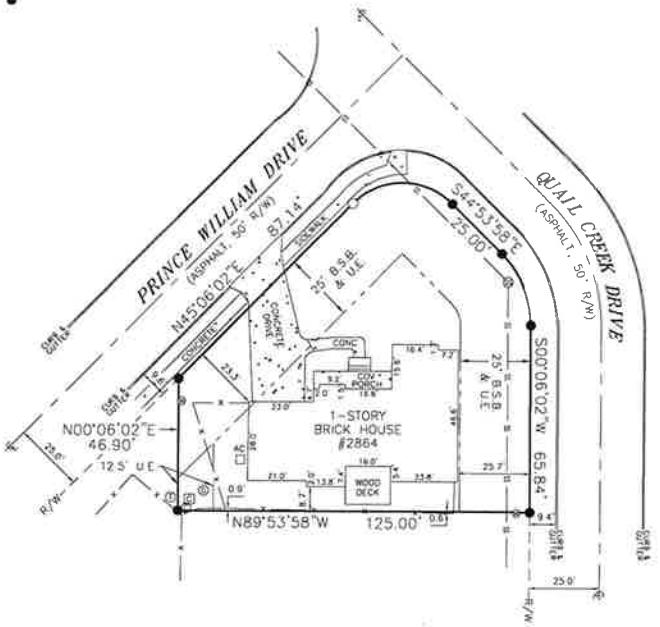
C. 5
VAC 12-4199 (2864 N. Prince William Dr./Cooper)
Page 4 of 20

EXHIBIT "A"

ENCROACHMENT DETAIL

DESCRIPTION OF EASEMENT ENCROACHMENT

A PART OF LOT NUMBERED THIRTY-EIGHT (38) IN BLOCK NUMBERED TWO (2) OF QUAIL CREEK SUBDIVISION, PHASE II, TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON THE PLAT OF SAID SUBDIVISION FILED IN PLAT BOOK 12 AT PAGE 96 OF THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT THIRTY-EIGHT (38), SAID POINT BEING AN EXISTING IRON REBAR; THENCE N45°06'02"E 87.14 FEET ALONG THE NORTH LINE OF SAID LOT THIRTY-EIGHT (38) TO A POINT; THENCE LEAVING THE NORTH LINE OF SAID LOT THIRTY-EIGHT (38), S44°53'58"E 22.00 FEET TO THE INTERSECTION OF THE NORTH AND WEST ROOF OVERHANGS OF THE EXISTING HOUSE (GARAGE) FOR THE TRUE POINT OF BEGINNING; THENCE S89°48'52"E 4.29 FEET ALONG THE NORTH ROOF OVERHANG TO A POINT ON THE 25 FOOT WIDE BUILDING SETBACK & UTILITY EASEMENT LINE; THENCE S45°06'02"W 6.11 FEET ALONG SAID SETBACK AND UTILITY EASEMENT LINE TO A POINT ON THE WEST ROOF OVERHANG, THENCE N00°28'17"E 4.32 FEET ALONG THE WEST ROOF OVERHANG TO THE POINT OF BEGINNING, CONTAINING 9.26 SQUARE FEET, MORE OR LESS.



PLAT NOTES:

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE:

EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDED THE SEAL AND SIGNATURE OF THE SURVEYOR.

THIS SURVEY MEETS OR EXCEEDS THE CURRENT "ARKANSAS MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AND PLATS".

DECLARATION IS MADE TO THE ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY.

SURVEY DESCRIPTION:

LOT 38, BLOCK 2, QUAIL CREEK, PHASE II, TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER THE PLAT OF SAID SUBDIVISION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS

SCALE, IN FEET

1" = 30'

LEGEND

These standard symbols will be found in the drawing.

- ○ SET 1/2" IRON REBAR
- ● EXISTING IRON REBAR
- © CABLE TV PEDESTAL
- ▣ CABLE BOX
- Ⓣ TELEPHONE PEDESTAL
- Ⓖ GAS METER
- × CHISLED "X"
- Ⓢ SANITARY SEWER MANHOLE
- Ⓦ WATER METER
- CENTERLINE ROAD
- RIGHT-OF-WAY LINE
- FENCE LINE
- SANITARY SEWER LINE
- BUILDING SETBACK LINE
- EASEMENT LINE
- PROPERTY LINE

DRAFTSMAN	ARA
DATE	07/21/2012
CHECKED	-
SCALE	1" = 30'
SHEET SIZE	18" x 24"

JON COOPER
2864 PRINCE WILLIAM DRIVE
FAYETTEVILLE, ARKANSAS 72703

EASEMENT VACATION

ARA
Alan Reid & ASSOCIATES
PROFESSIONAL LAND SURVEYORS
BOUNDARY
TOPO
GPS
118 S. COLLEGE AVENUE
FAYETTEVILLE, ARKANSAS 72701
479.444.0784 PH
479.444.0791 FAX
1.888.549.8784
arcsurveying@sbcglobal.net

REVISIONS		
DATE	DESCRIPTION	BY

JOB NO.
12137

SHEET 1 OF 1

EXHIBIT "B"
VAC 12-4199

DESCRIPTION OF EASEMENT ENCROACHMENT

A PART OF LOT NUMBERED THIRTY-EIGHT (38) IN BLOCK NUMBERED TWO (2) OF QUAIL CREEK SUBDIVISION, PHASE II, TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON THE PLAT OF SAID SUBDIVISION FILED IN PLAT BOOK 12 AT PAGE 96 OF THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT THIRTY-EIGHT (38), SAID POINT BEING AN EXISTING IRON REBAR; THENCE N45°06'02"E 87.14 FEET ALONG THE NORTH LINE OF SAID LOT THIRTY-EIGHT (38) TO A POINT; THENCE LEAVING THE NORTH LINE OF SAID LOT THIRTY-EIGHT (38), S44°53'58"E 22.00 FEET TO THE INTERSECTION OF THE NORTH AND WEST ROOF OVERHANGS OF THE EXISTING HOUSE (GARAGE) FOR THE TRUE POINT OF BEGINNING; THENCE S89°48'52"E 4.29 FEET ALONG THE NORTH ROOF OVERHANG TO A POINT ON THE 25 FOOT WIDE BUILDING SETBACK & UTILITY EASEMENT LINE; THENCE S45°06'02"W 6.11 FEET ALONG SAID SETBACK AND UTILITY EASEMENT LINE TO A POINT ON THE WEST ROOF OVERHANG; THENCE N00°28'17"E 4.32 FEET ALONG THE WEST ROOF OVERHANG TO THE POINT OF BEGINNING, CONTAINING 9.26 SQUARE FEET, MORE OR LESS.

Fayetteville
ARKANSAS

PC Meeting of September 10, 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:	~~September 4, 2012~~ *Updated September 14, 2012*

VAC 12-4199: Vacation (2864 PRINCE WILLIAM DR./COOPER, 250): Submitted by ALAN REID AND ASSOCIATES for property located at 2864 PRINCE WILLIAM DR. The property is zoned RT-12, RESIDENTIAL TWO AND THREE FAMILY and contains approximately 0.28 acres. The request is to vacate a portion of a utility easement.

Planner: Andrew Garner

Findings:

Property Description and Background: The subject property is located at 2864 Prince William Drive, is zoned RT-12, and is utilized for a single family dwelling. A recent survey indicates that the northwest portion of the garage that was constructed in 2001 encroaches onto the 25 foot wide utility easement which fronts on 2864 Prince William Drive.

Request: The applicant's request is to vacate approximately 9.26 square feet of easement.

Easement Vacation Approval: The applicant has submitted the required easement vacation notification forms to the utility companies and to the City with the results summarized below.

UTILITIES	RESPONSE
AEP/SWEPCO	No Objections
Ozarks Electric Cooperative	No Objections
Cox Communications	No Objections
Source Gas	No Objections
AT&T	No Objections

CITY OF FAYETTEVILLE:	RESPONSE
Water/Sewer	No Objections
Transportation	No Objections
Solid Waste	No Objections

Public Comment: No public comment has been received.

Recommendation: Staff recommends forwarding **VAC 12-4199** to the City Council with a recommendation for approval subject to the following condition:

1. Relocation of or damage to any existing utilities will be at the owner's expense.

CITY COUNCIL ACTION: Required

PLANNING COMMISSION ACTION: Required

Planning Commission Action: **X Forwarded** ☐ **Denied** ☐ **Tabled**

Date: September 10, 2012

Motion: Cook
Second: Chesser
Vote: 9-0-0

Notes: _____

ARA

Alan Reid
& ASSOCIATES
PROFESSIONAL
LAND
SURVEYORS

August 15, 2012

City of Fayetteville
Planning & Engineering
125 W. Mountain St.
Fayetteville, Arkansas 72701

Dear Planners,
On behalf of my client, John Cooper, I am submitting for your review, a proposed Utility Easement Vacation for County Parcel 765-18562-000. The Northwest corner of the garage encroaches onto the twenty-five (25) foot wide utility easement which fronts on 2864 Prince William Drive. The area to be vacated is 9.26 square feet. If you should have any questions, please feel free to contact me at 444.8784.

Sincerely,

Alan Reid
Professional Land Surveyor
Arkansas Registration 1005

118 S. College Avenue Fayetteville, Arkansas 72701 479 444 8784 arasurveying@sbcglobal.net

PETITION TO VACATE A PORTION OF A TWENTY-FIVE (25) FOOT WIDE UTILITY EASEMENT IN LOT THIRTY-EIGHT (38), BLOCK TWO (2), QUAIL CREEK SUBDIVISION, PHASE II, TO THE CITY OF FAYETTEVILLE, ARKANSAS.

To: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the utility easement hereinafter sought to be abandoned and vacated, lying in Lot 38, Block 2, Quail Creek Subdivision, Phase II, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a portion of said easement which is described as follows:

DESCRIPTION OF EASEMENT ENCROACHMENT

A PART OF LOT NUMBERED THIRTY-EIGHT (38) IN BLOCK NUMBERED TWO (2) OF QUAIL CREEK SUBDIVISION, PHASE II, TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON THE PLAT OF SAID SUBDIVISION FILED IN PLAT BOOK 12 AT PAGE 96 OF THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT THIRTY-EIGHT (38), SAID POINT BEING AN EXISTING IRON REBAR; THENCE N45°06'02"E 87.14 FEET ALONG THE NORTH LINE OF SAID LOT THIRTY-EIGHT (38) TO A POINT; THENCE LEAVING THE NORTH LINE OF SAID LOT THIRTY-EIGHT (38), S44°53'58"E 22.00 FEET TO THE INTERSECTION OF THE NORTH AND WEST ROOF OVERHANGS OF THE EXISTING HOUSE (GARAGE) FOR THE TRUE POINT OF BEGINNING; THENCE S89°48'52"E 4.29 FEET ALONG THE NORTH ROOF OVERHANG TO A POINT ON THE 25 FOOT WIDE BUILDING SETBACK & UTILITY EASEMENT LINE; THENCE S45°06'02"W 6.11 FEET ALONG SAID SETBACK AND UTILITY EASEMENT LINE TO A POINT ON THE WEST ROOF OVERHANG; THENCE N00°28'17"E 4.32 FEET ALONG THE WEST ROOF OVERHANG TO THE POINT OF BEGINNING, CONTAINING 9.26 SQUARE FEET, MORE OR LESS.

That the abutting real estate affected by said abandonment of the utility easement is (1) Lot 37, Block 2, Quail Creek Subdivision, Phase II, lying to the West of petitioners property, (2) Lot 39, Block 2, Quail Creek Subdivision lying to the South of petitioners property and (3) the street rights-of-way of Prince William Drive, lying North of the petitioners property, and Quail Creek Drive lying to the Ease of the petitioners property and that the public interest and welfare would not be adversely affected by the abandonment of the above described portion of the utility easement.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described portion of the utility easement.

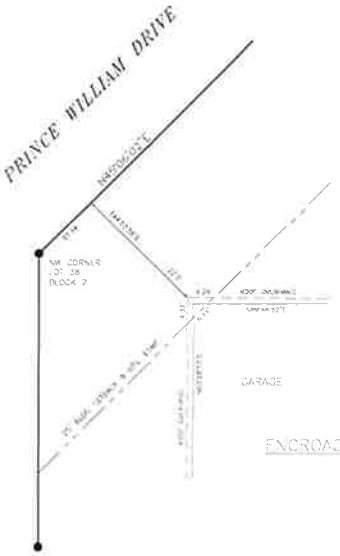
Dated this ____ day of _____, 2012

JON COOPER
Printed name

Signature

Florence Ann Diaz
Printed name

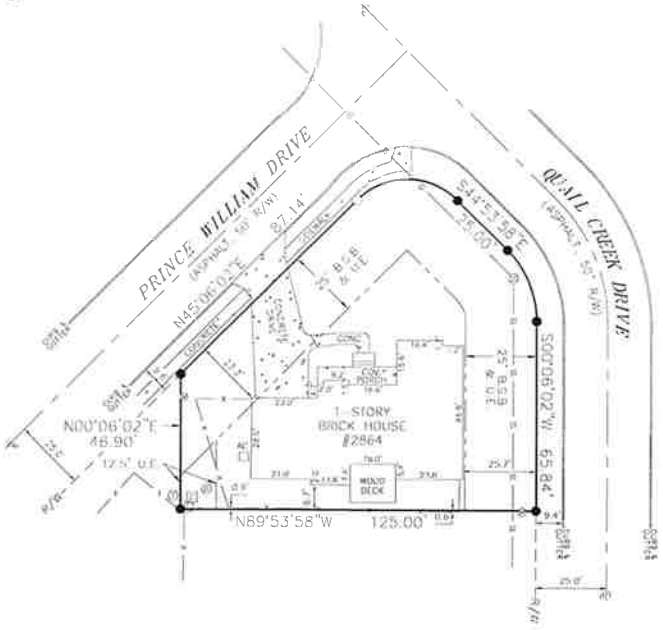
Signature



ENCROACHMENT DETAIL

DESCRIPTION OF EASEMENT ENCROACHMENT

A PART OF LOT NUMBERED THIRTY-EIGHT (38) IN BLOCK NUMBERED TWO (2) OF QUAIL CREEK SUBDIVISION, PHASE II, TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON THE PLAT OF SAID SUBDIVISION FILED IN PLAT BOOK 12 AT PAGE 96 OF THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT THIRTY-EIGHT (38), SAID POINT BEING AN EXISTING IRON REBAR; THENCE N45°06'02"E 87.14 FEET ALONG THE NORTH LINE OF SAID LOT THIRTY-EIGHT (38) TO A POINT; THENCE LEAVING THE NORTH LINE OF SAID LOT THIRTY-EIGHT (38), S44°53'58"E 22.00 FEET TO THE INTERSECTION OF THE NORTH AND WEST ROOF OVERHANGS OF THE EXISTING HOUSE (GARAGE) FOR THE TRUE POINT OF BEGINNING; THENCE S89°48'52"E 4.29 FEET ALONG THE NORTH ROOF OVERHANG TO A POINT ON THE 25 FOOT WIDE BUILDING SETBACK & UTILITY EASEMENT LINE; THENCE S45°06'02"W 6.11 FEET ALONG SAID SETBACK AND UTILITY EASEMENT LINE TO A POINT ON THE WEST ROOF OVERHANG; THENCE N00°28'17"E 4.32 FEET ALONG THE WEST ROOF OVERHANG TO THE POINT OF BEGINNING, CONTAINING 9.26 SQUARE FEET, MORE OR LESS.



PLAT NOTES:

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE:

EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS OR OTHER LAND USE REGULATIONS, AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDES THE SEAL AND SIGNATURE OF THE SURVEYOR.

THIS SURVEY MEETS OR EXCEEDS THE CURRENT "ARKANSAS MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AND PLATS."

DECLARATION IS MADE TO THE ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY.

SURVEY DESCRIPTION:
LOT 38, BLOCK 2, QUAIL CREEK, PHASE II, TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER THE PLAT OF SAID SUBDIVISION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS.

SCALE, IN FEET

0 30 60 90

1" = 30'

LEGEND

These standard symbols will be found in the drawing.

- SET 1/2" IRON REBAR
- EXISTING IRON REBAR
- CABLE TV PEDESTAL
- CABLE BOX
- TELEPHONE PEDESTAL
- GAS METER
- CHISLED "X"
- SANITARY SEWER MANHOLE
- WATER METER
- CENTERLINE ROAD
- RIGHT-OF-WAY LINE
- FENCE LINE
- SANITARY SEWER LINE
- BUILDING SETBACK LINE
- EASEMENT LINE
- PROPERTY LINE

DRAFTSMAN: ARA
DATE: 07/21/2017
CHECKED: -
SCALE: 1" = 30'
SHEET SIZE: 18"x 24"

JON COOPER
2864 PRINCE WILLIAM DRIVE
FAYETTEVILLE, ARKANSAS 72703

EASEMENT VACATION

ARA
Alan Reid & ASSOCIATES
128 E. COLLEGE AVENUE
FAYETTEVILLE, ARKANSAS 72701
479.444.0784
479.442.0784 FAX
479.841.8784 CELL
DESIGN@ARASURVEYORS.NET

REVISIONS

DATE	DESCRIPTION	BY

JOB NO. 12137

SHEET 1 OF 1

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7/21/12

UTILITY COMPANY: ~~AT&T~~ Source Gas Arkansas

APPLICANT NAME: Jon Cooper / Allen Reid-Rep APPLICANT PHONE: 4448784

REQUESTED VACATION (*applicant must check all that apply*):

~ X Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** [redacted] 2864 Prince William Dr, Fayetteville, Ar. 72703

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

_____

_____

- No objections provided the following conditions are met:

_____

_____

[signature]
Signature of Utility Company Representative

Division Manager
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7/21/12

UTILITY COMPANY: ATT

APPLICANT NAME: JON COOPER/ALAN REID-REP APPLICANT PHONE: 4448784

REQUESTED VACATION (*applicant must check all that apply*):

~ X Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 2864 N. PRINCE WILLIAM DR., FAYETTEVILLE, AR 72703

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

_____

_____

- No objections provided the following conditions are met:

RELOCATION OF OR DAMAGE TO ANY EXISTING AT&T FACILITIES WILL BE AT THE OWNER'S EXPENSE

Susan K Clouser
Signature of Utility Company Representative

OSP ENGINEER - DESIGN
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7/21/12

UTILITY COMPANY: COX COMMUNICATIONS

APPLICANT NAME: JON COOPER / ALAN REID - REP APPLICANT PHONE: 4448784

REQUESTED VACATION (*applicant must check all that apply*):

~ [X] Utility Easement

~ [ ] Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ [ ] Alley

~ [ ] Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 2864 PRINCE WILLIAM DR., FAYETTEVILLE, AR. 72703

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

_____

_____

- No objections provided the following conditions are met:

_____

_____

_____
Signature of Utility Company Representative

Construction Planner
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7/21/12

UTILITY COMPANY: AEP / SWEPCO

APPLICANT NAME: Jon Cooper / Alan Reid - Rep APPLICANT PHONE: 4448784

REQUESTED VACATION (*applicant must check all that apply*):

~ X Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 2864 Prince William Dr, Fayetteville, AR 72703

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

_____

_____

- No objections provided the following conditions are met:

_____

_____

_____
Signature of Utility Company Representative

Dist. Engineer
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7/21/12

UTILITY COMPANY: OECC

APPLICANT NAME: Jon Cooper/Alan Reid-Rep APPLICANT PHONE: 4448784

REQUESTED VACATION (*applicant must check all that apply*):

~ X Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 2864 Prince William Dr., Fayetteville, AR 72703

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

- No objections provided the following conditions are met:

Ozarks Electric
Signature of Utility Company Representative

Lead Staking Tech
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7/21/12

UTILITY COMPANY: FAYETTEVILLE SOLID WASTE

APPLICANT NAME: _____ APPLICANT PHONE: 4448784

REQUESTED VACATION (*applicant must check all that apply*):

~ X Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 2864 PRINCE WILLIAM DR., FAYETTEVILLE, AR 72703

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

(•) No objections to the vacation(s) described above.

• No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

_____

_____

• No objections provided the following conditions are met:

_____

_____

Brian Pugh
Signature of Utility Company Representative

Waste Reduction Coordinator
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7/24/12

UTILITY COMPANY: FAYETTEVILLE TRANSPORTATION

APPLICANT NAME: JOD COOPER / KLAD REID-REP APPLICANT PHONE: 4448764

REQUESTED VACATION (*applicant must check all that apply*):

~ X Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 2864 PRINCE WILLIAM DR, FAYETTEVILLE, AR. 72703

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

No objections to the vacation(s) described above.

- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

_____

_____

- No objections provided the following conditions are met:

_____

_____

_____
Signature of Utility Company Representative

ASSISTANT TRANSPORTATION MANAGER
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7/21/12

UTILITY COMPANY: FAYETTEVILLE WATER & SEWER

APPLICANT NAME: JOLO COOPER / ALAN REED - REP APPLICANT PHONE: 4448784

REQUESTED VACATION (*applicant must check all that apply*):

~ X Utility Easement

~ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

~ Alley

~ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 2864 PRINCE WILLIAM DR, FAYETTEVILLE, AR 72703

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

(•) No objections to the vacation(s) described above.

• No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

_____

_____

• No objections provided the following conditions are met:

_____

_____

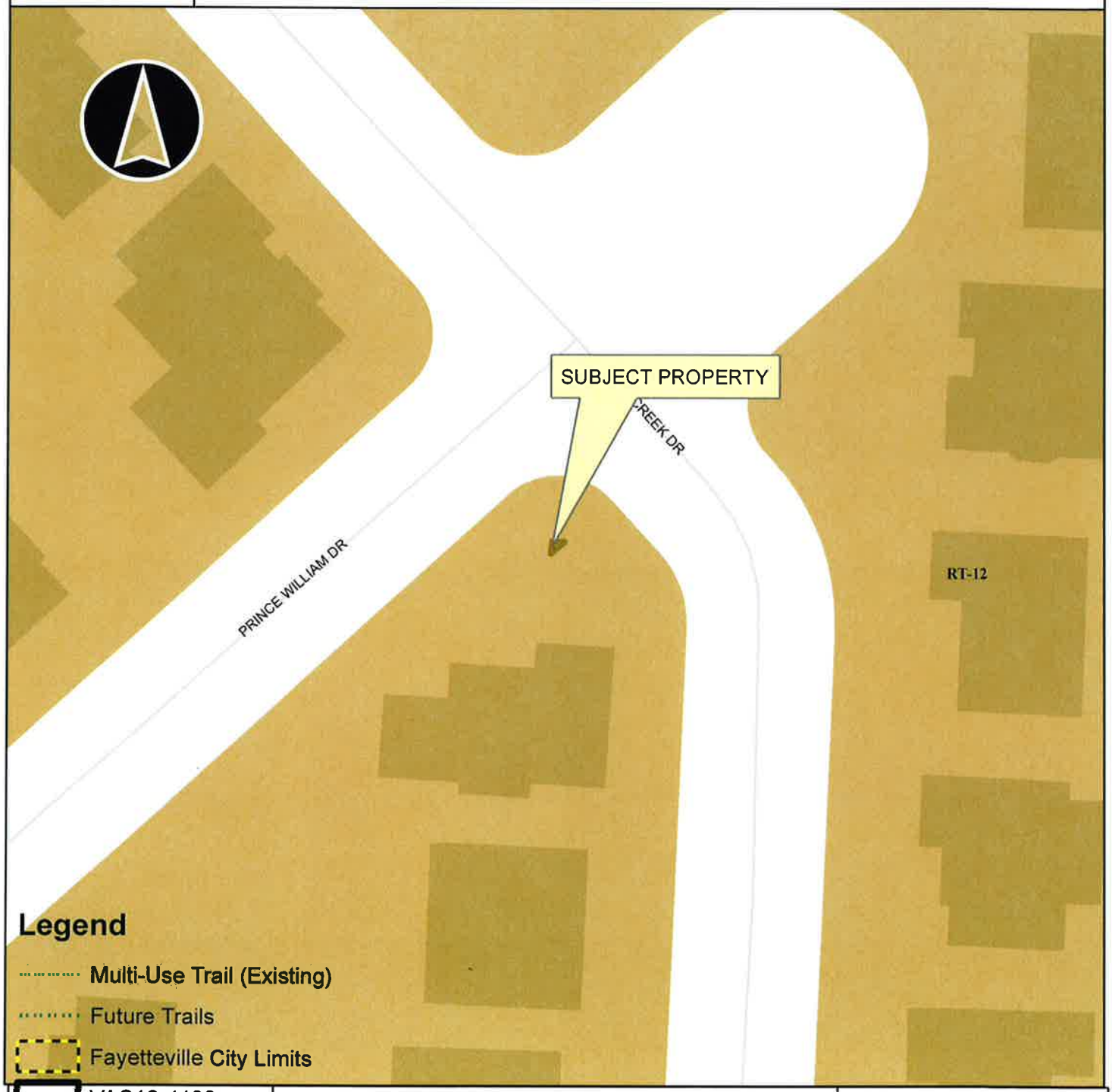
Signature of Utility Company Representative

Utilities Engineer
Title

VAC12-4199

Close Up View

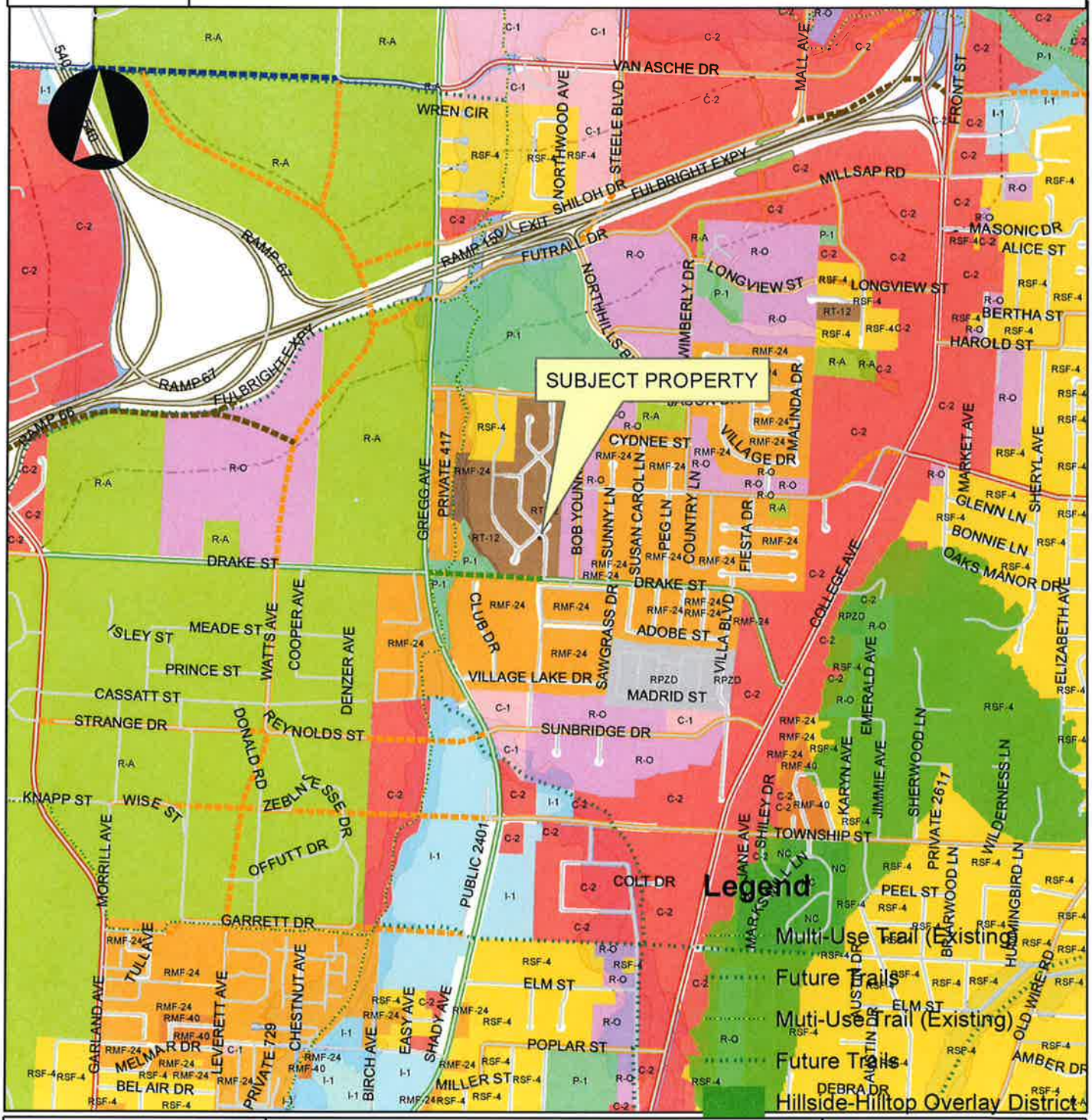
COOPER



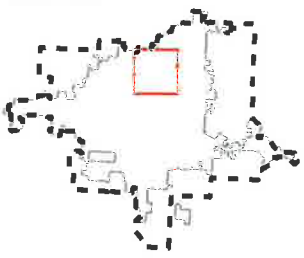
VAC12-4199

One Mile View

COOPER



Overview



Legend

Subject Property

VAC12-4199

Boundary

VAC12-4199

Design Overlay District

Planning Area

Fayetteville

0 0.25 0.5 1 Miles

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

10/2/2012
City Council Meeting Date
Agenda Items Only

Quin Thompson	Planning	Development Services
Submitted By	**Division**	**Department**

Action Required:

VAC 12-4205: Vacation (21th AMENDMENT/DICKSON ST., 484): Submitted by JOHN STARNES, AIA for property located at 404 & 406 WEST DICKSON STREET. The property is zoned MSC, MAIN STREET CENTER, and contains 0.10 acre. The request is to vacate a sidewalk easement.

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 — 9/14/12 Date

City Attorney — 9/17/12 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Paul A. Becker — 9-17-2012 Date
Finance and Internal Services Director

Chief of Staff — 9-17-12 Date

Mayor — 9/18/12 Date

Received in City Clerk's Office 09-14-12 P03:59 RCVD

Received in Mayor's Office ENTERED 9/17/12

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Quin Thompson, Current Planner

Date: September 13, 2012

Subject: VAC 12-4205 (404 & 406 W DICKSON STREET / 21ST AMENDMENT)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to vacate two sections of sidewalk/landscape easement on Dickson Street.

BACKGROUND

The subject properties are located on the north side of Dickson Street at numbers 404 and 406 and contain two sidewalk easements executed in September of 2001 as a part of the Dickson Street Enhancement Project. The easements cover portions of the Dickson Street sidewalk that fall outside of the dedicated street right-of-way. The applicant's request is to vacate approximately 264 square feet of easement at the sidewalk on the south boundary of the properties. The property would then be dedicated to the City as right-of-way as shown on the sketch shown by the applicant.

The intention is to build an arcade to support a second story patio area above the sidewalk. The Fayetteville Unified Development Code prohibits construction of permanent structures within, above and below an easement (UDC Chap. 166.12); however, building a balcony above right-of-way is permitted (UDC Chap. 166.21 D.2.c).

DISCUSSION

On September 10, 2012, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 9-0-0.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 12-4205 SUBMITTED BY JOHN STARNES, AIA FOR PROPERTY LOCATED AT 404 & 406 WEST DICKSON STREET TO VACATE A LANDSCAPE EASEMENT, A TOTAL OF 0.10 ACRES

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of the platted sidewalk easement is not required for corporate purposes;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following described sidewalk easement in Exhibit B (attached).

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached and labeled Exhibit A shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the Condition of Approval and shall not be in effect until the condition is met.

1. The vacated sidewalk easement shall be dedicated to the City of Fayetteville as Right-of-Way by separate document.

PASSED and **APPROVED** this day of , 2012.

APPROVED: ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

412
408
406
404
402
Area to be vacated VAC 12-4205
DICKSON ST
Legend
VAC12-4205
0 2.5 5 10 15 20
Feet
1 inch = 20 feet
NORTH

EXHIBIT "B"
VAC 12-4205

404 and 406 W. Dickson Survey Legal Descriptions

Easement Description:

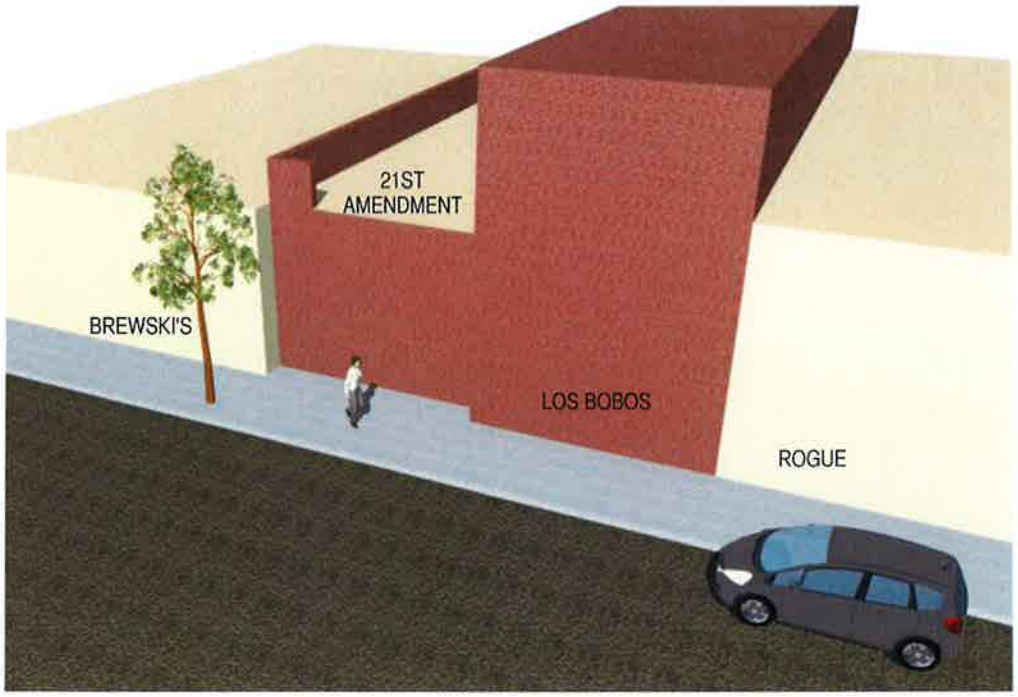
A part of the northwest quarter (NW ¼) of the northeast quarter (NE ¼) of section sixteen (16), township sixteen (16) north, range thirty (30) west, more particularly described as commencing at the southwest corner of said 40-acre tract; thence along said 40-line S87-03-28 E 644.04 feet (deed call – east 646 feet); thence N 02-27-31 E
13.17 feet to the point of beginning; said point being on the north right – of – way of Dickson Street;
Thence N 02-27-31 E 5.96 feet to the face of a building; thence along and with the face of said building S 87-34-45 E 26.00 feet to the bottom of steps; Thence S 02-27-31 W 6.20 feet to the north right-of-way of Dickson Street; Thence along said right-of-way N 87-03-28 W 26.00 feet to the point of beginning, containing 158.09 square feet, more or less, city of Fayetteville, Arkansas.

Easement Description:

A part of the northwest quarter (NW ¼) of the northeast quarter of section 16 in township 16 north, range 30 west more particularly described as follows; commencing at the southwest corner of said 40-acre tract; thence along said 40-line S87-03-28 E 670.04 feet (deed call – east 672 feet); thence N 02-27-31 E 13.17 feet to the point of beginning; said point being on the north right-of-way of Dickson Street;
Thence N 02-27-31 E 6.20 feet to the bottom of steps; thence along and with said steps S 87-34-45 E 0.90 feet to the face of a building; thence along and with the face of said building S 03-13-17 W 0.23 feet,
S 87-23-59 E 16.65 feet;
Thence S 02-27-31 W 6.07 feet to the north right-of-way of Dickson Street; Thence along said right-of-way N 87-03-26 W 17.55 feet to the point of beginning, containing 105.87 square feet, more or less, city of Fayetteville, Arkansas.

PRELIMINARY
NOT FOR CONSTRUCTION

john starnes, architect
100 N. Dixieland, Suite D2, PMB 172
Rogers, AR 72756
voice 479.466.3874
info@jstarnes.com



EXISTING

PROPOSED

PC Meeting of September 10, 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:	Quin Thompson, Current Planner
THRU:	Jeremy Pate, Development Services Director
DATE:	~~September 6, 2012~~ UPDATED: September 10, 2012

VAC 12-4205: Vacation (21st Amendment/Dickson St, 484): Submitted by JOHN STARNES for property located at 406 W. DICKSON STREET. The property is zoned MSC, MAIN STREET CENTER and contains approximately .10 acres. The request is to vacate a sidewalk easement. Planner: Quin Thompson

Findings:

Property Description and Background: The subject properties are located on the north side of Dickson Street at numbers 404 and 406 and contain two sidewalk easements executed in September of 2001. The sidewalk easements cover portions of the Dickson Street sidewalk that fall outside of the dedicated street right-of-way. These easements were acquired by the City from the property owners as a part of the Dickson Street Enhancement Project about a decade ago.

Request: The applicant's request is to vacate approximately 250 square feet of easement at the sidewalk on the south boundary of the properties. The property would then be dedicated to the City as right-of-way. The intention is to build an arcade to support a second story patio area above the sidewalk. The Fayetteville Unified Development Code prohibits construction of permanent structures within, above and below an easement (UDC Chap. 166.12); however, building a balcony above right-of-way is permitted (UDC Chap. 166.21 D.2.c).

Easement Vacation Approval: The subject easement is exclusively for sidewalk; no utility approval is required. The City Transportation Department and the Development Services Department have rights to the easement and do not object to the request.

Public Comment: No public comment has been received.

Recommendation: Staff recommends forwarding **VAC 12-4205** to the City Council with a recommendation for approval subject to the following condition:

1. The vacated sidewalk easement shall be dedicated to the City of Fayetteville as Right-of-Way by separate document.

2. The applicant must provide an easement vacation application signed by the Transportation Department before the request will be added to the City Council agenda.

CITY COUNCIL ACTION: Required

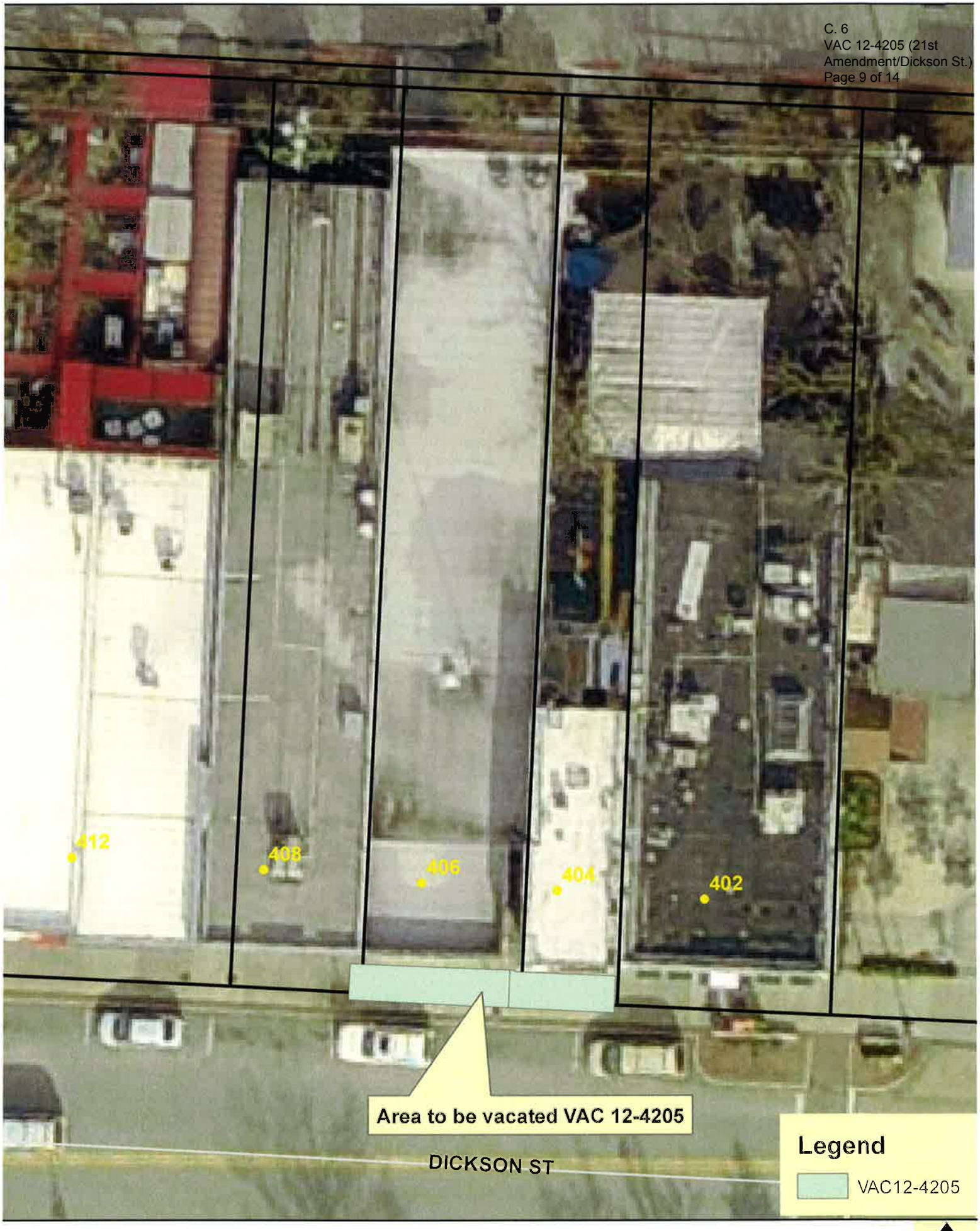
PLANNING COMMISSION ACTION: Required

Planning Commission Action: X Forwarded ☐ Denied ☐ Tabled

Date: September 10, 2012

Motion:
Second:
Vote: 8-0-0

Notes: _____

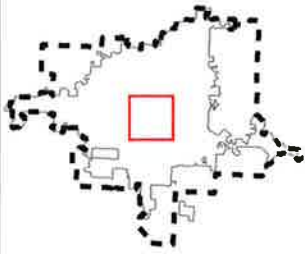

412
408
406
404
402
Area to be vacated VAC 12-4205
DICKSON ST
Legend
VAC12-4205
02.55 10 15 20
Feet
1 inch = 20 feet
NORTH

VAC12-4205

One Mile View

DICKSON STREET

Overview



Legend

Subject Property

VAC12-4205

Boundary

VAC12-4205

Design Overlay District

Planning Area

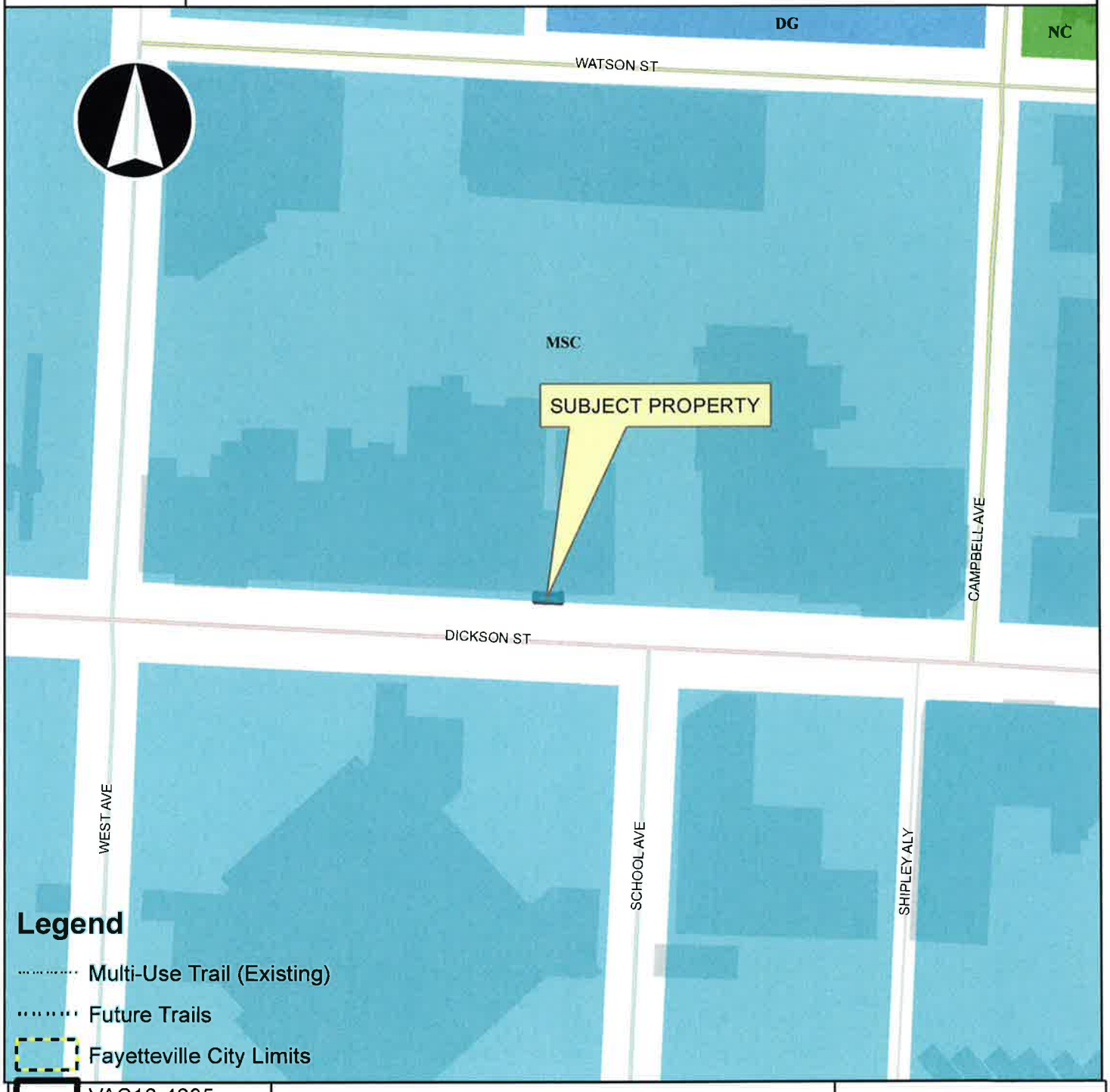
Fayetteville

0 0.25 0.5 1 Miles

VAC12-4205

Close Up View

DICKSON STREET



UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 9-14-2012

UTILITY COMPANY: TRANSPORTATION DEPT

APPLICANT NAME: John Starnes for Zach Wooden APPLICANT PHONE: 479-466-3874
REQUESTED VACATION (***applicant must check all that apply***):

- ☑ Landscape (sidewalk) Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 404 & 406 W Dickson St

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

TRANSPORTATION DEPARTMENT COMMENTS:

- ☐ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

Signature of Utility Company Representative

ASSISTANT TRANSPORTATION MANAGER
Title

EXHIBIT "B"
VAC 12-4205

404 and 406 W. Dickson Survey Legal Descriptions

Easement Description:
A part of the northwest quarter (NW ¼) of the northeast quarter (NE ¼) of section sixteen (16), township sixteen (16) north, range thirty (30) west, more particularly described as commencing at the southwest corner of said 40-acre tract; thence along said 40-line S87-03-28 E 644.04 feet (deed call – east 646 feet); thence N 02-27-31 E
13.17 feet to the point of beginning; said point being on the north right – of – way of Dickson Street;
Thence N 02-27-31 E 5.96 feet to the face of a building; thence along and with the face of said building S 87-34-45 E 26.00 feet to the bottom of steps; Thence S 02-27-31 W 6.20 feet to the north right-of-way of Dickson Street; Thence along said right-of-way N 87-03-28 W 26.00 feet to the point of beginning, containing 158.09 square feet, more or less, city of Fayetteville, Arkansas.

Easement Description:
A part of the northwest quarter (NW ¼) of the northeast quarter of section 16 in township 16 north, range 30 west more particularly described as follows; commencing at the southwest corner of said 40-acre tract; thence along said 40-line S87-03-28 E 670.04 feet (deed call – east 672 feet); thence N 02-27-31 E 13.17 feet to the point of beginning; said point being on the north right-of-way of Dickson Street;
Thence N 02-27-31 E 6.20 feet to the bottom of steps; thence along and with said steps S 87--34-45 E 0.90 feet to the face of a building; thence along and with the face of said building S 03-13-17 W 0.23 feet,
S 87-23-59 E 16.65 feet;
Thence S 02-27-31 W 6.07 feet to the north right-of-way of Dickson Street; Thence along said right-of-way N 87-03-26 W 17.55 feet to the point of beginning, containing 105.87 square feet, more or less, city of Fayetteville, Arkansas.

Agenda Session 9/25/12

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

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

Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
October 02, 2012

A meeting of the Fayetteville City Council will be held on October 02, 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 September 18, 2012 City Council meeting minutes.

2. **Callie's Prairie:** A resolution naming the Lake Fayetteville Prairie Restoration Area "Callie's Prairie" in honor of Callie Henson, an early pioneer and land owner.

3. **Garver, LLC:** A resolution approving an amendment to the contract with Garver, LLC for additional professional engineering services associated with the extension of Frisco Trail in an additional amount not to exceed $26,500.00.

4. **Arkansas Forestry Commission Urban and Community Forestry Program Grant:** A resolution authorizing acceptance of an Arkansas Forestry Commission Urban and Community Forestry Program 50/50 matching grant in the amount of $7,500.00 to provide for construction of parking lot improvements north of the City's Development Services Building, and approving a budget adjustment recognizing the revenue.

New Business #1 (5.) **Bid #12-60 Advance Tire, Inc.:** A resolution to award Bid #12-60 to Advance Tire, Inc. for the purchase of four solid tire and wheel assemblies for the solid waste wheel loader in the total amount of $21,100.00.

6. **CDBG Public Facility Program:** A resolution to approve a contract with _____ in the amount of $_____ to use Community Development Block Grant Funds to rehabilitate a city building at 1932 S. Garland for charitable services for Fayetteville citizens. This item is a placeholder for the agenda. Additional information will follow.

B. Unfinished Business:

1. **§92.01 Definitions of the Animals Chapter & §92.35 Managed Care of Feral Cats:** An ordinance to enact new definitions into §92.01 **Definitions** of the **Animals** Chapter of the Fayetteville Code and enact §92.35 **Managed Care of Feral Cats.** *This ordinance was left on the Second Reading at the September 18, 2012 City Council meeting.*

Left on the Second Reading.

Add — 2012 Millage Levy

C. New Business:

1. **Amend §97.086 Vending and Peddling:** An ordinance to amend §97.086 Vending and Peddling of the Code of Fayetteville to expand the number of days per week that the Farmers' Market can operate at the Botanical Gardens.

2. **REO Holdings 1, LLC:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with REO Holdings 1, LLC in the amount of $31,712.00 for the construction of an eight-inch water main near Bridgewater Lane.

3. **Neal Hefner Construction Company, Inc.:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Neal Hefner Construction Company, Inc. in the amount of $41,072.69 for the construction of extra-wide sidewalk to accommodate a future trail extension.

4. **VAC 12-4198 (5439 Maywood Dr./Win):** An ordinance approving VAC 12-4198 submitted by Alan Reid and Associates for property located at 5439 Maywood Drive to vacate a portion of a utility easement, a total of 477 square feet.

5. **VAC 12-4199 (2864 N. Prince William Dr./Cooper):** An ordinance approving VAC 12-4199 submitted by Alan Reid and Associates for property located at 2864 North Prince William Drive to vacate a portion of a utility easement, a total of 9.26 square feet.

6. **VAC 12-4205 (21st Amendment/Dickson St.):** An ordinance approving VAC 12-4205 submitted by John Starnes, AIA for property located at 404 & 406 West Dickson Street to vacate a landscape easement, a total of 0.10 acres.

D. City Council Agenda Session Presentations: Maylon Rice Library Board - One Book, One Community.

City Council Tour: Oct. 15, 2012 4:30 pm. - RZN 12-4166 (South of Broadbury Crossing & East of Candlewood

Announcements:

Adjournment: Developments / Riggins):

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:

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.

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.

Old business and new business.

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.

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.

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.

Pre Agenda Meeting 9-18-12

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

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

Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
October 02, 2012

A meeting of the Fayetteville City Council will be held on October 02, 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. **Callie's Prairie:** A resolution naming the Lake Fayetteville Prairie Restoration Area "Callie's Prairie" in honor of Callie Henson, an early pioneer and land owner.

2. **Garver, LLC:** A resolution approving an amendment to the contract with Garver, LLC for additional professional engineering services associated with the extension of Frisco Trail in an additional amount to exceed $26,500.00.

new memo + resolution

not

Jeremy has packet

3. **Arkansas Forestry Commission Urban and Community Forestry Program Grant:** A resolution authorizing acceptance of an Arkansas Forestry Commission Urban and Community Forestry Program 50/50 matching grant in the amount of $7,500.00 to provide for construction of parking lot improvements north of the City's Development Services Building, and approving a budget adjustment recognizing the revenue.

4. **Bid #12-60 Advance Tire, Inc.:** A resolution to award Bid #12-60 to Advance Tire, Inc. for the purchase of four solid tire and wheel assemblies for the solid waste wheel loader in the total amount of $21,100.00.

5. **CDBG Public Facility Program:** This item is a placeholder for the agenda. Additional information will follow.

B. Unfinished Business:

1.

C. New Business:

6. **Amend §97.086 Vending and Peddling:** An ordinance to amend §97.086 Vending and Peddling of the Code of Fayetteville to expand the number of days per week that the Farmers' Market can operate at the Botanical Gardens.

7. **REO Holdings 1, LLC:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with REO Holdings 1, LLC in the amount of $31,712.00 for the construction of an eight-inch water main near Bridgewater Lane.

8. **Neal Hefner Construction Company, Inc.:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Neal Hefner Construction Company, Inc. in the amount of $41,072.69 for the construction of extra-wide sidewalk to accommodate a future trail extension.

9. **VAC 12-4198 (5439 Maywood Dr./Win):** An ordinance approving VAC 12-4198 submitted by Alan Reid and Associates for property located at 5439 Maywood Drive to vacate a portion of a utility easement, a total of 477 square feet.

10. **VAC 12-4199 (2864 N. Prince William Dr./Cooper):** An ordinance approving VAC 12-4199 submitted by Alan Reid and Associates for property located at 2864 North Prince William Drive to vacate a portion of a utility easement, a total of 9.26 square feet.

11. **VAC 12-4205 (21st Amendment/Dickson St.):** An ordinance approving VAC 12-4205 submitted by John Starnes, AIA for property located at 404 & 406 West Dickson Street to vacate a landscape easement, a total of 0.10 acres.

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:

> **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.
>
> **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.
>
> **Old business and new business.**
>
> > **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.
> >
> > **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.
>
> **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.