

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
September 1, 2009**

A meeting of the Fayetteville City Council will be held on September 1, 2009 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:

Presentations, Reports and Discussion Items:

A. Consent:

1. Approval of the August 18, 2009 City Council meeting minutes.

APPROVED

2. **2009 Community Development Block Grant:** A resolution approving a budget adjustment in the amount of \$13,891.00 to recognize the revenue of an increase in the 2009 Community Development Block Grant.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 183-09

3. **2009 American Recovery and Reinvestment Act:** A resolution authorizing the Mayor to execute the funding approval/agreement with the U.S. Department of Housing and Urban Development to accept 2009 American Recovery and Reinvestment Act funding of Community Development Block Grant-R (CDBG-R) in the amount of \$172,702.00; and approving a budget adjustment recognizing the grant revenue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 184-09

4. **Bid # 09-53 Refuse Roll-Off Truck:** A resolution awarding Bid # 09-53 and approving the purchase of one (1) Peterbilt Cab and Chassis from Downing Sales & Service in the amount of \$124,750.00 for use by the Solid Waste Division; approving \$20,000.00 to mount the salvaged roll-off body to the chassis; and approving a budget adjustment in the amount of \$144,750.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 185-09

5. **Enforcing Underage Drinking Laws Mini-Grant:** A resolution accepting the Enforcing the Underage Drinking Laws Mini-Grant from the Arkansas Department of Finance & Administration in the amount of \$7,000.00; and approving a budget adjustment recognizing the Grant Revenue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 186-09

6. **2009 Recovery Act Justice Assistance Grant (JAG):** A resolution authorizing the Fayetteville Police Department to accept a 2009 non-matching Recovery Act Justice Assistance Grant in the amount of \$456,807.00, \$207,129.00 of which will be used by the Fayetteville Police Department for the purchase of equipment with \$106,765.00 to be disbursed to the City of Springdale and \$88,913.00 to Washington County; and approving a budget adjustment recognizing the Grant Revenue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 187-09

7. **Clear Creek Riparian Management Education & Demonstration Project:** A resolution approving the City of Fayetteville's participation in the Clear Creek Riparian Management Education & Demonstration Project in association with the University of Arkansas Cooperative Extension Service.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 188-09

B. Unfinished Business: None.

C. Public Hearing:

1. **Blast From The Past Carriages:** A resolution granting a Certificate of Public Convenience and Necessity to Blast from the Past Carriages for the operation of one (1) horse-drawn carriage within the City of Fayetteville, Arkansas.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 189-09

D. New Business:

1. **Budget Adjustment For Operations:** A resolution approving a budget adjustment transferring \$600,000.00 from the Sales Tax Capital Fund to the General Fund for operations in order to offset revenue decline for FY2009.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 190-09

2. **EPA Region 6 Wetland Program Development Grant:** A resolution authorizing acceptance of an EPA Region 6 Wetland Program Development Grant in the amount of \$234,000.00 for a stream restoration demonstration on Niokaska Creek through Sweetbriar Park and other properties; and approving a budget adjustment recognizing the grant revenue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 191-09

3. **Watershed Conservation Resource Center:** An ordinance waiving the requirements of formal competitive bidding and approving a Memorandum of Understanding with the Watershed Conservation Resource Center (WCRC) in the amount of \$188,000.00 for a Stream Restoration Demonstration Project on Niokaska Creek through Sweetbriar Park.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5268

4. **VAC 09-3375 (Teresa Al-Ansari):** An ordinance approving VAC 09-3375 submitted by Alan Reid for property located at 2831 North Sherwood Lane to vacate a portion of a utility easement containing approximately 497 square feet.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5269

5. **ADM 09-3256 (Fayetteville Alternative Transportation and Trails Master Plan Update):** A resolution amending the Master Trail Plan Map to illustrate completed trails and to update future trail corridors and on-street bicycle facilities.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 192-09

6. **ADM 09-3256 (Amend City Plan 2025):** A resolution amending the Master Street Plan in City Plan 2025 to add trails as a transportation component.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 193-09

7. **ADM 09-3256 (Amend Chapter 166 & 171):** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to amend Chapter 166: Development and Chapter 171: Streets and Sidewalks in order to codify trail easement acquisition policy and to adopt trail construction standards.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5270

- 8. ADM 09-3345 (UDC Amendments):** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to amend Chapters 163: Use Conditions, 164: Supplementary Zoning Regulations, and 166: Development in order to resolve inaccurate cross references, eliminate unnecessary repeated information, and improve overall clarity and readability of the code.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5271

- 9. Rock Quarries Facilities:** An ordinance to prevent injury or annoyance within the corporate limits of Fayetteville by regulating rock quarrying facilities so that these facilities will not be nuisances.

LEFT ON THE FIRST READING

- 10. Red Dirt Mining Facilities:** An ordinance to prevent injury or annoyance within the corporate limits of Fayetteville by regulating red dirt mining facilities so that these facilities will not be nuisances.

LEFT ON THE FIRST READING

Agenda Additions: None

Announcements:

- 1. City Council Tour: August 31, 2009**

Adjournment: 8:20 p.m.

NOTICE TO MEMBERS OF THE AUDIENCE

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B. Unfinished Business: None.

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1. **Blast From The Past Carriages:** A resolution granting a Certificate of Public Convenience and Necessity to Blast from the Past Carriages for the operation of one (1) horse-drawn carriage within the City of Fayetteville, Arkansas.

D. New Business:

1. **Budget Adjustment For Operations:** A resolution approving a budget adjustment transferring \$600,000.00 from the Sales Tax Capital Fund to the General Fund for operations in order to offset revenue decline for FY2009.
2. **EPA Region 6 Wetland Program Development Grant:** A resolution authorizing acceptance of an EPA Region 6 Wetland Program Development Grant in the amount of \$234,000.00 for a stream restoration demonstration on Niokaska Creek through Sweetbriar Park and other properties; and approving a budget adjustment recognizing the grant revenue.
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9. **Rock Quarries Facilities:** An ordinance to prevent injury or annoyance within the corporate limits of Fayetteville by regulating rock quarrying facilities so that these facilities will not be nuisances.
10. **Red Dirt Mining Facilities:** An ordinance to prevent injury or annoyance within the corporate limits of Fayetteville by regulating red dirt mining facilities so that these facilities will not be nuisances.

Agenda Additions:

Announcements:

1. **City Council Tour: August 31, 2009**

Adjournment:

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City Council Meeting:

September 1, 2009

Adjourn: 8:20 P.M.

Subject:	Roll				
Alderman Rhoads arrived at 6:50 P.M.	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Mayor Jordan	✓			

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Lewis				
	Gray				
	Thiel				
	Cook				
	Petty				
	Rhoads				
	Ferrell				
	Lucas				
	Mayor Jordan				

Subject:	Consent				
Motion To:		Approve			
Motion By:		Gray			
Seconded:		Lewis			
Minutes Approved <u>Passed</u> 183-09- 188-09	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	Absent during the vote.			
	Ferrell	✓			
	Lucas	✓			
	Mayor Jordan				

7-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Lewis				
	Gray				
	Thiel				
	Cook				
	Petty				
	Rhoads				
	Ferrell				
	Lucas				
	Mayor Jordan				

Subject:					
Motion To:					
Motion By:					
Seconded:					
B. 1 None	Lewis				
	Gray				
	Thiel				
	Cook				
	Petty				
	Rhoads				
	Ferrell				
	Lucas				
	Mayor Jordan				

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Lewis				
	Gray				
	Thiel				
	Cook				
	Petty				
	Rhoads				
	Ferrell				
	Lucas				
	Mayor Jordan				

Subject:	Blast From The Past Carriages				
Motion To:		<i>Approve</i>			
Motion By:		<i>Ferrell</i>			
Seconded:		<i>Petty</i>			
C. 1 Public Hearing <i>passed</i> <i>189-09</i>	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	<i>Absent during the vote.</i>			
	Ferrell	✓			
	Lucas	✓			
	Mayor Jordan				

7-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Lewis				
	Gray				
	Thiel				
	Cook				
	Petty				
	Rhoads				
	Ferrell				
	Lucas				
	Mayor Jordan				

Subject:		Budget Adjustment For Operations			
Motion To:		Approve			
Motion By:		Cook			
Seconded:		Lucas			
D. 1 New Business <u>Passed</u> 190-09	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	Absent during the vote.			
	Ferrell	✓			
	Lucas	✓			
	Mayor Jordan				

7-0

Subject:		EPA Region 6 Wetland Program Development Grant			
Motion To:		Approve			
Motion By:		Thiel			
Seconded:		Gray			
D. 2 New Business <u>Passed</u> 191-09	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Mayor Jordan				

8-0

Subject:	Watershed Conservation Resource Center				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Cook</i>	<i>Thiel</i>		
Seconded:		<i>Thiel</i>	<i>Cook</i>		
D. 3 New Business <i>Passed</i> <i>5268</i>	Lewis	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Petty	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Mayor Jordan				
		<i>8-0</i>	<i>8-0</i>	<i>8-0</i>	

Subject:	VAC 09-3375 (Teresa Al-Ansari)				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Cook</i>	<i>Ferrell</i>		
Seconded:		<i>Ferrell</i>	<i>Gray</i>		
D. 4 New Business <i>Passed</i> <i>5269</i>	Lewis	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Petty	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Mayor Jordan				
		<i>8-0</i>	<i>8-0</i>	<i>8-0</i>	

Subject:		ADM 09-3256 (Fayetteville Alternative Transportation and Trails Master Plan Update)			
Motion To:					
Motion By:			Approve		
Motion By:			Cook		
Seconded:			Petty		
D. 5 New Business <u>Passed</u> 192-09	Lewis		✓		
	Gray		✓		
	Thiel		✓		
	Cook		✓		
	Petty		✓		
	Rhoads		✓		
	Ferrell		✓		
	Lucas		✓		
	Mayor Jordan				

8-0

Subject:		ADM 09-3256 (Amend City Plan 2025)			
Motion To:					
Motion By:			Approve		
Motion By:			Cook		
Seconded:			Petty		
D. 6 New Business <u>Passed</u> 193-09	Lewis		✓		
	Gray		✓		
	Thiel		✓		
	Cook		✓		
	Petty		✓		
	Rhoads		✓		
	Ferrell		✓		
	Lucas		✓		
	Mayor Jordan				

8-0

Subject:	ADM 09-3256 (Amend Chapter 166 & 171)				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Cook	Cook		
Seconded:		Thiel	Thiel		
D. 7 New Business <u>Passed</u> 5270	Lewis	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Petty	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Mayor Jordan				

8-0

8-0

8-0

Subject:	ADM 09-3345 (UDC Amendments)				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Cook	Cook		
Seconded:		Ferrell	Thiel		
D. 8 New Business <u>Passed</u> 5271	Lewis	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Petty	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Mayor Jordan				

8-0

8-0

8-0

Subject:	Rock Quarries Facilities				
Motion To:					
Motion By:					
Seconded:					
D. 9 New Business <i>Left on the First Reading</i>	Lewis				
	Gray				
	Thiel				
	Cook				
	Petty				
	Rhoads				
	Ferrell				
	Lucas				
	Mayor Jordan				

Subject:	Red Dirt Mining Facilities				
Motion To:					
Motion By:					
Seconded:					
D. 10 New Business <i>Left on the First Reading</i>	Lewis				
	Gray				
	Thiel				
	Cook				
	Petty				
	Rhoads				
	Ferrell				
	Lucas				
	Mayor Jordan				

Aldermen

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**Tentative Agenda
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*Need new
resolution
from City
Attorney*

4. **Bid # 09-53 Refuse Roll-Off Truck:** A resolution awarding Bid # 09-53 and approving the purchase of one (1) refuse roll-off truck from XXXXXXXX in the amount of \$XXX,XXX.XX for use by the Solid Waste Division; and approving a budget adjustment.

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B. Unfinished Business: None.

C. Public Hearing:

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— Rock Quarry / Red
Dirt Jam

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FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY



DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Lioneld Jordan**, Mayor

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

A handwritten signature in black ink, appearing to read 'Kit Williams', with a long horizontal line extending to the right.

DATE: **September 2, 2009**

RE: **Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of August 18, 2009**

1. **2009 Community Development Block Grant:** A resolution approving a budget adjustment in the amount of \$13,891.00 to recognize the revenue of an increase in the 2009 Community Development Block Grant;
2. **2009 American Recovery and Reinvestment Act:** A resolution authorizing the Mayor to execute the funding approval/agreement with the U.S. Department of Housing and Urban Development to accept 2009 American Recovery and Reinvestment act funding of Community Development Block Grant-R in the amount of \$172,702.00; and approving a budget adjustment recognizing the grant revenue;
3. **Bid #09-53 Refuse Roll-Off Truck:** A resolution awarding Bid #09-53 and approving the purchase of one Peterbilt Cab and Chassis from Downing Sales & Service in the amount of \$124,750.00 for use by Solid Waste Division; approving \$20,000.00 to mount the salvaged roll-off body to the chassis; and approving a budget adjustment in the amount of \$144,750.00;
4. **Enforcing Underage Drinking Laws Mini-Grant:** A resolution accepting the Enforcing Underage Drinking Laws Mini-Grant from the Arkansas Department of Finance & Administration in the amount of \$7,000.00 and approving a budget adjustment recognizing the grant revenue;

- 5. 2009 Recovery Act Justice Assistant Grant:** A resolution authorizing the Fayetteville Police Department to accept a 2009 non-matching Recovery Act Justice Assistance Grant in the amount of \$456,807.00, \$207,129.00 of which will be used by the Fayetteville Police Department for the purchase of equipment with \$106,765.00 to be disbursed to the City of Springdale and \$88,913.00 to Washington County; and approving a budget adjustment recognizing the grant revenue;
- 6. Clear Creek Riparian Management Education & Demonstration Project:** A resolution approving the City of Fayetteville's participation in the Clear Creek Riparian Management Education & Demonstration Project in association with the University of Arkansas Cooperative Extension Service;
- 7. Blast From The Past Carriages:** A resolution granting a Certificate of Public Convenience and Necessity to Blast From The Past Carriages for the operation of one horse-drawn carriage within the City of Fayetteville;
- 8. Budget Adjustment For Operations:** A resolution approving a budget adjustment transferring \$600,000.00 from the Sales Tax Capital Fund to the General Fund for operations in order to offset revenue decline for FY2009;
- 9. EPA Region 6 Wetland Program Development Grant:** A resolution authorizing acceptance of an EPA Region 6 Wetland Program Development Grant in the amount of \$234,000.00 for a stream restoration demonstration on Niokaska Creek through Sweetbriar Park and other properties; and approving a budget adjustment recognizing the grant revenue;
- 10. Watershed Conservation Resource Center:** An ordinance waiving the requirements of formal competitive bidding and approving a Memorandum of Understanding with Watershed Conservation Resource Center in the amount of \$188,000.00 for a Stream Restoration Demonstration Project on Niokaska Creek through Sweetbriar Park.

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
September 1, 2009**

A meeting of the Fayetteville City Council will be held on September 1, 2009 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

Agenda Session Presentations:

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

A. Consent:

1. Approval of the August 18, 2009 City Council meeting minutes.
2. **2009 Community Development Block Grant:** A resolution approving a budget adjustment in the amount of \$13,891.00 to recognize the revenue of an increase in the 2009 Community Development Block Grant.
3. **2009 American Recovery and Reinvestment Act:** A resolution authorizing the Mayor to execute the funding approval/agreement with the U.S. Department of Housing and Urban Development to accept 2009 American Recovery and Reinvestment Act funding of Community Development Block Grant-R (CDBG-R) in the amount of \$172,702.00; and approving a budget adjustment recognizing the grant revenue.

4. **Bid # 09-53 Refuse Roll-Off Truck:** A resolution awarding Bid # 09-53 and approving the purchase of one (1) refuse roll-off truck from XXXXXXXX in the amount of \$XXX,XXX.XX for use by the Solid Waste Division; and approving a budget adjustment.
5. **Enforcing Underage Drinking Laws Mini-Grant:** A resolution accepting the Enforcing the Underage Drinking Laws Mini-Grant from the Arkansas Department of Finance & Administration in the amount of \$7,000.00; and approving a budget adjustment recognizing the Grant Revenue.
6. **2009 Recovery Act Justice Assistance Grant (JAG):** A resolution authorizing the Fayetteville Police Department to accept a 2009 non-matching Recovery Act Justice Assistance Grant in the amount of \$456,807.00, \$207,129.00 of which will be used by the Fayetteville Police Department for the purchase of equipment with \$106,765.00 to be disbursed to the City of Springdale and \$88,913.00 to Washington County; and approving a budget adjustment recognizing the Grant Revenue.
7. **Clear Creek Riparian Management Education & Demonstration Project:** A resolution approving the City of Fayetteville's participation in the Clear Creek Riparian Management Education & Demonstration Project in association with the University of Arkansas Cooperative Extension Service.

B. Unfinished Business: None.

C. Public Hearing:

1. **Blast From The Past Carriages:** A resolution granting a Certificate of Public Convenience and Necessity to Blast From The Past Carriages for the operation of one (1) horse-drawn carriage within the City of Fayetteville, Arkansas.

D. New Business:

1. **Budget Adjustment For Operations:** A resolution approving a budget adjustment transferring \$600,000.00 from the Sales Tax Capital Fund to the General Fund for operations in order to offset revenue decline for FY2009.
2. **EPA Region 6 Wetland Program Development Grant:** A resolution authorizing acceptance of an EPA Region 6 Wetland Program Development Grant in the amount of \$234,000.00 for a stream restoration demonstration on Niokaska Creek through Sweetbriar Park and other properties; and approving a budget adjustment recognizing the grant revenue.
3. **Watershed Conservation Resource Center:** An ordinance waiving the requirements of formal competitive bidding and approving a Memorandum of Understanding with the Watershed Conservation Resource Center (WCRC) in the amount of \$188,000.00 for a Stream Restoration Demonstration Project on Niokaska Creek through Sweetbriar Park.

4. **VAC 09-3375 (Teresa Al-Ansari):** An ordinance approving VAC 09-3375 submitted by Alan Reid for property located at 2831 North Sherwood Lane to vacate a portion of a utility easement containing approximately 497 square feet.
5. **ADM 09-3256 (Fayetteville Alternative Transportation and Trails Master Plan Update):** A resolution amending the Master Trail Plan Map to illustrate completed trails and to update future trail corridors and on-street bicycle facilities.
6. **ADM 09-3256 (Amend City Plan 2025):** A resolution amending the Master Street Plan in City Plan 2025 to add trails as a transportation component.
7. **ADM 09-3256 (Amend Chapter 166 & 171):** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to amend Chapter 166: Development and Chapter 171: Streets and Sidewalks in order to codify trail easement acquisition policy and to adopt trail construction standards.
8. **ADM 09-3345 (UDC Amendments):** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to amend Chapters 163: Use Conditions, 164: Supplementary Zoning Regulations, and 166: Development in order to resolve inaccurate cross references, eliminate unnecessary repeated information, and improve overall clarity and readability of the code.
9. **Rock Quarries Facilities:** An ordinance to prevent injury or annoyance within the corporate limits of Fayetteville by regulating rock quarrying facilities so that these facilities will not be nuisances.
10. **Red Dirt Mining Facilities:** An ordinance to prevent injury or annoyance within the corporate limits of Fayetteville by regulating red dirt mining facilities so that these facilities will not be nuisances.

Agenda Additions:

Announcements:

1. **City Council Tour: August 31, 2009**

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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

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

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

**City of Fayetteville Arkansas
City Council Meeting Minutes
August 18, 2009**

A meeting of the Fayetteville City Council was held on August 18, 2009 at 6:00 PM 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 Lucas, Lewis, Gray, Thiel, Cook, Petty, Rhoads, Ferrell, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Fire Chief Tony Johnson announced his notice of retirement effective October 10, 2009. He stated it has been an honor to have served the people of Fayetteville and to have worked with the brave and dedicated members of the department.

Alderman Thiel: I have enjoyed working with you and we are going to miss you.

Fire Chief Tony Johnson complimented the 2010 budget and encouraged the Council to look at the various things that the Department Directors have put together. Each and every division director has worked hard at putting the budget together.

Alderman Ferrell thanked him for his service to the City. He stated I have worked with you on several committees and the professionalism that you have displayed is outstanding and you have led us the right way.

Mayor Jordan: On behalf of this administration it has been a privilege working with you and I wish you well in whatever your endeavors might be.

Presentations, Reports and Discussion Items:

Second Quarter 2009 Report of Financial Condition of the City – City Clerk

City Clerk Sondra Smith presented the Second Quarter 2009 Report of the Financial Condition of the City.

Confirmation of the Advertising and Promotion Commission appointment.

Alderman Cook: The A & P Commission selected Brandon Karn as the new member.

Alderman Cook moved to approve Brandon Karn as the new member of the A & P Commission. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

Consent:

Approval of the August 4, 2009 City Council meeting minutes.

Approved.

Bid # 09-47 Williams Tractor: A resolution awarding Bid # 09-47 and approving the purchase of one (1) long-arm compact track excavator from Williams Tractor in the amount of \$51,425.91 for use by Trails; and approving a budget adjustment.

Resolution 173-09 as Recorded in the office of the City Clerk.

Bid # 09-50 Alpha Building Corporation: A resolution awarding Bid # 09-50 and approving a contract with Alpha Building Corporation in the amount of \$173,076.00 for construction of restrooms at Bryce Davis Park; and approving a 10% project contingency in the amount of \$17,307.00.

Resolution 174-09 as Recorded in the office of the City Clerk.

Reed and Associates, Inc.: A resolution approving an agreement with Reed & Associates, Inc. in the amount of \$45,250.00 for appraisal services associated with the Cato Springs Road Project.

Resolution 175-09 as Recorded in the office of the City Clerk.

Arkansas Highway & Transportation Department (AHTD): A resolution approving a payment in the amount of \$5,000,000.00 to the Arkansas Highway & Transportation Department (AHTD) for the City's portion of the project costs associated with widening Crossover Road from Mission Boulevard to Joyce Street.

Resolution 176-09 as Recorded in the office of the City Clerk.

State Forfeiture Revenue: A resolution approving a budget adjustment to recognize state forfeiture revenue for Q2/2009 in the amount of \$10,717.00 for use by the Fayetteville Police Department.

Resolution 177-09 as Recorded in the office of the City Clerk.

Federal Forfeiture Revenue: A resolution approving a budget adjustment to recognize federal forfeiture revenue for Q2/2009 in the amount of approximately \$1,392.00 for the Fayetteville Police Department.

Resolution 178-09 as Recorded in the office of the City Clerk.

Vehicle Repair Expenses: A resolution approving a budget adjustment recognizing the receipt of insurance reimbursement in the amount of \$2,839.00 and appropriating a like amount for vehicle repair expenses for Unit # 1144.

Resolution 179-09 as Recorded in the office of the City Clerk.

AT&T District Court/Prosecutor Facility: A resolution approving the purchase through the state contract of a Nortel SRG System and Voice Over Internet Phone (VOIP) sets in the amount of \$28,017.00 for the new District Court/City Prosecutor facility.

Resolution 180-09 as Recorded in the office of the City Clerk.

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

Unfinished Business:

RZN 09-3271 (Sale Barn/Campus Crest LLC, 562): An ordinance rezoning that property described in rezoning petition RZN 09-3271, for approximately 8.87 acres, located at the old Washington County Sale Barn, north and east of 11th Avenue and Government Avenue from I-1, Heavy Commercial/Light Industrial, to DG, Downtown General. *This ordinance was left on the First Reading at the June 16, 2009 City Council meeting. This ordinance was left on the Second Reading at the July 7, 2009 City Council meeting. This ordinance was left on the Third Reading at the July 21, 2009 City Council meeting and tabled to the August 18, 2009 City Council meeting.*

Andrew Garner, Senior Planner stated the applicant has requested this item to be tabled.

Alderman Thiel moved to table the ordinance to the September 1, 2009 City Council meeting. Alderman Ferrell seconded the motion.

Ves Lawbaugh, State Commander for the Military Purple Heart wanted to address some of the remarks that were made July 7, 2009 regarding this item.

Mayor Jordan informed him that he was only taking comments regarding the motion to table.

Marian Kunetka, a resident of Ward 1: I am worried that the entire Council will not be here due to the Labor Day weekend. I would like it to be two weeks after that.

Kathy Kisida stated my concern is that all the City Council members will not be here. She stated a Bill of Assurance is not going to make a difference in density so I really don't see why it should be tabled.

Aubrey Shepherd, a citizen stated I would appreciate it if you would vote on it tonight or wait until you all are here to vote on it.

Jim Buckner, Senior Vice Commander with the Military Purple Heart Department of Arkansas asked how was the time extension approved.

Mayor Jordan: Tabling is always approved by the City Council. We are discussing the tabling.

Jim Buckner: Let me speak in favor of not tabling it. We have had sufficient time to ponder this and make plans and I think you should vote tonight.

Alex Eyssen with Campus Crest asked to have an additional couple of weeks. This is our request and we are trying to make some good faith efforts to discuss all the issues that have developed because of this project.

James Logler, retired Special Forces with the US Army stated you should move forward with your vote tonight. If you do decide to table it you need to put a deadline on this issue.

Commander Sampson, United States Navy retired and President of the Military Officers Association of the Fayetteville Chapter stated it is time that this issue be voted on and move forward.

City Clerk Sondra Smith notified the Council that the Labor Day holiday was not until September 7th and our Council meeting is the week before on September 1st.

Alderman Thiel: I am going to be here.

Alderman Lucas: I really do not want to table it myself. We have batted this back and forth and it bothers me that the people that are asking for the extension are not the ones that own the property. If we do table it I would like to table it for four weeks to the second meeting in September.

Alderman Lewis: At what point is there another process of public notification?

City Attorney Kit Williams: I don't think we are there yet but points have been made that are proper. The citizens have been here many times to respond and it would be appropriate to say this is going to be the date and we are not going to table it again.

Andrew Garner: The ordinance doesn't require us to renotify for this. With talk of tabling for two weeks we would typically just recommend not to notify again.

Alderman Thiel: I will change the motion to four weeks.

Alderman Thiel moved to amend her motion to table the ordinance from September 1, 2009 to September 15, 2009 City Council meeting. Alderman Ferrell seconded the motion.

Alderman Ferrell: Do we have to vote before we hear from their representative?

Alex Eyssen: We do not have any objections or concerns with that. Two weeks would be sufficient but in light of the concerns if that is the Council's desire then I will come back four weeks from now and present then.

A discussion followed on if everyone would be able to attend the Council Meeting on September 15, 2009.

Upon roll call the motion passed 7-1. Alderman Lucas, Lewis, Gray, Thiel, Cook, Petty, Ferrell voting yes. Alderman Rhoads voting no.

This Ordinance was left on the Third Reading and Tabled to the September 15, 2009 City Council meeting.

New Business:

City Prosecutor's Office Furniture: A resolution to approve the purchase of \$24,551.00 in new equipment and furniture for the City Prosecutor's office from the Norman Company, plus freight, delivery and installation charges and applicable sales tax.

City Attorney Kit Williams gave a brief description of the item. He stated this is the amount that is absolutely necessary to properly furnish the new Court and Prosecutor's building.

Mayor Jordan thanked City Attorney Kit Williams for his efforts on this.

Alderman Petty: What happens to the old furniture that we are not using? Do we sell it off to local businesses or do we do something else with it?

City Attorney Kit Williams: My understanding is that we do have a place that we store some surplus. There are a few items that have other possible uses within the City.

Alderman Ferrell complimented the City Attorney and City Prosecutor on taking a good look at this to bring the amount from what it was to what it is.

Alderman Lewis: You stated the company from which they purchased it is decided at the State level? Is there a bid process for that?

City Attorney Kit Williams: Yes, my understanding is that there are companies that are bid and considered by the State. The State does that because they think they can get a better price because they know there is going to be a large quantity of furniture purchased. So the large companies can bid and the State selects one.

Alderman Thiel moved to approve the resolution. Alderman Petty seconded the motion. Upon roll call the motion passed unanimously.

Resolution 181-09 as recorded in the office of the City Clerk.

District Court Office Furniture: A resolution approving the purchase of furniture for the new District Court offices from the Norman Company through U.S. Communities in the amount of \$79,268.36; and approving a contingency in the amount of \$5,000.00.

Alderman Thiel: At the Agenda meeting the Judge was there and you might comment for him since he is not here.

Mayor Jordan: Don didn't you have a conversation today?

Don Marr, Chief of Staff: The Judge feels that this project has come within the project budget that allowed for the new furniture. They have not had new furniture in about 25 years. The furniture they did get as they grew came from the surplus warehouse. They ask that you approve the request.

Alderman Thiel moved to approve the resolution. Alderman Petty seconded the motion. Upon roll call the motion passed unanimously.

Resolution 182-09 as recorded in the office of the City Clerk.

RZN 09-3344 (Madewell): An ordinance rezoning that property described in rezoning petition RZN 09-3344, for approximately 0.60 acres, located at 3695 East Huntsville Road from RSF-4, Residential Single-Family, 4 units per acre, to NC, Neighborhood Conservation.

City Attorney Kit Williams read the ordinance.

Andrew Garner gave a brief description of the item.

Alderman Thiel: Were there any comments from the neighborhood at the Planning Commission meeting?

Andrew Garner: There were no public comments.

Alderman Lewis: Was it staff initiated or did the applicant think up the Neighborhood Conservation?

Andrew Garner: I think it was a question from the Planning Commission and staff responded that Neighborhood Conservation would be an option.

Alderman Lewis: I am glad that the form based planning is coming forth.

Alderman Ferrell: After this is changed will we expect to see a conditional use permit?

Andrew Garner: Yes, at that time we will be able to look at some of the details such as access, size of the building and things like that.

Eric Keller, representing the applicant: It was an agreement between the Planning Commission and the applicant. The conservation just gives Planning a lot more control over the proposed building. It was unanimous approval and we are just looking for approval tonight.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5266 as Recorded in the office of the City Clerk.

R-PZD 07-2452 Links at Fayetteville: An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2452 Links at Fayetteville to allow the addition of Use Unit #14, Hotel, Motel and Amusement Facilities as a permitted use in Planning Area III, as described herein.

City Attorney Kit Williams read the ordinance.

Andrew Garner gave a brief description of the item. He stated we are recommending in favor.

Alderman Lewis: Have you heard anything from the neighbors?

Andrew Garner: On this particular type of amendment to the PZD we are not required to notify them. We did get comment at the initial time of the PZD application.

Hugh Jarrett, representing Lindsey Management Company: We became aware earlier this year that technically the executive short term stays were not allowed in the zoning that we were in. As soon as we found that we were not in compliance we attempted to address this. He gave a description of their facilities along with their uses.

Alderman Lucas: At extended stay on Sixth Street we do collect a hotel and motel sales tax on those rooms.

Hugh Jarrett: Yes Ma'am, the same thing would apply here.

Alderman Lewis: Are you saying that this is temporary?

Hugh Jarrett: A majority are going to be monthly and weekly. Weekly stays are already permitted by ordinance here in Fayetteville and monthly stays are also. There is not a history of intensive use of these.

Alderman Thiel: I don't have a problem with this. I think it is probably a good project.

James Lobler, a citizen of Ward 4 questioned where it says amusement facilities. He stated is this just the golfing, nothing else is going to go in there?

Andrew Garner: Right.

James Lobler: I didn't hear clearly, you asked the question how many units will they be allowed to use.

Alderman Lewis: I asked if this was the permanent use of those units or if they were a temporary use but it is a permanent use. The number of units I don't remember.

Andrew Garner: Fifty units.

James Lobler: I think this is a better use of rental property in Ward 4 however my neighborhood is turning into a college rental neighborhood with cars all over the place. Since you are making space for rental for grown ups I wish you would consider balancing this by slowing down or minimizing the amount of rental property in established housing neighborhoods.

Andrew Garner: We would recommend an amendment to the ordinance to clarify that the applicant shall be required to pay HMR Tax for the use of these 50 units for short term rentals. We could add that under Section 2 as one of the conditions.

Hugh Jarrett: That was our intent the entire time.

Alderman Thiel moved to amend the ordinance to add "the applicant shall be required to pay HMR Taxes" for the 50 short term rentals to the ordinance. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Petty: I would like to point out, what it says about our region as a whole, at how blessed we are in times like this in this economy, that a business still finds it worth while to change their use units to take advantage of visitors to this area. That is really great for us.

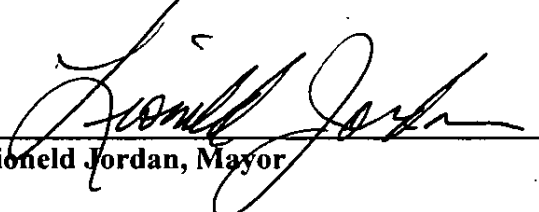
Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

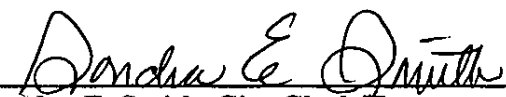
Ordinance 5267 as Recorded in the office of the City Clerk.

Agenda Additions: None.

Announcements: City Attorney Kit Williams gave an update on a court case that he represented the City on.

Meeting adjourned at 6:52 p.m.


Lioneld Jordan, Mayor


Sondra E. Smith, City Clerk/Treasurer

City Council Agenda Items
and
Contracts, Leases or Agreements

9/1/2009

City Council Meeting Date
Agenda Items Only

Yolanda Fields

Submitted By

Community Services

Division

Development Services

Department

Action Required:

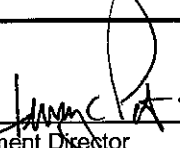
Approval of budget adjustment to recognize grant revenue increase of \$13,891.00 to 2009 Community Development Block Grant.

\$	-	\$	-	
Cost of this request		Category / Project Budget		Program Category / Project Name
21800918432000		\$	-	
Account Number		Funds Used to Date		Program / Project Category Name
		\$	-	
Project Number		Remaining Balance		CDBG
				Fund Name

Budgeted Item

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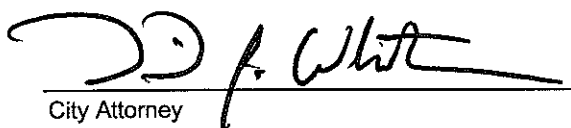
Budget Adjustment Attached

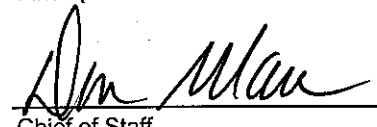
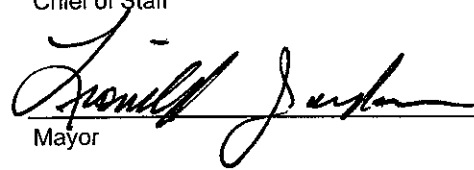
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 Department Director
8-17-09
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:


 City Attorney
8/17/09
Date

 Finance and Internal Services Director
8/18/09
Date

 Chief of Staff
8-18-09
Date

 Mayor
8/18/09
DateReceived in City
Clerk's Office

ENTERED

8-17-09 Uay

Received in
Mayor's Office

ENTERED

8/17/09
PK

Staff recommends approval of the budget adjustment.

CITY COUNCIL AGENDA MEMO

To: Mayor and Council

Thru: Jeremy Pate, Director of Development Services 

From: Yolanda Fields, CS Director 

Date: August 5, 2009

Subject: 2009 Community Development Block Grant (CDBG) Increase

RECOMMENDATION

Staff recommends approval of a budget adjustment to recognize grant revenue increase of \$13,891.00 to 2009 Community Development Block Grant.

BACKGROUND

Fayetteville has been a Community Development Block Grant (CDBG) Entitlement city since 1975. Funding is based on a formula allocation that takes into account such factors as population, percent of low/moderate income persons, and the number of housing units. This process sets aside CDBG for the City of Fayetteville each year the Community Resources Division submits an annual "Action Plan" outlining the proposed use for the funds to the U.S. Department of Housing & Urban Development (HUD) for CDBG funding. If the Action Plan meets HUD requirements an agreement is received. This agreement must be executed, returned to the HUD field office in Little Rock then sent to Washington D.C. for the release of funds.

Grant amounts vary each year dependent upon funding levels authorized by Congress through the annual federal budget process. The estimated award for the 2009 budget was \$635,930.00 – the actual grant award amount was \$649,821.00. This change resulted in an increased grant revenue amount of \$13,891.00. Increase has been added to the Housing Rehabilitation Program budget as detailed below.

Grant funding detail:

Administration	\$121,359
Housing Rehabilitation	\$293,889
Fayetteville Public Library	\$ 3,000
LifeSource	\$ 11,248
NWAEDD	\$ 7,604
Ozark Guidance	\$ 5,000
Peace at Home	\$ 14,915
Parks & Recreation(YRCC)	\$ 28,233
Taxi Program	\$ 11,000
Transportation Program	\$ 9,000

Code Compliance	\$ 44,573
YouCan!	\$ 15,501
Youth Bridge	\$ 62,651
Parks & Recreation(YRCC)	<u>\$ 21,848</u>
Grant Total	\$649,821

DISCUSSION

Grant increase amount will assist in the Housing Rehabilitation Program for the year.

BUDGET IMPACT

Increase to CDBG Grant Revenue of \$13,891.00.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$13,891 TO RECOGNIZE THE REVENUE OF AN INCREASE IN THE 2009 COMMUNITY DEVELOPMENT BLOCK GRANT.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of \$13,891 to recognize the revenue of an increase in the 2009 Community Development Block Grant.

PASSED and APPROVED this 1st day of September, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

A. 2
2009 Community
Development Block Grant

Page 5 of 10

Budget Year 2009	Department: Operations Division: Community Resources Program: Housing Services	Date Requested 8/3/2009	Adjustment Number
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Project or Item Added/Increased: Increase CDBG Housing Contract Services by \$13,891 to reflect increase in 2009 CDBG funding	Project or Item Deleted/Reduced: None - Revenue increased
--	--

Justification of this Increase: 2009 CDBG funding increased by \$13,891.	Justification of this Decrease:
---	---------------------------------

Increase Budget						Project Number
Account Name	Account Number				Amount	
Contract Services	2180	4940	5315	00	13,891	

Decrease Budget						Project Number
Account Name	Account Number				Amount	
Grant Funding	2180	0918	4320	00	13,891	

8-6-09 Date 8-18-09 Date 8-16-09 Date		V.090403 Budget & Research Use Only Type: A B C <u>D</u> E Requested By General Ledger Date Posted to General Ledger Initial Date	
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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 espanol.hud.gov

JUN 25 2009

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

RECEIVED

JUN 29 2009

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

Dear Mayor Jordan:

I am pleased to inform you that the City of Fayetteville's Consolidated Plan/Annual Action Plan has been approved for Fiscal Year 2009 for the formula allocation of \$649,821 for the Community Development Block Grant (CDBG) program. The Program Year for these funds began on January 1, 2009.

It is noted that the Consolidated Plan/Annual Action Plan submitted for the use of these funds used a planning figure of \$635,930, which is less than the actual funding amount. Accordingly, please make the necessary corrections in your proposed budget and activities to reflect the actual funding received. Also, please provide this office with a copy of your revised budget within 15 days of the date of this letter.

Enclosed are four copies of the Grant Agreement and Funding Approval form that have been executed by this office. This document constitutes the contract between the U. S. Department of Housing and Urban Development (HUD) and the City of Fayetteville for the CDBG program. Please sign all copies. After execution, please return three copies to this office as soon as possible. The third copy should be retained in the City's files.

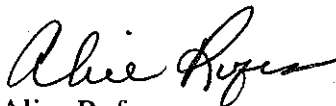
HUD Form 7015.15, Request for Release of Funds and Certification (RROF), under the provision of 24 CFR Part 58 (Environmental Review Procedures for the Community Development Block Grant Program) for program year 2009 activities was received in this office on November 18, 2008. It appears that activities scheduled for 2009 do not require the preparation and dissemination of an environmental impact statement. An executed Form HUD 7015.16, Notice of Removal of Grant Conditions, is enclosed. Funds for these activities may be obligated/expended upon receipt of this form.

The special condition in your Grant Agreement and Funding Approval concerning the review procedures under Executive Order (E.O.) 12372, Intergovernmental Review of Federal Programs and HUD's implementing regulations at 24 CFR Part 52, restricts the obligation or expenditure of funds for the planning or construction of water or sewer facilities until the completion of the review process and receipt of written notification of release of funds from HUD. Since you have not submitted your Consolidated Action Plan (CP) for review under E.O. 12372, we assume you do not propose to use funds for activities subject to review. However, the condition requires that in the event you amend or otherwise revise your CP to use funds for the planning or construction of water or sewer facilities, you must receive written release of funds from HUD before obligating or expending funds for such activities.

We have enclosed information relative to compliance with Section 3 of the Housing and Urban Development Act of 1968. This is a reminder of the priority the Department places on ensuring that employment opportunities are made available to local residents as required.

On behalf of the Department, I wish the City of Fayetteville much success in the use of these resources to implement the City's community development initiatives. If you have any questions or if we may be of any assistance to the City in the implementation of its CDBG program, please contact me at (501) 918-5700, or Rhonda Shannon, Community Planning and Development Representative, at (501) 918-5732.

Sincerely,



Alice Rufus
Field Office Director

Enclosures

cc:

Ms. Yolanda Fields

Section 3 is a provision of the Housing and Urban Development Act of 1968, which recognizes that HUD funds are typically one of the largest sources of federal funding expended in communities through the form of grants, loans, entitlement allocations and other forms of financial assistance. Section 3 is intended to ensure that when employment or contracting opportunities are generated because a covered project or activity necessities the employment of additional persons or the awarding of contracts for work, preference must be given to low- and very low-income persons.

A "section 3 resident" is: 1) a public housing resident; or 2) a low- or very low-income person residing in the metropolitan area or Non-metropolitan County in which the Section 3 covered assistance is expended.

Section 3 business concerns are businesses that can provide evidence that they meet one of the following:

- **51 percent or more owned by Section 3 residents**
- **At least 30 percent of its full-time employees include persons that are currently Section 3 residents, or within three years of the date of first employment with the business concern were Section 3 residents**
- **Provides evidence, as required, of a commitment to subcontract in excess of 25 percent of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications in the above two paragraphs**

Each recipient of Section 3 covered HUD financial assistance shall submit an annual report to the Assistant Secretary for the purpose of determining the effectiveness of Section 3 (HUD form 60002). Section 3 summary reports are required even if the recipient agency did not undertake any activities that triggered the requirements. The Section 3 summary reports must be submitted to the following address or online at www.hud.gov/offices/fheo/section3/section3.cfm:

2009 Consolidated Action Plan Project Listing/Budget

REVISED Community Development Block Grant | 2009 Project Listing/Budget

ADMINISTRATION		\$ 121,359.00
HOUSING		\$ 293,889.00
REDEVELOPMENT		\$ 44,573.00
PUBLIC SERVICES		\$ 90,000.00
Fayetteville Public Library	\$ 3,000.00	
LifeSource	\$ 11,248.00	
NWAEDD	\$ 7,604.00	
Ozark Guidance	\$ 5,000.00	
Peace at Home	\$ 14,915.00	
Taxi Program	\$ 11,000.00	
Transit Program	\$ 9,000.00	
Yvonne Richardson Center	\$ 28,233.00	
PUBLIC FACILITIES		\$ 100,000.00
YouCAN!	\$ 15,501.00	
Youth Bridge	\$ 62,651.00	
Yvonne Richardson Center	\$ 21,848.00	
TOTAL		\$ 649,821.00

Revised Project Listing/Budget to reflect increase in actual allocation above the planning figure used in the submitted 2009 Action Plan.

The planning figure was \$635,930.00, the actual allocation is \$649,821.00 which is an increase of \$13,891.00. The entire increase is being allocated to the Housing Program increasing the 2009 Housing budget from \$279,998.00 to \$293,889.00.

City of Fayetteville Staff Review Form

A. 3
2009 American Recovery
and Reinvestment Act
Page 1 of 14

City Council Agenda Items
and
Contracts, Leases or Agreements

September 1 2009
City Council Meeting Date
Agenda Items Only

Yolanda Fields
Submitted By

Community Services
Division

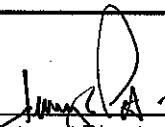
Development Services
Department

Action Required:

Approval of Mayor's authority to execute the agreement for the 2009 American Recovery and Reinvestment Act 2009 funding for Community Development Block Grant-R (CDBG-R).

\$ -	\$ -	
Cost of this request	Category / Project Budget	Program Category / Project Name
2180.0918.4320.00	\$ -	
Account Number	Funds Used to Date	Program / Project Category Name
	\$ -	
Project Number	Remaining Balance	CDBG
		Fund Name

Budgeted Item ☐Budget Adjustment Attached ☒

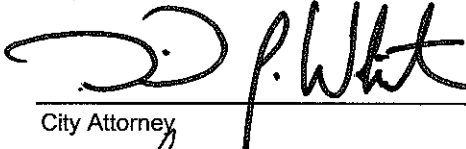

Department Director

8/6/09
Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____


City Attorney

8/6/09
Date


Finance and Internal Services Director

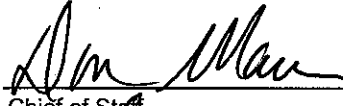
8/18/09
Date

Received in City
Clerk's Office

ENTERED

Ses

8-16-09


Chief of Staff

8-18-09
Date

Received in
Mayor's Office

ENTERED

8/18/09

8-17-09


Mayor

8/18/09
Date

Comments: Staff recommends approval of Mayor's authority to execute the 2009 CDBG-R agreement.

CITY COUNCIL AGENDA MEMO

To: Mayor and Council

Thru: Jeremy Pate, Director of Development Services *JP*

From: Yolanda Fields, CS Director *YF*

Date: August 5, 2009

Subject: American Recovery and Reinvestment Act of 2009 Community Development Block Grant Recovery (CDBG-R)

RECOMMENDATION

Staff recommends approval of Mayor's authority to execute the American Recovery and Reinvestment Act of 2009 Community Development Block Grant Recovery (CDBG-R).

BACKGROUND

The American Recovery and Reinvestment Act of 2009 (Recovery Act), was signed into law on February 17, 2009, appropriated Community Development Block Grant (CDBG) funds to states and local governments to carry out, on an expedited basis eligible activities under the CDBG program. The Recovery Act is an effort to jumpstart the American economy, save and create jobs, and address long-neglected challenges. The City of Fayetteville has been awarded \$172,702.00 in CDBG-R funds.

Funding will be used to provide energy efficiency rehabilitation for buildings in the CDBG Public Facility Program.

Grant funding detail:

818 N. Sang	\$ 60,000
1932 S. Garland	\$ 65,000
2052 S. Garland	<u>\$ 47,702</u>
Grant Total	\$172,702

DISCUSSION

Projects will provide jobs for our community as well as improving the energy efficiency of the public facilities provided to local non-profits.

BUDGET IMPACT

Grant revenue - \$172,702.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE FUNDING APPROVAL/AGREEMENT WITH THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO ACCEPT 2009 AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING OF COMMUNITY DEVELOPMENT BLOCK GRANT-R (CDBG-R) IN THE AMOUNT OF \$172,702.00; AND APPROVING A BUDGET ADJUSTMENT RECOGNIZING THE GRANT 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 the Mayor to execute the Funding Approval/Agreement with the U.S. Department of Housing and Urban Development to accept 2009 American Recovery and Reinvestment Act funding of Community Development Block Grant-R (CDBG-R) in the amount of \$172,702.00.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment recognizing the grant revenue.

PASSED and APPROVED this 1st day of September, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Funding Approval/Agreement

Title I of the Housing and Community Development Act (Public Law 930383)

U.S. Department of Housing and Urban Development
Office of Community Planning and Development
Community Development Block Grant Program

A. 3
2009 American Recovery and Reinvestment Act
Page 4 of 14

HI-00515R of 20515R

1. Name of Grantee (as shown in item 5 of Standard Form 424) City of Fayetteville	3. Grantee's 9-digit Tax ID Number 71-6018462	4. Date use of funds may begin (mm/dd/yyyy) 06/03/2009
2. Grantee's Complete Address (as shown in item 5 of Standard Form 424) 113 West Mountain Fayetteville, AR 72701	5a. Project/Grant No. 1 B-09-MY-05-0001	6a. Amount Approved \$172,702
	5b. Project/Grant No. 2	6b. Amount Approved
	5c. Project/Grant No. 3	6c. Amount Approved

Grant Agreement: This Grant Agreement between the Department of Housing and Urban Development (HUD) and the above named Grantee is made pursuant to the authority of Title I of the Housing and Community Development Act of 1974, as amended, (42 USC 5301 et seq.). The Grantee's submissions for Title I assistance, the HUD regulations at 24 CFR Part 570 (as now in effect and as may be amended from time to time), and this Funding Approval, including any special conditions, constitute part of the Agreement. Subject to the provisions of this Grant Agreement, HUD will make the funding assistance specified here available to the Grantee upon execution of the Agreement by the parties. The funding assistance specified in the Funding Approval may be used to pay costs incurred after the date specified in item 4 above provided the activities to which such costs are related are carried out in compliance with all applicable requirements. Pre-agreement costs may not be paid with funding assistance specified here unless they are authorized in HUD regulations or approved by waiver and listed in the special conditions to the Funding Approval. The Grantee agrees to assume all of the responsibilities for environmental review, decision making, and actions, as specified and required in regulations, issued by the Secretary pursuant to Section 104(g) of Title I and published in 24 CFR Part 58. The Grantee further acknowledges its responsibility for adherence to the Agreement by sub-recipient entities to which it makes funding assistance hereunder available.

U.S. Department of Housing and Urban Development (By Name) James E. Slater	Grantee Name Honorable Lioneld Jordan
Title Director, Community Planning and Development	Title Mayor
Signature 	Signature 
Date (mm/dd/yyyy) 07/30/2009	Date (mm/dd/yyyy)
7. Category of Title I Assistance for this Funding Action (check only one) ☒ a. Entitlement, Sec 106(b) ☐ b. State-Administered, Sec 106(d)(1) ☐ c. HUD-Administered Small Cities, Sec 106(d)(2)(B) ☐ d. Indian CDBG Programs, Sec 106(a)(1) ☐ e. Surplus Urban Renewal Funds, Sec 112(b) ☐ f. Special Purpose Grants, Sec 107 ☐ g. Loan Guarantee, Sec 108	8. Special Conditions (check one) ☐ None ☒ Attached
	9a. Date HUD Received Submission (mm/dd/yyyy) 06/03/2009 9b. Date Grantee Notified (mm/dd/yyyy) 7/30/2009 9c. Date of Start of Program Year (mm/dd/yyyy)
	10. check one ☒ a. Orig. Funding Approval ☐ b. Amendment Amendment Number
	11. Amount of Community Development Block Grant
	a. Funds Reserved for this Grantee
	b. Funds now being Approved
	c. Reservation to be Cancelled (11a minus 11b)

12a. Amount of Loan Guarantee Commitment now being Approved	12b. Name and complete Address of Public Agency
Loan Guarantee Acceptance Provisions for Designated Agencies: The public agency hereby accepts the Grant Agreement executed by the Department of Housing and Urban Development on the above date with respect to the above grant number(s) as Grantee designated to receive loan guarantee assistance, and agrees to comply with the terms and conditions of the Agreement, applicable regulations, and other requirements of HUD now or hereafter in effect, pertaining to the assistance provided it.	12c. Name of Authorized Official for Designated Public Agency
	Title
	Signature

HUD Accounting use Only										
Batch	TAC	Program Y	A Reg	Area	Document No.	Project Number	Category	Amount	Effective Date (mm/dd/yyyy)	F
	153									
	176									
		Y				Project Number		Amount		
		Y				Project Number		Amount		
Date Entered PAS (mm/dd/yyyy)	Date Entered LOCCS (mm/dd/yyyy)	Batch Number	Transaction Code	Entered By	Verified By					

**E.O. 12372
SPECIAL CONTRACT CONDITION
WATER OR SEWER FACILITIES**

Notwithstanding any other provision of this agreement, no funds provided under this agreement may be obligated or expended for the planning or construction of water or sewer facilities until receipt of written notification from HUD of the release of funds on completion of the review procedures required under Executive Order (E.O.) 12372, Intergovernmental Review of Federal Programs, and HUD's implementing regulations at 24 CFR Part 52. The recipient shall also complete the review procedures required under E.O. 12372 and 24 CFR Part 52 and receive written notification from HUD of the release of funds before obligating or expending any funds provided under this agreement for any new or revised activity for the planning or construction of water or sewer facilities not previously reviewed under E.O. 12372 and implementing regulations.

Funding Approval/Agreement

Title I of the Housing and Community
Development Act (Public Law 930383)

U.S. Department of Housing and Urban Development
Office of Community Planning and Development
Community Development Block Grant Program

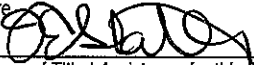
A. 3
2009 American Recovery
and Reinvestment Act
Page 6 of 14

HI-00515R of 20515R

1. Name of Grantee (as shown in item 5 of Standard Form 424) City of Fayetteville	3. Grantee's 9-digit Tax ID Number 71-6018462	4. Date use of funds may begin (mm/dd/yyyy) 06/03/2009
2. Grantee's Complete Address (as shown in item 5 of Standard Form 424) 113 West Mountain Fayetteville, AR 72701	5a. Project/Grant No. 1 B-09-MY-05-0001	6a. Amount Approved \$172,702
	5b. Project/Grant No. 2	6b. Amount Approved
	5c. Project/Grant No. 3	6c. Amount Approved

**SIGN
HERE**

Grant Agreement: This Grant Agreement between the Department of Housing and Urban Development (HUD) and the above named Grantee is made pursuant to the authority of Title I of the Housing and Community Development Act of 1974, as amended, (42 USC 5301 et seq.). The Grantee's submissions for Title I assistance, the HUD regulations at 24 CFR Part 570 (as now in effect and as may be amended from time to time), and this Funding Approval, including any special conditions, constitute part of the Agreement. Subject to the provisions of this Grant Agreement, HUD will make the funding assistance specified here available to the Grantee upon execution of the Agreement by the parties. The funding assistance specified in the Funding Approval may be used to pay costs incurred after the date specified in item 4 above provided the activities to which such costs are related are carried out in compliance with all applicable requirements. Pre-agreement costs may not be paid with funding assistance specified here unless they are authorized in HUD regulations or approved by waiver and listed in the special conditions to the Funding Approval. The Grantee agrees to assume all of the responsibilities for environmental review, decision making, and actions, as specified and required in regulations issued by the Secretary pursuant to Section 104(g) of Title I and published in 24 CFR Part 58. The Grantee further acknowledges its responsibility for adherence to the Agreement by sub-recipient entities to which it makes funding assistance hereunder available.

U.S. Department of Housing and Urban Development (By Name) James E. Slater		Grantee Name Honorable Lioneld Jordan		
Title Director, Community Planning and Development		Title Mayor		
Signature 	Date (mm/dd/yyyy) 07/30/2009	Signature	Date (mm/dd/yyyy)	
7. Category of Title I Assistance for this Funding Action (check only one) ☒ a. Entitlement, Sec 106(b) ☐ b. State-Administered, Sec 106(d)(1) ☐ c. HUD-Administered Small Cities, Sec 106(d)(2)(B) ☐ d. Indian CDBG Programs, Sec 106(a)(1) ☐ e. Surplus Urban Renewal Funds, Sec 112(b) ☐ f. Special Purpose Grants, Sec 107 ☐ g. Loan Guarantee, Sec 108	8. Special Conditions (check one) ☐ None ☒ Attached	9a. Date HUD Received Submission (mm/dd/yyyy) 06/03/2009	10. check one ☒ a. Orig. Funding Approval ☐ b. Amendment Amendment Number	
		9b. Date Grantee Notified (mm/dd/yyyy) 7/30/2009		
		9c. Date of Start of Program Year (mm/dd/yyyy)		
	11. Amount of Community Development Block Grant			
	a. Funds Reserved for this Grantee	FY ()	FY ()	FY (2009) \$172,702
	b. Funds now being Approved			\$172,702
	c. Reservation to be Cancelled (11a minus 11b)			-0-

12a. Amount of Loan Guarantee Commitment now being Approved	12b. Name and complete Address of Public Agency
Loan Guarantee Acceptance Provisions for Designated Agencies: The public agency hereby accepts the Grant Agreement executed by the Department of Housing and Urban Development on the above date with respect to the above grant number(s) as Grantee designated to receive loan guarantee assistance, and agrees to comply with the terms and conditions of the Agreement, applicable regulations, and other requirements of HUD now or hereafter in effect, pertaining to the assistance provided it.	12c. Name of Authorized Official for Designated Public Agency
	Title
	Signature

HUD Accounting use Only

Batch	TAC	Program Y	A Reg Area	Document No.	Project Number	Category	Amount	Effective Date (mm/dd/yyyy)	F
	153								
	176								
		Y			Project Number		Amount		
		Y			Project Number		Amount		
Date Entered PAS (mm/dd/yyyy)	Date Entered LOCCS (mm/dd/yyyy)	Batch Number	Transaction Code	Entered By	Verified By				

**E.O. 12372
SPECIAL CONTRACT CONDITION
WATER OR SEWER FACILITIES**

Notwithstanding any other provision of this agreement, no funds provided under this agreement may be obligated or expended for the planning or construction of water or sewer facilities until receipt of written notification from HUD of the release of funds on completion of the review procedures required under Executive Order (E.O.) 12372, Intergovernmental Review of Federal Programs, and HUD's implementing regulations at 24 CFR Part 52. The recipient shall also complete the review procedures required under E.O. 12372 and 24 CFR Part 52 and receive written notification from HUD of the release of funds before obligating or expending any funds provided under this agreement for any new or revised activity for the planning or construction of water or sewer facilities not previously reviewed under E.O. 12372 and implementing regulations.

Funding Approval/Agreement

Title I of the Housing and Community
Development Act (Public Law 930383)

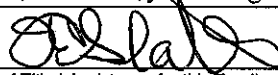
U.S. Department of Housing and Urban Development
Office of Community Planning and Development
Community Development Block Grant Program

A. 3
2009 American Recovery
and Reinvestment Act
Page 8 of 14

HI-00515R of 20515R

1. Name of Grantee (as shown in item 5 of Standard Form 424) City of Fayetteville	3. Grantee's 9-digit Tax ID Number 71-6018462	4. Date use of funds may begin (mm/dd/yyyy) 06/03/2009
2. Grantee's Complete Address (as shown in item 5 of Standard Form 424) 113 West Mountain Fayetteville, AR 72701	5a. Project/Grant No. 1 B-09-MY-05-0001	6a. Amount Approved \$172,702
	5b. Project/Grant No. 2	6b. Amount Approved
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U.S. Department of Housing and Urban Development (By Name) James E. Slater		Grantee Name Honorable Lioneld Jordan	
Title Director, Community Planning and Development		Title Mayor	
Signature 	Date (mm/dd/yyyy) 07/30/2009	Signature	Date (mm/dd/yyyy)
7. Category of Title I Assistance for this Funding Action (check only one) ☒ a. Entitlement, Sec 106(b) ☐ b. State-Administered, Sec 106(d)(1) ☐ c. HUD-Administered Small Cities, Sec 106(d)(2)(B) ☐ d. Indian CDBG Programs, Sec 106(a)(1) ☐ e. Surplus Urban Renewal Funds, Sec 112(b) ☐ f. Special Purpose Grants, Sec 107 ☐ g. Loan Guarantee, Sec 108	8. Special Conditions (check one) ☐ None ☒ Attached	9a. Date HUD Received Submission (mm/dd/yyyy) 06/03/2009 9b. Date Grantee Notified (mm/dd/yyyy) 7/30/2009 9c. Date of Start of Program Year (mm/dd/yyyy)	10. check one ☒ a. Orig. Funding Approval ☐ b. Amendment Amendment Number
	11. Amount of Community Development Block Grant		
		FY ()	FY ()
a. Funds Reserved for this Grantee			\$172,702
b. Funds now being Approved			\$172,702
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	Title
	Signature

HUD Accounting use Only

Batch	TAC	Program Y	A Reg	Area	Document No.	Project Number	Category	Amount	Effective Date (mm/dd/yyyy)	F
	153									
	176									
		Y				Project Number		Amount		
		Y				Project Number		Amount		
Date Entered PAS (mm/dd/yyyy)	Date Entered LOCCS (mm/dd/yyyy)	Batch Number	Transaction Code	Entered By	Verified By					

**E.O. 12372
SPECIAL CONTRACT CONDITION
WATER OR SEWER FACILITIES**

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

A. 3
2009 American Recovery
and Reinvestment Act
~~Page 10 of 14~~

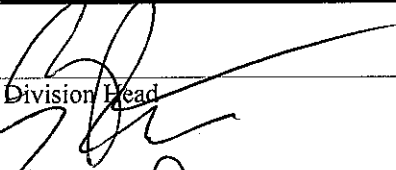
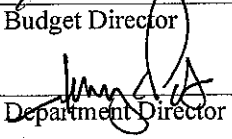
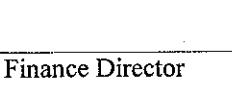
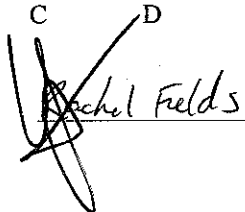
Budget Year 2009	Department: Operations Division: Community Resources Program: Public Facilities & Improvements	Date Requested 8/3/2009	Adjustment Number
--------------------------------	--	---------------------------------------	-------------------

Project or Item Added/Increased: Increase Sang Avenue account by \$60,000. Increase Head Start Rehab account by \$47,702. Increase Domestic Violence Shelter account by \$65,000.	Project or Item Deleted/Reduced: None - increase in revenue from CDBG-R grant
--	--

Justification of this Increase: Allocation of CDBG-R grant amount	Justification of this Decrease:
--	---------------------------------

Increase Budget			
Account Name	Account Number	Amount	Project Number
<i>see attached detail page</i>			

Decrease Budget			
Account Name	Account Number	Amount	Project Number

 Division Head		8-6-09 Date	V.090403	
 Budget Director		8-18-09 Date	Budget & Research Use Only	
 Department Director		08-26-09 Date	Type:	A B C D E
Finance Director		Date	Requested By	 Rachel Fields
Chief of Staff		Date	General Ledger Date	_____
			Posted to General Ledger	Initial Date

C:\Documents and Settings\rafiel\Desktop\Budget Adjustments\BA Form



A. 3
2009 American Recovery
and Reinvestment Act
Page 12 of 14

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 espanol.hud.gov

July 30, 2009

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

Dear Mayor Jordan:

The American Recovery and Reinvestment Act of 2009 (Recovery Act), signed into law on February 17, 2009, appropriated \$1 billion in CDBG funds to states and local governments to carry out, on an expedited basis, eligible activities under the CDBG program. The Recovery Act is an unprecedented effort to jumpstart the American economy, save and create millions of jobs, and address long-neglected challenges so our country can thrive in the 21st century. The CDBG program is a key component in state and local efforts to stabilize neighborhoods and create jobs.

The Department is pleased to announce that the Substantial Amendment to your jurisdiction's Fiscal Year 2008 Action Plan has been approved. The city of Fayetteville has been authorized to receive \$172,702 in Community Development Block Grant Recovery (CDBG-R) Program funding. Please note that all CDBG-R funds must be spent not later than September 30, 2012. Please be advised that HUD establishes a cut-off date for submission of draw requests several days before the end of a fiscal year because of systems and disbursing related issues. You will be notified of the expenditure cut-off date for the CDBG-R grant funds in 2012.

Enclosed are three copies of the Grant Agreement (including the Funding Approval (Form HUD-7082) and Special Conditions) between the U. S. Department of Housing and Urban Development (HUD) and the city of Fayetteville for the CDBG-R Program. Please return two copies of the executed grant agreement to this office.

In order to establish a Line of Credit for your CDBG-R grant, it will be necessary to execute and return two copies of the Grant Agreement, retaining one copy for your files. Failure to execute and return the grant agreements within 30 days of the transmittal date may be deemed to constitute rejection of the grant and cause for HUD to determine that the funds are available for reallocation to other grantees.

If there is a need to delete or add individuals authorized to access the Integrated Disbursement and Information System (IDIS), an IDIS Security Access Authorization Form (February 1999) must be prepared, notarized, and returned to this office with the Grant Agreement. Program progress must be recorded in IDIS on a regular basis. HUD will use this system to obtain beneficiary data and monitor your jurisdiction's program implementation and performance.

If there is need to establish or change the depository account to which these grant funds are to be wired, a Direct Deposit Sign-Up Form (SF-1199A) must be completed by you and your financial institution and mailed to this office.

Grantees are reminded that the Recovery Act was enacted to provide an immediate stimulus to the economy. The quarterly reporting requirements discussed below are one manifestation of the need for all grantees to demonstrate how CDBG-R funds are being put to immediate use, to stimulate the economy as well as to produce long-term improvements. Another reason that Recovery Act funds have been provided to states and local governments is the recognition that states and local governments are suffering from serious budgetary constraints as a result of simultaneous revenue shortfalls and increased demand for services. The current practice by many grantees - to meet immediate cash needs by paying outstanding obligations for CDBG activities with local funds, and then to obtain reimbursement from their Line of Credit on a semi-annual or yearly basis - works against governments' fiscal constraints as well as the transparency provisions of the Recovery Act. HUD strongly encourages grantees to examine their current funds drawdown practices for HUD formula grant funding, and to make adjustments as necessary to ensure that CDBG-R funds are drawn down on a regular basis. HUD expects that grantees will draw down CDBG-R funds on at least a quarterly basis, assuming the existence of actual cash needs for CDBG-R activities, and consistent with federal financial management regulations.

Certain activities are subject to the provisions of 24 CFR Part 58, Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities. Funds for such activities may not be obligated or expended unless the release of funds has been approved in writing by HUD. A request for the release of funds must be accompanied by an environmental certification.

The Recovery Act requires that all State and local governments receiving Recovery Act funds report on the status of the environmental compliance reviews for all of their Recovery Act funded activities. HUD grantees are required to go to: http://portal.hud.gov/app_ramps/ and complete the information for all Recovery Act funded activities. Information should be entered when an activity's environmental compliance review is started and when it is completed. This reporting requirement will continue throughout the implementation period of the activity.

You are also reminded that the Recovery Act requires timely and accurate reporting of the CDBG-R grant in IDIS. Section 1512 of the Recovery Act requires that no later than 10 days after the end of each calendar quarter, each grantee is required to comply with quarterly reporting requirements regarding: (1) the total amount of recovery funds received; (2) the amount of recovery funds received that were expended or obligated to project activities; and (3) a detailed list of all projects or activities for which recovery funds were expended or obligated, including the name of the project or activity; a description of the project or activity; an evaluation of the completion status of the project or activity; an estimate of the number of jobs created and number of jobs retained by the project or activity; and for infrastructure investments made, the purpose, total cost and rationale of the agency for funding infrastructure investment with funds made available under the Recovery Act and name of person to contact at the jurisdiction, if there are concerns with the infrastructure investment.

At this time, HUD intends that grantees will enter this data into IDIS so that HUD can automatically generate the quarterly reports. However, the Office of Management and Budget has not finalized the government-wide reporting requirements for Recovery Act funds, and may not do so until mid-August. HUD will provide guidance on specific reporting requirements at a later date. The necessary changes to IDIS to accommodate CDBG-R reporting requirements

have not been fully implemented yet. In the meantime, please make sure you are collecting all necessary data, both from grantee sources and from all subrecipients and contractors, as it may be necessary for you to backfill this data into IDIS at a later date once system changes have been made.

Section 1605 of the Recovery Act requires grantees to comply with provisions of the Buy American Act for all CDBG-R assisted public buildings and public works. HUD is in the process of developing further implementation guidance for grantees regarding compliance with this provision and the process for requesting a waiver of these provisions.

Section 1604 of the Recovery Act contained language that significantly expanded the applicability of Davis-Bacon Act labor standards provisions to CDBG-R funded construction work. Please be advised that Section 1205 of the Supplemental Appropriations Act signed by President Obama on June 24, 2009, repealed the applicability of Section 1604 of the Recovery Act to CDBG-R activities. All CDBG-R funded construction activities are now subject to the same labor standard provisions that apply to regular (annual formula) CDBG funding, pursuant to Section 110 of the Housing and Community Development Act of 1974, as amended.

Grantees are reminded that all first-tier subrecipients and contractors, as well as the grantee itself, are required to have or obtain a DUNS number, and to register with the Central Contractor Registration (CCR). Registration information for the Central Contractor Registry can be found at: <http://www.ccr.gov/startregistration.aspx>. DUNS number registration information can be obtained at: http://www.grants.gov/applicants/request_duns_number.jsp.

Grantees are reminded that they must include their DUNS number in box 2 of the Form HUD-7082 grant agreement in order for the HUD's Chief Financial Officer staff to process the grant agreement and provide access to the CDBG-R funds via IDIS. CDBG-R grant agreements that do not have a DUNS number will not be processed until a DUNS number is supplied to the HUD field office by the grantee. The same requirements apply to provision of the grantee's tax identification number which is to be specified in box 3 of the HUD-7082.

If you have any questions or require any assistance, please contact Rhonda Shannon, Community Planning and Development Representative, at (501) 918-5732. We look forward to working with you and your staff throughout the coming year.

Sincerely,



Alice Rufus
Field Office Director

Enclosures

cc:

Ms. Danielle Semsrott

City of Fayetteville Staff Review Form

A. 4
 Bid # 09-53 Refuse Roll-Off Truck
 Page 1 of 4

City Council Agenda Items
 and
 Contracts, Leases or Agreements

9/1/09
~~8/18/2009~~

City Council Meeting Date
 Agenda Items Only

Dennis Pratt / Barbara Olsen
 Submitted By

Fleet Operations
 Division

Transportation
 Department

Action Required:

A resolution approving Bid #09-53 to _____, in the amount of _____ for the purchase of one Refuse Roll-off truck for use by the Solid Waste Division, and approval of a budget adjustment to recognize revenue from the insurance payment and to move funds to the Fleet expense account.

_____	\$ 221,000.00	Solid Waste Vehicles & Equipment
Cost of this request	Category / Project Budget	Program Category / Project Name
9700.1920.5802.00	\$ 220,890.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02082.2009	\$ 110.00	Shop Fund
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐Budget Adjustment Attached ☒

Ty 2 Gully 7-31-09
 Department Director Date

Previous Ordinance or Resolution # _____

D. P. White 8/5/09
 City Attorney Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Beck 8-5-2009
 Finance and Internal Services Director Date

Received in City
 Clerk's Office



Ann Marie 8/5/09
 Chief of Staff Date

Received in
 Mayor's Office



Donald J. ... 8/5/09
 Mayor Date

Comments:



FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701
(479) 444-3495 FAX (479) 444-3425



Roll-Off Truck

Interdepartmental Correspondence

TO: MAYOR/CITY COUNCIL

THRU: TERRY GULLEY, DIRECTOR OF TRANSPORTATION

FROM: DENNIS PRATT, FLEET OPERATIONS SUPT. *[Signature]*

DATE: JULY 31, 2009

SUBJECT: PURCHASE OF ONE REFUSE ROLL-OFF TRUCK

RECOMMENDATION: That City Council approve the purchase of one refuse roll-off truck for use by Solid Waste Division from the lowest responsible bidder, and approve the budget adjustment to move funds to the Fleet expense account.

BACKGROUND: Roll-off truck #480 was in an accident. The insurance adjuster has inspected the truck.

Bid #09-53 will be opened on August 11th, 2009 at 10:00 AM. After bid opening on August 11th, Fleet will submit a new Staff Review form, detailed bid tab sheet, purchase order request and Budget Adjustment to the City Clerk's office for distribution at the Agenda session.

Fleet is requesting permission to purchase the lowest bid that meets specs.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #09-53 AND APPROVING THE PURCHASE OF ONE (1) REFUSE ROLL-OFF TRUCK FROM XXXXXXXXXX IN THE AMOUNT OF \$XXX,XXX.XX FOR USE BY THE SOLID WASTE DIVISION; AND APPROVING A BUDGET ADJUSTMENT.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #09-53 and approves the purchase of one (1) refuse roll-off truck from xxxxxxxxxx in the amount of \$xxx,xxx.xx for use by the Solid Waste Division.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of xx,xxx.xx recognizing revenue from an insurance payment.

PASSED and APPROVED this 18th day of August, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville Staff Review Form

A. 5
Enforcing Underage Drinking
Laws Mini-Grant
Page 1 of 16

City Council Agenda Items and Contracts, Leases or Agreements

9/1/09

~~8/18/2009~~

City Council Meeting Date
Agenda Items Only

G Tabor
Submitted By

Patrol
Division

Police
Department

Action Required:

Approval of the non-matching grant award for Enforcing Underage Drinking Laws Grant and budget adjustment in the amount of \$7,000.

\$ 7,000.00
Cost of this request

\$ -
Category / Project Budget

Underage Drinking Prevention Grant
Program Category / Project Name

1010-2920-5120.00
Account Number

\$ -
Funds Used to Date

Grant
Program / Project Category Name

08068-0901
Project Number

\$ -
Remaining Balance

General
Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☒

Department Director

Date

Previous Ordinance or Resolution #

City Attorney

Date

Original Contract Date:

Original Contract Number:

Finance and Internal Services Director

Date

Received in City
Clerk's Office

Chief of Staff

Date

Received in
Mayor's Office

Mayor

Date

Comments:



Departmental Correspondence

To: Mayor Lioneld Jordan and City Council Members
From: Greg Tabor, Police Chief 
Date: August 5, 2009
Re: **Enforcing Underage Drinking Laws Mini-Grant**

Background

The Fayetteville Police Department, historically, is one of the area's leading law enforcement agencies on enforcing underage drinking laws. The department works closely with the Arkansas State Alcoholic Beverage Control Division to monitor local establishments in the sale and consumption of alcoholic beverages to minors. The department conducts regular checks throughout the year involving several officers inspecting a number of alcohol permitted outlets.

Discussion

The Office of Intergovernmental Services Division of the Arkansas Department of Finance and Administration has awarded a mini-grant in the amount of \$7,000.00 to the Fayetteville Police Department to enforce underage drinking laws. The Fayetteville Police Department will use these funds to offset the expenditure of a number of details to monitor and inspect alcohol permitted outlets in the enforcement of underage drinking laws throughout the year. This is a reimbursement grant with no matching funds required.

Recommendation

Staff recommends approval the non-matching grant award for Enforcing Underage Drinking Laws and a budget adjustment in the amount of \$7,000.

Budget Impact

None

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE ENFORCING THE UNDERAGE DRINKING LAWS MINI-GRANT FROM THE ARKANSAS DEPARTMENT OF FINANCE & ADMINISTRATION IN THE AMOUNT OF \$7,000.00; AND APPROVING A BUDGET ADJUSTMENT RECOGNIZING THE GRANT 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 accepts the Enforcing the Underage Drinking Laws Mini-Grant from the Arkansas Department of Finance & Administration in the amount of \$7,000.00.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment recognizing the grant revenue.

PASSED and APPROVED this 18th day of August, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



STATE OF ARKANSAS

OFFICE OF INTERGOVERNMENTAL SERVICES

Department of Finance
and Administration

1515 West Seventh Street, Suite 400
Post Office Box 8031
Little Rock, Arkansas 72203-8031
Phone: (501) 682-1074
Fax: (501) 682-5206
<http://www.arkansas.gov/dfa/igs>

July 31, 2009

Notification of Award

FY 2010 Enforcing the Underage Drinking Laws Grant

Fayetteville Police Department

Dear Ms. Judy Cohea:

The Arkansas Department of Finance and Administration, Office of Intergovernmental Services (DFA-IGS) is pleased to announce that your application for a mini-grant in the amount of \$7,000 has been approved. The award period will run from July 1, 2009 to May 30, 2010.

Award Acceptance

Receipt of the award is contingent on the following:

- a. All Attachments must be signed (in blue ink) by your Authorized Official (agency head) and returned to DFA-IGS by August 10.
 - 1) Attachment 1 (*acknowledgement and acceptance*)
 - 2) Attachment 2 (*approved itemized budget*)
 - 3) Contact information for your designated Agent who will manage the mini-grant and for at least one additional alternate contact must also be provided in Attachment 1.
 - 4) Attachment 3 (certifications regarding lobbying)
 - 5) Attachment 4 (certification regarding debarment)
 - 6) Attachment 5 (assurances)
 - 7) Attachment 6 (contract and grant disclosure/certification form)

Acceptance of the award indicates the Authorized Official's:

- a. Acknowledgement that the requirements for this award and all Attachments are understood and accepted.
- b. Agreement with the terms and conditions contained herein.
- c. Acceptance of and agreement to comply with federal and state laws and requirements governing the EUDL grant. [Office of Justice Programs Financial Guide may be accessed via the internet at <http://www.ojp.usdoj.gov/financialguide/index.htm>]
- d. Understanding that all costs are reimbursement only. Actual cost must be paid by grantee prior to requesting reimbursement.

Reporting Requirements

Reimbursement requests are due monthly no later than the 5th of the month and a final reimbursement request is due no later than June 5, 2010. Quarterly progress reports are due by: October 5, 2009; January 5, 2010; April 6, 2010; and June 5, 2010.

Failure to submit these reports by the deadline may result in a cancellation of this award or only partial reimbursement. A report is required even if no activities were performed within the reporting period.

Reimbursement will be issued only for the specific items and services indicated in the approved budget. To ensure full reimbursement, detailed receipts must be attached to the reimbursement request. To receive reimbursement for promotional items, copies or samples must be submitted with the reimbursement request. One original (signed in blue ink) and an electronic version of the monthly and quarterly reports must be submitted.

Mail original report to:

Parunta Brown
DFA Office of Intergovernmental Services
1515 West 7th Street, Suite 400
PO Box 8031
Little Rock, Arkansas 72201-8031

Submit electronic copy to parunta.brown@dfa.arkansas.gov

DFA-IGS Acknowledgement

Monthly reimbursement and *Quarterly progress report* forms will be provided to mini-grant recipient upon DFA-IGS receipt of Attachments 1 through 5.

Terms and Conditions

- a) The Mini-grant Recipient shall not discriminate against any participant in the performance of this award because of race, creed, color, disability, national origin, sex, religion or marital status.
- b) Expenditures will be reimbursed in accordance with the approved budget.
- c) Reimbursement Invoices will be submitted by the 5th of each month for expenditures made in the previous month.
- d) Final request for reimbursement will be submitted by June 5, 2010.
- e) Quarterly Progress Reports will be submitted by the 5th or 6th day of the following month after the quarter's end: October 5, 2009; January 5, 2010; April 6, 2010; and June 5, 2010.
- f) Minors will be compensated at a rate of pay no higher than \$10.00 per hour.*

- g) Officers will be compensated at a rate of pay no higher than \$25.00 per hour. Officers will not be compensated for court time.*
- h) Compensation for mileage will be reimbursed at \$.42 cents a mile (or highest rate approved by the State).*

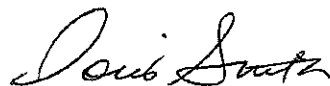
*Items reimbursed only if they are in the approved budget.

DFA-IGS Contact

Should you have any questions or concerns throughout your grant period, please contact Parunta Brown at: (501) 682-3766 or by email at parunta.brown@dfa.arkansas.gov.

Congratulations once again on your award.

Sincerely,



Doris Smith
Assistant Administrator
DFA Office of Intergovernmental Services

Mail completed documents (Attachments 1 through 5) to:

Parunta Brown
DFA Office of Intergovernmental Services
1515 West 7th Street, Suite 400
PO Box 8031
Little Rock, Arkansas 72201-8031

Attachment 1

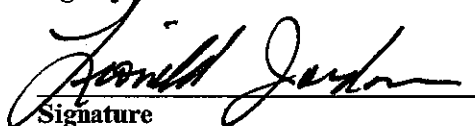
**Grantee Acknowledgement of EUDL Grant Requirements
and Restrictions**

I, Lioneld Jordan, agency head for City of Fayetteville, AR
acknowledge the specific requirements outlined in the *Notification of Award*.

I will ensure the timely submission of all reports and will ensure the reimbursement requests are
submitted only for qualified expenses and for only the approved amounts as outlined in the
Approved Budget.

Contact Information: 100-a W Rock St. Fayetteville, AR 72701

Lioneld Jordan
Agency Head- Printed Name


Signature

Mayor
Title

8/10/09
Date

Authorized Agent/Award Manager contact information:

Name: Rick Crisman

Title: Corporal, COP Division

Phone: 479-575-8341

Other: rcrisman@ci.fayetteville.ar.us

Alternate Person contact information: (at least one required)

Name: Greg Tabor

Title: Police Chief

Phone: 479-587-3500

Other: gtabor@ci.fayetteville.ar.us

Name: Judy Cohea

Title: Fiscal Officer

Phone: 479-587-3581

Other: jcohea@ci.fayetteville.ar.us



**ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION
OFFICE OF INTERGOVERNMENTAL SERVICES
ENFORCING UNDERAGE DRINKING LAWS**

MINI-GRANT BUDGET SPREADSHEET

Applicant Name	City of Fayetteville
Project Name	
Sub-grant award date	Sub-grant award amount
July 15, 2009 to May 15, 2010	\$7,000

Alcohol Patrols/ Bar Patrols

	Individual Line Item (amounts)
Officers overtime (6 hours x 6 officers) @ \$25 per hour	\$900.0
Officers overtime (6 hours x 6 officers) @ \$25 per hour	\$900.0
Officers overtime (6 hours x 6 officers) @ \$25 per hour	\$900.0
Officers overtime (6 hours x 6 officers) @ \$25 per hour	\$900.0
Officers overtime (6 hours x 6 officers) @ \$25 per hour	\$900.0
Officers overtime (6 hours x 6 officers) @ \$25 per hour	\$900.0
TOTAL CATEGORY AMOUNT	\$5,400.0

Compliance Checks

	Individual Line Item (amounts)
Once a month for 8 months/ 4 hrs each @ \$25.00/hr	\$1,600.0
<List line item>	\$0.0
<List line item>	\$0.0
<List line item>	\$0.0
<List line item>	\$0.0
TOTAL CATEGORY AMOUNT	\$1,600.0

<Insert Category Header>

	Individual Line Item (amounts)
<List line item>	\$0.0
<List line item>	\$0.0
<List line item>	\$0.0
<List line item>	\$0.0
<List line item>	\$0.0
<List line item>	\$0.0
TOTAL CATEGORY AMOUNT	\$0.0

<Insert Category Header>

	Individual Line Item (amounts)
<List line item>	\$0.0
<List line item>	\$0.0
<List line item>	\$0.0
<List line item>	\$0.0
<List line item>	\$0.0
<List line item>	\$0.0
TOTAL CATEGORY AMOUNT	\$0.0

TOTAL OF ALL CATEGORY AMOUNTS **\$7,000.0**



U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE COMPTROLLER

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) 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 any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) 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 grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510—

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment 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 had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620—

A. The applicant 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 on-going 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 10 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: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. 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)

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

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check ☐ if the State has elected to complete OJP Form 4061/7.

**DRUG-FREE WORKPLACE
(GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620—

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. Grantee Name and Address:

City of Fayetteville, Arkansas 100-a W. Rock St., Fayetteville, AR 72701

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

Enforce Underage Drinking Laws

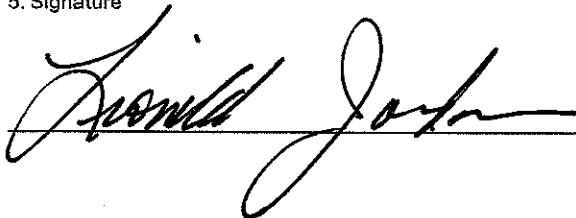
71-6018462

4. Typed Name and Title of Authorized Representative

Lioneld Jordan, Mayor

5. Signature

6. Date



8/19/09



U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE COMPTROLLER

**Certification Regarding
Debarment, Suspension, Ineligibility and Voluntary Exclusion
Lower Tier Covered Transactions
(Sub-Recipient)**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 28 CFR Part 67, Section 67.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 *Federal Register* (pages 19160-19211).

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Lioneld Jordan, Mayor

Name and Title of Authorized Representative


Signature

8/10/09
Date

City of Fayetteville, Arkansas

Name of Organization

100-a W. Rock St., Fayetteville, AR 72701

Address of Organization

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposes," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549.

5. The prospective lower tier participant agrees by submitting this proposal 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 with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it 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 check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of reports 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.

9. Except for transactions authorized under paragraph 5 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 with which this transaction originated may pursue available remedies, including suspension and/or debarment.



ASSURANCES

The Applicant hereby assures and certifies compliance with all Federal statutes, regulations, policies, guidelines, and requirements, including OMB Circulars No. A-21, A-87, A-110, A-122, A-133; E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements – 28 CFR, Part 66, Common Rule, that govern the application, acceptance and use of Federal funds for this federally assisted project. Also the Applicant assures and certifies that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurance contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It ensures that individuals with limited English proficiency (LEP) will be provided access to its program and activities.
3. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally – assisted programs.
4. It will comply with provisions of Federal law which limit certain political activities of employees of a State or local unit of government whose principal employment is in connection with an activity financed in whole or part by Federal grants or subgrants. (5 USC 1501, et. seq.)
5. It will comply with the minimum wage and maximum hours provision of the Federal and State Fair Labor Standards Act if applicable.
6. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
7. It will give the Department of Finance and Administration, or the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the subgrant.
8. It will comply with all requirements imposed by the Federal sponsoring agency or the Department of Finance and Administration concerning special requirements of law, program requirements, and other administrative requirements.
9. It will ensure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Department of Finance and Administration and the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
10. It will comply with the flood insurance purchase requirements of Section 102 (a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976, Section 102 (a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
11. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470), Executive Order 11593, and the Archeological and Historical Preservation Act of 1966 (16 USC 569 a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
12. It will comply, and assure the compliance of all its subgrantees and contractors, with the applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provisions of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1; and all other applicable Federal laws, orders, circulars, or regulations.
13. It will comply with the provisions of 28 CFR applicable to grants and cooperative agreements including Part 18, Administrative Review Procedure; Part 20 Criminal Justice Information Systems; Part 22 Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30 Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination/Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs.

14. It will comply, and all its contractors, with the nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789 (d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Subtitle A, Title II of the Americans with Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C, D, E, and G; and Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39.
15. In the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Department of Finance and Administration, Office of Intergovernmental Services.
16. It will provide an Equal Employment Opportunity Program if required to maintain one, where the application is for \$500,000 or more.
17. It will comply with the provisions of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.
18. Will comply, as applicable, with provisions of the Hatch Act (5 USC 1501-1508 and 7324-7328) which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
19. 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" and Department of Finance and Administration audit requirements.
20. It will have complete and well-organized books, records and other original documentation relating to any and all subgrant expenditures, reimbursement or payment claims, receipt of funds, personnel employed, services rendered, individuals served, and all other records pertinent to the subgrant award. Furthermore, its bookkeeping shall be adequate to track the receipt and expenditure of all organizational funds, separately. It shall also maintain a functioning internal control structure which includes accounting and service delivery procedures that segregate subgrant funds from other organization funds and services.
21. It will provide for fund accounting, auditing, monitoring and evaluation procedures, as necessary to keep such records as the Department of Finance and Administration shall prescribe, to assure fiscal control, proper fund management and effective disbursement of funds received under the subgrant award.
22. No income eligibility standard will be imposed on individuals receiving assistance or services supported with funds appropriated or designated to carry out the subgrant project.
23. Subgrant funds made available under this subaward will not be used as direct payment of cash or any other monetary transaction with any victim or dependent of a victim for any purpose.
24. It will not, and all its subgrantees and contractors will not, hire illegal aliens.
25. That the address or location of any shelter-facility assisted under the subgrant project will not be made public, except with the written authorization of the person or persons responsible for the operation of such shelter.
26. It will comply with the Department of Finance and Administration, Office of Intergovernmental Services, Subgrant Administration Guide (June 2002, as amended, or its successor).
27. It will comply, and assure the compliance of all its subgrantees and contractors, with the disclosure required by Governor's Executive Order 98-04 and acknowledges that disclosure is a condition of the subgrant award and that the Department of Finance and Administration cannot enter into any such subgrant award for which disclosure is not made.
- Failure to make any disclosure required by Governor's Executive Order 98-04, or any violation of any rule, regulation, or policy adopted pursuant to that Order, shall be a material breach of the terms of a subgrant award. Any subgrantee who fails to make the required disclosure or who violates any rule, regulation, or policy shall be subject to all legal remedies available to the Department of Finance and Administration.
28. Public Law 103227, Part C Environmental Tobacco Smoke, also known as the Pro Children Act of 1994, requires that smoking not be permitted in any portion of any indoor routinely owned or leased or contracted for by an entity and used routinely or regularly for provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or Local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000 per day and/or the imposition of an administrative compliance order on the responsible entity.

Signature of Authorized Official / Date

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

A. 5
Enforcing Underage Drinking
Laws Mini-Grant

Page 15 of 16

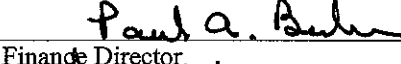
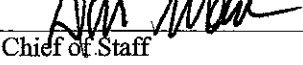
Budget Year 2009	Department: Police Division: Police Program: Police/Animal Projects	Date Requested 8/18/2009	Adjustment Number
-------------------------	---	---------------------------------	-------------------

Project or Item Added/Increased: Recognize 2009-2010 Enforce Underage Drinking Laws grant from the State of Arkansas Department of Finance and Administration.	Project or Item Deleted/Reduced:
Justification of this Increase: This grant is a non-matching reimbursement grant for the purpose of reducing underage drinking in Fayetteville, Arkansas	Justification of this Decrease:

Account Name		Increase Budget Account Number				Amount	Project Number	
Personnel Services - Contra		1010	2920	5120	00	7,000	08068	0901

Account Name		Decrease Budget Account Number				Amount	Project Number	
State Grants - Operational		1010	0001	4302	01	7,000	08068	0901

V.090403

Division Head	Date
	8-7-09
Budget Director	Date
	8-7-09
Department Director	Date
	8-10-2009
Finance Director	Date
	8-10-09
Chief of Staff	Date

Budget & Research Use Only

Type: A B C D E

Requested By _____

General Ledger Date _____

Posted to General Ledger _____

Initial Date

City of Fayetteville Staff Review Form

A. 6
2009 Recovery Act Justice
Assistance Grant (JAG)
Page 1 of 26

City Council Agenda Items
and
Contracts, Leases or Agreements

9/1/09

8/18/2009

City Council Meeting Date
Agenda Items Only

G. Tabor
Submitted By

Patrol
Division

Police
Department

Action Required:

Acceptance of the non-matching 2009 Recovery Act Justice Assistance Grant (JAG) Local Solicitation award and approval of a budget adjustment in the amount of \$456,807.

\$ 456,807.00

Cost of this request

\$ 456,807.00

Category / Project Budget

JAG Recovery Solicitation - 2009

Program Category / Project Name

1010-2920-various

Account Number

\$ -

Funds Used to Date

Grant

Program / Project Category Name

09017-1

Project Number

\$ 456,807.00

Remaining Balance

General

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Finance and Internal Services Director

Date

Received in City
Clerk's Office

Chief of Staff

Date

Received in
Mayor's Office

Mayor

Date

Comments:



FAYETTEVILLE

A. 6
2009 Recovery Act Justice
Assistance Grant (JAG)
Page 2 of 26

THE CITY OF FAYETTEVILLE, ARKANSAS

POLICE DEPARTMENT

To: Lioneld Jordan, Mayor and Fayetteville City Council

From: Greg Tabor, Acting Chief of Police 

Date: August 7, 2009

Re: **Acceptance of 2009 Recovery Act Justice Assistance Grant Local Solicitation Award**

Background

The U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance has awarded the 2009 Recovery Act Justice Assistance Grant for local agencies. This award is based in part on population and violent crime rates and is given to Fayetteville, Springdale and Washington County to share. This grant does not require any local cash matching funds.

Discussion

The Fayetteville Police Department has been awarded \$207,129 for the purchase law enforcement equipment not funded in recent budgets. The largest portion of this grant award will be spent outfitting all of our patrol officers with Tasers. Tasers are a critical component of any officer's arsenal to effectively subdue aggravated suspects without subjecting our officers and/or suspects to physical injury. Tasers purchased by the Fayetteville Police Department will have video capabilities. Please see budget detail worksheet for complete listing of equipment to be purchased.

Within this grant, Springdale will receive \$160,765 to purchase six (6) fully equipped marked patrol vehicles. Washington County will receive \$88,913 to support the purchase of a fully equipped marked patrol vehicle, evidence drying cabinet, a breathe alcohol concentration (BAC) machine, and tasers for their field officers.

Recommendation

Staff recommends acceptance of the 2009 Recovery Act Justice Assistance Grant Local Solicitation award in the amount of \$456,807.00 for the purchase of law enforcement equipment. If you should have any comments or question regarding this grant application, please contact me at extension 500.

Budget Impact

None

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE FAYETTEVILLE POLICE DEPARTMENT TO ACCEPT A 2009 NON-MATCHING RECOVERY ACT JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF \$456,807.00, \$207,129.00 OF WHICH WILL BE USED BY THE FAYETTEVILLE POLICE DEPARTMENT FOR THE PURCHASE OF EQUIPMENT WITH \$106,765.00 TO BE DISBURSED TO THE CITY OF SPRINGDALE AND \$88,913.00 TO WASHINGTON COUNTY; AND APPROVING A BUDGET ADJUSTMENT RECOGNIZING THE GRANT 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 the Fayetteville Police Department to accept a 2009 non-matching Recovery Act Justice Assistance Grant in the amount of \$456,807.00, \$207,129.00 of which will be used by the Fayetteville Police Department for the purchase of equipment, with \$106,765.00 to be disbursed to the City of Springdale, and \$88,913.00 to Washington County.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment recognizing the grant revenue.

PASSED and APPROVED this 18th day of August, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Budget Detail Worksheet

<u>Item</u>	<u>Computaiton</u>	<u>Cost</u>	<u>Total</u>
D. Equipment			
<u>City of Fayetteville</u>			
Accident Reconstruction Equipment	1 @ \$2,000 plus tax	\$ 2,185.00	
Cannondale Police Mountain Bikes	9 @ \$1,700 plus tax	16,299.25	
Joint Firing Range Equipment	1 @ \$2,500 plus tax	2,731.25	
Tint Meters	2 @ \$145 plus tax	316.83	
Bar Code Upgrade	1 @ \$5,000 plus tax	5,381.25	
Cop Logic Software	1 @ \$17,000 plus tax	18,101.25	
EDMS Software	1 @ \$6,000 plus tax	6,441.25	
VIDMICS	4 @ \$700 plus tax	3,049.25	
Forensic video enhancement software	1 @ \$17,000 plus tax	18,101.25	
Kid Print ID System	1 @ \$7,588 plus tax	8,124.52	
L-tron Scanners	30 @ \$450 plus tax	14,391.25	
Policy Management Software	1 @ \$16,415 plus tax	17,481.15	
K-9	1 @ \$9,000 plus tax	9,621.25	
Mp5 Rifles	7 @ \$1,792 plus tax	13,377.89	
Taser Cameras	48 @ \$400 plus tax	20,433.25	
Tasers X26	48 @ \$975 plus tax	49,689.25	
	Total Fayetteville Equipment	\$ 205,725.14	
<u>City of Springdale</u>			
Marked Patrol Vehicles	6 @ \$26,794.16	\$ 160,765.00	
	Total Springdale Equipment	\$ 160,765.00	
<u>Washington County Sheriffs Office</u>			
Marked Patrol Vehicle	1 @ \$26,794.16	\$ 26,794.16	
Breathe Alcohol Concentration (BAC) Machine	1 @ \$7,535 plus tax	8,068.35	
Tasers X26 w/ Cameras	32 @ \$1,375 plus tax	48,070.00	
Criminal Evidence Drying Cabinet	1 @ \$5,565.32 plus tax	5,980.49	
	Total Washington County Equipment	\$ 88,913.00	
	Total Equipment	\$ 455,403.14	
E. Supplies			
<u>City of Fayetteville</u>			
Evidence Drying Cabinet Filter	2 @ \$500 plus tax	1,092.50	
Evidence Drying Cabinet Filter-HEPA	1 @ \$285 plus tax	311.36	
	Total Fayetteville Supplies	1,403.86	
	Total Supplies	\$ 1,403.86	
Budget Total		\$ 456,807.00	

Budget Narrative (Attachment 2)

A. Personnel

None

B. Fringe Benefits

None

C. Travel

None

D. Equipment

City of Fayetteville

Accident Reconstruction Equipment \$2,000 plus tax \$2,185.00

The Fayetteville Police Department will utilize \$2,000 of grant funds to purchase accident reconstruction equipment, including but not limited to roller tape measures, fiberglass tape measures, spray paint, chalk, laptop computer, and accident diagramming software, to assist in diagramming both serious and fatal injury accident scenes. This equipment will also be used to investigate, diagram, and document other crime scenes such as homicides, rapes, robberies and other serious felonies.

Police Mountain Bicycles 9 @ \$1,700 plus tax \$16,299.25

The Fayetteville Police Department Bike Patrol Unit was established in 1996 with officers responsible for patrolling our entertainment, downtown, park, trails and merchant areas on Cannondale police equipped mountain bikes. Our current bicycle fleet is thirteen years old and in need of replacement in order to continue this program. Nine (9) Cannondale Police Mountain Bicycles will be purchased for \$1,700 each resulting in a total cost of \$16,299.25 including tax.

Joint Firing Range Equipment \$2,500 plus tax \$2,731.25

Joint Firing Range Equipment items to be purchased with these grant funds include a dueling tree target system, a portable hostage target, a portable plate rack target system, and a portable popper target. All of these items are the same brand system that Washington County Sheriffs Office has in place and all of these items will work with the current target systems. These targets are heavy duty and made from T-500 grade steel and are very bullet resistant to eliminate ricochets. The purchase of these targets will have a total cost of \$2,731.25.

Tint Meters 2 @ \$145 plus tax \$316.83

Window tint meters will be utilized by Fayetteville police officers who are responsible for traffic enforcement. These devices will assist officers in accurately determining the lawful levels of light transmission for motor vehicles with tinted windows as prescribed by Arkansas Code Annotated 27-37-306. Two (2) Window Tint Meters will be purchased for a total tax included cost of \$316.83.

Bar Code Scanner Upgrade \$5,000 plus tax \$5,381.25

The bar code upgrade is a system upgrade to our current evidence bar code scanning system. Our current scanners are no longer in production and support for repairs is limited. The cost for this upgrade is \$5,381.25.

CopLogic Software \$17,000 plus tax \$18,101.25

CopLogic software is a desk officer online reporting system that offers citizens a convenient way to report minor incidents, crime tips, submit forms, etc. through an online service available 24 hours a day, 7 days a week and increases officer efficiency. This software and licenses will have a total purchase price of \$18,101.25.

EDMS Software License \$6,000 plus tax \$6,441.25

The Police Department has begun to make use of the City's Electronic Data Management System (EDMS) for digitally storing and indexing items previously handled in paper format only by sharing a software license with our Accounting Office. These EDMS items include arrests, warrants, tickets, officer daily reports, and payroll. These grant funds will be used to purchase a EDMS software users license dedicated to the Police Department for a total purchase price of \$6,441.25.

VIDMICS 4 @ \$700 plus tax \$3,049.25

The VIDMIC is a fully operational shoulder microphone, still photo camera, and digital audio/video recorder wrapped into one device. The VIDMIC will be utilized by Fayetteville police officers for documentation and accountability. Grant funds will be used to purchase four (4) VIDMICs at a total purchase price of \$3,049.25.

Forensic Video Enhancement \$17,000 plus tax \$18,101.25

The forensic video enhancement system will allow investigators to enhance images of surveillance photographs and video. The system will have the ability to change a VHS or 35mm image format to digital and then enhance the images. The purchase of this system will cost a total of \$18,101.25.

Kid Print ID System \$7,588 plus tax \$8,124.52

The Kid's ID Print System has been in use by the Fayetteville Police Department for over seven years, and can not be updated nor maintained. This is a highly used system that provides identification of over 600 children per year. \$8,124.52 of grant funds will be used to purchase a new system so that this program can continue.

L-tron Scanners 30 @ \$450 plus tax \$14,391.25

L-tron scanners are hand-held 2-D bar code scanners used to retrieve data for populating electronic data fields within our e-Ticketing System and accident reporting forms. Funds will be used to purchase one scanner for each of our 30 patrol vehicles at a total cost of \$14,391.25.

Policy Management Software \$16,415 plus tax \$17,481.15

With well over one hundred sworn officers, policy revisions have become a laborious endeavor involving tasks by several people. Policy management software will enable the review and revision process to be completed in a less timely and more efficient manner. The total cost for this system will be \$17,481.15.

K-9 \$9,000 plus tax \$9,621.25

The Fayetteville Police Department K-9s are utilized to assist police officers to track suspects, search for articles or evidence of a crime, conduct building searches, assist in the arrest or apprehension of felons, search for lost persons, and detect the presence of narcotics. One of our dogs is scheduled to retire in 2009 due to age and health issues, and this K-9 will need to be replaced in order to continue this program. The \$9,621.25 cost of the K-9 includes training of the dog and its' handler.

Tactical Team Weapons 7 @ \$1,792 plus tax \$13,377.89

Our tactical team weapons are over 10 years old and are in need of replacement. These grant funds will be used to purchase seven (7) MP5 or AR15 Rifles at a total cost of \$13,377.89

Taser Cameras 48 @ \$400 plus tax \$20,433.25

The Taser Cam will be used by Fayetteville police officers as a means of documentation and accountability each time the Taser X26 weapon is utilized. Forty-eight (48) Taser Cams will be purchased at a total cost of \$20,433.25.

Tasers X26 48 @ \$975 plus tax \$49,689.25

The Taser X26 is designed to incapacitate suspects by transmitting electrical pulses into the body affecting the sensory and motor functions of the peripheral nervous system. This weapon will be assigned to uniformed personnel, and the Taser X26 will help reduce injuries to both suspects and our law enforcement officers. Total costs to purchase forty-eight (48) Taser X26's will be \$49,689.25.

City of Springdale

Marked Patrol Vehicles 6 @ \$26,794.16 \$160,765.00

All of Springdale's \$160,765 in grant funding will be used to purchase six (6) new fully equipped marked patrol vehicles. These vehicles are replacements, and not an addition to our fleet. With these replacement vehicles, Springdale should see a savings in fuel and maintenance costs along with a reduction in our carbon footprint in the city.

Washington County

Marked Patrol Vehicle 1 @ \$26,794.16 \$26,794.16

As stated above, the fully equipped marked patrol vehicle will cost \$26,794.16.

BAC Machine 1 @ \$7,535 plus tax \$8,068.35

The Breathe Alcohol Concentration (BAC) machine is an unfunded mandated upgrade by the State of Arkansas and will cost Washington County a total of \$8,068.35.

None



Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

Office of Justice Programs

Washington, D.C. 20531

August 6, 2009

The Honorable Lioneld Jordan
City of Fayetteville
100-A West Rock Street
Fayetteville, AR 72701

Dear Mayor Jordan:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 09 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program Local Solicitation in the amount of \$456,807 for City of Fayetteville.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Gerardo Velazquez, Program Manager at (202) 353-8645; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature of James H. Burch II, written in dark ink, is located below the word "Sincerely,".

James H. Burch II
Acting Director

Enclosures



Department of Justice
Office of Justice Programs
Office for Civil Rights

Washington, D.C. 20531

August 6, 2009

The Honorable Lioneld Jordan
City of Fayetteville
100-A West Rock Street
Fayetteville, AR 72701

Dear Mayor Jordan:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of Federal funding compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statute regulations. We at OCR are available to help you and your organization meet the civil rights requirements that come with Justice Department funding.

Ensuring Access to Federally Assisted Programs

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services and benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services and benefits.

Providing Services to Limited English Proficiency (LEP) Individuals

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at <http://www.lep.gov>.

Ensuring Equal Treatment for Faith-Based Organizations

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separate from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see the OJP website at <http://www.ojp.usdoj.gov/ocr/ctfbo.htm>.

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering religion in employment decisions by grantees.

Enforcing Civil Rights Laws

All recipients of Federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients who are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

Complying with the Safe Streets Act or Program Requirements

In addition to these general prohibitions, an organization which is a recipient of financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, 42 U.S.C. § 3789d(c), or other Federal grant program requirements, must meet two additional requirements: (1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEOP), 28 C.F.R. § 42.301-308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. §§ 42.205(5) or 31.202(5)).

1) Meeting the EEOP Requirement

In accordance with Federal regulations, Assurance No. 6 in the Standard Assurances, COPS Assurance No. 8.B, or certain Federal grant program requirements, your organization must comply with the following EEOP reporting requirements:

If your organization has received an award for \$500,000 or more and has 50 or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare an EEOP and submit it to OCR for review **within 60 days from date of this letter**. For assistance in developing an EEOP, please consult OCR's website at <http://www.ojp.usdoj.gov/ocr/eeop.htm>. You may also request technical assistance from an EEOP specialist at OCR by dialing (202) 616-3208.

If your organization received an award between \$25,000 and \$500,000 and has 50 or more employees, your organization still has to prepare an EEOP, but it does not have to submit the EEOP to OCR for review. Instead, your organization has to maintain the EEOP on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

If your organization received an award for less than \$25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEOP requirement. However, your organization must complete Section A of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

2) Submitting Findings of Discrimination

In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR for review.

Ensuring the Compliance of Subrecipients

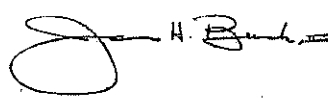
If your organization makes subawards to other agencies, you are responsible for assuring that subrecipients also comply with all of the applicable Federal civil rights laws, including the requirements pertaining to developing and submitting an EEOP, reporting Findings of Discrimination, and providing language services to LEP persons. State agencies that make subawards must have in place standard procedures and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients.

If we can assist you in any way in fulfilling your civil rights responsibilities as a recipient of Federal funding, please call OCR at (202) 606-9090 or visit our website at <http://www.ojp.usdoj.gov/ocr/>.

Sincerely,



Michael L. Alston
Director

 Department of Justice Office of Justice Programs Bureau of Justice Assistance	Grant	PAGE 1 OF 9																
1. RECIPIENT NAME AND ADDRESS (Including Zip Code) City of Fayetteville 100-A West Rock Street Fayetteville, AR 72701	4. AWARD NUMBER: 2009-SB-B9-2950 5. PROJECT PERIOD: FROM 03/01/2009 TO 02/28/2013 BUDGET PERIOD: FROM 03/01/2009 TO 02/28/2013																	
1A. GRANTEE IRS/VENDOR NO. 716018462	6. AWARD DATE 08/06/2009 8. SUPPLEMENT NUMBER 00 9. PREVIOUS AWARD AMOUNT \$ 0	7. ACTION Initial																
3. PROJECT TITLE 2009 JAG Local Solicitation	10. AMOUNT OF THIS AWARD \$ 456,807 11. TOTAL AWARD \$ 456,807																	
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).																		
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY09 Recovery Act (BJA-Byrne JAG) Pub. L. No. 111-5, 42 USC 3750-3758																		
15. METHOD OF PAYMENT PAPRS																		
AGENCY APPROVAL GRANTEE ACCEPTANCE																		
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL James H. Burch II Acting Director	18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Lioneld Jordan Mayor																	
17. SIGNATURE OF APPROVING OFFICIAL 	19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL	19A. DATE																
AGENCY USE ONLY																		
20. ACCOUNTING CLASSIFICATION CODES <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>FISCAL YEAR</th> <th>FUND CODE</th> <th>BUD. ACT.</th> <th>OFC.</th> <th>DIV. REG.</th> <th>SUB.</th> <th>POMS</th> <th>AMOUNT</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">9</td> <td style="text-align: center;">B</td> <td style="text-align: center;">SB</td> <td style="text-align: center;">80</td> <td style="text-align: center;">00</td> <td style="text-align: center;">00</td> <td></td> <td style="text-align: right;">456807</td> </tr> </tbody> </table>	FISCAL YEAR	FUND CODE	BUD. ACT.	OFC.	DIV. REG.	SUB.	POMS	AMOUNT	9	B	SB	80	00	00		456807	21. ISBUGT2566	
FISCAL YEAR	FUND CODE	BUD. ACT.	OFC.	DIV. REG.	SUB.	POMS	AMOUNT											
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PROJECT NUMBER 2009-SB-B9-2950

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SPECIAL CONDITIONS

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

mail:

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

e-mail: oig.hotline@usdoj.gov

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

or hotline fax: (202) 616-9881

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

6. **RECOVERY ACT – Conflict with Other Standard Terms and Conditions**
The recipient understands and agrees that all other terms and conditions contained in this award, or in applicable OJP grant policy statements or guidance, apply unless they conflict or are superseded by the terms and conditions included here that specifically implement the American Recovery and Reinvestment Act of 2009, Public Law 111-5 ("ARRA" or "Recovery Act") requirements. Recipients are responsible for contacting their grant managers for any needed clarifications.



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SPECIAL CONDITIONS

7. The grantee agrees to assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, the grantee agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the grantee agrees to contact BJA.

The grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:

- New construction;
- Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The grantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at [website], for programs relating to methamphetamine laboratory operations.

Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

8. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdiction, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.
9. The grantee agrees to comply with all reporting, data collection and evaluation requirements, as prescribed by law and detailed by the BJA in program guidance for the Justice Assistance Grant (JAG) Program. Compliance with these requirements will be monitored by BJA.
10. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.



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SPECIAL CONDITIONS

11. The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See http://www.ojp.gov/about/ocr/equal_fbo.htm.
12. The recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <http://www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046>.
13. The recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.
14. **RECOVERY ACT - JAG - Trust Fund**
The recipient is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of either the Edward Byrne Memorial Justice Assistance Grant Program (JAG) or Recovery JAG Program. The recipient also agrees to obligate and expend the grant funds in the trust fund (including any interest earned) during the period of the grant. Grant funds (including any interest earned) not expended by the end of the grant period must be returned to the Bureau of Justice Assistance no later than 90 days after the end of the grant period, along with the final submission of the Financial Status Report (SF-269).
15. **RECOVERY ACT – Access to Records; Interviews**
The recipient understands and agrees that DOJ (including OJP and the Office of the Inspector General (OIG)), and its representatives, and the Government Accountability Office (GAO), shall have access to and the right to examine all records (including, but not limited to, books, papers, and documents) related to this Recovery Act award, including such records of any subrecipient, contractor, or subcontractor.

The recipient also understands and agrees that DOJ and the GAO are authorized to interview any officer or employee of the recipient (or of any subrecipient, contractor, or subcontractor) regarding transactions related to this Recovery Act award.
16. **RECOVERY ACT – One-time funding**
The recipient understands and agrees that awards under the Recovery Act will be one-time awards and accordingly that its proposed project activities and deliverables are to be accomplished without additional DOJ funding.



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17. RECOVERY ACT – Separate Tracking and Reporting of Recovery Act Funds and Outcomes

The recipient agrees to track, account for, and report on all funds from this Recovery Act award (including specific outcomes and benefits attributable to Recovery Act funds) separately from all other funds, including DOJ award funds from non-Recovery Act awards awarded for the same or similar purposes or programs. (Recovery Act funds may be used in conjunction with other funding as necessary to complete projects, but tracking and reporting of Recovery Act funds must be separate.)

Accordingly, the accounting systems of the recipient and all subrecipients must ensure that funds from this Recovery Act award are not commingled with funds from any other source.

The recipient further agrees that all personnel (including subrecipient personnel) whose activities are to be charged to the award will maintain timesheets to document hours worked for activities related to this award and non-award-related activities.

18. RECOVERY ACT – Subawards – Monitoring

The recipient agrees to monitor subawards under this Recovery Act award in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the OJP Financial Guide, and to include the applicable conditions of this award in any subaward. The recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of Recovery Act funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

19. RECOVERY ACT – Subawards – DUNS and CCR for Reporting

The recipient agrees to work with its first-tier subrecipients (if any) to ensure that, no later than the due date of the recipient's first quarterly report after a subaward is made, the subrecipient has a valid DUNS profile and has an active registration with the Central Contractor Registration (CCR) database.

20. RECOVERY ACT - Quarterly Financial Reports

The recipient agrees to submit quarterly financial status reports to OJP. At present, these reports are to be submitted on-line (at <https://grants.ojp.usdoj.gov>) using Standard Form SF 269A, not later than 45 days after the end of each calendar quarter. The recipient understands that after October 15, 2009, OJP will discontinue its use of the SF 269A, and will require award recipients to submit quarterly financial status reports within 30 days after the end of each calendar quarter, using the government-wide Standard Form 425 Federal Financial Report form (available for viewing at www.whitehouse.gov/omb/grants/standard_forms/ffr.pdf). Beginning with the report for the fourth calendar quarter of 2009 (and continuing thereafter), the recipient agrees that it will submit quarterly financial status reports to OJP on-line (at <https://grants.ojp.usdoj.gov>) using the SF 425 Federal Financial Report form, not later than 30 days after the end of each calendar quarter. The final report shall be submitted not later than 90 days following the end of the grant period.



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21. RECOVERY ACT – Recovery Act Transactions Listed in Schedule of Expenditures of Federal Awards and Recipient Responsibilities for Informing Subrecipients

(a) The recipient agrees to maintain records that identify adequately the source and application of Recovery Act funds, to maximize the transparency and accountability of funds authorized under the Recovery Act as required by the Act and in accordance with 2 CFR 215.21, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations" and OMB A-102 Common Rules provisions (relating to Grants and Cooperative Agreements with State and Local Governments).

(b) The recipient agrees to separately identify the expenditures for Federal awards under the Recovery Act on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF-SAC) required by OMB Circular A-133. This condition only applies if the recipient is covered by the Single Audit Act Amendments of 1996 and OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations." This shall be accomplished by identifying expenditures for Federal awards made under the Recovery Act separately on the SEFA, and as separate rows under Item 9 of Part III on the SF-SAC by CFDA number, and inclusion of the prefix "ARRA-" in identifying the name of the Federal program on the SEFA and as the first characters in Item 9d of Part III on the SF-SAC.

(c) The recipient agrees to separately identify to each subrecipient the Federal award number, CFDA number, and amount of Recovery Act funds, and to document this identification both at the time of subaward and at the time of disbursement of funds. When a recipient awards Recovery Act funds for an existing program, the information furnished to subrecipients shall distinguish the subawards of incremental Recovery Act funds from regular subawards under the existing program.

(d) The recipient agrees to require its subrecipients to specifically identify Recovery Act funding on their SEFA information, similar to the requirements for the recipient SEFA described above. This information is needed to allow the recipient to properly monitor subrecipient expenditure of Recovery Act funds as well as facilitate oversight by the Federal awarding agencies, the DOJ OIG, and the GAO.

22. RECOVERY ACT – Reporting and Registration Requirements under Section 1512 of the Recovery Act.

(a) This award requires the recipient to complete projects or activities which are funded under the Recovery Act and to report on use of Recovery Act funds provided through this award. Information from these reports will be made available to the public.

(b) The reports are due no later than ten calendar days after each calendar quarter in which the recipient receives the assistance award funded in whole or in part by the Recovery Act.

(c) Recipients and their first-tier recipients must maintain current registrations in the Central Contractor Registration (www.ccr.gov) at all times during which they have active federal awards funded with Recovery Act funds. A Dun and Bradstreet Data Universal Numbering System (DUNS) Number (www.dnb.com) is one of the requirements for registration in the Central Contractor Registration.

(d) The recipient shall report the information described in section 1512(c) of the Recovery Act using the reporting instructions and data elements that will be provided online at www.FederalReporting.gov and ensure that any information that is pre-filled is corrected or updated as needed.



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23. RECOVERY ACT – Provisions of Section 1512(c)

The recipient understands that section 1512(c) of the Recovery Act provides as follows:

Recipient Reports- Not later than 10 days after the end of each calendar quarter, each recipient that received recovery funds from a Federal agency shall submit a report to that agency that contains--

- (1) the total amount of recovery funds received from that agency;
- (2) the amount of recovery funds received that were expended or obligated to projects or activities; and
- (3) a detailed list of all projects or activities for which recovery funds were expended or obligated, including--
 - (A) the name of the project or activity;
 - (B) a description of the project or activity;
 - (C) an evaluation of the completion status of the project or activity;
 - (D) an estimate of the number of jobs created and the number of jobs retained by the project or activity; and
 - (E) for infrastructure investments made by state and local governments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment with funds made available under this Act, and name of the person to contact at the agency if there are concerns with the infrastructure investment.
- (4) Detailed information on any subcontracts or subgrants awarded by the recipient to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282), allowing aggregate reporting on awards below \$25,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.

24. RECOVERY ACT – Protecting State and Local Government and Contractor Whistleblowers (Recovery Act, section 1553)

The recipient recognizes that the Recovery Act provides certain protections against reprisals for employees of non-Federal employers who disclose information reasonably believed to be evidence of gross management, gross waste, substantial and specific danger to public health or safety, abuse of authority, or violations of law related to contracts or grants using Recovery Act funds. For additional information, refer to section 1553 of the Recovery Act. The text of Recovery Act is available at www.ojp.usdoj.gov/recovery.

25. RECOVERY ACT – Limit on Funds (Recovery Act, section 1604)

The recipient agrees that none of the funds under this award may be used by any State or local government, or any private entity, for construction costs or any other support of any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.

26. RECOVERY ACT – Infrastructure Investment (Recovery Act, sections 1511 and 1602)

The recipient agrees that it may not use any funds made available under this Recovery Act award for infrastructure investment absent submission of a satisfactory certification under section 1511 of the Recovery Act. Should the recipient decide to use funds for infrastructure investment subsequent to award, the recipient must submit appropriate certifications under section 1511 of the Recovery Act and receive prior approval from OJP. In seeking such approval, the recipient shall give preference to activities that can be started and completed expeditiously, and shall use award funds in a manner that maximizes job creation and economic benefits. The text of the Recovery Act (including sections 1511 and 1602) is available at www.ojp.usdoj.gov/recovery.



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27. RECOVERY ACT – Buy American Notification (Recovery Act, section 1605)

The recipient understands that this award is subject to the provisions of section 1605 of the Recovery Act (“Buy American”). No award funds may be used for iron, steel, or manufactured goods for a project for the construction, alteration, maintenance, or repair of a public building or public work, unless the recipient provides advance written notification to the OJP program office, and a Grant Adjustment Notice is issued that modifies this special condition to add government-wide standard conditions (anticipated to be published in subpart B of 2 C.F.R. part 176) that further implement the specific requirements or exceptions of section 1605.

Section 1605 of the Recovery Act prohibits use of any Recovery Act funds for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States, subject to certain exceptions, including United States obligations under international agreements.

For purposes of this special condition, the following definitions apply:

“Public building” and “public work” means a public building of, and a public work of, a governmental entity (the United States; the District of Columbia; commonwealths, territories, and minor outlying islands of the United States; State and local governments; and multi-State, regional, or interstate entities which have governmental functions). These buildings and works may include, without limitation, bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, heavy generators, railways, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, and canals, and the construction, alteration, maintenance, or repair of such buildings and works.

“Manufactured good” means a good brought to the construction site for incorporation into the building or work that has been--

- (1) Processed into a specific form and shape; or
- (2) Combined with other raw material to create a material that has different properties than the properties of the individual raw materials.

“Steel” means an alloy that includes at least 50 percent iron, between .02 and 2 percent carbon, and may include other elements.

For purposes of OJP grants, projects involving construction, alteration, maintenance, or repair of jails, detention facilities, prisons, public crime victims’ shelters, police facilities, or other similar projects will likely trigger this provision.

NOTE: The recipient is encouraged to contact the OJP program manager – in advance – with any questions concerning this condition, including its applicability to particular circumstances.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 9 OF 9

PROJECT NUMBER 2009-SB-B9-2950

AWARD DATE 08/06/2009

SPECIAL CONDITIONS

28. **RECOVERY ACT – Wage Rate Requirements under Section 1606 of the Recovery Act**
(a) Section 1606 of the Recovery Act requires that all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to the Recovery Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.
- Pursuant to Reorganization Plan No. 14 and the Copeland Act, 40 U.S.C. 3145, the Department of Labor has issued regulations at 29 CFR Parts 1, 3, and 5 to implement the Davis-Bacon and related Acts. Regulations in 29 CFR 5.5 instruct agencies concerning application of the standard Davis-Bacon contract clauses set forth in that section. The standard Davis-Bacon contract clauses found in 29 CFR 5.5(a) are to be incorporated in any covered contracts made under this award that are in excess of \$2,000 for construction, alteration or repair (including painting and decorating).
- (b) For additional guidance on the wage rate requirements of section 1606, contact your awarding agency. Recipients of grants, cooperative agreements and loans should direct their initial inquiries concerning the application of Davis-Bacon requirements to a particular federally assisted project to the Federal agency funding the project. The Secretary of Labor retains final coverage authority under Reorganization Plan Number 14.
29. **RECOVERY ACT – NEPA and Related Laws**
The recipient understands that all OJP awards are subject to the National Environmental Policy Act (NEPA, 42 U.S.C. section 4321 et seq.) and other related Federal laws (including the National Historic Preservation Act), if applicable. The recipient agrees to assist OJP in carrying out its responsibilities under NEPA and related laws, if the recipient plans to use Recovery Act funds (directly or through subaward or contract) to undertake any activity that triggers these requirements, such as renovation or construction. (See 28 C.F.R. Part 61, App. D.) The recipient also agrees to comply with all Federal, State, and local environmental laws and regulations applicable to the development and implementation of the activities to be funded under this award.
30. **RECOVERY ACT – Misuse of award funds**
The recipient understands and agrees that misuse of award funds may result in a range of penalties, including suspension of current and future funds, suspension or debarment from federal grants, recoupment of monies provided under an award, and civil and/or criminal penalties.
31. **RECOVERY ACT – Additional Requirements and Guidance**
The recipient agrees to comply with any modifications or additional requirements that may be imposed by law and future OJP (including government-wide) guidance and clarifications of Recovery Act requirements.
32. **RECOVERY ACT - JAG - Delinquent section 1512(c) reports**
The recipient acknowledges that it has certified that it will comply with all reporting requirements under section 1512(c) of the Recovery Act. (An online reporting mechanism is anticipated to be available for award recipient use by October 10, 2009.) Further to this certification, a failure to comply with the section 1512(c) reporting requirements may, in addition to other penalties, subject the recipient to the following:
(1) After failure to report section 1512(c) data for two consecutive reporting periods, the recipient may be— (a) precluded from drawing down funds under any OJP award, and/or (b) deemed ineligible for future discretionary OJP awards, until such time as the recipient becomes current in its section 1512(c) reporting obligations; and
(2) After failure to report section 1512(c) data for three consecutive reporting periods, the recipient, upon written demand of the Director of BJA, shall return to OJP any unexpended award funds (including any unexpended interest earned on award funds) within 15 calendar days of the date of the demand notice. Thereafter, the recipient's award shall be converted to a cost-reimbursable grant until such time as the recipient becomes current in its section 1512(c) reporting obligations, and remains current for not less than two additional consecutive reporting periods.



Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

Washington, D.C. 20531

Memorandum To: Official Grant File

From: Maria A. Berry, NEPA Coordinator

Subject: Incorporates NEPA Compliance in Further Developmental Stages for City of Fayetteville

The Recovery Act emphasizes the importance of compliance with the National Environmental Policy Act (NEPA) in the use of public funds. The Recovery Act - Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, some of which could have environmental impacts. All recipients of JAG funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a subgrantee or third party. Accordingly, prior to obligating funds for any of the specified activities, the grantee must first determine if any of the specified activities will be funded by the grant.

The specified activities requiring environmental analysis are:

- a. New construction;
- b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. For more information about Mitigation Plan requirements,

please see <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>.

Please be sure to carefully review the grant conditions on your award document, as it may contain more specific information about environmental compliance.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

GRANT MANAGER'S MEMORANDUM, PT. I: PROJECT SUMMARY

Grant

PROJECT NUMBER

2009-SB-B9-2950

PAGE 1 OF 1

This project is supported under FY09 Recovery Act (BJA-Byrne JAG) Pub. L. No. 111-5, 42 USC 3750-3758

1. STAFF CONTACT (Name & telephone number)

Gerardo Velazquez
(202) 353-8645

2. PROJECT DIRECTOR (Name, address & telephone number)

Judy Cohea
Project Manager
100-A West Rock Street
Fayetteville, AR 72701-6191
(479) 587-3581

3a. TITLE OF THE PROGRAM

BJA FY 09 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program Local Solicitation

3b. POMS CODE (SEE INSTRUCTIONS
ON REVERSE)

4. TITLE OF PROJECT

2009 JAG Local Solicitation

5. NAME & ADDRESS OF GRANTEE

City of Fayetteville
100-A West Rock Street
Fayetteville, AR 72701

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 03/01/2009 TO: 02/28/2013

8. BUDGET PERIOD

FROM: 03/01/2009 TO: 02/28/2013

9. AMOUNT OF AWARD

\$ 456,807

10. DATE OF AWARD

08/06/2009

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

This grant program is authorized by the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (the "Recovery Act") and by 42 U.S.C. 3751(a). The stated purposes of the Recovery Act are: to preserve and create jobs and promote economic recovery; to assist those most impacted by the recession; to provide investments needed to increase economic efficiency by spurring technological advances in science and health; to invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; and to stabilize state and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases. The Recovery Act places great emphasis on accountability and transparency in the use of taxpayer dollars.

Among other things, it creates a new Recovery Accountability and Transparency Board and a new website – Recovery.gov – to provide information to the public, including access to detailed information on grants and contracts made with Recovery Act funds.

The Justice Assistance Grant (JAG) Program funded under the Recovery Act is the primary provider of federal criminal justice funding to state and local jurisdictions. Recovery JAG funds support all components of the criminal justice system, from multi-jurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives. Recovery JAG funded projects may address crime through the provision of services directly to individuals and/or communities and by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures.

The disparate jurisdictions Fayetteville City, Springdale City, and Washington County will use their Recovery Act JAG funds to support both cities' police departments, and the Washington County Sheriff's Department. The Fayetteville Police Department will purchase accident reconstruction equipment, nine mountain bicycles, firing range equipment, seven rifles, 48 tasers, 48 taser cameras, one canine, and a variety of law enforcement equipment and software. The city of Springdale will purchase six marked patrol vehicles. The Washington County Sheriff's Department will purchase 1 marked patrol vehicle, one Breathe Alcohol Concentration (BAC) Machine, 32 tasers with cameras and one Criminal Evidence Drying Cabinet. The projects will increase officer safety and assist allow officers to serve the general public more efficiently.

NCA/NCF

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

A. 6
2009 Recovery Act Justice
Assistance Grant (JAG)
Page 25 of 26

Budget Year 2009	Department: Police Division: Police Program: Police/Animal Projects	Date Requested 8/18/2009	Adjustment Number
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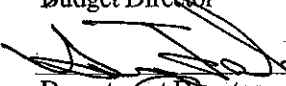
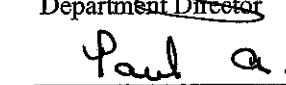
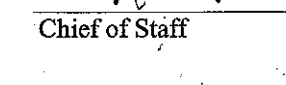
Project or Item Added/Increased: 2009 Recovery Act Justice Assistance Grant (JAG) Local Solicitation	Project or Item Deleted/Reduced: 2009 Recovery Act Justice Assistance Grant (JAG) Local Solicitation
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Justification of this Increase: Non-matching grant funds for the purchase of law enforcement equipment.	Justification of this Decrease: Recognize grant revenue from the 2009 Recovery Act JAG Local Solicitation award.
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Increase Budget			
Account Name	Account Number	Amount	Project Number
		see attached	

Decrease Budget			
Account Name	Account Number	Amount	Project Number
		see attached	

V.090403

Division Head 	Date 8-16-09
Budget Director 	Date 8-17-09
Department Director 	Date 8-16-2009
Finance Director 	Date 8-10-09
Chief of Staff 	Date

Budget & Research Use Only				
Type:	A	B	C	<u>D</u> E
Requested By				
General Ledger Date				
Posted to General Ledger				
	Initial	Date		

Page 1 of 5C:\Users\wnewman\AppData\Local\Microsoft\Windows\Temporary Internet Files\Low\Content.IE5\0323JQGS\7330B69D-10DC-D425-CE4485F87D532BAD\1

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

September 1, 2009
City Council Meeting Date

Chris Brown

Submitted By

Engineering

Division

Development Services

Department

participate *DSW*
Action Required:

A resolution to ~~partner~~ with the University of Arkansas Cooperative Extension Service to provide in-kind match for an Arkansas Natural Resources Commission grant titled "Clear Creek Riparian Management Education & Demonstration Project".

\$ 1,000.00

Cost of this request

\$ 45,171.00

Category / Project Budget

Forestry Safety/ADA Compliance

Program Category / Project Name

4470.9470.5220.00

Account Number

\$ 9,946.88

Funds Used to Date

Sales Tax Capital Improvements

Program / Project Category Name

02045.1

Project Number

\$ 35,224.12

Remaining Balance

Sales Tax

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

James C. Pate
Department Director

08-13-2009
Date

Previous Ordinance or Resolution #

Original Contract Date:

D. J. White
City Attorney

8/18/09
Date

Original Contract Number:

Maria L. Hestwood
Finance and Internal Service Director

8/18/09
Date

Received in City Clerk's Office

8-13-09

ENTERED

Jim Mann
Chief of Staff

8-18-09
Date

Received in Mayor's Office

Donald Jordan
Mayor

8/18/09
Date

ENTERED

8-18-09 BAP

City Council Meeting of September 1, 2009

CITY COUNCIL AGENDA

To: Mayor and City Council

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

From: Sarah Wrede, Staff Engineer *SW*

Date: August 13, 2009

Subject: A resolution to partner with the University of Arkansas Cooperative Extension Service to provide in-kind match for an Arkansas Natural Resources Commission grant titled "Clear Creek Riparian Management Education & Demonstration Project".

RECOMMENDATION

Staff recommends approval of a resolution to partner with the University of Arkansas Cooperative Extension Service to provide in-kind match for an Arkansas Natural Resources Commission grant titled "Clear Creek Riparian Management Education & Demonstration Project".

BACKGROUND

The University of Arkansas Cooperative Extension Service applied and was selected for this grant. The objective of the project is to raise awareness and knowledge of the importance of riparian areas and incite individual management actions through public outreach, education, and demonstration programs.

The City's Nutrient Reduction Plan recommends that the City implement a Riparian Buffer Ordinance. The educational materials, outreach, and education strategy utilized in this grant will assist the City in implementation of an ordinance.

DISCUSSION:

The City's in-kind match contribution will be made up of staff time from GIS, Urban Forestry, Planning, and Engineering staff to develop and implement a riparian buffer ordinance, collaborate on education program promotions, and support creek cleanups and riparian plantings through promotion, volunteer coordination, recycling and roll-off collection/hauling, and tree seedlings; public volunteer hours in the form of riparian plantings, creek cleanups, and ordinance development, and tree plantings in the Clear Creek watershed valuing \$1,000. The total value of the City match is \$22,593.

The project work plan is attached. The project is expected to be completed in August of 2011.

BUDGET IMPACT

Funding for the tree planting (\$1,000) will be provided by the Urban Forestry Program. The remainder of the City's participation will be in the form of in-kind services.

RESOLUTION NO. _____

A RESOLUTION APPROVING THE CITY OF FAYETTEVILLE'S PARTICIPATION IN THE CLEAR CREEK RIPARIAN MANAGEMENT EDUCATION & DEMONSTRATION PROJECT IN ASSOCIATION WITH THE UNIVERSITY OF ARKANSAS COOPERATIVE EXTENSION SERVICE.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the City of Fayetteville's participation in the Clear Creek Riparian Management Education & Demonstration Project in association with the University of Arkansas Cooperative Extension Service.

PASSED and APPROVED this 1st day of September, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Nonpoint Source Summary Page Project # FY 09-1200 CWA Section 319(h)

1. **Title of Project:** Clear Creek Riparian Management Education & Demonstration Project
2. **Project Goals/Objectives:** Raise Clear Creek Sub-Basin residents' awareness and knowledge of the importance of riparian areas and incite individual management actions through public outreach, education, and demonstration programs.
3. **Project Tasks:** 1) Financial Review, 2) Planning and Input; 3) Individual Landowner Riparian Assessments; 4) Riparian Management Implementation; 5) Public Outreach and Education; 6) Technology Transfer; 7) Reporting
4. **Measures of Success:** This project will be considered a success if educational materials, processes and programs (including a riparian resource management guide, landowner assessments and public meetings, riparian management demonstrations, riparian management workshops, riparian steward recognition programs, and a riparian corridor protection ordinance) are developed for replication throughout the Illinois River and Beaver Lake Watersheds along with documented increases in riparian awareness, knowledge and voluntary BMP implementation actions.
5. **Project Type:** Statewide () Watershed (X) Demonstration (X)
6. **Waterbody Type:** River () Groundwater () Other () Creek (X)
7. **Project Location:** The Clear Creek Watershed (Hydrologic Unit Code 1111010302)
8. **NPS Management Program Reference:** Agriculture - Objectives 4.10, 4.11, 4.12.; Silviculture - Objectives 5.1, 5.3; Surface Erosion - Objectives 7.9, 7.10; and Household and Business Activities, Objective 8.8
9. **NPS Assessment Report Status:** Impaired (X) Impacted () Threatened ()
10. **Key Project Activities:** Hire Staff (X) Monitoring () Technical Assistance () Education (X) BMP Implementation (X) Demonstration Project (X) Other () Planning (X)
11. **NPS Management Program Elements:** Objectives 4.10-1.12: Direct technical assistance to landowners in targeted watersheds giving emphasis to developing new conservation plans and areas that connect established riparian corridors... provide and improve extensive education and training to promote BMP implementation to acquaint landowners with the conservation practices most effective in reducing runoff, sediment detachment and transport, including riparian zone management... and encourage landowners to establish riparian buffer strips, grass drainage ways, stabilize streambanks, and restore riparian areas; Objectives 5.1 and 5.3: Develop additional mechanisms for delivering BMP implementation training targeted at private non-industrial landowners and continue to promote incentives for landowners to increase voluntary BMP implementation; Objectives 7.9-7.10: Develop education programs for landowners and developers concerning proper stream corridor management and for professionals concerning stream corridor restoration practices and promote tax credits, cost share and other incentive programs that are available for riparian zone and stream corridor restoration projects; Objective 8.8: Continue to maintain and implement broad-based education programs aimed at increasing awareness and disseminating best management practices to urban and rural households and businesses.
12. **Project Costs:** Federal \$250,000 State/Local \$188,598 Total (\$438,598)
13. **Project Management:** University of Arkansas Cooperative Extension Service and a sub-contract with the City of Fayetteville
14. **Project Period:** July 1, 2009 – August 15, 2011

Project 09-1200
Clear Creek Riparian Management Education & Demonstration Project
FY 2009, CWA Section 319(h)

Introduction of Watershed Area

The Clear Creek Watershed (Hydrologic Unit Code 1111010302) is an impaired 49,590-acre sub-watershed of the 1,052,864-acre Illinois River Watershed (HUC 11110103). Beginning in urbanized areas of southeast Springdale and northeast Fayetteville, Clear Creek flows west through residential neighborhoods, city parks, commercial developments and eventually rural and agricultural lands along its 12-mile course to the Illinois River. Clear Creek is listed on the ADEQ 303(d) list as impaired due to excessive bacteria levels from urban sources, but nutrients, sediments, trash, and eroding stream banks are likely impacting the watershed as well.

Problem/Need Statement

Clear Creek is one of the most urbanized and populated sub-watersheds of the Illinois River. The population of this watershed has increased 50% and the total urban area has increased 43% from 1990 – 2000 and has likely increased even more since the last census. This population expansion has been accompanied by increases in commercial, residential, and industrial developments and infrastructure which have either eliminated, or degraded the quality of riparian buffers along the four sub-watersheds that comprise the Clear Creek Watershed (Lake Fayetteville Clear Creek, Mud Creek, Little Wildcat Creek, and Hamestring Creek). The depletion of an estimated 54% of functional riparian areas along approximately 700 properties throughout the Clear Creek Watershed has contributed to the loss of designated uses, in addition to reducing the natural pollutant buffering capacity, stream bank stability, stormwater velocity and volume reduction potential, aquatic wildlife habitat and other associated benefits that are provided by healthy riparian areas.

Since Clear Creek flows through land that is owned by individuals, private corporations, municipalities and townships in both rural and urban areas, this project provides a great opportunity to engage a broad cross-section of watershed stakeholders from all walks of life who own riparian lands to collaboratively improve the water quality of the creek through improved appreciation for and management of riparian buffers.

For nearly three decades, water quality issues in Northwest Arkansas have often focused solely on agricultural practices, wastewater effluent, or urban stormwater. This project provides a great opportunity to increase the unified ownership of water quality protection and improvement efforts among all stakeholder groups linked through shared riparian corridors.

In December 2008, the \$25 million Arkansas' Illinois River Watershed Conservation Reserve Enhancement Program (CREP) was announced as a partnership between USDA and the State of Arkansas that seeks to enroll 15,000 acres of eligible marginal pastureland and cropland in 14- to 15-year contracts along creeks and stream throughout the Upper Illinois River watershed. The project will support the establishment or restoration of riparian forest buffers and wildlife habitat buffers by planting native grasses, forbs, trees, and shrubs. The primary goals of the project are to enhance wildlife habitat and improve water quality by filtering agricultural runoff by removing nutrients, sediment, organic matter, pesticides, and other pollutants from surface runoff and subsurface flow, restoring native plant communities, stabilizing stream banks, reducing flood damage impacts, creating

shade to lower water temperature to improve habitat for aquatic organisms, and providing a source of detritus and large woody debris for aquatic organisms and habitat for wildlife.

The CREP project goal is to reduce the amount of sediments and nutrients entering streams from agricultural sources, and restore habitat for both terrestrial and aquatic species through a voluntary, incentive-based program. This 319 project will serve as a model, helping establish an effective protocol for engaging landowners in voluntary participation in the current Illinois CREP project as well as a potential CREP project in the Upper White River Watershed.

General Project Description:

The Clear Creek Watershed has undergone dramatic landuse changes due to rapid population growth and urbanization. The resulting decrease in riparian buffer areas along the main stream channel and most of its tributaries has caused physical, chemical and biological implications including accelerated stream bank erosion, increased urban pollutant loads, and loss of aquatic and terrestrial wildlife habitat. Therefore, a tremendous need has emerged to educate riparian landowners about the importance of management decisions and actions to maintain, restore, and preserve riparian buffers along waterways. Working directly with riparian landowners is critical as they are the last line of defense for keeping pollutants from reaching rivers. Based on scientific literature, it is estimated that riparian buffers can reduce sediment, phosphorus, and bacterial loads by up to 70%. Load reduction estimates for this project are expected to be similar but may vary from site to site. Load reductions will be based on measured, documented riparian restoration and improvement BMPs implemented on the 700 targeted properties along the banks of Clear Creek and its major tributaries. The educational products and processes developed through this project will serve as a pilot for additional water quality improvements to be made by other watershed stakeholders through a diffusion of ideas and information across neighborhoods, business communities, and municipal entities.

The intent of this project is to develop watershed ownership and incite urban, rural, and municipal riparian stewardship actions among the residents of the Clear Creek Watershed. The priorities of the project are to:

- Identify and engage riparian land owners to assess their knowledge/understanding of riparian buffer functions and associated benefits for improving and maintaining water quality
- Conduct riparian area assessments and encourage each landowner to consider options to protect/improve their riparian area(s)
- Implement riparian management/improvement demonstrations
- Develop a series of riparian management outreach and education resources including a riparian management resource guide for statewide use
- Support the City of Fayetteville in adding a "Riparian Corridor Protection" ordinance to the its municipal code
- Establish a riparian stewardship recognition program

In this project, the University of Arkansas Cooperative Extension Service will partner with the City of Fayetteville and the Illinois River Watershed Partnership as well as other neighborhood, watershed, and conservation organizations to engage all riparian landowners along each of the four sub-watersheds that comprise the Clear Creek Watershed. Working collaboratively with these organizations will greatly enhance this project, support complementary efforts currently underway by these conservation groups, and will ensure continuance long after the project funding has concluded.

To measure the impacts of this outreach, education, and capacity building project, stakeholder interviews and riparian assessments will be made prior to and after education, outreach, and capacity-building efforts have taken place. Conservation easements, riparian restorations, and other best management practices and changes in behavior will also be documented and quantified.

Year 1

All riparian landowners will be identified, engaged, and presented with riparian educational materials regarding preservation, restoration, or best management of riparian areas at watershed workshops and individual site visits. These landowners will also be encouraged to take advantage of available cost-share programs, tax incentive programs, and/or technical assistance to begin to enhance their riparian management practices. All stakeholder programming will utilize focus groups and partnerships with other agencies and conservation groups to have the most locally-relevant and effective program outreach and education approaches. Additionally, riparian planting demonstrations, creek cleanups, creek walks, and documentation of baseline data will begin.

Year 2

Stakeholder educational programming will continue to expand, measureable changes in knowledge and riparian management BMP implementation will be documented, and a riparian ordinance for the City of Fayetteville will be crafted. Remaining educational materials will be finalized, riparian demonstrations will be completed and featured in conjunction with creek walks and creek cleanups/riparian planting events, and the riparian management (technology transfer) will be conducted.

To adhere to the schedule of tasks outlined in this workplan, County Agents will create and follow an Individual Plan of Work (IPOW) for each year of the project. Additionally, the County Staff Chair will hold weekly meetings to facilitate project progress and all project staff/partners will meet quarterly meetings to ensure all work is being completed according to the workplan.

The success of this project will be measured according to the number of participants who:

- gained new knowledge about riparian buffer characteristics and functions and BMPs to protect, improve and restore them
- altered attitudes concerning their role in riparian management
- utilize the riparian management assessment tool and resource guide
- the number/breadth of documented riparian management BMPs implemented

Project efforts will be sustained by the continued use of the educational materials developed, the outreach and education strategy utilized which will be utilized in the both the Watershed Management Plans and CREPs for the Illinois River and Upper White Watersheds, and through the riparian preservation ordinance established in Fayetteville.

Task 1: Financial Audit

Each year, in compliance with the required Legislative Audit, the financial audit report of the University of Arkansas System, which includes the Division of Agriculture and all its financial aspects for the current fiscal year regarding this project will be provided to ANRC. This statement will be prepared in accordance with generally accepted accounting principles as prescribed by the Governmental Accounting Standards Board (GASB).

Task 2: Planning and Input

Within each of the 4 sub-watersheds, identify and compile a landowner contact database for the approximately 700 properties that border Clear Creek and its major tributaries and collect stakeholder input through focus group meetings.

Task 3: Individual Landowner Riparian Assessments

Contact riparian landowners to assess the condition of their riparian areas, provide education on how to improve or maintain these areas, and connect these stakeholders with technical assistance for riparian BMP implementation.

Task 4: Riparian Management Implementation

Establish residential, municipal, and rural riparian management demonstrations and work with individual riparian property owners, conservation organizations, technical service providers, municipalities, communities, and University of Arkansas to encourage proper riparian management and maintain, restore, and preserve riparian areas of the Clear Creek Watershed.

Task 5: Public Outreach and Education

Public outreach and education will combine a grassroots-style synergistic effort with watershed, conservation, and municipal organizations with one-on-one individual contacts with property owners, school programs, educational creek walks, creek cleanups, riparian management workshops, the development of a riparian area management tool, and media releases.

Task 6: Technology Transfer

The successful methods for fostering participation, affecting public policy, and inciting BMP implementation among riparian landowners within the Clear Creek Watershed will be shared with other watershed and conservation organizations, county, state, and federal agencies. With the current CREP for the Illinois River and the anticipated CREP for the Upper White River Watershed, this project will serve as model for organizations and agencies that are working to affect conservation practices among riparian landowners from private, commercial, and municipal entities throughout the Illinois River and Beaver Lake Watershed. Furthermore this pilot approach to garnering measurable impacts can be replicated across the state of Arkansas and will be promoted regionally and nationally.

Task 7: Reporting: All reports will be prepared and submitted according to grant requirements.

1. Quarterly reports will be submitted utilizing the forms provided electronically by ANRC and will briefly state accomplishments made for each subtask.
2. Annual reports will be submitted to ANRC by October 1 of each year in which the project is/was active. The Annual Report will contain a summary of the BMP implementation documentation in addition to a narrative summary of the project activities that occurred in the previous Federal Fiscal year (October 1 – September 30).
3. A Final Report will be submitted to ANRC at the completion of the project. An executive summary as well as a final outcome and/or conclusion section will be included in the Final Report.

Tasks, Objectives, Subtasks, Schedules, Deliverables, and Estimated Costs

Task 1: Financial Review

Costs		
Federal	Non-Federal Match	Total
\$ 0	\$ 0	\$ 0

Objectives: Complete annual reviews of all financial records by a CPA following agreed upon procedures.

Subtask 1.1 Financial review year 1

Subtask 1.2 Financial review year 2

Deliverables:

1. Annual CPA reports of financial review

Task 2: Input and Planning

Costs		
Federal	Non-Federal Match	Total
\$ 29,000	\$ 32,000	\$ 61,000

Objectives: Identify and compile a database of all the riparian property owners of the Clear Creek Watershed as well as watershed, conservation, and municipal organizations to foster individual and group communication mechanisms and provide a method for tracking measurable results.

Subtask 2.1 Use the online GIS parcel data of the Washington County Assessor's Office to identify the landowners with riparian area along Clear Creek and its tributaries and build a riparian stakeholder database.

Subtask 2.2 Capitalize on the existing relationships of the University of Arkansas Cooperative Extension Service in Washington County to identify and coordinate with all active watershed, conservation, and municipal organizations that are working on complementary conservation programs and activities in and around the Clear Creek watershed.

Subtask 2.3 Utilize focus groups for the sub-watersheds of the Clear Creek Watershed to garner stakeholder input on effective outreach and education program development and empower stakeholders by providing them with a voice in the process of developing 1) a successful and locally-relevant riparian education program and 2) the City of Fayetteville's "Riparian Corridor Preservation" ordinance.

Deliverables:

1. Contact database
2. Focus group meeting minutes and sign-in sheets

Task 3: Individual Landowner Riparian Assessments

Costs		
Federal	Non-Federal Match	Total
\$ 28,500	\$ 17,000	\$ 45,500

Objectives: Conduct sub-watershed stakeholder meetings and meet with individual stakeholders to assess their knowledge of riparian buffer health and function in relation to water quality protection, flood control, and ecological diversity in addition to providing a riparian area assessment and education for restoring, improving, or preserving riparian areas on their property.

Subtask 3.1 Plan, announce, and conduct sub-watershed stakeholder meetings.

Subtask 3.2 Make individual contacts to assess knowledge, conduct riparian area assessments, provide educational materials and technical service provider contact information, and encourage voluntary riparian BMP actions.

Deliverables:

1. Meeting advertisement materials, agendas, program presentations, and stakeholder sign-in sheets
2. Knowledge assessment results and riparian assessment data
3. Photographs of focus group meetings and riparian conditions

Task 4: Riparian Management Implementation

Costs		
Federal	Non-Federal Match	Total
\$ 35,000	\$ 18,598	\$ 53,598

Objectives: Establish a riparian preservation ordinance, install riparian management demonstrations, and track improved landowner and municipal riparian management implementation

Subtask 4.1 Collaborate with the City of Fayetteville to develop and adopt a "Riparian Corridor Preservation" ordinance.

Subtask 4.2 Install riparian management demonstrations on a residential site, a municipal (trail) site, and a rural/agricultural site.

Subtask 4.3 Provide private, commercial, and municipal riparian landowners with riparian protection, improvement, and restoration educational materials based on their individual buffer area site assessments. Encourage voluntary actions to improve riparian areas and facilitate appropriate technical and/or financial assistance.

Subtask 4.4 Document actions that have been taken to restore, improve, or preserve riparian areas.

Deliverables:

1. "Riparian Corridor Preservation" ordinance
2. Assessment recommendations
3. Documented actions of riparian restoration, improvement, preservation and best management practices (including # and type of practices adopted, stream miles, acres)
4. Before and after photographs

Task 5: Public Outreach and Education

Costs		
Federal	Non-Federal Match	Total
\$ 85,000	\$ 94,000	\$ 179,000

Objective: Raise public awareness and provide education on the importance of riparian area functions to maintain and improve water quality, and increase the actions of riparian landowners to preserve, improve, and restore their riparian buffer areas.

Subtask 5.1 Develop and promote public awareness and education materials (including news articles, fact sheets, and public service announcements) that explain riparian area functions within a watershed and the importance of proper riparian area management to be utilized through individual contacts, conservation group, special interest group and municipal meetings, mass mailings, and mass media promotion.

Subtask 5.2 Coordinate watershed and conservation group riparian restoration and preservation activities with municipal planning boards and departments to conduct public meetings, educational creek walks/riparian management workshops, and youth programs.

Subtask 5.3 Collaborate with City of Fayetteville Parks and Recreation and conservation organizations on creek clean up and riparian tree planting events.

Subtask 5.4 Collaborate with State Extension faculty and UA Monticello Forestry Resources Center faculty to create a statewide riparian area self-assessment tool and riparian management resource guide.

Subtask 5.5 Utilize program evaluation tools to evaluate program impact on increasing awareness, knowledge, and actions of participants involved.

Deliverables:

1. Program dates, agendas, materials, and sign-in sheets
2. Numbers of participants and results of creek walks, creek cleanups, and the riparian management demonstration
3. Proof of coordination between watershed, conservation, and municipal entity's activities for a common purpose of riparian restoration and preservation
4. Riparian area self assessment and management tool
5. Photographs of participants at activities
6. Results of program evaluations

Task 6: Technology Transfer

Costs		
Federal	Non-Federal Match	Total
\$ 22,000	\$ 12,000	\$ 34,000

Objective: Disseminate effective methods of engaging watershed stakeholders in riparian management to neighboring watershed and conservation organizations and statewide agencies

Subtask 6.1 Conduct a workshop to share project methodologies, deliverables and impacts to watershed and conservation organizations in the Illinois River Watershed and Beaver Lake Watershed of the White River, and other watersheds in the state of Arkansas.

Subtask 6.2 Share successful techniques of garnering riparian management implementation within the Clear Creek Watershed statewide, regionally, and nationally.

Deliverables:

1. Transfer technology from within Clear Creek to watershed and conservation organizations
2. Transfer technology from within Clear Creek to other stakeholders in the greater Illinois River Watershed and Beaver Lake Watershed of the White River.

Task 7: Reporting

Costs		
Federal	Non-Federal Match	Total
\$ 50,500	\$ 15,000	\$ 65,500

Objective: Provide ASWCC information regarding the progress of this project on a quarterly and annual basis; further more provide a Final Report detailing the project.

Subtask 7.1 Quarterly Reports that include implementation documentation.

Subtask 7.2 Complete and deliver the Annual Reports.

Subtask 7.3 Complete and deliver the Final Report.

Deliverables:

1. Quarterly Reports with implementation documentation
2. Annual Reports submitted by October 1 each year of the project
3. Final Report at the conclusion of the project activities

Overall Schedule of Tasks and Outputs:

Task	Subtask Number	Description	Start Date	Completion Date
1	1.1	Year 1 Financial Review	7/1/09	7/1/10
	1.2	Year 2 Financial Review	7/1/10	7/1/11
2	2.1	Identify riparian landowners	7/1/09	9/30/09
	2.2	Establish partnerships	7/1/09	6/30/10
	2.3	Utilize focus groups	7/15/09	6/30/11
3	3.1	Conduct riparian stakeholder meetings	8/1/09	6/30/11
	3.2	Individual riparian assessments	8/1/09	6/30/11
4	4.1	Riparian Preservation ordinance	7/1/09	6/30/10
	4.2	Install riparian management demos	9/1/09	4/1/11
	4.3	Incite voluntary riparian improvements	8/1/09	6/30/11
	4.4	Document measurable changes	8/1/09	6/30/11
5	5.1	Develop riparian educational materials	7/1/09	12/31/10
	5.2	Conduct public education programs	7/1/09	6/30/11
	5.3	Clean up and riparian planting events	7/1/09	6/30/11
	5.4	Develop riparian assessment tool and resource guide	7/1/09	12/31/10
	5.5	Track measurable impacts	7/1/09	6/30/11
6	6.1	Conduct riparian workshop	3/15/11	5/30/11
	6.2	Present project success at conferences	9/15/10	6/30/11
7	7.1	Quarterly Reports	10/15/09	7/15/11
	7.2	Annual Reports	10/1/09	10/1/10
	7.3	Final Report	6/30/11	8/15/11

Schedule of Task and Outputs to be completed within 12 months of project start date

Year 1				
Task	Subtask Number	Description	Start Date	Completion Date
1	1.1	Year 1 Financial Review	7/1/09	7/1/10
2	2.1	Identify riparian landowners	7/1/09	9/30/09
	2.2	Establish partnerships	7/1/09	6/30/10
	2.3	Utilize focus groups	7/15/09	6/30/10
3	3.1	Conduct riparian stakeholder meetings	8/1/09	6/30/10
	3.2	Individual riparian assessments	8/1/09	6/30/10
4	4.1	Riparian Preservation ordinance	7/1/09	6/30/10
	4.2	Install riparian management demos	9/1/09	6/30/10
	4.3	Incite voluntary riparian improvements	8/1/09	6/30/10
	4.4	Document measurable changes	8/1/09	6/30/10
5	5.1	Develop riparian educational materials	7/1/09	6/30/10
	5.2	Conduct public education programs	7/1/09	6/30/10
	5.3	Clean up and riparian planting events	7/1/09	6/30/10
	5.4	Develop riparian assessment tool and resource guide	7/1/09	6/30/10
	5.5	Track measurable impacts	7/1/09	6/30/10
6	6.1	Quarterly Reports	10/15/09	4/15/10
	6.2	Annual Reports	10/1/09	10/1/09

Schedule of Task and Outputs to be completed within 24 months of project start date

Task	Subtask Number	Description	Start Date	Completion Date
1	1.1	Year 1 Financial Review	7/1/09	7/1/10
	1.2	Year 2 Financial Review	7/1/10	7/1/11
2	2.1	Identify riparian landowners	7/1/09	9/30/09
	2.2	Establish partnerships	7/1/09	6/30/11
	2.3	Utilize focus groups	7/15/09	6/30/11
3	3.1	Conduct riparian stakeholder meetings	8/1/09	6/30/11
	3.2	Individual riparian assessments	8/1/09	6/30/11
4	4.1	Riparian Preservation ordinance	7/1/09	6/30/10
	4.2	Install riparian management demos	9/1/09	4/1/11
	4.3	Incite voluntary riparian improvements	8/1/09	6/30/11
	4.4	Document measurable changes	8/1/09	6/30/11
5	5.1	Develop riparian educational materials	7/1/09	12/31/10
	5.2	Conduct public education programs	7/1/09	6/30/11
	5.3	Clean up and riparian planting events	7/1/09	6/30/11
	5.4	Develop riparian assessment tool and resource guide	7/1/09	12/31/10
	5.5	Track measurable impacts	7/1/09	6/30/11
6	6.1	Conduct riparian workshop	3/15/11	5/30/11
	6.2	Present project success at conferences	9/15/10	6/30/11
7	7.1	Quarterly Reports	10/15/09	7/15/11
	7.2	Annual Reports	10/1/09	10/1/10
	7.3	Final Report	6/30/11	8/15/11

Coordination, Roles and Responsibilities:

University of Arkansas Cooperative Extension Service: Overall project coordination, planning, materials development, educational program delivery, and evaluation of project progress and measurable results tracking, reporting, budget management (including tracking and documenting project match and sub-contract with the City of Fayetteville).

City of Fayetteville: Develop/institute a "Riparian Corridor Preservation" ordinance and collaborate on education program promotion and support creek cleanups/riparian plantings (promotion, volunteer coordination, recycling and roll-off collection/hauling, tree seedlings)

Public Participation:

Specifically, public involvement will take place through the project planning and evaluation work of the sub-watershed focus groups, through Fayetteville residents engaged in the development and passing of the "Riparian Corridor Preservation" ordinance, and public participation in educational programs, volunteers who work on creek clean-up and riparian planting events, and personal adoption of riparian BMP actions.

Measures of Success and Performance:

Project success will be measured according to the number of participants who:

- gained new knowledge about riparian buffer characteristics and functions and BMPs to protect, improve and restore them
- altered attitudes concerning their role in riparian management
- utilize the riparian management assessment tool and resource guide
- the number/breadth of documented riparian management BMPs implemented

Reference to Project in the NPS Management Program:

This project addresses both the long-term goals and objectives of the NPS Management Program. The specific objective of the NPS Management Program that best references this project is: Objective 7.9. Develop education programs for landowners and developers concerning proper stream corridor management and for professionals concerning stream corridor restoration practices.

Project Lead:

Katie Teague

University of Arkansas Cooperative Extension Service
2536 N. McConnell Ave.
Fayetteville, AR 72704
(479) 444-1755
kteague@uaex.edu

List of Appendices:

Appendix 1	Estimated Project Budget
Appendix 2	City of Fayetteville Budget
Appendix 3	Project Budget Justification Worksheet

Literature Cited:

Diebel M.W., Maxted, J.T. Robertson, D.M., Seungbong, H., and Zanden, J.V. (2008) Landscape Planning for Agricultural Nonpoint Source Pollution Reduction III: Assessing Phosphorus and Sediment Reduction Potential. *Environmental Management* 43:69-83.
<http://www.springerlink.com/content/mq5468n55l6j327j/>

Farm Services Agency Illinois River CREP Fact Sheet, January 2009.

http://www.fsa.usda.gov/FSA/newsReleases?area=home&subject=empl&topic=pfs&newstype=prf&actsheet&type=detail&item=pf_20090130_consv_en_arkirw.html

U.S. Census Bureau, Census 2000. <http://www.census.gov/main/www/cen2000.html>

U.S. Environmental Protection Agency, 2005 Riparian Buffer Width, Vegetative Cover, and Nitrogen Removal Effectiveness: A review of Current Science and Regulations
<http://www.epa.gov/nrmrl/pubs/600R05118/600R05118.pdf>

U.S. Environmental Protection Agency, Riparian/Forested Buffer Fact Sheet
http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=factsheet_results&view=specific&bmp=82

Appendix 1 Estimated Project Budget

Personnel	Salary	M/Yrs	Cost	Federal	Non Federal
County Extension Agents	\$ 48,926	2.96	\$ 144,820	\$ 91,351	\$ 53,469
Secretary	\$ 21,161	0.84	\$ 17,775	\$ 4,190	\$ 13,585
District/State Professional Faculty	\$ 80,826	0.78	\$ 63,044	\$ 0	\$ 63,044
Total, Personnel			\$ 225,639	\$ 95,541	\$ 130,098
Fringe Benefits 27.6%			\$ 62,276	\$ 26,369	\$ 35,907
Total Personnel including Fringe			\$ 287,915	\$ 121,910	\$166,005
Travel					
In-State			\$ 6,000	\$ 6,000	\$ 0
Out-of-State			\$ 2,000	\$ 2,000	\$ 0
Total Travel			\$ 8,000	\$ 8,000	\$ 0
Equipment			\$ 0	\$ 0	\$ 0
Supplies					
	Units	Unit Cost			
LCD Projector	1	\$ 1,500	\$ 1,500	\$ 1,500	\$ 0
Digital Camera	1	\$ 1,000	\$ 1,000	\$ 1,000	\$ 0
Hand-held GPS	1	\$ 1,000	\$ 1,000	\$ 1,000	\$ 0
Educational Materials			\$ 1,500	\$ 1,500	\$ 0
Materials and Supplies			\$ 3,500	\$ 3,500	\$ 0
Educational Signage			\$ 1,569	\$ 1,569	\$ 0
Training			\$ 3,500	\$ 3,500	\$ 0
Materials/Supplies					
Total Supplies			\$ 13,569	\$ 13,569	\$ 0
Contractual					
City of Fayetteville			\$ 22,593	\$ 0	\$ 22,593
Total Contractual			\$ 22,593	\$ 0	\$ 22,593
Printing					
Educational Brochures and Flyers			\$ 12,000	\$ 12,000	\$ 0
Total Printing Costs			\$ 12,000	\$ 12,000	\$ 0
Other					
Postage, Analysis			\$ 1,000	\$ 1,000	\$ 0
Total Other			\$ 1,000	\$ 1,000	\$ 0
Total Direct Charges			\$ 345,078	\$ 156,480	\$ 188,598
Indirect			\$ 93,520	\$ 93,520	\$ 0
Grand Total			\$ 438,598	\$ 250,000	\$ 188,598

Appendix 2 City of Fayetteville Budget

Personnel	Salary	M/Yrs	Cost	Federal	Non Federal
Public Volunteers (riparian plantings, cleanups, ordinance development)	\$20/hour	650 hours	\$ 13,000	\$ 0	\$ 13,000
GIS, Urban Forestry, Planning, Floodplain staff	\$43,500	0.20	\$ 8,593	\$	\$ 8,593
Total, Personnel			\$ 21,593	\$	\$ 21,593
Travel					
Total Travel			\$ 0	\$ 0	\$ 0
Equipment			\$ 0	\$ 0	\$ 0
Supplies	Units	Unit Cost			
Trees	10	\$100	\$ 1,000	\$ 0	\$ 1,000
Total Supplies			\$1,000	\$ 0	\$ 1,000
Contractual					
Total Contractual			\$ 0	\$ 0	\$ 0
Printing					
Total Printing Costs			\$ 0	\$ 0	\$ 0
Other					
Total Other			\$ 0	\$ 0	\$ 0
Total Direct Charges			\$ 22,593	\$ 0	\$ 22,593
Indirect			\$ 0	\$ 0	\$ 0
Grand Total			\$ 22,593	\$ 0	\$ 22,593

Appendix 3

PROJECT BUDGET JUSTIFICATION WORKSHEET

BUDGET CATEGORIES INFORMATION (FROM SF424A, SECTION B TOTALS) Enter Total Program Costs, i.e., Federal and Non-Federal Funds Combined (Attach Separate Sheet(s) if necessary)				
OBJECT CLASS CATEGORIES:				
a. Personnel: (Program Staffing – include and indicate vacant positions) Position Title	Number in Position Class	Annual Salary Rate	Work Years	Personnel Costs
(1)	(2)	(3)	(4)	(5)
County Extension Agents	4	\$48,926	2.96	\$144,820
Secretary	1	\$ 21,161	0.84	\$ 17,775
District/State Professional Faculty	8	\$ 80,826	0.78	\$ 63,044
				\$ 225,639
b. Fringe Benefits: (27.60%)				\$ 62,276
c. Travel: Include estimates of In-State and Out of State travel including if appropriate, mileage in State or private vehicles, Per Diems, air fare and conference fees.				
In State				\$ 6,000
Out of State				\$ 2,000
TRAVEL: TOTAL				\$ 8,000
d. Equipment:				
(1) List each item costing \$5,000 or more to be purchased for this project:				\$ 0
(2) List items costing less than \$5,000. You may list items by groups, as appropriate.				\$ 0
COMBINED EQUIPMENT TOTAL				\$ 0
e. Supplies: List by groups, as appropriate				
LCD projector, digital camera, and GPS unit				\$ 3,500
Educational/training materials and supplies				\$ 8,500
Educational signage				\$1,569
SUPPLIES TOTAL				\$ 13,569
f. Contractual: List each planned contract separately, type of service to be procured, proposed procurement method (i.e. small purchase, formal advertising, competitive negotiations or non-competitive negotiations) and the estimated cost. Also, please indicate if the proposed contract performance period will go beyond the budget period of assistance for which this application is submitted.				
City of Fayetteville				\$ 22,593
CONTRACTUAL TOTAL				\$ 22,593
g. Construction:				
TOTAL CONSTRUCTION				\$ 0

h. Other: Explain by major categories any items not included in above standard budget categories.	
Printing	\$ 12,000
Postage	\$ 1,000
OTHER TOTAL	\$ 13,000
i. TOTAL DIRECT CHARGES: (Sum of Items a. through h.)	\$ 345,078
j. INDIRECT COSTS: (Attach a copy of your latest indirect cost agreement)	\$ 93,520
k. TOTAL PROPOSED PROGRAM COSTS (Sum of Items I and j.)	\$ 438,598
SHARE: FEDERAL 57%	\$ 250,000
GRANTEE 43%	\$ 188,598

Project Personnel Justification Summary:

A new full-time County Extension Agent will be dedicated to implementing the project tasks including input, planning and evaluation efforts, working one-one-on with riparian landowners, developing educational materials, conducting outreach and education programs, and compiling and submitting required reports and deliverables).

A part-time secretarial position will manage travel and public correspondence for the program, process the large volume of data entry associated with the project databases, and other duties directly related to this project. This 0.24 FTE-position funded with grant dollars will be a new soft money position in support of the County Agent position created as part of this project.

City Council Agenda Items
and
Contracts, Leases or Agreements

9/1/2009

City Council Meeting Date
Agenda Items OnlyGreg Tabor
Submitted By

Division

Police
Department

Action Required:

Schedule a public hearing to determine if a Certificate of Public Convenience and Necessity should be issued to Blast from the Past Carriages.

\$ -
Cost of this request\$ -
Category / Project Budget\$ -
Program Category / Project Name

Account Number

\$ -
Funds Used to Date

Program / Project Category Name

Project Number

\$ -
Remaining Balance

Fund Name

Budgeted Item ☐Budget Adjustment Attached ☐

Department Director

Date

Previous Ordinance or Resolution #

City Attorney

Date

Original Contract Date:

Original Contract Number:

Finance and Internal Services Director

Date

Received in City
Clerk's Office

Chief of Staff

Date

Received in
Mayor's Office

Mayor

Date

Comments:



FAYETTEVILLE

C. 1
Blast From The
Past Carriages
Page 2 of 20

THE CITY OF FAYETTEVILLE, ARKANSAS

POLICE DEPARTMENT

TO: Mayor Lioneld Jordan and Members of the City Council

FROM: Greg Tabor, Chief of Police 

DATE: August 12, 2009

RE: Request for Public Hearing on a Certificate of Public Convenience and Necessity for Blast from the Past Carriages

Recommendation:

The council should schedule a public hearing to determine if a Certificate of Public Convenience and Necessity should be issued to Blast from the Past Carriages.

Background:

Fayetteville City Ordinance §117.81 requires operators of nonmotorized passenger transport services to obtain a Certificate of Public Convenience and Necessity prior to operation.

Discussion:

Attached is a copy of Mrs. Drittler's application, financial statement, proposed route, equine vaccination history and proof of insurance.

Mrs. Drittler is making this request for 1 carriage.

RESOLUTION NO. _____

A RESOLUTION GRANTING A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY TO BLAST FROM THE
PAST CARRIAGES FOR THE OPERATION OF ONE (1)
HORSE-DRAWN CARRIAGE WITHIN THE CITY OF
FAYETTEVILLE, ARKANSAS.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby grants a Certificate of Public Convenience and Necessity to Blast From The Past Carriages for the operation of one (1) horse-drawn carriage within the City of Fayetteville, Arkansas, in accordance with Chapter 117, Fayetteville Code of Ordinances.

PASSED and APPROVED this 1st day of September, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Certificate of Public Convenience & Necessity Application/Renewal

As required to comply with Chapter 117 of the Fayetteville Code of Ordinances

Angie Dritler 15429 Viney Grove rd 479-616-4181
Applicant Name Address Phone Number

Blast from the Past Carriages 479-616-4181
Name of Business Phone Number

15429 Viney Grove rd Fayetteville, Ar 72704
Business Location

Same as
Mailing Address

corporation
Type of Business (Sole Proprietor, Corporation, LLC)

Name and address of all owners, officers and stockholders:

Angie Dritler

15429 Viney Grove rd

Fayetteville, Ar 72704

Name of person to whom complaints should be directed:

Angie Dritler

Financial status of applicant (Attach financial statement or profit and loss statement)

List any unpaid judgments against any of the owners, officers and stockholders and the nature or acts giving rise to said judgments:

None

Describe the experience of all owners, officers and stockholders in the transportation of passengers:

I have been training horses for over 25 yrs. I have trained carriage horses for 15 yrs and have had Blast from the Past Carriages for over 10 yrs.

Give any facts you believe tend to prove the necessity of granting a certificate:

Jayetteville is a beautiful town with a lot of history, a horse drawn carriage is part of history as well as a romantic attraction to the city.

List the number of vehicles that will be under your operation or control: 1

Minimum and Maximum number of vehicles to be permitted:

1 Minimum 1 Maximum

List the location of proposed depots and terminals:

See attached.

Describe the color scheme or insignia to be used to designate your vehicle:

White VIS-A-VIS 4 wheel carriage + Burgundy
accents and interior

List your days and hours of operation:

Fridays and Saturdays 6:30pm - 10pm

List any days you do not propose to provide taxicab service to the general public:

Sunday thru Thursday

List your proposed passenger rate schedule:

\$50 - \$100


Police Department Representative

8-14-09
Date

7/16/2009

Google maps

Theo's - Fayetteville, AR to Jammi...

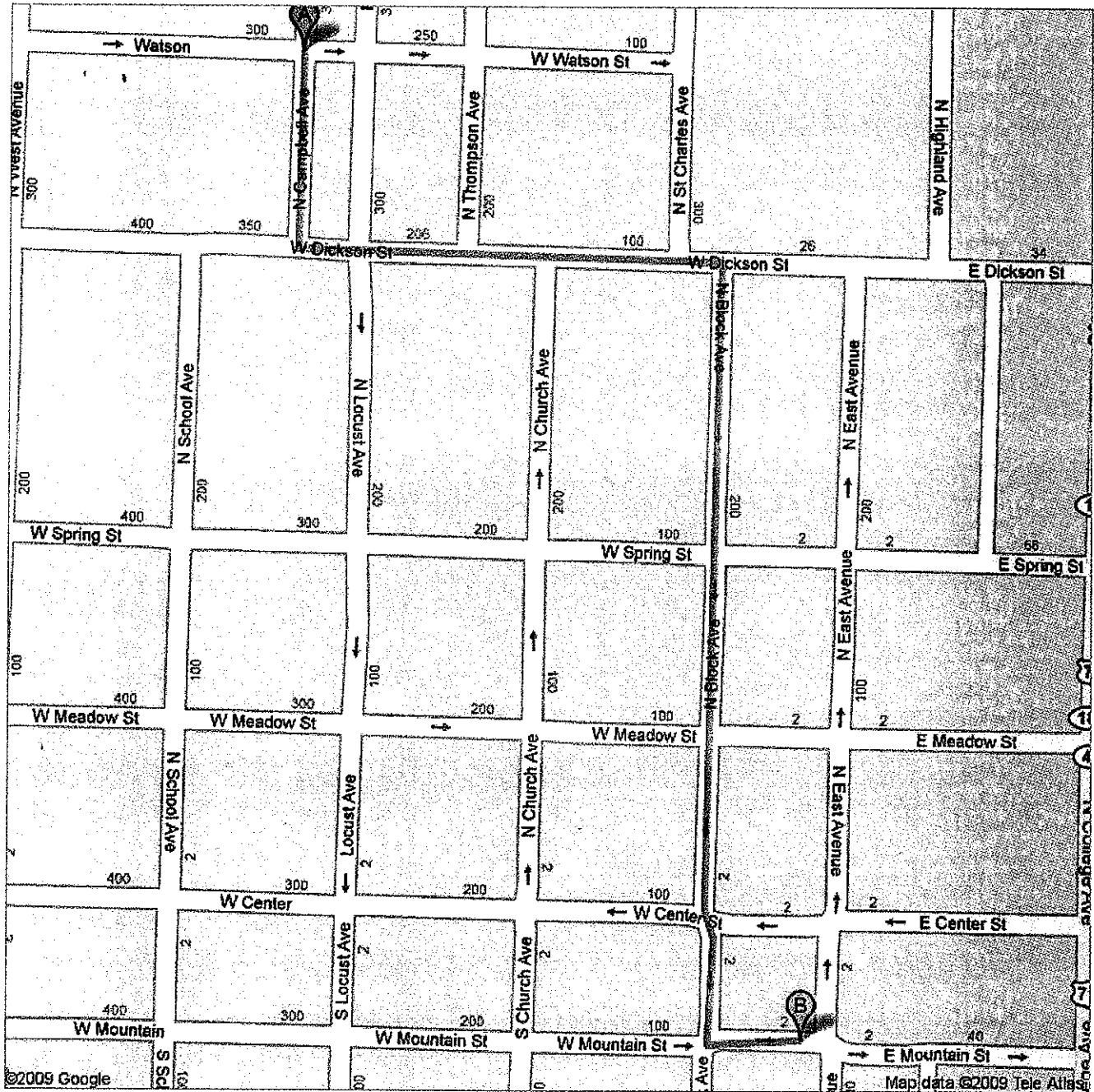
Directions to Jammin' Java

21 W Mountain St # 228, Fayetteville, AR 72701-6092 - (479) 443-2233

0.6 mi - about 2 mins

Save trees. Go green!

Download Google Maps on your
phone at google.com/gmm



7/16/2009

Theo's - Fayetteville, AR to Jammi...



Theo's - Fayetteville, AR

318 N Campbell Ave, Fayetteville, AR 72701 - (479) 527-0086

-
- | | |
|--|---------------------------|
| 1. Head south on N Campbell Ave toward W Dickson St | go 404 ft
total 404 ft |
|  2. Turn left at W Dickson St
About 1 min | go 0.2 mi
total 0.2 mi |
|  3. Turn right at N Block Ave
About 1 min | go 0.3 mi
total 0.5 mi |
|  4. Turn left at W Mountain St
Destination will be on the left | go 197 ft
total 0.6 mi |



Jammin' Java

21 W Mountain St # 228, Fayetteville, AR 72701-6092 - (479) 443-2233

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2009 , Tele Atlas

7/16/2009

Google maps

Jammin' Java to Theo's - Fayettevi...

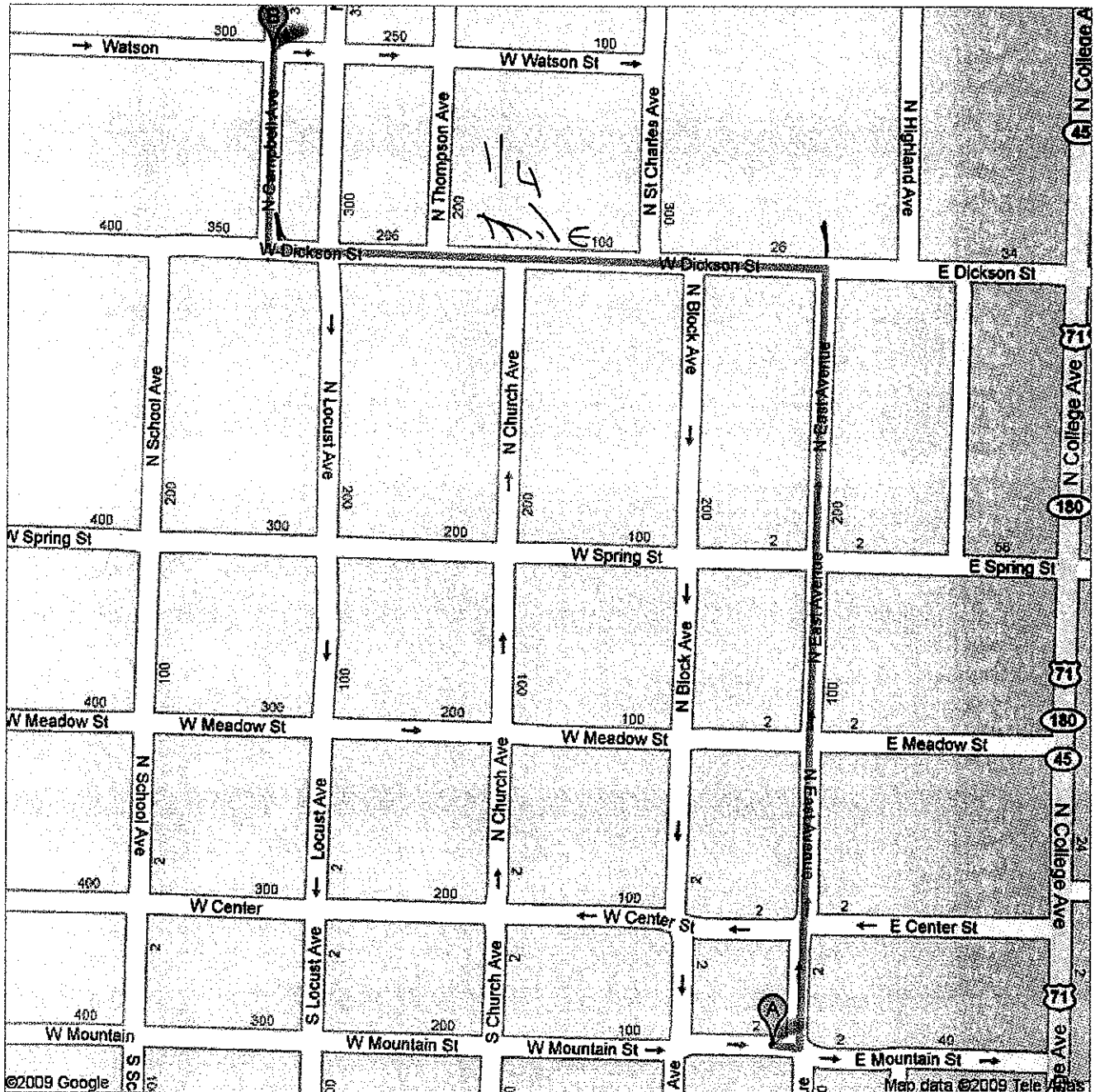
Directions to Theo's - Fayetteville, AR

318 N Campbell Ave, Fayetteville, AR 72701 - (479) 527-0086

0.6 mi - about 2 mins

Save trees. Go green!

Download Google Maps on your
phone at google.com/gmm



7/16/2009

Jammin' Java to Theo's - Fayettevi...



Jammin' Java

21 W Mountain St # 228, Fayetteville, AR 72701-6092 - (479) 443-2233

-
- | | |
|--|---------------------------|
| 1. Head east on W Mountain St toward S East Avenue | go 56 ft
total 56 ft |
| ↩ 2. Turn left at S East Avenue
About 1 min | go 0.3 mi
total 0.3 mi |
| ↩ 3. Turn left at W Dickson St
About 1 min | go 0.2 mi
total 0.5 mi |
| ↪ 4. Turn right at N Campbell Ave | go 404 ft
total 0.6 mi |



Theo's - Fayetteville, AR

318 N Campbell Ave, Fayetteville, AR 72701 - (479) 527-0086

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2009 , Tele Atlas

ACORD**CERTIFICATE OF LIABILITY INSURANCE**OP ID KG
BLAST-1DATE (MM/DD/YYYY)
02/24/09

PRODUCER

Armstrong-Hailey Insurance
3887 N. Crossover Rd.
Fayetteville AR 72703
Phone: 479-443-0808 Fax: 479-443-0807

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION
ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE
HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR
ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

NAIC #

INSURED

Blast from the Past
Carriages, LLC
15429 Viney Grove Rd
Fayetteville AR 72704

INSURER A: Nautilus Insurance Company

INSURER B:

INSURER C:

INSURER D:

INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING
ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR
MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH
POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☐ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC		02/24/09	02/24/10	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 1,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ INCLUDED
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ☐ NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY ☐ ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
	EXCESS/UMBRELLA LIABILITY ☐ OCCUR ☐ CLAIMS MADE DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				WC STATU-TORY LIMITS ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	OTHER				

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

CERTIFICATE HOLDER

1111111

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION
DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN
NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL
IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR
REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Kristen Gilbreath

Northwest Equine Services
1650 N. Sunshine Road
Fayetteville, AR 72704-6340
(479) 521-5558
FAX: (479) 521-4650

Patient History Report
Owner: William & Angie Drittler
Animal: Sarge
From 5/30/2009 to 7/22/2009
Page 1 of 1

Account #: 2008 Animal: Sarge
Owner: William & Angie Drittler Species: Equine
Address: 15429 Viney Grove Road Breed: CLYDESDALE
Fayetteville, AR 72704 Color: BLACK
Phone: (479)444-7914 Gender: Gelding
(479)366-2378 Birthdate: 1/1/1993
Age: 16 years 6 months 23 days
Weight: 0.00

Date	Doctor	Description	Weight
05/30/2009	Paul Turchi	R#74089; Influenza/Rhino/EEE/WEE/Tet R#74091; West Nile Virus Vaccine ; Qty: 1.	0

Patient History Report
Owner: William & Angie Drittler
Animal: Annabelle
From 5/30/2009 to 7/22/2009

C. 1
Blast From The
Past Carriages
Page 13 of 20

Animal: **Annabelle**
Species: **Equine**
Breed: **CLYDESDALE**
Color: **BLACK**
Gender: **Mare**
Birthdate: **1/1/2001**
Age: **8 years 6 months 21 days**
Weight: **0.00**

Date	Doctor	Description	Weight
05/30/2009	Paul Turchi	R#74081; Influenza/Rhino/EEE/WEE/Tet R#74083; West Nile Virus Vaccine ; Qty: 1.	0

Patient History Report
Owner: William & Angie Drittler
Animal: Boo
From 11/19/2008 to 7/22/2009

Animal: **Boo**
Species: **Equine**
Breed: **Perch**
Color: **BLACK**
Gender: **Mare**
Birthdate: **1/1/1994**
Age: **15 years 6 months 23 days**
Weight: **0.00**

Date	Doctor	Description	Weight
05/30/2009	Paul Turchi	R#74085; Influenza/Rhino/EEE/WEE/Tet	0
		R#74087; West Nile Virus Vaccine ; Qty: 1.	
11/19/2008	Paul Turchi	Dormosedan Injection 5ug	0
		Rompun Injection 2 ml	
		Reversal ; Qty: 1.	
		Dental - Float - Annual	

040 U.S. Individual Income Tax Return 2008

(99) IRS Use Only—Do not write or staple in this space

See instructions on page 14. Use the IRS label. Otherwise, please print or type.

L A B E L H E R E	For the year Jan. 1-Dec. 31, 2008, or other tax year beginning 2008, ending 20		OMB No. 1545-0074
	Your first name and initial WILLIAM C	Last name DRITTLER	Your social security number
	If a joint return, spouse's first name and initial ANGELA N	Last name DRITTLER	Spouse's social security number
	Home address (number and street). If you have a P.O. box, see page 14. 15429 VINEY GROVE RD.		Apt. no.
City, town or post office, state, and ZIP code. If you have a foreign address, see page 14. FAYETTEVILLE AR 72704		You must enter your SSN(s) above.	
Election Campaign		Checking a box below will not change your tax or refund.	

Check here if you, or your spouse if filing jointly, want \$3 to go to this fund (see page 14) ☐ You ☐ Spouse

Filing Status

1 ☐ Single

2 ☒ Married filing jointly (even if only one had income)

3 ☐ Married filing separately. Enter spouse's SSN above and full name here

4 ☐ Head of household (with qualifying person). (See page 15.) If the qualifying person is a child but not your dependent, enter this child's name here

5 ☐ Qualifying widow(er) with dependent child (see page 16)

Exemptions

6a ☒ Yourself. If someone can claim you as a dependent, do not check box 6a

b ☒ Spouse

c Dependents:

(1) First name	Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) ☒ if qual. child for child tax or (see page 17)	Boxes checked on 6a and 6b No. of children on 6c who:
JAKOB	DRITTLER	679-03-4454	Son	☒	☐ lived with you ☐ did not live with you due to divorce or separation (see page 18)
					Dependents on 6c not entered above

d Total number of exemptions claimed **3**

Income

Attach Form(s) W-2 here. Also attach Forms W-2G and 1099-R if tax was withheld.

If you did not get a W-2, see page 21

Enclose, but do not attach, any payment. Also, please use Form 1040-V.

7 Wages, salaries, tips, etc. Attach Form(s) W-2	7	151,503
8a Taxable interest. Attach Schedule B if required	8a	106
b Tax-exempt interest. Do not include on line 8a	8b	
9a Ordinary dividends. Attach Schedule B if required	9a	
b Qualified dividends (see page 21)	9b	
10 Taxable refunds, credits, or offsets of state and local income taxes (see page 22)	10	2,011
11 Alimony received	11	
12 Business income or (loss). Attach Schedule C or C-EZ	12	-6,487
13 Capital gain or (loss). Attach Schedule D if required. If not required, check here ☐	13	
14 Other gains or (losses). Attach Form 4797	14	1,500
15a IRA distributions	15a	
b Taxable amount (see page 23)	15b	
16a Pensions and annuities	16a	
b Taxable amount (see page 24)	16b	
17 Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E	17	-11,457
18 Farm income or (loss). Attach Schedule F	18	-11,047
19 Unemployment compensation	19	
20a Social security benefits	20a	
b Taxable amount (see page 26)	20b	
21 Other income. List type and amount (see page 28)	21	
22 Add the amounts in the far right column for lines 7 through 21. This is your total income	22	126,129

Adjusted Gross Income

23 Educator expenses (see page 28)	23	
24 Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ	24	
25 Health savings account deduction. Attach Form 8889	25	
26 Moving expenses. Attach Form 3903	26	6,000
27 One-half of self-employment tax. Attach Schedule SE	27	
28 Self-employed SEP, SIMPLE, and qualified plans	28	
29 Self-employed health insurance deduction (see page 29)	29	
30 Penalty on early withdrawal of savings	30	
31a Alimony paid b Recipient's SSN	31a	
32 IRA deduction (see page 30)	32	
33 Student loan interest deduction (see page 33)	33	
34 Tuition and fees deduction. Attach Form 8917	34	
35 Domestic production activities deduction. Attach Form 8903	35	
36 Add lines 23 through 31a and 32 through 35	36	6,000
37 Subtract line 36 from line 22. This is your adjusted gross income	37	120,129

109 7:22 PM

J08: WILLIAM C & ANGELA N DRITTLER

38	Amount from line 37 (adjusted gross income)	38	120,129
39a	Check ☐ You were born before January 2, 1944. ☐ Blind. ☐ Spouse was born before January 2, 1944. ☐ Blind. Total boxes checked ▶ 39a	39a	
b	If your spouse itemizes on a separate return or you were a dual-status alien, see page 34 and check here ▶ 39b	39b	
c	Check if standard deduction includes real estate taxes or disaster loss (see page 34) ▶ 39c	39c	
40	Itemized deductions (from Schedule A) or your standard deduction (see left margin)	40	51,300
41	Subtract line 40 from line 38.	41	68,829
42	If line 38 is over \$119,975 or you provided housing to a Midwestern displaced individual, see page 36. Otherwise, multiply \$3,500 by the total number of exemptions claimed on line 6d	42	10,500
43	Taxable income. Subtract line 42 from line 41. If line 42 is more than line 41, enter -0-	43	58,329
44	Tax (see page 35). Check if any tax is from: a ☐ Form(s) 8814 b ☐ Form 4972	44	7,946
45	Alternative minimum tax (see page 39). Attach Form 6251	45	
46	Add lines 44 and 45	46	7,946
47	Foreign tax credit. Attach Form 1116 if required	47	
48	Credit for child and dependent care expenses. Attach Form 2441	48	
49	Credit for the elderly or the disabled. Attach Schedule R	49	
50	Education credits. Attach Form 8863	50	
51	Retirement savings contributions credit. Attach Form 8880	51	
52	Child tax credit (see page 42). Attach Form 8901 if required	52	450
53	Credits from Form a ☐ 8396 b ☐ 8839 c ☐ 5695	53	
54	Other credits from Form a ☐ 3800 b ☐ 8801 c ☐	54	
55	Add lines 47 through 54. These are your total credits	55	450
56	Subtract line 55 from line 46. If line 55 is more than line 46, enter -0-	56	7,496
57	Self-employment tax. Attach Schedule SE	57	
58	Unreported social security and Medicare tax from Form a ☐ 4137 b ☐ 8919	58	
59	Additional tax on IRAs, other qualified retirement plans, etc. Attach Form 5329 if required	59	
60	Additional taxes: a ☐ AEIC payments b ☐ Household employment taxes. Attach Schedule H	60	
61	Add lines 56 through 60. This is your total tax	61	7,496
62	Federal income tax withheld from Forms W-2 and 1099	62	27,873
63	2008 estimated tax payments and amount applied from 2007 return	63	
64a	Earned income credit (EIC)	64a	
b	Nontaxable combat pay election ☐ 64b	64b	
65	Excess social security and tier 1 RRTA tax withheld (see page 61)	65	
66	Additional child tax credit. Attach Form 8812	66	
67	Amount paid with request for extension to file (see page 61)	67	
68	Credits from Form a ☐ 2439 b ☐ 4136 c ☐ 8801 d ☐ 8885	68	
69	First-time homebuyer credit. Attach Form 5405	69	
70	Recovery rebate credit (see worksheet on pages 62 and 63)	70	1,500
71	Add lines 62 through 70. These are your total payments	71	29,373
72	If line 71 is more than line 61, subtract line 61 from line 71. This is the amount you overpaid	72	21,877
73a	Amount of line 72 you want refunded to you. If Form 8888 is attached, check here ▶ ☐	73a	21,877
b	Routing number 082900872 ▶ c Type: ☒ Checking ☐ Savings		
d	Account number 397535		
74	Amount of line 72 you want applied to your 2009 estimated tax ▶ 74	74	
75	Amount you owe. Subtract line 71 from line 61. For details on how to pay, see page 65 ▶ 75	75	
76	Estimated tax penalty (see page 65) ▶ 76	76	
Do you want to allow another person to discuss this return with the IRS (see page 66)? ☒ Yes. Complete the following. ☐ No			
Third Party Designee	Designee's name ▶ Preparer	Personal identification number (PIN) ▶	
Sign Here	Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.	Phone no ▶	
Joint return? See page 15	Your signature	Date	Your occupation
Keep a copy for your records			SYSTEMS ENGINEER
	Spouse's signature. If a joint return, both must sign.	Date	Spouse's occupation
			SELF EMPLOYED
Paid	Preparer's signature ▶ Dan Downing, EA	Date ▶ 2/17/09	Check if self-employed ☐
Preparer's Use Only	Firm's name (or yours if self-employed), address, and ZIP code ▶ Downing & Associates, Inc. 1400 Dividend Dr Springdale AR 72764-6942	EIN ▶ 479-751-6615	Preparer's SSN or PTIN ▶ P00052067

Schedule C (Form 1040) 2007 ANGELA HESS

Part III Cost of Goods Sold (see instructions)

33 Method(s) used to value closing inventory: a ☐ Cost b ☐ Lower of cost or market c ☐ Other (attach explanation)

34 Was there any change in determining quantities, costs, or valuations between opening and closing inventory?
If "Yes," attach explanation ☐ Yes ☐ No

35 Inventory at beginning of year. If different from last year's closing inventory,
attach explanation 35

36 Purchases less cost of items withdrawn for personal use 36

37 Cost of labor. Do not include any amounts paid to yourself 37

38 Materials and supplies 38

39 Other costs 39

40 Add lines 35 through 39 40

41 Inventory at end of year 41

42 Cost of goods sold. Subtract line 41 from line 40. Enter the result here and on page 1, line 4 42

Part IV Information on Your Vehicle. Complete this part **only** if you are claiming car or truck expenses on line 9 and are not required to file Form 4562 for this business. See the instructions for line 13 to find out if you must file Form 4562.

43 When did you place your vehicle in service for business purposes? (month, day, year) _____

44 Of the total number of miles you drove your vehicle during 2007, enter the number of miles you used your vehicle for:
a Business _____ b Commuting (see instructions) _____ c Other _____

45 Do you (or your spouse) have another vehicle available for personal use? ☐ Yes ☐ No

46 Was your vehicle available for personal use during off-duty hours? ☐ Yes ☐ No

47 a Do you have evidence to support your deduction? ☐ Yes ☐ No
b If "Yes," is the evidence written? ☐ Yes ☐ No

Part V Other Expenses. List below business expenses not included on lines 8-26 or line 30.

FEED	1,747.
SHOEING EXP	650.
FUEL	3,651.
CLOTHING	392.
48 Total other expenses. Enter here and on page 1, line 27	6,440.

SCHEDULE C
(Form 1040)

Profit or Loss From Business
(Sole Proprietorship)

OMB No. 1545-0074

2007

Attachment
Sequence No. **09**

Department of the Treasury
Internal Revenue Service (99)

► **Partnerships, joint ventures, etc., must file Form 1065 or 1065-B.**
► **Attach to Form 1040, 1040NR, or 1041.** ► **See Instructions for Schedule C (Form 1040).**

Name of proprietor

ANGELA HESS

Social security number (SSN)

A Principal business or profession, including product or service (see instructions)

BLAST FROM THE PAST CARRIAGE

B Enter code from instructions

► 999999

C Business name. If no separate business name, leave blank.

D Employer ID number (EIN), if any

E Business address (including suite or room no.) ► P.O. BOX 1694

City, town or post office, state, and ZIP code STEAMBOAT SPRINGS, CO 80477

F Accounting method: (1) ☒ Cash (2) ☐ Accrual (3) ☐ Other (specify) ►

G Did you 'materially participate' in the operation of this business during 2007? If 'No,' see instructions for limit on losses ☒ Yes ☐ No

H If you started or acquired this business during 2007, check here

Part I Income

1	Gross receipts or sales. Caution. If this income was reported to you on Form W-2 and the 'Statutory employee' box on that form was checked, see the instructions and check here	1	32,946.
2	Returns and allowances	2	
3	Subtract line 2 from line 1	3	32,946.
4	Cost of goods sold (from line 42 on page 2)	4	
5	Gross profit. Subtract line 4 from line 3	5	32,946.
6	Other income, including federal and state gasoline or fuel tax credit or refund (see instructions)	6	
7	Gross income. Add lines 5 and 6	7	32,946.

Part II Expenses. Enter expenses for business use of your home **only** on line 30.

8	Advertising	8		18	Office expense	18	
9	Car and truck expenses (see instructions)	9		19	Pension and profit-sharing plans	19	
10	Commissions and fees	10		20	Rent or lease (see instructions):		
11	Contract labor (see instructions)	11		20a	a Vehicles, machinery, and equipment	20a	
12	Depletion	12		20b	b Other business property	20b	
13	Depreciation and section 179 expense deduction (not included in Part III) (see instructions)	13	1,614.	21	Repairs and maintenance	21	1,881.
14	Employee benefit programs (other than on line 19)	14		22	Supplies (not included in Part III)	22	2,247.
15	Insurance (other than health)	15		23	Taxes and licenses	23	
16	Interest:			24	Travel, meals, and entertainment:		
a	Mortgage (paid to banks, etc)	16a		24a	a Travel	24a	
b	Other	16b		24b	b Deductible meals and entertainment (see instructions)	24b	
17	Legal & professional services	17		25	Utilities	25	
				26	Wages (less employment credits)	26	
				27	Other expenses (from line 48 on page 2)	27	6,440.
28	Total expenses before expenses for business use of home. Add lines 8 through 27 in columns	28					
				28		28	12,182.
29	Tentative profit (loss). Subtract line 28 from line 7	29		29		29	20,764.
30	Expenses for business use of your home. Attach Form 8829	30		30		30	
31	Net profit or (loss). Subtract line 30 from line 29.	31		31		31	20,764.

• If a profit, enter on both **Form 1040, line 12**, and **Schedule SE, line 2** or on **Form 1040NR, line 13** (statutory employees, see instructions). Estates and trusts, enter on **Form 1041, line 3**.

• If a loss, you **must** go to line 32.

32 If you have a loss, check the box that describes your investment in this activity (see instructions).

• If you checked 32a, enter the loss on both **Form 1040, line 12**, and **Schedule SE, line 2**, or on **Form 1040NR, line 13** (statutory employees, see instructions). Estates and trusts, enter on **Form 1041, line 3**.

32a ☐ All investment is at risk.

• If you checked 32b, you **must** attach **Form 6198**. Your loss may be limited.

32b ☐ Some investment is not at risk.

BAA For Paperwork Reduction Act Notice, see **Form 1040** instructions.

Schedule C (Form 1040) 2007

To whom it may concern,

I have had Blast from the Past Carriages for over ten years. I brought my business here from Steamboat Springs Co. in the fall of '08. During the years that I was in Colorado, I had a city permit in the town of Steamboat and I traveled all over the state of Colorado and parts of Wyoming to give carriage and sleigh rides at events. My horses have also been shown all over the state of Colorado in shows that range from formal carriage, to marathons and farm classes.

My safety record is flawless. My horses are in a continual state of training. I am a perfectionist when it comes to the behavior of my horses, the condition of my carriages and the cleanliness of my gear. The Steamboat Springs City Manager can be reached at this number 970-879-2060. Please feel free to contact any one at the City of S.S. to discuss me and my carriage business.

Since I have been here in NWA I have been using my carriages and am licensed in Silom Springs. The downtown businesses contacted me recently to see if I would participate in getting people to come downtown, using my carriages and local bands performing on Saturday nights once each month to draw people to the downtown area. It has worked very well. I have also been asked to participate in Cane Hill's Fall Festival. Last Year I donated my carriage rides at Cane Hill to help support the college that they are restoring.

I do not use my horses as a taxi service, nor am I asking to be permitted as one. I have been asked from Pratt Place Inn to see if I could be permitted to pick guests up at Theo's Restaurant and take them two laps around the square and back to Theo's on Friday and Saturday nights, especially during the holiday season. This event would be related to a romantic package that Pratt Place is trying to put together, at the same time helping Theo's and adding that romantic feel to downtown Fayetteville.

I have also been approached by numerous "brides to be" about using one of my carriages to transport brides and grooms from their wedding sites to their reception sites. Some of these locations are in Fayetteville. I would like to see what I need to do to get permitted to use my carriage at those events.

I thank you for your time.

Sincerely,

Angie Drittler

City of Fayetteville Staff Review Form

D. 1
Budget Adjustment
For Operations
Page 1 of 4

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

September 1, 2009
City Council Meeting Date
Agenda Items Only

Paul A. Becker
Submitted By

Finance Director
Division

Finance & Internal Service
Department

Action Required:

This is to request approval of a budget adjustment in the amount of \$600,000 from the Sales Tax Capital Fund to the General Fund for operations. This transfer will help offset the decline in the General Fund Balance caused by the decline in revenue for fiscal 2009.

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

Budgeted Item ☐

Budget Adjustment Attached ☒

Paul A. Becker
Department Director

8-14-2009
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

D. P. Whit
City Attorney

8/18/09
Date

Maigle Hertweck
Finance and Internal Services Director

8/18/09
Date

Received in City Clerk's Office
ENTERED GD 8-13-09

Don Man
Chief of Staff

8-18-09
Date

Received in Mayor's Office
ENTERED LB 8-18-09

Donald Jordan
Mayor

8/18/09
Date

Comments:



THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor Lioneld Jordan and Fayetteville City Council

From: Paul Becker, Finance Director

Date: August 14, 2009

Subject: Transfer of \$600,000 from the Sales Tax Capital Fund to the General Fund for operations.

Recommendation

Staff recommends approval of a resolution requesting the council to approve a budget adjustment in the amount of \$600,000 which provides for the transfer of funds from the Sales Tax Capital Fund to the General Fund for operations.

Discussion

The City of Fayetteville is experiencing a decline in revenue for the fiscal year 2009. Through the second quarter of 2009 that shortfall is approximately \$1.2 million. The Mayor has initiated a plan to address this budget shortfall. That plan has included a wage freeze, reductions in other expenditures, and use of the 2008 General Fund surplus of \$530,000. To continue to implement that plan, I am requesting adoption of a budget adjustment by the City Council which directs the transfer of funds from the Sales Tax Capital Fund to the General Fund. Sales Tax Capital Funds are available for transfer because the 2009 ice storm disaster caused the need to divert transportation personnel from the street overlay program to debris removal. Therefore; the full amount budgeted for that program will not be required in fiscal 2009.

Budget

The approval of this transfer will transfer \$600,000 cash from the Sales Tax Capital Fund to the General Fund for operations.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT
TRANSFERRING \$600,000.00 FROM THE SALES TAX CAPITAL
FUND TO THE GENERAL FUND FOR OPERATIONS IN ORDER
TO OFFSET REVENUE DECLINE FOR FY2009.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas
hereby approves a budget adjustment transferring \$600,000.00 from the Sales Tax
Capital Fund to the General Fund for operations in order to offset revenue
decline for FY2009.

PASSED and APPROVED this 1st day of September, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

D. 1
Budget Adjustment
For Operations
Number of 4

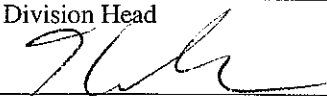
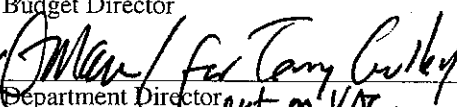
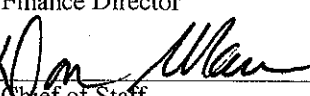
Budget Year 2009	Department: Various Citywide Accounts Division: Program:	Date Requested 8/13/2009	Adjustment Number
-------------------------	--	---------------------------------	-------------------

Project or Item Added/Increased: Transfer funds from In-House Pavement Improvements to supplement General Fund operations.	Project or Item Deleted/Reduced: Transfer funds from In-House Pavement Improvements to supplement General Fund operations.
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Justification of this Increase: Funds needed to supplement General Fund operations.	Justification of this Decrease: Due to the 2009 ice storm, the entire anticipated program will not be completed in fiscal 2009. This leaves funds available in this project to supplement General Fund operations.
--	---

Increase Budget							
Account Name	Account Number				Amount	Project Number	
Transfer to General	4470	9470	7602	01	600,000	06039	0801
Use of Fund Balance	1010	0001	4999	99	600,000		
Decrease Budget							
Account Name	Account Number				Amount	Project Number	
Transfer from Capital Improvements	1010	0001	6602	47	600,000		
Street Maintenance	4470	9470	5417	00	600,000	02052	0001

V.090403

Division Head	Date
	8-13-09
Budget Director	Date
	8-14-09
Department Director	Date
	8-14-2009
Finance Director	Date
	8-14-09
Chief of Staff	Date
Mayor	Date

Budget & Research Use Only					
Type:	A	B	C	☒ D	E
Requested By					
General Ledger Date					
Posted to General Ledger					
	Initial	Date			
Posted to Project Accounting					
	Initial	Date			

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

9/1/2009

City Council Meeting Date
Agenda Items Only

Carole Jones

Submitted By

Park Planning

Division

Parks and Recreation

Department

Action Required:

A resolution approving the acceptance of an EPA Region 6 Wetland Program Development Grant in the amount of \$234,000 for a stream restoration demonstration at Niokaska Creek through Sweetbriar Park and surrounding properties and approving a budget adjustment to recognize the revenue (see attached memo).

\$	35,880.00
\$	42,210.00

Cost of this request

\$	452,113.00
\$	98,861.00

Category / Project Budget

Drainage Studies/Ph. II Storm Water
Gordon Long/Red Oak Improvements

Program Category / Project Name

4470.9470.5817.00
4470.9470.5806.00

Account Number

\$	104,414.40
\$	-

Funds Used to Date

Sales Tax Capital Improvements
Sales Tax Capital Improvements

Program / Project Category Name

02097.1
02015.1

Project Numbers

\$	347,698.60
\$	98,861.00

Remaining Balance

Sales Tax
Sales Tax

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒

Connie Edmonston
Department Director

8-14-09

8-14-09
Date

Previous Ordinance or Resolution #

D.P. Whit
City Attorney

8/18/09
Date

Original Contract Date:

Maureen Hertweck
Finance and Internal Services Director

8/18/09
Date

Original Contract Number:

Ann Man
Chief of Staff

8-18-09
Date

David Jones
Mayor

8/18/09
Date

Received in City Clerk's Office	8-18-09 USK
Received in Mayor's Office	ENTERED 8-18-09

Comments:

City Council Meeting of September 1, 2009

Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council
Thru: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director
Jeremy Pate, Development Services Director
From: Carole Jones, Park Planner
Date: August 14, 2009
RE: Resolution to Accept EPA Region 6 Wetland Program Development Grant

RECOMMENDATION

Parks and Recreation and Engineering staff are seeking City Council approval of a resolution to authorize the city to accept \$234,000 from the EPA Region 6 Wetland Program Development Grant program and approval of a budget adjustment to recognize the revenue for a stream restoration demonstration at Niokaska Creek through Sweetbriar Park and surrounding properties (see attached letter from EPA Region 6).

BACKGROUND

Sweetbriar Park contains 4.05 acres and is located at 2645 E. Sweetbriar Drive. The park is situated in the northeast quadrant of town east of Old Missouri Road and south of Joyce Boulevard.

Niokaska Creek, a tributary to Mud Creek, flows through Sweetbriar Park. The creek is located within the Illinois River Watershed. The creek sections are incised and have several banks eroding into the park land and surrounding residential yards which have resulted in vertical cut-banks (see attached site photos). These banks contribute excessive sediment to the streams through lateral erosion. Bank erosion presents a safety concern and leads to a lack of riparian canopy. Restoration is necessary to stabilize the creek and prevent further erosion.

On April 21, 2009, the City Council passed Resolution Number 94-09 authorizing the Engineering Division to apply for a grant from EPA Region 6 (see attached resolution).

DISCUSSION

The EPA Region 6 Wetland Program Development Grant is an annual grant, not a one-time stimulus grant. The grant is for projects promoting research, training, demonstrations, and surveys relating to the causes, effects, extent, prevention, reduction, and elimination of water pollution. The Watershed Conservation Resource Center (WCRC) assisted city staff in the preparation of the grant application and is listed as a sub-grantee. The WCRC is a non-profit organization that strives to protect, conserve, and restore natural resources by utilizing the watershed approach, environmental outreach, and providing planning and technical assistance to landowners, communities, and government. The principals of the WCRC are Sandi J. Formica and Matthew A. Van Eps, P.E. Together they have over 30 years of progressive environmental experience including stream stability assessment and restoration planning.

BUDGET IMPACT

The Environmental Protection Agency Region 6 will provide the City of Fayetteville \$234,000 in grant monies and the City of Fayetteville will provide \$78,000 in cash. An additional \$5,000 of in-kind match will be generated through volunteer activities for a project total of \$317,000. The city's match is funded with sales tax funds.

City Council Meeting of September 1, 2009

Agenda Item Number

The cost of the project matching will be divided between the two funding sources of the Engineering Division and Parks and Recreation Department. Staff is requesting \$35,880 from project number 02097.1 (Drainage Studies/Phase II Storm Water Management) and \$42,210 from project number 02015.1 (Gordon Long/Red Oak Improvements) for a total request of \$78,000. The cash match is divided between the two funding sources based on the percentage of project that lies within the boundary of Sweetbriar Park. Approximately 54% of the project is within the boundary of the park and approximately 46% is outside the park boundary (see attached project site plan).

In the grant application request, staff requested \$33,500 from each project number for a total request of \$67,000. The grant application request stated that budget specifics would be outlined upon grant award. Staff is now requesting the total match of \$78,000 in cash. The additional \$11,000 will provide a maintenance fund for the project. The grant requires three years of monitoring after construction is completed. The maintenance fund will provide for items such as the removal of limbs which could damage structures, the repair of structures after storm events and the care of revegetation areas.

Attachments:

Staff Review Form

Letter of Grant Award from EPA Region 6

Site Photos

Resolution No. 94-09

Project Site Plan

Budget Adjustment

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING ACCEPTANCE OF AN EPA REGION 6 WETLAND PROGRAM DEVELOPMENT GRANT IN THE AMOUNT OF \$234,000.00 FOR A STREAM RESTORATION DEMONSTRATION ON NIOKASKA CREEK THROUGH SWEETBRIAR PARK AND OTHER PROPERTIES; AND APPROVING A BUDGET ADJUSTMENT RECOGNIZING THE GRANT 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 EPA Region 6 Wetland Program Development Grant in the amount of \$234,000.00 for a stream restoration demonstration on Niokaska Creek through Sweetbriar Park and other properties.

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment recognizing the grant revenue.

PASSED and APPROVED this 1st day of September, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

JUL 27 2009

Ms. Sarah Wrede
Stormwater Engineer
City of Fayetteville
113 West Mountain
Fayetteville, AR 72707

Dear Ms. Wrede:

This is in regards to the fiscal year (FY) 2009 funding that has been made available to the City of Fayetteville through the Region 6 Wetland Program Development Grants. Proposals were submitted to our office in response to the March 2009, Region 6 Request for Proposals. We want to congratulate you on the selection of your wetlands proposal. The following project was selected for funding in the amount of \$234,000.00 ***"Stream Restoration Demonstration at Niokaka Creek in Sweetbriar Park"***.

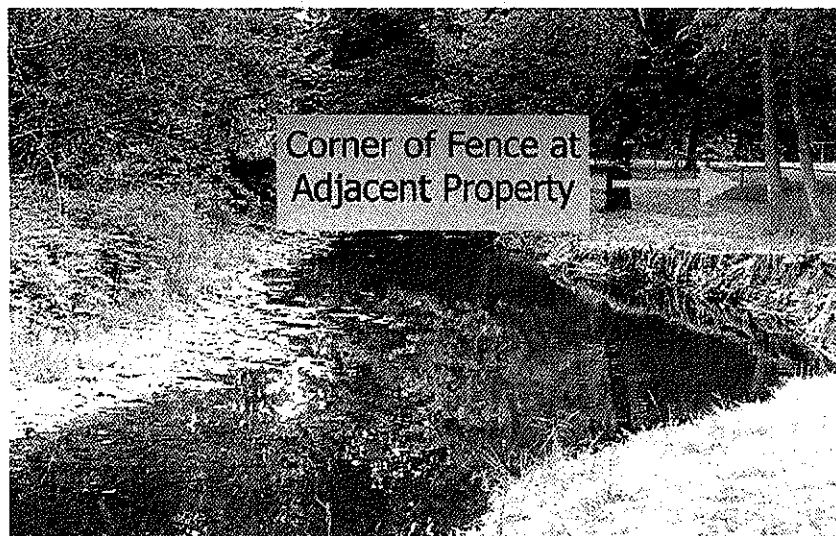
As you may be aware, The City of Fayetteville must submit a complete application package, a current Quality Management Plan and approvable work plans that describe the work to be completed with the proposed funding. To locate the application forms, please go to the following web address: <https://www.epa.gov/ogd/AppKit/application.htm>.

If you have any questions or would like to discuss this further, you may contact me at 214-665-2259.

Sincerely yours,

A handwritten signature in dark ink, reading "Sharon D. Daugherty", is written over a horizontal line.

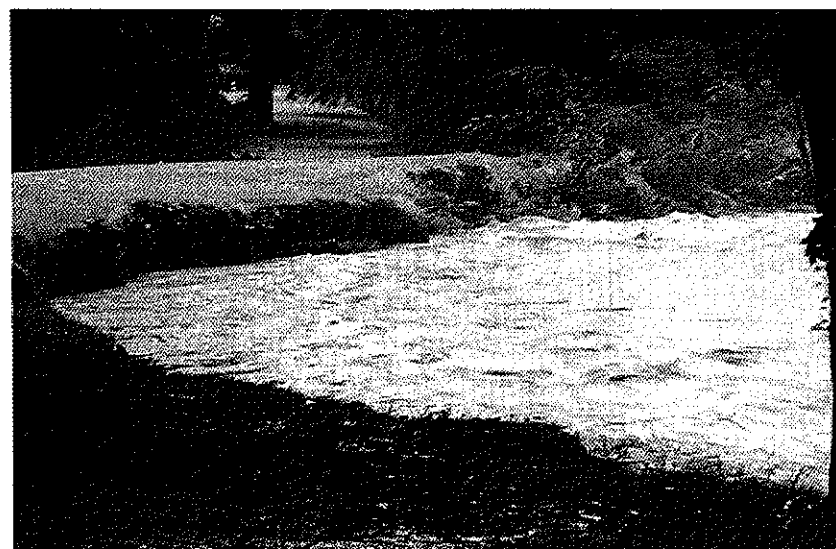
Sharon D. Daugherty
Environmental Protection Specialist
Water Quality Protection Division



Stream Section in May 2005
Niokaska Creek in Sweetbriar Park



Stream Section in May 2009
Niokaska Creek in Sweetbriar Park



Flooded Stream Section
Adjacent Property South of Sweetbriar Park



Flooded Stream Section
Adjacent Property South of Sweetbriar Park

RESOLUTION NO. 94-09

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AN EPA REGION 6 WETLAND PROGRAM DEVELOPMENT GRANT IN THE AMOUNT OF \$250,000.00 FOR A STREAM RESTORATION PROJECT THROUGH SWEETBRIAR PARK AND SURROUNDING AREAS.

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

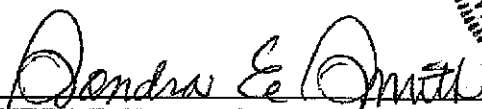
Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor to apply for an EPA Region 6 Wetland Program Development Grant in the amount of \$250,000.00 for a stream restoration project through Sweetbriar Park and surrounding areas.

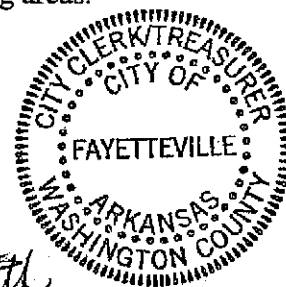
PASSED and APPROVED this 21st day of April, 2009.

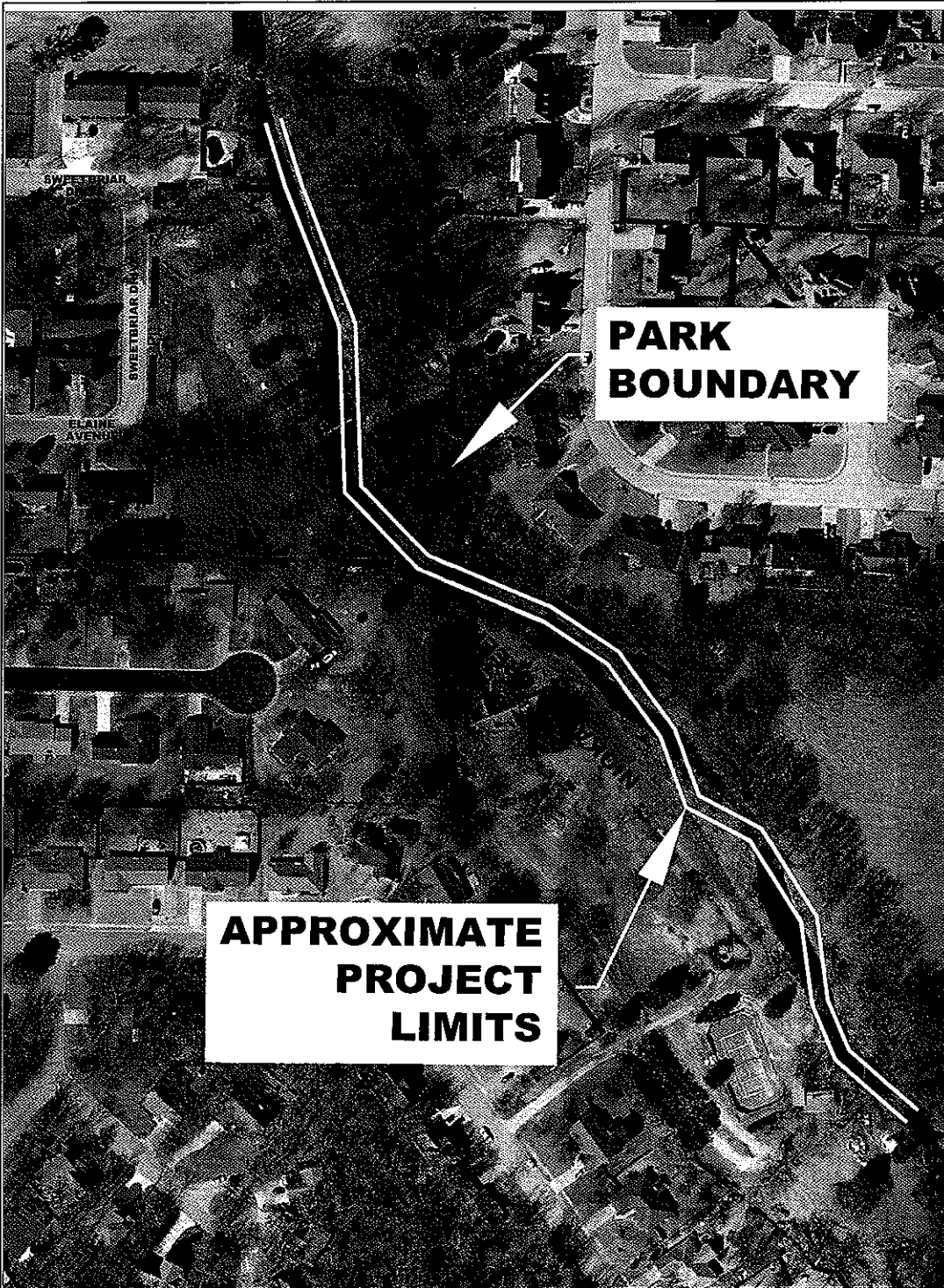
APPROVED:

ATTEST:

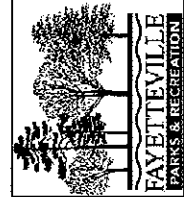
By: 
LIONELD JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer





City of Fayetteville
 Parks and Recreation
 113 W. Mountain
 Fayetteville, AR 72701
 479-444-3471

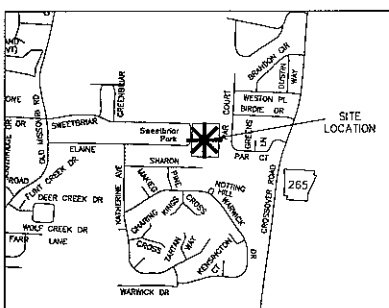


Stream Restoration
 Demonstration at Niokaska
 Creek in Sweetbriar Park
 2645 E. Sweetbriar Dr.
 City of Fayetteville

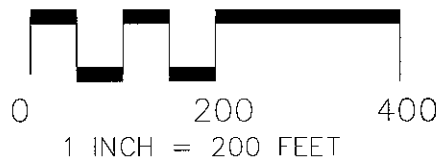
PROJECT
 SITE PLAN

SHEET
 1
 OF
 1

August
 2009



VICINITY MAP
 NOT TO SCALE



TOTAL PROJECT LENGTH =
 APPROX. 1,600 FEET

PROJECT WITHIN PARK BOUNDARY =
 APPROX. 860 FEET (54%)

PROJECT OUTSIDE PARK BOUNDARY =
 APPROX. 740 FEET (46%)

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year 2009	Department: Citywide Division: Citywide Program: Sales Tax Capital Improvements	Date Requested 8/12/2009	Adjustment Number
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Project or Item Added/Increased:

Increase Contract Services in the amount of \$124,000 and Professional Services in the amount of \$188,000 for the stream restoration demonstration at Niokaska Creek through Sweetbriar Park in the total amount of \$312,000

Project or Item Deleted/Reduced:

Decrease the Bridge and Drainage Improvement in the amount of \$35,880 and Park Improvements in the amount of \$42,120. The remaining portion of the grant will be reimbursable match in the amount of \$234,000.

Justification of this Increase:

Approval of a resolution to authorize the city to accept \$234,000 from the EPA Region 6 Wetland Program Development Grant program and approval of a budget adjustment to recognize the revenue for a stream restoration demonstration at Niokaska Creek through Sweetbriar Park and surrounding properties submitted to City Council on September 1, 2009.

Justification of this Decrease:

There are adequate funds in these projects to assist with this project.

Increase Budget							
Account Name	Account Number				Amount	Project Number	
Professional Services	4470	9470	5314	00	188,000	09025	0901
Contract Services	4470	9470	5315	00	124,000	09025	0901

Decrease Budget							
Account Name	Account Number				Amount	Project Number	
Bridge & Drainage Improve	4470	9470	5817	00	35,880	02097	1
Park Improvements	4470	9470	5806	00	42,120	02015	1
State Grants - Capital	4470	0947	4302	00	234,000	09025	0901

V.090403

Gennie Edmonston **8-14-09**
Division Head Date

[Signature] **8-18-09**
Budget Director Date

Gennie Edmonston **8-14-09**
Department Director Date

Finance Director Date

Chief of Staff Date

Mayor Date

Budget & Research Use Only

Type: A B C D E

Requested By

General Ledger Date

Posted to General Ledger Initial Date

Posted to Project Accounting Initial Date

2.

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

September 1, 2009
City Council Meeting Date

Chris Brown Submitted By Engineering Division Development Services Department

Ordinance (Bid Waiver) *DM*

Action Required:

A Resolution to approve a Memorandum of Understanding between the City and the Watershed Conservation Resource Center in the amount of \$188,000 for a stream restoration demonstration at Niokaska Creek in Sweetbriar Park and surrounding properties. The cost of this request is encompassed in the request to accept the EPA Grant for Sweetbriar Park.

\$ 188,000.00
Cost of this request

\$ 312,000.00
Category / Project Budget

Stream Rest. demonstration at Niokaska Ck in
Sweetbriar Park
Program Category / Project Name

4470.9470.5314.00
Account Number

\$
Funds Used to Date

Sales Tax Capital Improvements
Program / Project Category Name

09025.0901
Project Number

\$ 312,000.00
Remaining Balance

Sales Tax
Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

[Signature]
Department Director

8/14/09
Date

Previous Ordinance or Resolution #

[Signature]
City Attorney

8/18/09
Date

Original Contract Date:

[Signature]
Finance and Internal Service Director

8/18/09
Date

Original Contract Number:

[Signature]
Chief of Staff

8-18-09
Date

Received in Mayor's Office

[Signature]
Mayor

8/18/09
Date

Received in City Clerk's Office

Comments:



City Council Meeting of September 1, 2009

CITY COUNCIL AGENDA

To: Mayor and City Council

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

From: Sarah Wrede, Staff Engineer *SW*

Date: August 12, 2009

Subject: A Resolution to approve a Memorandum of Understanding between the City and the Watershed Conservation Resource Center in the amount of \$188,000 for a stream restoration demonstration on Niokaska Creek in Sweetbriar Park and surrounding properties.

RECOMMENDATION

Staff recommends approval of a Memorandum of Understanding between the City and the Watershed Conservation Resource Center in the amount of \$188,000 for a stream restoration demonstration project at Niokaska Creek in Sweetbriar Park and surrounding properties.

BACKGROUND

The Watershed Conservation Resource Center, WCRC, is a non-profit organization that strives to protect, conserve, and restore natural resources by utilizing the watershed approach, environmental outreach, and providing planning and technical assistance to landowners, communities, and government.

Niokaska Creek, a tributary to Mud Creek, flows through Sweetbriar Park, which is located in the northeast quadrant of town east of Old Missouri Road and south of Joyce Boulevard. The creek is located within the Illinois River Watershed. The creek sections are incised and have several banks eroding into the park land and surrounding residential yards which have resulted in vertical cut-banks. These banks contribute excessive sediment to the streams through lateral erosion. Bank erosion presents a safety concern and leads to a lack of riparian canopy. Restoration is necessary to stabilize the creek and prevent further erosion.

The City of Fayetteville, in partnership with the Watershed Conservation Resource Center, applied for and was selected for a grant from the Environmental Protection Agency Region 6 for a project titled "Stream Restoration Demonstration at Niokaska Creek in Sweetbriar Park". WCRC prepared the grant application for the City as a sub-grantee.



City Council Meeting of September 1, 2009

DISCUSSION:

The Environmental Protection Agency Region 6 will provide the City of Fayetteville \$234,000 in grant monies and the City of Fayetteville will provide \$78,000 in cash. An additional \$5,000 of in-kind match will be generated through volunteer activities for a project total of \$317,000. From the total of \$317,000, WCRC will receive \$188,000 for services agreed to within this Memorandum of Understanding.

The Memorandum of Understanding establishes a framework for cooperation with the WCRC and the City of Fayetteville. The tasks the WCRC agrees to do are as follows:

- Assist the City of Fayetteville in completing and submitting the final grant application.
- Develop the Quality Assurance/Quality Control Plan.
- Provide project management and engineering.
- Coordinate and carry-out activities associated with the project as outlined in the attached work plan as Tasks 1-6 and assist the City of Fayetteville on their designated sections as shown in Tasks 1-6.
- Provide a method and summary to document environmental outputs and outcomes.
- Provide a method for the City of Fayetteville to document their activities and show matching funds.
- Submit monthly payment requests by the 10th of each month for work completed.
- Provide documentation of \$5,000 in-kind match from outreach activities.

The proposed project would begin October 2009 and extend through November 30, 2013.

BUDGET IMPACT

This request is in concert with the request to accept this grant funding through the Environmental Protection Agency. The cost of this request is \$188,000 of which the City is responsible for 25% or \$47,000. The cost will be split between projects managed by the Engineering Division and Park Planning Division as established by the proposed resolution accepting the grant to be presented to City Council on September 1st along with this request.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE WATERSHED CONSERVATION RESOURCE CENTER (WCRC) IN THE AMOUNT OF \$188,000.00 FOR A STREAM RESTORATION DEMONSTRATION PROJECT ON NIOKASKA CREEK THROUGH SWEETBRIAR PARK.

WHEREAS, the Watershed Conservation Resource Center possesses unique expertise and resources ideally suited to meet the City of Fayetteville's need for stream restoration as part of the Stormwater Phase II permit requirements; and

WHEREAS, the Watershed Conservation Resource Center can perform this work at a significant savings to the citizens of Fayetteville.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a Memorandum of Understanding (marked as Exhibit "A" attached hereto and made a part hereof) between the City of Fayetteville, Arkansas and the Watershed Conservation Resource Center (WCRC) in the amount of \$188,000.00 for a Stream Restoration Demonstration Project on Niokaska Creek through Sweetbriar Park.

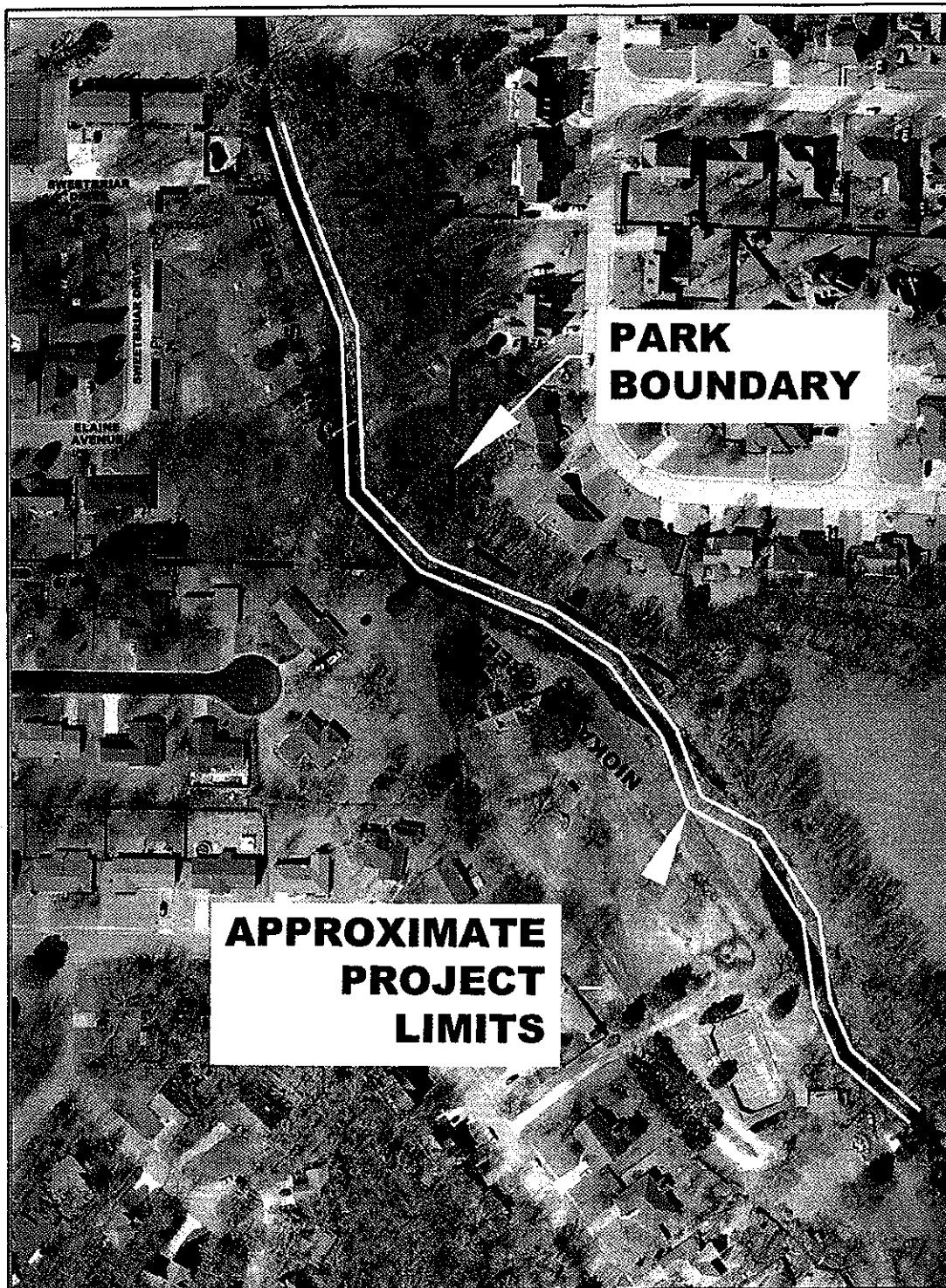
PASSED and **APPROVED** this 1st day of September, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



City of Fayetteville
 Parks and Recreation
 113 W. Mountain
 Fayetteville, AR 72701
 479-444-3471

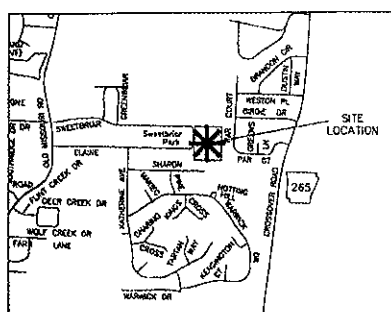


Stream Restoration
 Demonstration at Niokaska
 Creek in Sweetbriar Park
 2645 E. Sweetbriar Dr.
 City of Fayetteville

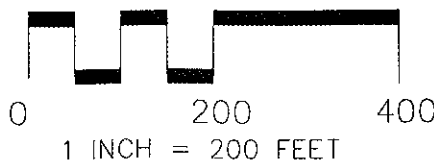
PROJECT
 SITE PLAN

SHEET
 1
 OF
 1

August
 2009



VICINITY MAP
 NOT TO SCALE



TOTAL PROJECT LENGTH =
 APPROX. 1,600 FEET

PROJECT WITHIN PARK BOUNDARY =
 APPROX. 860 FEET (54%)

PROJECT OUTSIDE PARK BOUNDARY =
 APPROX. 740 FEET (46%)

MEMORANDUM OF UNDERSTANDING

Between

Watershed Conservation Resource Center

And

City of Fayetteville

This Memorandum of Understanding (MOU) is entered into and executed on the date indicated below the signature block, by and between the Watershed Conservation Resource Center hereinafter referred to as WCRC and the City of Fayetteville (CITY of FAYETTEVILLE).

A. PURPOSE

The purpose of this MOU is to establish a general framework for cooperation between the WCRC and the CITY OF FAYETTEVILLE, who applied together and have received an EPA wetlands grant to conduct the project entitled, "Stream Restoration Demonstration at Niokaska Creek in Sweetbriar Park." The CITY OF FAYETTEVILLE, the award recipient, and the WCRC, sub-grant recipient, will work to achieve the common goal of restoring an unstable section of Niokaska Creek to a morphologically stable form utilizing a natural channel design approach that includes the development of wetlands. Niokaska Creek flows through Sweetbriar Park, a city-owned neighborhood park located in the Illinois River watershed. The stream restoration will improve Sweetbriar Park and the surrounding properties. The urban stream restoration will use innovative approaches to manage and treat stormwater and address severe streambank erosion, while restoring aquatic and terrestrial habitat and maintaining a sustainable, natural hydrology. Such cooperation will serve the parties' mutual interest. The project description, schedule of activities, budget, and roles and responsibilities of the WCRC and the CITY OF FAYETTEVILLE can be found in the attached work plan.

B. STATEMENT OF MUTUAL INTERESTS AND BENEFITS

Traditional methods of managing stormwater in our cities result in environmental degradation of our streams and watersheds. Over the past 30 years, Northwest Arkansas' population tripled to approximately 400,000. Both forested and agricultural lands have been converted to urban areas, increasing the amount of impervious surfaces. The increase in runoff from impervious surfaces has intensified the magnitude and frequency of high flow events in urban streams, which in turn, increases erosion of stream channels. These conditions have resulted in Niokaska Creek undergoing channel enlargement along with accelerated streambank erosion.

At the project site there are vertical cut-banks eroding park land. These banks contribute sediment and nutrients to the stream. The WCRC will use a natural channel design approach which is an innovative technique to design and construct a stream restoration that will reduce instability, reduce sediment and nutrient loads, and enhance the aquatic habitat for a 1,600 foot section of Niokaska Creek. The design will include constructing small floodplains, rock structures that deflect flow away from banks, and defined riffles and pools. Wetland areas will be constructed in a flood-prone area adjacent to the stream.

The project site lies in the Springfield Plateau Ecoregion and during pre-settlement times, the immediate area was most likely a tall grass prairie ecosystem. A re-vegetation plan will be developed that encourages the growth of native species and plant selection will be based on recommendations from local plant and ecosystem experts. The stream corridor will be re-vegetated with native grasses, shrubs, and trees to enhance the native vegetation, reduce soil erosion, and to improve the removal of pollutants from stormwater runoff.

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

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

- The restoration design will help to dissipate energy from stormwater runoff; thereby, reducing streambank erosion. The water quality of Niokaska Creek and the Illinois River will be improved by reducing sediment and nutrient annual loads from the project site by over 80%.
- The buffer improvements and the establishment of wetlands along the stream will enhance the infiltration of rain water, help to remove pollutants, and reduce stormwater runoff.
- The stream restoration will result in improved riffle-pool bed features, which will help to increase water retention and aeration resulting in better assimilation of nutrients.
- The channel will be restored to a natural hydrology and channel enlargement will be reduced resulting in enhanced aquatic and terrestrial habitat.
- The aesthetics of the park will be improved and safety issues will be eliminated.
- The site will provide education opportunities for alternative design methods to address urban stream erosion with a focus on ecological restoration, enhancement, and sustainability.

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

C. THE WCRC:

1. Shall assist the CITY OF FAYETTEVILLE in completing and submitting the final grant application.
2. Shall provide project management and engineering.
3. Shall coordinate and carry-out activities associated with the project as outlined in the attached work plan as Tasks 1-6 and assist the CITY OF FAYETTEVILLE on their designated sections as shown in Tasks 1-6.
4. Shall provide method and summary to document environmental outputs and outcomes.
5. Shall provide a method for the CITY OF FAYETTEVILLE to document their activities and show matching funds.
6. Shall submit monthly payment requests by the 10th of each month for work completed.

7. Shall provide documentation of \$5000 in-kind match from outreach activities.

D. THE CITY OF FAYETTEVILLE:

1. Shall coordinate all activities within the City of Fayetteville Divisions and Departments and between the CITY OF FAYETTEVILLE and the WCRC
2. Shall coordinate and carry-out activities as outlined in the attached work plan as Task 6 and designated sections of Tasks 1-5.
3. Shall administer the grant and oversee the budget and the procurement of construction materials and services.
4. Shall pay to the sub-grant recipient, the WCRC, a sum not to exceed \$188,000 as outlined in the budget section of the attached work plan. This amount is included in the overall project budget of \$317,000.
5. Shall provide review and input into the final restoration design.
6. Shall oversee activities at Sweetbriar Park and coordinate Parks' staff needed for implementation of the restoration design.
7. Shall provide documentation of all project activities and associated matching funds.
8. Recognizes that their participation is an integral component in carrying out a successful project that will result in improved water quality and habitat restoration. Non-performance of any of the CITY OF FAYETTEVILLE's activities would be detrimental to the success of this project. This agreement indicates the CITY OF FAYETTEVILLE's good faith intent to fulfill their agreed upon roles as outlined in the attached workplan to the successful completion of the project."

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

1. FREEDOM OF INFORMATION ACT (FOIA). CITY OF FAYETTEVILLE contract and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the CITY OF FAYETTEVILLE, the WCRC will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.) Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance. Any information furnished to the WCRC under this instrument is subject to the Freedom of Information Act (5 U.S.C. 552).
2. MODIFICATION. Modifications within the scope of the instrument shall be made by mutual consent of the parties. Changes, modifications, or amendments in scope, price or fees to this agreement shall not be allowed without a prior formal contract amendment approved by the Mayor and/or the City Council in advance of the change in scope, cost or fees.
3. PARTICIPATION IN SIMILAR ACTIVITIES. This instrument in no way restricts the WCRC or the CITY OF FAYETTEVILLE from participating in similar activities with other public or private agencies, organizations, and individuals.
4. COMMENCEMENT/EXPIRATION DATE. The instrument is executed as of the date of the last signature and is effective for the life of the project.

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

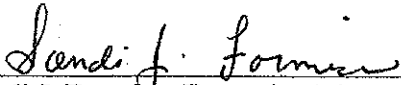
Sandi Formica, Executive Director
Watershed Conservation Resource Center
380 West Rock Street
Fayetteville, AR 72701
Office Phone: 479-444-1916
Cell Phone: 501-352-5252
Office Fax: 928-396-2546
E-mail: wrcr@watershedconservation.org

Chris Brown, P.E., City Engineer
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701
Phone: 479-575-8206
Fax: 479-575-8202
E-mail: cbrown@ci.fayetteville.ar.us

Sarah Wrede, E.I., Flood Plain Coordinator
City of Fayetteville
Phone: 479-575-8206
E-mail: swrede@ci.fayetteville.ar.us

Carole Jones, P.E., Park Planner
City of Fayetteville
Phone: 479-444-3472
E-mail: cdjones@ci.fayetteville.ar.us

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



Sandi J. Formica, Executive Director
Watershed Conservation Resource Center

August 13, 2009

Date

Lioneld Jordan, Mayor
City of Fayetteville

Date

Project Narrative

Section 1: Cover Page

Project Title: Stream Restoration Demonstration at Niokaska Creek in Sweetbriar Park

Priority: 2. Regional Priority Areas: 1. Wetland & Stream Restoration 2. Watershed Planning

Name of Applicant: City of Fayetteville, Arkansas

Key personnel and contact information:

Sarah Wrede, City of Fayetteville, Engineering, swrede@ci.fayetteville.ar.us, (479) 575-8208

Carole Jones, City of Fayetteville, Parks, cdjones@ci.fayetteville.ar.us, (479) 444-3472

Sandi Formica, WCRC, formica@watershedconservation.org, (501) 352-5252

Geographic Location: Hydrologic Unit Code: 11110103; Illinois River Watershed

Total Project Cost: \$ 317,000 **Federal Dollars Requested:** \$234,000

Abstract/Project Summary:

The City of Fayetteville (City) in partnership with the Watershed Conservation Resource Center (WCRC) proposes to implement an urban stream restoration using a natural channel design approach that includes the development of wetlands in a flood-prone area adjacent to the stream. The project location is Fayetteville, Arkansas on Niokaska Creek, which flows through Sweetbriar Park, a city-owned neighborhood park located in the Illinois River watershed. The 1,600 ft urban stream restoration will use innovative approaches to manage and treat stormwater and address severe streambank erosion, while restoring aquatic and terrestrial habitat and maintaining a sustainable, natural hydrology. A re-vegetation plan will be developed that encourages the growth of native species at the stream restoration site. The water quality of Niokaska Creek and the Illinois River will be improved by reducing sediment and nutrient average annual loads by a projected 80% at the project site.

Section 2: Project Description

a. Description of Project – The City of Fayetteville (City) in partnership with the Watershed Conservation Resource Center (WCRC) proposes to implement an urban stream restoration using a natural channel design approach that includes the development of wetlands in Fayetteville, Arkansas. Niokaska Creek flows through Sweetbriar Park, a city-owned neighborhood park located in the Illinois River watershed (Section 5: Attachment 1). The urban stream restoration will use innovative approaches to manage and treat stormwater and address severe streambank erosion, while restoring aquatic and terrestrial habitat and maintaining a sustainable, natural hydrology.

Traditional methods of managing stormwater in our cities result in environmental degradation of our streams and watersheds. Over the past 30 years, Northwest Arkansas' population tripled to approximately 400,000. Both forested and agricultural lands have been converted to urban areas, increasing the amount of impervious surfaces. The increase in runoff from impervious surfaces has intensified the magnitude and frequency of high flow events in urban streams, which in turn, increases erosion of stream channels. These conditions have resulted in Niokaska Creek undergoing channel enlargement along with accelerated streambank erosion.

At the project site there are vertical cut-banks eroding park land (Section 5: Attachment 2). These banks contribute sediment and nutrients to the stream. The WCRC will use a natural channel design approach which is an innovative technique to design and construct a stream restoration that will reduce instability, reduce sediment and nutrient loads, and enhance the aquatic habitat for a 1,600 foot section of Niokaska Creek. An example of natural channel design techniques is shown in Section 5: Attachment 3. The design will include constructing small floodplains, rock structures that deflect flow away from banks, and defined riffles and pools. Wetland areas will be constructed in a flood-prone area adjacent to the stream.

The project site lies in the Springfield Plateau Ecoregion and during pre-settlement times, the immediate area was most likely a tall grass prairie ecosystem. A re-vegetation plan will be developed that encourages the growth of native species and plant selection will be based on recommendations from local plant and ecosystem experts. The stream corridor will be re-vegetated with native grasses, shrubs, and trees to enhance the native vegetation, reduce soil erosion, and to improve the removal of pollutants from stormwater runoff.

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

- The restoration design will help to dissipate energy from stormwater runoff; thereby, reducing streambank erosion. The water quality of Niokaska Creek and the Illinois River will be improved by reducing sediment and nutrient annual loads from the project site by over 80%.
- The buffer improvements and the establishment of wetlands along the stream will enhance the infiltration of rain water, help to remove pollutants, and reduce stormwater runoff.
- The stream restoration will result in improved riffle-pool bed features, which will help to increase water retention and aeration resulting in better assimilation of nutrients.
- The channel will be restored to a natural hydrology and channel enlargement will be reduced resulting in enhanced aquatic and terrestrial habitat.
- The aesthetics of the park will be improved and safety issues will be eliminated.
- The site will provide education opportunities for alternative design methods to address urban stream erosion with a focus on ecological restoration, enhancement, and sustainability.

To transfer the technology and information derived from this project, outreach events will be conducted. Also, the project will be monitored for success for three years to demonstrate effectiveness of the techniques used. This is a demonstration project with developmental and program building activities, outside the scope of existing regulatory requirements.

b. Project Tasks – The tasks that will be carried out to develop and implement this project are summarized as follows:

Task 1: Development of Quality Assurance/Quality Control (QA/QC) Plan. A QA/QC plan will be developed to assure that data collection activities result in quality data. The WCRC will be responsible for this task. *Deliverable: EPA Approved QA/QC plan*

Task 2: Site Monitoring and the Collection of Pre and Post Implementation Data. Under this task, 1) An inventory of channel condition prior to restoration will be conducted to help estimate sediment and nutrients loads from streambank erosion; 2) Establish sites for measuring bank profiles and collect data before and after restoration to estimate erosion rates; 3) Conduct biological assessment once before and two times following restoration. The WCRC will be responsible for subtasks 1) and 2). The applicant will be responsible for 3). *Deliverables: Inventory results, estimated sediment and nutrient loads, and results of biological assessments.*

Task 3: Development of Restoration Design. Under this task a stream restoration design using the natural channel design approach will be developed by 1) Conducting site survey including existing stream morphology data; 2) Developing restoration site plan that includes the wetland design; 3) Developing re-vegetation plan; 4) Developing construction drawings; 5) Performing HEC-RAS modeling to confirm “No-Rise” conditions for the 100-year flood elevation. The WCRC will be responsible for subtasks 1) – 4). The applicant will be responsible for subtask 5). *Deliverables: Restoration design report, re-vegetation plan, and letter of “No-Rise”*

Task 4: Construction of Restoration Design. Under this task the stream and wetland restoration will be constructed. Activities include 1) Purchase of construction materials; 2) Prepare site for construction, including installation of safety fence, delivery of materials and equipment, removal of invasive species, and stake site plan elevations; 3) Construction of the stream channel, structures, floodplains, and wetlands; and 4) Building soil mattresses and re-vegetation. The WCRC will be responsible for restoration design construction, subtasks 2) – 3); the site will be inspected

periodically following major storm events and if needed, small repairs will be conducted. The applicant will be responsible for subtask 1) and selection of construction contractor. **Deliverables:**

Implementation Summary

Task 5: Technology Transfer and Outreach. Under this task the technical transfer and outreach will be conducted by 1) providing ten or more field tours to individuals or groups of developers, city planners, local decision makers, and/or environmental professionals; 2) incorporating the project information into local workshops and courses; and 3) hosting a planting day. The applicant and the WCRC will be responsible. **Deliverables:** *Outreach activities summary*

Task 6: Administrative and Reporting. The applicant will provide project oversight and develop 1) quarterly reports and 2) a final report. **Deliverables:** *Quarterly and Final Reports*

c. Milestone Schedule

Milestone/Task	Start Date	End Date	Product
1: Develop QAPP	10/15/09	01/15/10	Approved QAPP
2: Site Monitoring			
1) Inventory Channel Condition		12/15/13	Inventory results
2) Estimate Erosion Rates		12/15/13	Loading estimates
3) Conduct Biological Assessment		12/15/13	Assessment results
3: Restoration Design Development			
1) Site Survey	01/15/10	03/31/10	Site Condition
2) Develop Site Plan	04/01/10	06/30/10	Restoration layout
3) Develop Re-vegetation Plan	04/01/10	06/30/10	Re-vegetation plan
4) Develop Construction Drawings	04/01/10	06/30/10	Construction drawings
5) Perform HEC-RAS Modeling	04/01/10	07/30/10	Letter of "No-Rise"
4: Construct Restoration	04/01/10	12/15/10	Summary of construction
5: Outreach	12/15/10	11/30/13	Summary of activities
6. Reporting - Quarterly Report	10/15/09	03/31/14	Progress report
Final Report	12/15/13	03/31/14	Final report

d. Project Need - Traditional approaches to addressing channel enlargement in urbanizing areas include treatments such as, channelization and lining with concrete, use of rip-rap, and enclosure of the tributary stream into a culvert system. These treatments may address a singular concern, such as, reducing the amount of sediment produced at the site level, but they are expensive, do not improve aesthetics, decrease biodiversity, are not sustainable, and generally move the imbalance between streamflow and sediment transport to downstream property owners. A stream restoration project using a natural channel design is needed because it is a progressive approach that will resolve the effects associated with channel enlargement, while improving water quality and achieving many socially and ecologically beneficial objectives. Also, this project will include the development of wetlands as a component of the restoration, so it will provide the opportunity to present the importance of wetlands and their function in ecosystems. The presentation of the results of this project can help to encourage the inclusion of stream and wetland protection along with restoration as part of local and state government programs.

e. National and/or Regional Priority Areas – The project addresses Regional Priority Areas: 1. Wetland & Stream Restoration and 2. Watershed Planning. Using a natural channel design to address accelerated streambank erosion, develop wetlands, and create habitat in an urban environment is a comprehensive, innovative approach to manage and treat urban stormwater and restore an urban stream in a way that is sustainable and restores the natural hydrology. The City is partnering with the WCRC, a small non-profit conservation organization who specializes in watershed and stream assessment along with watershed planning, to integrate more natural restoration methods into their urban stream systems to improve water quality, encourage more native species, and increase wildlife habitat into their parks and other urban areas. The City will use the experience gained from this project to better plan for future development projects. The experience from this project will help to identify areas in which stream and wetland restoration can be achieved.

A site map and photographs are shown in Section 5: Attachments 1 & 2. The environmental condition of the site is there are vertical cut-banks eroding park land 1) contributing sediment and nutrients to the stream which degrades the water quality and 2) undermining the riparian area. The poorly developed bed features of the stream and lack of water clarity provide limited habitat for aquatic life. Seasonal perched water discharging from the side of a cut bank was observed at the site. The City is the primary landowner of the site and has spoken with landowners within the project site. The other landowners are aware of the erosion problem and have agreed to participate in the project.

The project also addresses regional priorities and local objectives associated with the Illinois River watershed and watershed planning. The Illinois River has four 303 (d) listed segments shown by the Arkansas Department of Environmental Quality (ADEQ) as impaired and in need of additional data, with siltation/turbidity specified as the cause and surface erosion specified as the source for two of the segments. Also, the Illinois River watershed is considered a priority by the Arkansas Natural Resource Commission for reducing nutrients. This project will help to reduce both sediment and nutrient loads in the Illinois River. The Illinois River Watershed Partnership (IRWP) is developing a comprehensive watershed management plan for the upper Illinois River watershed. The IRWP is focusing on the establishment and preservation of riparian buffers within the watershed which will help reduce sediment and excess nutrients in the upper Illinois River Basin.

f. Project Goals and Objectives:

i. Stated Objective/Link to EPA Strategic Plan - The project objectives are:

- Increase biological services to the community by using new and innovative methods to restore a section of Niokaska Creek
- Improve water quality by reducing water pollution, specifically, sediment, phosphorus, and nitrogen loadings to Niokaska Creek and the Illinois River
- Enhance riparian corridor, terrestrial habitat, and aquatic habitat

- Develop wetlands and enhance native plant species in an urban area
- Improve aesthetics of a park using natural materials and native plants
- Provide outreach on urban stream stability and natural channel restoration

These objectives are directly linked to EPA's Strategic Plan, Goal 4: Healthy Communities, Objective 4.3: Restore and Protect Ecosystems, Sub-Objective 4.3.1: Increase Wetlands. The restoration of the stream, its corridor, and the development of wetlands is a comprehensive approach to restoration and the pre-settlement tall grass prairie ecosystem will be considered in the design. Conducting this project in an urban setting, where the streams and adjacent landscapes have become stormwater drains over past decades, demonstrates these new techniques in a highly visible location, Sweetbriar Park. The general public's appreciation of this approach will encourage environmental planners, local decision makers, and other cities in the watershed along with watershed practitioners to begin to incorporate these restoration techniques to address similar problems in other locations and on a watershed scale. The project promotes healthier communities; working with partners within the community, wetlands will be created.

ii. Results of Activities (Outputs) - The expected environmental outputs are 1) development of a 1,600 ft stream restoration site that includes wetlands to demonstrate the effectiveness of the natural channel design approach as an urban stream restoration technique; 2) development of a re-vegetation plan that demonstrates the use of native plants in an urban area to help treat and filter stormwater runoff; 3) development of information on a demonstration project that will contribute to a broader understanding of stream and wetland systems locally and statewide; and 4) development of monitoring data to demonstrate the effectiveness of restoration projects. These outputs are linked to the EPA Strategic Plan because through this project an ecosystem will be restored using an integrated and comprehensive approach and partnerships.

iii. Anticipated Environmental Improvements (Outcomes) – The expected environmental outcomes from this project are 1) reduced sediment, nitrogen, and phosphorus loadings from accelerated stream bank erosion by over 80%; 2) increased understanding of the function and structure of stream and wetland systems; 3) improved aquatic communities; 4) increased quantity of wetlands; and 5) increased understanding of using natural materials and design approaches to improve urban stream water quality. These outputs are linked to the EPA Strategic Plan because wetlands will be created and communities will be healthier. Outcomes 1) and 3) will be tracked using the monitoring plan described in this proposal. Items 2) and 5) will be tracked by providing questionnaires to tour participants before and after and then comparing the results.

iv. Established Baseline for Measurement – The erosion rate data collection and biological assessment will be conducted prior to restoration to establish baseline data. Prior to conducting tours of the constructed restoration, questionnaires will be given to participants to establish their attitude before being exposed to the project.

g. Restoration Demonstration Project Information - Based on locally developed streambank erosion prediction curves and existing stream conditions, the vertical cut-banks (six to seven feet tall) at the site erode an average of 0.6 feet per year. Preliminary sediment, phosphorus, and nitrogen estimated annual loadings are 180,000 lbs/yr, 110 lbs/yr, and 137 lbs/yr, respectively.

The post-installation monitoring program will be funded through this project. Sediment and nutrient load reductions will be estimated by installing toe pins on restored banks and measuring erosion rates annually. This data will be used along with existing local data collected to calculate contaminant loads. Also, two biological assessments will be conducted following implementation. The site will also be photo-documented throughout the project.

The following permits and authorization will need to be obtained: 1) USACE Section 404 permit; 2) letter of “no rise” in the 100 year flood elevations; and 3) ADEQ temporary authorization.

h. Planning Project Information - The stream restoration project does include the construction of wetlands in a flood prone area adjacent to the stream. Wetlands are associated with tall grass prairie ecosystems, so the construction of the wetland will enhance the stream restoration and move towards an overall ecosystem restoration. The elevation of the existing feature and the observation of a shallow perched water system indicate that the site will be ideal for including a wetland adjacent to the stream. The wetland will enhance the removal of pollutants and improve the water retention of the restoration site. The wetland will also act as an education tool to demonstrate 1) the interaction of streams, wetlands, and the surrounding landscape and their importance in restoring ecosystems and 2) the need to include wetlands in watershed planning.

The Illinois River watershed is listed as an EPA Region 6 priority. The Illinois River Watershed Partnership (IRWP) is developing a comprehensive watershed management plan for the upper Illinois River watershed. The IRWP is focusing on the establishment and preservation of riparian buffers within the watershed as a way to help reduce sediment and excess nutrients in the upper Illinois River Basin. The proposed project will help meet watershed planning objectives by improving the riparian area and water quality of a headwater stream in the Illinois River watershed.

i. Staffing Information - The following staff will have primary roles and responsibilities in implementing this project. Resumes and other information can be found in Section 5: Attachment 4:

- ***Sarah Wrede, City of Fayetteville, Engineering Division*** – Sarah will be the Project Coordinator. She will coordinate all activities within the City Divisions and between the City and the WCRC along with the other project partners. She will oversee the budget and HEC-RAS modeling. Sarah will review and provide input into the final restoration design and monitoring plan.
- ***Carole Jones, P.E., City of Fayetteville, Parks and Recreation Department*** – Carole will be the Implementation Coordinator and contact for the Parks and Recreation Department. She will oversee all activities at Sweetbriar Park and will coordinate Parks' staff needed for

implementation of the restoration design. She will also assist with the coordination of planting days and providing tours of the restoration project to environmental professionals and contractors. She will oversee the procurement of construction materials and services. Carole will review and provide input into the final restoration design.

- ***Parks and Recreation Department Staff, City of Fayetteville*** – several staff people will assist with the construction of the restoration by providing 1) input and review into the re-vegetation plan, 2) assistance in the removal of vegetation and invasive species to prepare the site for construction, 3) providing assistance and necessary equipment to move dirt, rock, and other materials on site, and 4) assistance with preparation of ‘volunteer planting days.’
- ***Sandi Formica, Watershed Conservation Resource Center*** – Sandi will be the Project Manager. She will be responsible for the implementation of the stream restoration and the pre and post monitoring. She will assist with the development of stream restoration design and construction oversight. She will work with project partners to develop the re-vegetation plan, the wetland design, and the project outreach.
- ***Mathew Van Eps, P.E., Watershed Conservation Resource Center*** – Mathew will be the Project Engineer. He will be responsible for the development of the stream restoration design, obtaining permits and authorizations, construction oversight, and collection of pre and post monitoring data.

j. Applicant’s Experience – The *City of Fayetteville* has been acknowledged for its environmental awareness for many years. The City is currently recognized as leading the State of Arkansas in sustainability and green infrastructure policies. The current administration has expressed interest and support in establishing more native grasses in the City’s parks to reduce maintenance and enhance the natural settings. Additionally, the City has recently developed a city-wide phosphorus reduction plan and developed a conceptual stream restoration plan for Red Oak Park with the Arkansas Game and Fish Commission Region 1 Stream Team.

The City of Fayetteville partnered with the WCRC in 2008 and successfully completed a stream restoration project along Niokaska Creek in Gulley Park. The project was funded with an EPA Clean Waters Act Section 319 grant. The section of Niokaska Creek that was restored is located downstream from the section proposed in this grant proposal. This has been a successful project because approximately 1,200 feet of streambank was restored using a natural approach. The park patrons and adjacent property owners have been pleased with the aesthetics and final outcome of the project. In addition, the conditions of the stream were greatly improved and enhanced by the project. Aquatic wildlife has returned to the stream and erosion has been greatly reduced.

The *Watershed Conservation Resource Center (WCRC)* is a 501(c) (3) non-profit organization whose mission is to protect, conserve, and restore natural resources. The co-founders and principals of the WCRC, Sandi J. Formica and Mathew Van Eps, have extensive backgrounds and are leading regional experts in watershed management, watershed assessment, stream stability analysis, natural channel restoration design and the utilization of GIS for inventory and evaluation of natural resource condition. The WCRC provides specialized assistance concerning watershed resource issues to a variety of organizations including; watershed groups; local, state and federal governments; non-profit organizations; conservation districts; and other entities that request assistance. The staff has a broad range of experience with the watershed approach and has spent many years working throughout Arkansas on a variety of watershed issues. The WCRC is housed in Fayetteville, Arkansas.

The WCRC is engaged in several watershed assessment and stream restoration projects. At this time, the WCRC has received funding for the design of three stream restoration projects in northwest Arkansas, two of which are on the West Fork of the White River. The WCRC is currently engaged in projects that assess stream stability and include measurement of lateral erosion rates for developing streambank erosion prediction curves for various fluvial systems in Arkansas. More information on the WCRC and staff resumes' can be found in Section 5: Attachment 4.

k. Partnership Information - The following organizations have agreed to participate as partners and will provide assistance to the project:

- *Illinois River Watershed Partnership* will participate in outreach activities and help coordinate volunteers for planting days.
- *Fayetteville High School Green Team and Service Learning Class* will participate in outreach activities and will help with the volunteer planting days.
- *Arkansas Natural Heritage Commission* will provide technical advice and review on the development of a wetland design and re-vegetation plan.
- *Ozark Ecological Restoration* will assist on re-vegetation plan and invasive species control.

l. Transfer of Results and Outreach – Technology and information gained from this project will be transfer through the following mechanisms. One-on-one tours and group tours of the site following restoration implementation will be given by both City and WCRC staff to individuals from local community organizations, government offices, and private companies. These individual include contractors, environmental professionals, developers, community leaders, city planners and engineers, conservation district staff, private landowners, landscape architects, civic leaders, and government agency staff. Currently, the WCRC assist with teaching stream morphology and restoration techniques in training courses and University of Arkansas engineering courses. The results of this project will be integrated into these workshops and university presentations. For the general public and both high school and university students, a minimum of one planting day will be organized where participants will help to plant native species throughout the restoration site. A fact sheet will be developed for the project and articles will be published in the local newspapers, newsletters, and web sites.

m. Quality Assurance / Quality Control -The applicant will be collecting environmental data to determine streambank erosion rates and sediment and nutrient delivery, assess the biological

condition of the stream, and to develop the restoration design. In order to comply with Quality Assurance and Quality Control (QAQC) requirements, the applicant will develop and submit within the first three months of the project period, a QA/QC plan for review and approval by the EPA.

n. Invasive Species Control - The applicant will monitor and work towards the elimination of invasive species from the site and will not introduce any to the site. Experienced project partners will provide assistance in developing invasive species control plan. If invasive species are detected or populations promoted in any way, the recipient will respond rapidly to control populations in an environmental sound manner, as approved by the EPA Project Officer.

Section 3: Budget Narrative

If the applicant receives an award, the sub-award/sub-grant will be properly awarded consistent with the applicable regulations in 40 CFR Parts 30 or 31. The applicant will also follow all appropriate procurement standards as required by EPA.

The overall project budget is summarized in the table below. The award recipient will administer the grant and procure services and materials for the restoration. The sub-grant recipient, the WCRC, will execute major project tasks associated with this proposal, because of their unique expertise in the area of natural channel design and stream assessment. Their budget is shown in the third column denoted by "Other" and is less than 50% of federal award. Their responsibilities, outlined in Section 2.b, include data collection, site restoration design development, and construction oversight. The contractual services include hydraulic modeling services (estimated \$7,500) and biological assessment services (estimated \$8,000).

The federal, non-federal, and total cost for each project task identified in section 2.b are as follows: Task 1.Develop QAPP (F-\$5,000, NF-\$0, T-\$5,000); Task 2.Site Monitoring (F-\$26,000,

NF-\$0, T-\$26,000); Task 3.Restoration Design Development (F-\$35,000, NF-\$30,000, T-\$65,000); Task 4.Construction (F-\$152,000, NF-\$38,000, T-\$190,000); Task 5.Outreach (F-\$11,500, NF-\$7,500, T-\$19,000); and Task 6.Reporting (F-\$4,500, NF-\$7,500, T-\$12,000).

Match for this project is in the form of cash and in-kind services provided by the applicant and outreach volunteers. The applicant will provide \$78,000 cash match that will be used to cover costs associated with data collection, design, and construction oversight, monitoring, and maintenance. \$5,000 of in-kind match will be generated through volunteer activities associated with the project.

	<i>Project Budget</i>		
Object Class Cat.	Federal	Non-Federal	Total
a. Personnel	\$0	\$0	\$0
b. Fringe	\$0	\$0	\$0
c. Travel	\$0	\$0	\$0
d. Equipment	\$0	\$0	\$0
e. Supplies	\$43,500	\$0	\$43,500
f. Contract	\$15,500	\$0	\$15,500
g. Construction	\$65,000	\$0	\$65,000
h. Other: WCRC (see table below)	\$110,000	\$83,000	\$193,000
i. Total Direct	\$234,000	\$83,000	\$317,000
j. Indirect	\$0	\$0	\$0
k. Totals	\$234,000	\$83,000	\$317,000

The budget for the sub-grant recipient, the WCRC, is shown as line h. Other: WCRC in the overall budget table above. A breakdown of the WCRC budget, which is part of the total project cost of \$317,000, is shown in the following table:

	<i>Other: WCRC Budget (included in the total project cost of \$317,000)</i>		
Object Class Cat.	Federal	Non- Federal	Total
l. Personnel	\$54,455	\$29,314	\$83,769
m. Fringe	\$28,317	\$15,243	\$43,560
n. Travel	\$0	\$6,500	\$6,500
o. Equipment	\$0	\$0	\$0
p. Supplies	\$0	\$12,286	\$12,286
q. Contract	\$0	\$0	\$0
r. Construction	\$0	\$0	\$0
s. Other	\$0	\$5,000	\$5,000
t. Total Direct	\$82,772	\$68,343	\$151,115
u. Indirect	\$27,228	\$14,657	\$41,885
v. Totals	\$110,000	\$83,000	\$193,000

Section 4: Past Performance

The City has executed four EPA State and Tribal Assistance Grants (XP-966737-01-0; XP-976902-01-0; XP-966062-01-1 and XP-966353-01-0) used for sanitary sewer line and manhole rehabilitation projects over the past three years. Additionally, the City has executed three Outdoor Recreation Grants through the Arkansas Department of Parks and Tourism used for park development and improvements over the past three years. All projects were successfully managed and completed within the established guidelines and timelines. All reporting requirements were met and the projects resulted in satisfactory outcomes. The STAG projects have resulted in reduced nutrients in the environment and reduced inflow/infiltration to the wastewater treatment system.

December 2008, the WCRC successfully completed a Section 319 grant from EPA Region 6 and administered under the ANRC to design and implement a stream restoration in partnership with the City. The WCRC met all of the reporting requirements including the development of a final report. An environmental output was the WCRC designed a natural channel that reduced channel instability, reduced sediment and nutrient loads, and enhanced the aquatic habitat for a 1,200 foot section of stream. An environmental outcome was sediment, total phosphorus, and total nitrogen loadings were estimated to be reduced by 96%, 95%, and 89%, respectively.

The WCRC currently has the EPA Agreement No. AW832239-03, Mid-South Watershed Training Program. The WCRC has developed and conducted watershed-based training through this agreement, which is 95% completed. The WCRC has been very successful in completing milestones and managing this agreement. Students included state, federal, city, county and Tribal government employees, watershed coordinators and group members; non-profit organization and conservation district employees; and environmental professionals. The environmental output to date is seventeen training courses have been conducted with 660 students attending. Based on course evaluations, an environmental outcome was over 80% of the participants found the course attended very useful.

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

9/1/2009

City Council Meeting Date
Agenda Items Only

Andrew Garner
Submitted By

Planning
Division

Development Services
Department

Action Required:

VAC 09-3375: (Teresa Al-Ansari, 291): Submitted by ALAN REID for property located at 2831 N. SHERWOOD LANE. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 1.13 acres. The request is to vacate a portion of a utility easement on the subject 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

☐

Department Director

08-13-2009
Date

Previous Ordinance or Resolution #

City Attorney

8/14/09
Date

Original Contract Date:

Original Contract Number:

Finance and Internal Services Director

8-14-2009
Date

Received in City
Clerk's Office



8-13-09 UAG

Chief of Staff

8-17-09
Date

Received in
Mayor's Office



Mayor

8/17/09
Date

Comments:

City Council Meeting of September 1, 2009
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy C. Pate, Director of Development Services X

From: Andrew Garner, Senior Planner

Date: August 13, 2009

Subject: Vacation for Teresa Al-Ansari (VAC 09-3375).

RECOMMENDATION

Staff and the Planning Commission recommend approval of vacating a portion of an existing utility easement on the subject property.

BACKGROUND

The subject property is located at the north end of the Sherwood Lane cul-de-sac, north of Township Road. The property contains a single-family structure, pool, and pool house located on a 1.13-acre lot.

The applicant's request is to vacate a portion of a utility easement to allow for the pool, pool house and related mechanical appurtenances to remain within the easement.

DISCUSSION

This item was heard at the regular Planning Commission meeting on August 10, 2009. The Planning Commission voted 6-0-0 on the consent agenda to forward this rezoning request to the City Council with a recommendation of approval.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 09-3375 SUBMITTED BY ALAN REID FOR PROPERTY LOCATED AT 2831 NORTH SHERWOOD LANE TO VACATE A PORTION OF A UTILITY EASEMENT CONTAINING APPROXIMATELY 497 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 described 497 square-foot 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 portion of utility easement as described 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: This vacation approval is subject to the owner's agreement that any necessary relocation of existing utilities caused by this vacation will be at the expense of the owner.

PASSED and APPROVED this day of , 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

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.

765-12149-003
SOUTHPAW DEVELOPERS, LLC
2595 FIREWOOD
FAYETTEVILLE, AR. 72703

AREA TO BE VAC
0.01± ACRES
496.7± SQ. FT.

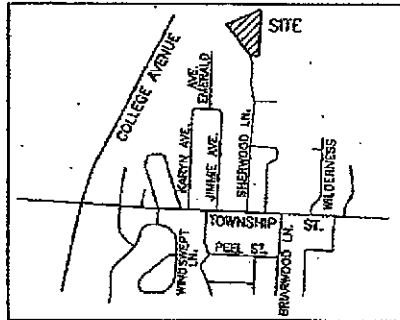
765-12136-000
LINDA O'CONNELL
2800 N. SHERWOOD
FAYETTEVILLE, AR.

TOTAL AREA
1.13± ACRES
49,333.1± SQ. FT.

765-12148-001
WILLIAM SMITH
2715 N. SHERWOOD LANE
FAYETTEVILLE, AR. 72703

ADJUSTED LOT 35
BEING A PART OF LOTS 35 & 36
WEST WIND III, P.U.D.

ADJUSTED TRACT 2
BEING A PART OF LOTS 35 & 36
WEST WIND III, P.U.D.



VINCITY MAP

SW CORNER
LOT 35

Bearing	DISTANCE
S4°00'W	41.60'
S4°00'E	10.00'
S24°02'W	83.94'
S38°57'E	37.25'
S32°37'E	13.58'
S24°02'E	31.22'
S4°00'W	15.00'
S24°00'W	11.27'
S12°33'W	14.00'
S36°00'W	72.34'
S45°32'E	70.98'

765-12147-000
RUDY HATCHER
P.O. BOX 1047
FAYETTEVILLE, AR. 72702

N. SHERWOOD LANE
(AGGREGATE CONCRETE, 50' R/W)

7
7
R
2
F

EXHIBIT "B"
VAC 09-3375

EASEMENT VACATION DESCRIPTION:

A PART OF ADJUSTED TRACT NUMBER TWO (2), BEING A PART LOT NUMBERED THIRTY-FIVE (35) AND A PART OF LOT NUMBERED THIRTY-SIX (36) OF WEST WIND, PHASE III, A PLANNED UNIT DEVELOPMENT TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON A PROPERTY LINE ADJUSTMENT APPROVED BY THE CITY OF FAYETTEVILLE, ARKANSAS, ON MAY 27, 2005 AND FILED AS LAND DOCUMENT 2005-23129 IN THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT THIRTY-SIX (36), SAID POINT BEING AN EXISTING IRON; THENCE N00°36'00"W 243.32 FEET ALONG THE EAST LINE OF SAID LOT THIRTY-SIX (36) TO A POINT; THENCE S89°24'00"W 11.27 FEET TO THE TRUE POINT OF BEGINNING; THENCE S78°12'33"W 14.00 FEET TO A POINT ON THE WEST LINE OF AN EXISTING TWENTY-FIVE (25) FOOT WIDE UTILITY EASEMENT; THENCE N00°36'00"W 72.34 FEET ALONG THE WEST LINE OF SAID EASEMENT TO A POINT; THENCE S11°45'32"E 70.96 FEET TO THE POINT OF BEGINNING, CONTAINING 496.7 SQUARE FEET, MORE OR LESS.



PC Meeting of August 10, 2009

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: August 4, 2009 Updated August 13, 2009

VAC 09-3375: (AL-ANSARI /2831 N. SHERWOOD LN, 291): Submitted by ALAN REID for property located at 2831 N. SHERWOOD LANE. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 1.13 acres. The request is to vacate 496.7 s.f. of a utility easement. Planner: Andrew Garner

Findings:

Property Description: The subject property is located at the north end of the Sherwood Lane cul-de-sac at 2831 North Sherwood Lane, north of Township Street. The property contains a single-family structure, pool, and pool house. The 1.13-acre lot contains a dedicated utility easement on the east property line.

Request: The applicant's request is to vacate a portion of a utility easement to allow for the pool house and related mechanical appurtenances to remain within the easement.

The applicant has submitted the required notification forms to the utility companies and to the City with the result summarized below.

UTILITIES

RESPONSE

AEP/SWEPCO	No Objections
Ozarks Electric	No Objections
Cox Communications	No Objections
Arkansas Western Gas	No Objections
ATT	No Objections

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer	No Objections
-------------	---------------

Transportation	No Objections
Solid Waste	No Objections
Engineering	No Objections

Public Comment: No public comment has been received.

Recommendation: Staff recommends forwarding VAC 09-3375 to the City Council with a recommendation of approval with the following conditions:

Conditions of Approval:

1. Any damage or relocation of existing utilities shall be at the owner/developer's expense.

CITY COUNCIL ACTION: Required

PLANNING COMMISSION ACTION: Required

Planning Commission Action: ☒ Forwarded ☐ Denied ☐ Tabled

Date: August 10, 2009

Motion: Winston

Second: Cabe

Vote: 6-0-0 (Consent agenda)

August 10, 2009
Planning Commission
VAC 09-3375 AL-ANSARI/
Agenda Item 3
Fayetteville, Arkansas 72701
118 S College Avenue
Fayetteville, Arkansas 72701
479 444 8784
1 888 549 8784
Fax 479 444 0964

Best regards,
Alan Reid
Alan Reid
Professional Land Surveyor

To Whom It May Concern:
On behalf of my client, Teresa Al-Ansari, I am submitting for your review, a proposed vacation of a portion of an existing utility easement at 2831 N. Sherwood Lane, Fayetteville, Arkansas. A portion of the pool house and related mechanical appendances extend into the twenty-five (25) foot wide utility easement. Ms. Al-Ansari is asking for 497 square feet of the existing easement to be vacated. Thank you for your consideration in this request.

City of Fayetteville
Planning & Engineering
113 West Mountain Street
Fayetteville, Arkansas 72701

June 18, 2009

Alan Reid
& ASSOCIATES
PROFESSIONAL
LAND
SURVEYORS
BOUNDARY
TOPO
GPS

ARA

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

Date: 6/15/2009

Utility Company: Cox

Applicant Name: TERESA AL-ANSARI

Applicant Phone: _____

REQUESTED VACATION (applicant must check all that apply):

- ☒ 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**)

2831 N. SHERWOOD
FAIRFAXVILLE, VA 22031

(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

Title

Planner

Page 5

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

Date: 6/15/2009
Utility Company: AEP/SWEPSCO
Applicant Name: TERESA AL-ANSARI Applicant Phone: _____

REQUESTED VACATION (applicant must check all that apply):

- ☒ 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**) 2831 N. SHERWOOD LN. 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
ENGINEER I
Title

Page 5

2009 09:54 FROM: UZHAKS ELECTRIC

413 684 4617

10:41:44 09/04

P.E.C

**UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS**

Date: 6/15/2009

Utility Company: OELL

Applicant Name: TERESA AL-ANSARI

Applicant Phone: _____

REQUESTED VACATION (applicant must check all that apply):



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)

2831 W. SHERWOOD LN
TATEVILLE, AL 35203

(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.)

Vacate the 496.7 sq. ft as described only. All other U.E. to remain. If any relocation of existing Electric line is necessary it will be at owner's expense.
No objections provided the following conditions are met:

Signature of Utility Company Representative

Lead staking Tech

Title

Page 5

August 10, 2009
Planning Commission
VAC 09-3375 AL-ANSARI
Agenda Item 3
Page 6 of 14

2009/THU 04:47 AM ARK WESTERN GAS

PAA NO. 419 002 1000

002

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

Date: 6/15/2009
Utility Company: JAMES BOYD / AWWG
Applicant Name: TERESA AL-ANSARI Applicant Phone: _____

REQUESTED VACATION (applicant must check all that apply):

- ☒ 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) 2831 N. SHERWOOD LN
FOOTENILLE, AR 717

(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:

Teresa Al-Ansari
Signature of Utility Company Representative

NORTHWEST REGIONAL MANAGER
Title

Page 5

August 10, 2009
Planning Commission
VAC 09-3375 AL-ANSARI
Agenda Item 3
Page 7 of 14

08/16/2009 09:16 AM 0002/91/80 11929 ON XL/XLI

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

Date: 6/15/2009

Utility Company: ATT

Applicant Name: TERESA AL-ANSARI Applicant Phone: _____

REQUESTED VACATION (applicant must check all that apply):

- ☒ 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**)

2831 N. SHERWOOD LN.
FATHEVILLE, 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
FACILITIES WILL BE CARED FOR AT THE
PROPERTY OWNER'S EXPENSE

Susan K. Crowder / SWBT-ATT
Signature of Utility Company Representative

OUTSIDE PLANT DESIGN ENGINEER
Title

Page 5

August 10, 2009
Planning Commission
VAC 09-3375 AL-ANSARI
Agenda Item 3
Page 8 of 14

FROM

2009 MON 11:28 FAX 479 684 4730 WATER & SEWER

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

Date: 6/15/2009
Utility Company: FATEETEVILLE, WATER & SEWER
Applicant Name: TERESA AL-ANSARI Applicant Phone: _____
REQUESTED VACATION (applicant must check all that apply):

- ☒ 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**)

2831 N. SHERWOOD LN
FATEETEVILLE, AZ 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:

W+S ops Mgr
Signature of Utility Company Representative

Title

Page 5

August 10, 2009
Planning Commission
VAC 09-3375 AL-ANSARI
Agenda Item 3
Page 9 of 14

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

Date: 6/15/2009
Utility Company: FAYETTEVILLE SOLID WASTE
Applicant Name: TERESA AL-ANSARI Applicant Phone: _____

REQUESTED VACATION (applicant must check all that apply):

- ☒ 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)**

2831 N. SKERWOOD LN
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 Puff
Signature of Utility Company Representative
Waste Reduction Coordinator
Title

Page 5

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

Date: 6/15/2009
Utility Company: FAYETTEVILLE TRANSPORTATION
Applicant Name: [REDACTED] Applicant Phone: _____
REQUESTED VACATION (applicant must check all that apply):
☒ 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: LN
General location / Address (referring to attached document- must be completed): 2831 N. SHERWOOD LN
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

ASST. TRANSPORTATION MANAGER

Title

Page 5



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.

765-12149-003
SOUTHPAW DEVELOPERS, LLC
2585 FIREWOOD
FAYETTEVILLE, AR. 72703

S47°27'32"E
5.21'

AREA TO BE VAC
0.01± ACRES
496.7± SQ. F

ADJUSTED TRACT 2
BEING A PART OF LOTS 35 & 36
WEST WIND III, P.U.D.

765-12148-001
WILLIAM SMITH
2715 N. SHERWOOD LANE
FAYETTEVILLE, AR. 72703

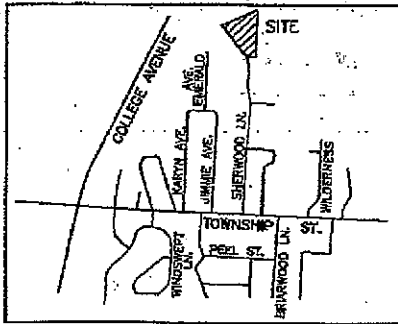
ADJUSTED LOT 35
BEING A PART OF LOTS 35 & 36
WEST WIND III, P.U.D.

1-STORY
BRICK & FRAME
HOUSE
#2831

CONCRETE SIDEWALK

TOTAL AREA
1.13± ACRES
49,333.1± SQ. FT.

765-12136-000
LINDA O'CONNELL
2800 N. SHERWOOD
FAYETTEVILLE, AR.



VICINITY MAP

SW CORNER
LOT 35

N89°22'12"E

(R) N61°59'16"W 44.53'
N81°32'37"W 44.16'

SE COR.
LOT 35
S89°24'00"W 50.00'

Bearing	DISTANCE
S4°00'W	41.60'
S4°00'E	10.00'
S24°02'W	83.94'
S38°57'E	37.25'
S32°37'E	13.58'
S24°02'E	31.22'
S4°00'W	15.00'
S24°00'W	11.27'
S12°33'W	14.00'
S36°00'W	72.34'
S45°32'E	70.98'

765-12147-000
RUDY HATCHER
P.O. BOX 1947
FAYETTEVILLE, AR. 72702

N. SHERWOOD LANE
(AGGREGATE CONCRETE, 50' R/W)

August 10, 2008
Planning Commission
VAC 09-3375 AL-ANSARI
Agenda Item 3
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VAC09-3375

AL-ANSARI/ 2831 N. SHERWOOD

Close Up View



SUBJECT PROPERTY

Overview

0 37.5 75 150 225 300 Feet

August 10, 2009
Planning Commission
VAC 09-3375 AL-ANSARI
Agenda Item 3
Page 13 of 14

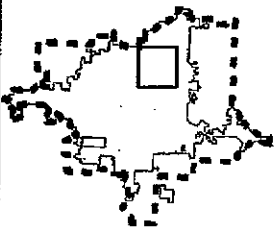
VAC09-3375

One Mile View

AL-ANSARI/ 2831 N. SHERWOOD



Overview



Legend

Subject Property

 VAC09-3375

Boundary

0 0.25 0.5 1 Miles

August 10, 2009
Planning Commission
VAC 09-3375 AL-ANSARI
Agenda Item 3
Page 14 of 14

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

9/1/2009

City Council Meeting Date
Agenda Items Only

Matt Mihalevich *mm*
Submitted By

Development Services
Department

Action Required:

ADM 09-3256: (Fayetteville Alternative Transportation and Trails Master Plan Update): Submitted by the Trails Coordinator and Strategic Planning Staff to adopt the updated Fayetteville Alternative Transportation and Master Trail Plan Map.

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 ☐

Karen Mink
Department Director 8/13/09
Date

Previous Ordinance or Resolution # _____

K. Saff
City Attorney 8/14/09
Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Bahr
Finance and Internal Services Director 8-14-2009
Date

Received in City
Clerk's Office



Don Man
Chief of Staff 8-19-09
Date

Received in
Mayor's Office

Lionel Jordan
Mayor 8/17/09
Date



Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy Pate, Director of Development Services
Karen Minkel, Strategic Planning and Internal Consulting Director

From: Matt Mihalevich, Trails Coordinator

Date: August 13, 2009

Subject: Fayetteville Alternative Transportation and Trails Master Plan Map Update
(ADM 09-3256)

RECOMMENDATION:

The Development Services and Strategic Planning and Internal Consulting Departments recommend adopting the updated Master Trail Plan Map shown as Exhibit "A".

BACKGROUND:

The City of Fayetteville first adopted the Fayetteville Alternative Transportation and Trail (FATT) Master Plan in 2003. The original 2003 master trail plan map graphically showed corridors for 129 miles of multi-use trail and 163 miles of on-street bike facilities. The master trail plan map has been the guiding resource for the construction of 15 miles of trails since 2003, and it is now time to update the map. The Strategic Planning and Internal Consulting Department, GIS Division, Transportation Division, Engineering Division and the Trail Coordinator worked together to complete this comprehensive update.

The objective of the FATT Plan map update is to incorporate the trails constructed since 2003 while increasing connectivity from the existing trails to surrounding businesses, schools, parks and residential areas. In addition, the Master Trail Plan map has been streamlined to remove duplicate trails and place more emphasis on the connectivity of trail corridors. The proposed updated map now identifies 100 miles of future multi-use trails and 144 miles of on-street bicycle facilities.

DISCUSSION:

The updated master plan map was first proposed to the Sidewalk and Trails Task Force during their May 13, 2009 meeting. After that meeting a two-month public input period began and comments were gathered through the [accessfayetteville](http://accessfayetteville.com) website, Farmers Market and from the task force members. The Sidewalk and Trails Task Force then unanimously approved and forwarded the updated master trail plan map along with the changes to the City Plan 2025 and Unified Development Code during their July 8, 2009 meeting. On August 3, 2009 the Parks and Recreation Board reviewed the FATT Plan update and it was forwarded to the Planning Commission with a unanimous vote of 7-0 recommending approval. The Planning Commission reviewed the FATT Plan update at its August 10, 2009 meeting and forwarded the proposal unanimously to the City Council with a recommendation of approval.

BUDGET IMPACT:

None.

RESOLUTION NO.

A RESOLUTION AMENDING THE MASTER TRAIL PLAN
MAP TO ILLUSTRATE COMPLETED TRAILS AND TO
UPDATE FUTURE TRAIL CORRIDORS AND ON-STREET
BICYCLE FACILITIES.

WHEREAS, the City of Fayetteville adopted the Fayetteville Alternative Transportation and Trails Plan in 2003; and

WHEREAS, one of the components of the Fayetteville Alternative Transportation and Trails Plan is a Master Trail Plan Map; and

WHEREAS, the City of Fayetteville recognizes that the Master Trail Plan Map should be periodically updated; and

WHEREAS, the City of Fayetteville has constructed fifteen miles of multi-use trails since the Master Trail Plan Map was adopted in 2003; and

WHEREAS, the updated Trail Master Plan Map more accurately shows existing and future trail corridors and on-street bicycle facilities than the current map,

**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 amends and approves the Master Trail Plan Map shown as Exhibit "A", attached hereto and made a part hereof.

PASSED and APPROVED this day of , 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville, AR
Master Trail Plan
Fayetteville Alternative Transportation & Trails Master Plan (FATT Plan)
September 1st, 2009

Exhibit A

This certifies that this official
Master Trail Plan map is a true and
correct copy of the original as
in Resolution No. _____ of the
City of Fayetteville.

Adopted by the Fayetteville City Council on
(Insert Date) Resolution No. _____

Mayor _____

City Clerk _____

Master Trail Plan
Possible future trails for the City of Fayetteville

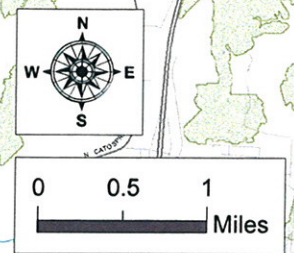
Future Trail
Future Street Linkage

Current Trails

Multi-Use Trail
Nature Trail
Park Trail
Street Linkage

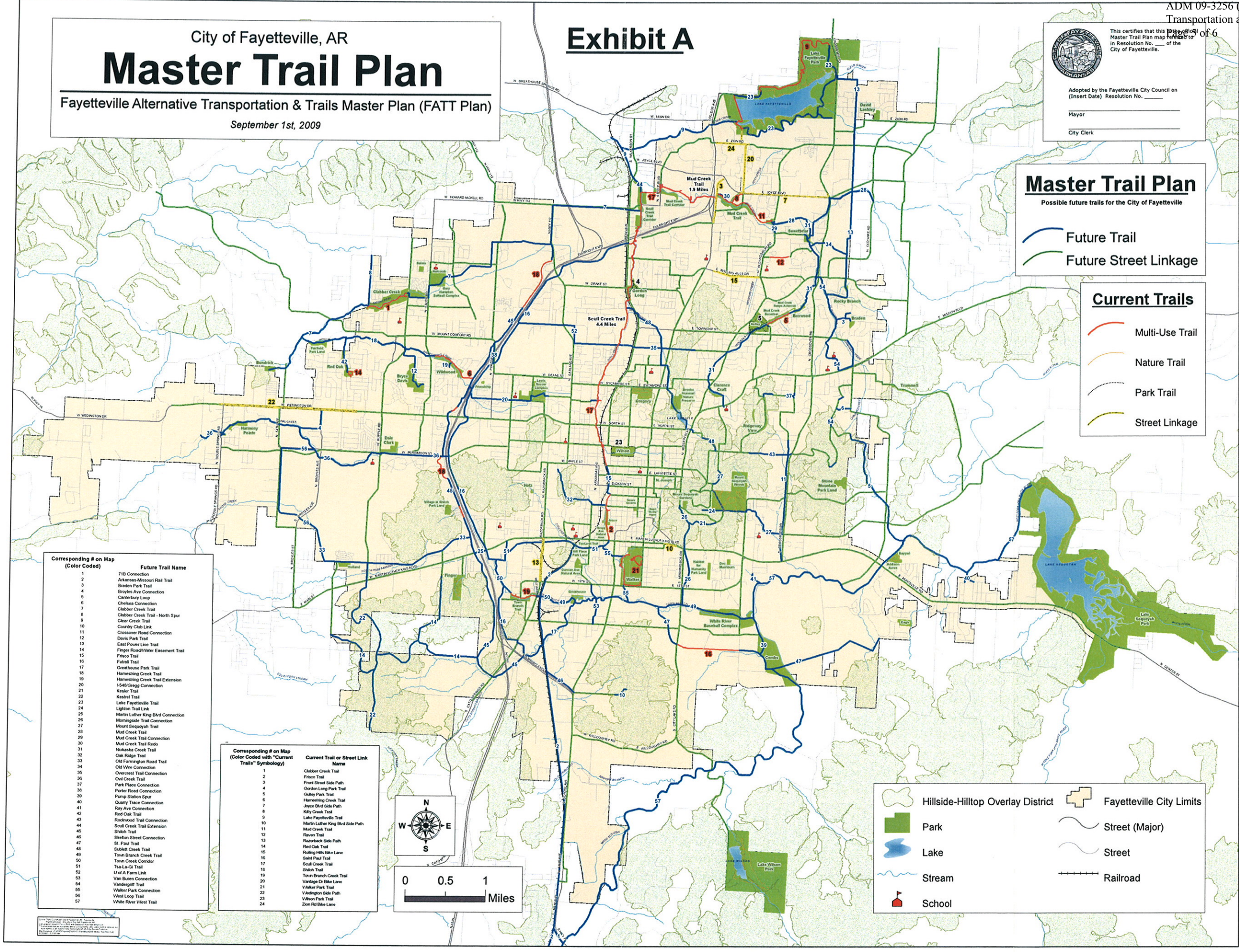
Corresponding # on Map (Color Coded)	Future Trail Name
1	71B Connection
2	Arkansas Missouri Rail Trail
3	Braden Park Trail
4	Broyles Ave Connection
5	Canterbury Loop
6	Chelton Connection
7	Clabber Creek Trail
8	Clabber Creek Trail - North Spur
9	Clear Creek Trail
10	Country Club Link
11	Crossover Road Connection
12	Davis Park Trail
13	East Power Line Trail
14	Finger Road/Water Easement Trail
15	Frisco Trail
16	Futrell Trail
17	Gresham Park Trail
18	Hamelsburg Creek Trail
19	Hamelsburg Creek Trail Extension
20	I-540 Gage Connection
21	Kessler Trail
22	Kessler Trail
23	Lake Fayetteville Trail
24	Lightfoot Trail
25	Martin Luther King Blvd Connection
26	Morningside Trail Connection
27	Mount Sequoyah Trail
28	Mud Creek Trail
29	Mud Creek Trail Connection
30	Mud Creek Trail Redo
31	Nokaska Creek Trail
32	Oak Ridge Trail
33	Old Farmington Road Trail
34	Old Wire Connection
35	Orecrest Trail Connection
36	Old Creek Trail
37	Park Place Connection
38	Porter Road Connection
39	Pump Station Spur
40	Quarry Trace Connection
41	Ray Ave Connection
42	Red Oak Trail
43	Rockwood Trail Connection
44	Scul Creek Trail Extension
45	Shiloh Trail
46	Skeleton Street Connection
47	St. Paul Trail
48	Sublet Creek Trail
49	Town Branch Creek Trail
50	Town Creek Corridor
51	Tra Le-Ga Trail
52	U of A Farm Link
53	Van Buren Connection
54	Vandergriff Trail
55	Walker Park Connection
56	West Loop Trail
57	White River West Trail

Corresponding # on Map (Color Coded with "Current Trails" Symbology)	Current Trail or Street Link Name
1	Clabber Creek Trail
2	Frison Trail
3	Front Street Side Path
4	Gordon Long Park Trail
5	Osley Park Trail
6	Hamelsburg Creek Trail
7	Joyce Blvd Side Path
8	Kelly Creek Trail
9	Lake Fayetteville Trail
10	Martin Luther King Blvd Side Path
11	Mud Creek Trail
12	Raven Trail
13	Razorback Side Path
14	Red Oak Trail
15	Rolling Hills Bike Lane
16	Sand Pad Trail
17	Scul Creek Trail
18	Shiloh Trail
19	Town Branch Creek Trail
20	Vantage Dr Bike Lane
21	Walker Park Trail
22	Vandergriff Side Path
23	Vibron Park Trail
24	Zorn Rd Bike Lane



Hillside-Hilltop Overlay District
Park
Lake
Stream
School

Fayetteville City Limits
Street (Major)
Street
Railroad



May 2009

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

9/1/2009

City Council Meeting Date
Agenda Items Only

Leif Olson
Submitted By

Strategic Planning
Department

Action Required:

ADM 09-3256: (Fayetteville Alternative Transportation and Trails Master Plan Update): Submitted by Strategic Planning Staff to amend City Plan 2025 Chapter 12, Section 2: Master Street Plan by renaming this section "Master Transportation Plan", adding three guiding policies related to trails and adopting multi-use trail cross-sections.

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

☐

Karen Minkal
Department Director

08/13/09
Date

Previous Ordinance or Resolution #

K. K. K.
City Attorney

8-14-09
Date

Original Contract Date:

Original Contract Number:

Paul A. Bush
Finance and Internal Services Director

8-14-2009
Date

Received in City
Clerk's Office



Don Mann
Chief of Staff

8-17-09
Date

Received in
Mayor's Office



Donald Jordan
Mayor

8/17/09
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy Pate, Director of Development Services ✂
Karen Minkel, Strategic Planning and Internal Consulting Director

From: Leif Olson, Long Range Planner 70
Matt Mihalevich, Trails Coordinator

Date: August 11, 2009

Subject: Fayetteville Alternative Transportation and Trails Master Plan City Plan 2025 Amendments (ADM 09-3256)

RECOMMENDATION

The Development Services and Strategic Planning and Internal Consulting Departments recommends amending Chapter 12, Section 2 of City Plan 2025 in order to add language and cross-sections recognizing the importance of trails as a transportation component in the City's long range vision.

BACKGROUND

The City of Fayetteville first adopted the Fayetteville Alternative Transportation and Trail (FATT) Master Plan in 2003. After a full review of this plan staff scheduled an update for 2009. The Strategic Planning and Internal Consulting Department, GIS Division, Transportation Division, Engineering Division and the Trail Coordinator worked together to complete this comprehensive update.

The objective of the FATT Plan update is to develop a comprehensive trail policy that addresses trail easement acquisitions for both multi-family residential and commercial developments, update and adopt an amended Master Trail Map, amend the Master Street Plan section of City Plan 2025 to recognize the trail system as a transportation component, and codify trail development standards in the Unified Development Code.

Specifically, this item addresses amendments made to the Master Street Plan Section of City Plan 2025. Staff proposes renaming the "Master Street Plan" as the "Master Transportation Plan", adding three guiding policies related to multi-use trails and inserting trail cross-sections. These changes represent a shift in the way that the City looks at trail development and multi-modal transportation options. In the past, trails have been primarily viewed as recreational opportunities. This plan update recognizes that the trails system operates as an important component of the City's overall transportation network.

DISCUSSION

Staff presented the proposed FATT Plan update to the Trail and Sidewalk Task Force at their July 8, 2009 meeting where it was forwarded unanimously. On August 3, 2009 the Parks and Recreation Board reviewed the FATT Plan update and it was forwarded to the Planning Commission with a unanimous vote of 7-0-0 recommending approval. The Planning Commission reviewed the FATT Plan update at its August 10, 2009 meeting and forwarded the proposal with an unanimous vote of 7-0-0 with a recommendation for approval to the City.

BUDGET IMPACT

None.

RESOLUTION NO.

**A RESOLUTION AMENDING THE MASTER STREET PLAN
IN CITY PLAN 2025 TO ADD TRAILS AS A
TRANSPORTATION COMPONENT.**

WHEREAS, the City of Fayetteville adopted the Master Street Plan as a component of City Plan 2025 in 2006; and

WHEREAS, the City of Fayetteville recognizes that the Master Street Plan should reflect multiple transportation modes; and

WHEREAS, the City of Fayetteville has committed to developing an extensive trail network throughout the City; and

WHEREAS, the City of Fayetteville recognizes the importance of amending City Plan 2025 to include trails as a transportation component,

**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 amends City Plan 2025 Chapter 12, Section 2, Page 12-16 and pages 12-34 through 12-36 of the Master Street Plan as shown in exhibit "A", attached hereto and made a part hereof.

PASSED and APPROVED this day of , 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

12.2 MASTER TRANSPORTATION PLAN

Amended September 17, 1996, Street Classifications, Res. No. 97-96

Amended September 6, 2005, Downtown Master Plan Street Classifications, Res. No. 183-05

Amended September 4, 2007, Res. No. 161-07

Supporting multi-modal transportation in the form of streets, sidewalks, bike lanes, trails and transit is vital to growing a livable transportation network. Connecting Fayetteville to other population centers and to provide for circulation within the community requires consistent planning. New development must be provided with proper access to alleviate problems associated with congestion and safety by requiring transportation infrastructure in sufficient number and of adequate size to accommodate peak traffic volumes.

Master Street Plan

The following street cross-sections are functionally classified in accordance with the U.S. Department of Transportation's National Highway Functional Classification Study Manual. In addition, the street cross-sections provide sensitivity to context by providing options for both suburban and urban developments and accommodating cyclists and low-impact development neighborhoods.

The International Fire Code (IFC), which the State of Arkansas has adopted, requires a 20-foot minimum of unobstructed width on all roads, which is reflected in the proposed street cross-sections. If structures on either side of the road exceed 30 feet or three stories, then the IFC requires a 26-foot minimum of unobstructed width.

Additional Utility Easements will be required outside of the specified Right-of-Way on a project specific basis, as determined by the utility companies.

Master Trail Plan

The Fayetteville Alternative Transportation and Trail Plan (FATT Plan), guides the development of trails in the City's expanding trail network. The Trail Master Plan Map illustrates future trail alignments and trail corridors for the purpose of acquiring easements and right-of-way. As development occurs adjacent to future trail alignments, careful attention will be paid to acquiring easements and providing site design input during the development review process.

The trail cross-sections that follow the Master Street Plan cross-sections will be utilized for the construction of City trails. Trail surface materials may vary according to site considerations such as proximity to floodplains or floodways.

* ACCESS MANAGEMENT: providing access to land development in such a way as to preserve safety and reasonable traffic flow on public streets. Low, moderate and high designations are used for the level of access restrictions. A high level of access management uses medians to restrict mid-block turns, consolidates driveways and controls the spacing of intersections. A low level of access management limits full access at some intersections.



PAVED TRANSPORTATION TRAILS provide safe, alternative means of transportation for a variety of non-motorized uses. The Fayetteville Alternative Transportation and Trails Master Plan identifies trail corridors that connect neighborhoods, businesses, schools and parks. The goal of the Master Plan is create an interconnected system of trails throughout Fayetteville to provide a network of alternative transportation routes for people of all ages to safely travel around the City. All transportation trails are constructed 12 feet in width in order to accommodate the high volume and variety of users including walkers, joggers, strollers, bicycles, wheelchairs, and any other non-motorized use.

ASPHALT TRAIL is used in areas where the trail is located above of the flood prone areas and away from vehicle traffic. Trail pavement should match the adjacent pavement surface when connecting to existing trail.

Desired Operating Speed: 15 mph
Travel Lanes: Two 6' lanes
Paved Width: 12'
Right of Way: 30' minimum
Greenspace: Both sides of trail

NOTES:

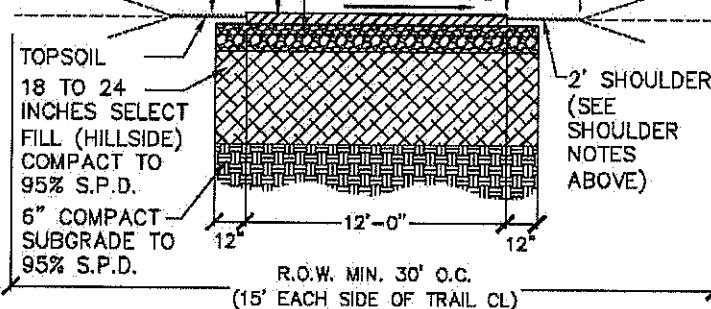
CONSTRUCT 2% MAXIMUM CROSS SLOPE IN SAME DIRECTION AS EXISTING GRADE UNLESS OTHERWISE DESIGNATED.
APPLY 4" STANDARD ROADWAY YELLOW PAINT STRIPE WITH GOLD BEADS. SOLID OR DASHED LINE TO BE DETERMINED BY TRAILS COORDINATOR.
LONGITUDINAL TRAIL GRADE SHALL NOT EXCEED 5%. CROSS SLOPE SHALL NOT EXCEED 2%.

2' SHOULDER TO BE GRADED SMOOTH AND SEEDED OR SODDED WITH FESCUE (NO BERMUDA). SLOPE AT 2% IN SAME DIRECTION AS CROSS SLOPE OF TRAIL. SOIL SHALL BE 1" LOWER THAN TRAIL SURFACE (TYP.)

THE GROUND BEYOND SHOULDERS SHALL MEET EXISTING GRADE WITH MAX SLOPE 3 : 1.

3" TYPE "3" ASPHALT
6" CLASS 7 AGGREGATE
BASE COMPACT TO 95%
M.P.D.

1% CROSS SLOPE 2'-0"



SECTION-12' WIDE ASPHALT TRAIL STANDARD DETAIL
NOT TO SCALE



CONCRETE TRAIL is used when the trail is located in a flood prone area along a creek. Concrete holds up much better than asphalt when subjected to flood waters. Concrete is also used at road crossings including the ramps and other areas where increased durability is necessary. Trail pavement should match the adjacent pavement surface when connecting to existing trail.

Desired Operating Speed: 15 mph
 Travel Lanes: Two 6' lanes
 Paved Width: 12'
 Right of Way: 30' minimum
 Greenspace: Both sides of trail

NOTES:

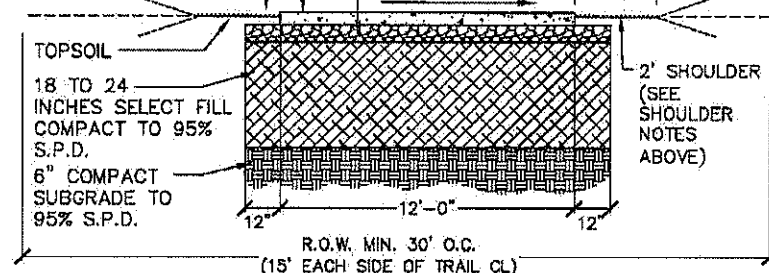
CONSTRUCT 2% MAXIMUM CROSS SLOPE IN SAME DIRECTION AS EXISTING GRADE UNLESS OTHERWISE DESIGNATED.
 APPLY 4" STANDARD ROADWAY YELLOW PAINT STRIPE WITH GOLD BEADS. SOLID OR DASHED LINE TO BE DETERMINED BY TRAILS COORDINATOR. LONGITUDINAL TRAIL GRADE SHALL NOT EXCEED 5% CROSS SLOPE SHALL NOT EXCEED 2%.

4" FIBER REINFORCED CONCRETE
 2' SHOULDER TO BE GRADED SMOOTH AND SODDED. SLOPE AT 2% IN SAME DIRECTION AS CROSS SLOPE OF TRAIL. SOD SHALL BE 1" LOWER THAN TRAIL SURFACE (TYP.)

THE GROUND BEYOND SODDED SHOULDERS SHALL MEET EXISTING GRADE WITH MAX SLOPE 3:1.

4" CLASS 7 AGGREGATE BASE
 COMPACT TO 95% M.P.D.

1% CROSS SLOPE



SECTION-12' WIDE CONCRETE TRAIL
 NOT TO SCALE

EXPANSION JOINT 1/2" FIBER BOARD WITH REMOVABLE CAP AND COLOR CAULK FILLER. EVERY 60 LINEAR FEET.

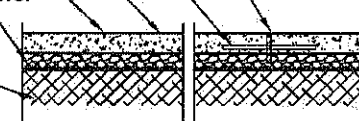
#3 - 18" LONG SMOOTH DOWEL 18" O.C.

CONCRETE WITH MEDIUM BROOM FINISH, MIN. 3,000 PSI

SAW CUT CONTROL JOINT 1/4" WIDE X 1" DEEP 12'-0" O.C.

4" CLASS 7 BASE COURSE, 95% M.P.D. COMPACTED.

95% S.P.D. COMPACTED SELECT FILL



SECTION THROUGH JOINTS
 NOT TO SCALE

**CITY
 PLAN
 2025**

Master Transportation Plan Guiding Policies

Circulation: *Guiding Policies*

In order to guide the formulation of a Master Transportation Plan and direct the Planning Commission regarding land use decisions which affect transportation issues, the following policies are suggested:

- 12.2.10.a Promote the coordinated and efficient use of all available and future transportation modes. (Goal 4)
- 12.2.10.b Meet the diverse transportation needs of the people of the City, including rural and urban populations and the unique mobility needs of the elderly and disability communities.
- 12.2.10.c Ensure the repair and necessary improvements of roads and bridges throughout the City to provide a safe, efficient and adequate transportation network.
- 12.2.10.d Minimize the harmful effects of transportation on public health and on air and water quality, land and other natural resources.
- 12.2.10.e Promote reliance on energy-efficient forms of transportation.
- 12.2.10.f Incorporate a public participation process in which the public has timely notice and opportunity to identify and comment on transportation concerns.
- 12.2.10.g Monitor and improve transportation facilities to conveniently serve the intra-city and regional travel needs of Fayetteville residents, business and visitors.
- 12.2.10.h Monitor the incidence of traffic accidents and implement physical and operational measures to improve public safety.
- 12.2.10.i Support the Razorback Transit service and the Ozark Regional Transit, which offer convenient and reliable alternatives to the automobile. (Goal 4e)
- 12.2.10.j Establish facilities which accommodate safe and convenient travel for pedestrians and bicyclists. (Goal 4e)
- 12.2.10.k Promote mixed-use and traditional neighborhood development to reduce roadway demand and change travel patterns. (Goal 3b, Goal 4)
- 12.2.10.l Encourage consideration of the impacts on the transportation network in land use decisions made by the Planning Commission.
- 12.2.10.m Periodically update the Master Street Plan in order to evaluate the context sensitivity and the appropriateness of right-of-way dedication requirements.
- 12.2.10.n Encourage the construction of sheltered bus stops and bicycle parking facilities at transit stops, shopping centers and employment centers.
- 12.2.10.o Support multi-modal transportation options such as trails, sidewalks, bike lanes and mass transit. (Goal 4)
- 12.2.10.p Promote the continued expansion of the City's trail network through proactive planning and the acquisition of trail easements. (Goal 4)
- 12.2.10.q Promote increased bicycle usage by providing integrated bicycle facilities on new and redesigned roadways, where appropriate. (Goal 4)



City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

9/1/2009

City Council Meeting Date
Agenda Items Only

Leif Olson
Submitted By

Strategic Planning
Department

Action Required:

ADM 09-3256: (Fayetteville Alternative Transportation and Trails Master Plan Update): Submitted by Strategic Planning Staff to amend Chapter 166: Development and Chapter 171: Streets and Sidewalks of the Unified Development Code to codify trail easement acquisition policy and to adopt trail construction standards.

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 ☐

Karen Minkal
Department Director

08/13/09
Date

Previous Ordinance or Resolution #

K. Olson
City Attorney

8/14/09
Date

Original Contract Date:

Original Contract Number:

Paul A. Butler
Finance and Internal Services Director

8-14-2009
Date

Received in City
Clerk's Office

ENTERED
9/13/09

Don Man
Chief of Staff

8/17/09
Date

Received in
Mayor's Office

ENTERED
8/14/09

Donald Jordan
Mayor

8/17/09
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy Pate, Director of Development Services 
Karen Minkel, Strategic Planning and Internal Consulting Director

From: Leif Olson, Long Range Planner 

Date: August 11, 2009

Subject: Fayetteville Alternative Transportation and Trails Master Plan UDC amendments (ADM 09-3256)

RECOMMENDATION

Staff recommends approval of the proposed amendments to Chapters 166 and 171 of the UDC. This item was heard at the August 10, 2009 Planning Commission meeting and forwarded to the City Council with a unanimous recommendation for approval (7-0-0).

BACKGROUND

The City of Fayetteville first adopted the Fayetteville Alternative Transportation and Trail (FATT) Master Plan in 2003. After a full review of this plan staff scheduled an update for 2009. The Strategic Planning and Internal Consulting Department, GIS Division, Transportation Division, Engineering Division and the Trail Coordinator worked together to complete this comprehensive update.

The objective of the FATT Plan update is to develop a comprehensive trail policy that addresses trail easement acquisitions for both multi-family residential and commercial developments, update and adopt an amended Master Trail Map, amend the Master Street Plan section of City Plan 2025 to recognize the trail system as a transportation component, and codify trail development standards in the Unified Development Code.

Specifically, this item addresses amendments made to the Unified Development Code in order to codify trail easement acquisition and trail development standards.

DISCUSSION

Staff presented the proposed FATT Plan update to the Trail and Sidewalk Task Force at their July 8, 2009 meeting where it was forwarded unanimously. On August 3, 2009 the Parks and Recreation Board reviewed the FATT Plan update and it was forwarded to the Planning Commission with a unanimous vote of 7-0 recommending approval. The Planning Commission reviewed the FATT Plan update at its' August 10, 2009 meeting and forwarded the proposal unanimously to the City Council with a recommendation of approval.

City Council Meeting of September 1, 2009
Agenda Item Number

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE OF THE CITY OF FAYETTEVILLE, TO AMEND CHAPTER 166: DEVELOPMENT AND CHAPTER 171: STREETS AND SIDEWALKS IN ORDER TO CODIFY TRAIL EASEMENT ACQUISITION POLICY AND TO ADOPT TRAIL CONSTRUCTION STANDARDS.

WHEREAS, the City of Fayetteville Alternative Transportation and Trails (FATT) Plan was adopted in 2003; and

WHEREAS, the City of Fayetteville recognizes that the FATT Plan should be periodically updated; and

WHEREAS, the City of Fayetteville recognizes that trail easement acquisition policy should be codified in the Unified Development Code; and

WHEREAS, the City of Fayetteville recognizes that trail construction standards should be adopted to ensure consistent trail quality,

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends the Unified Development Code §166.05(C)(7)(b) by adding the following language and renumbering the remainder of the section appropriately:

166.05(C)(7)(b) "The developer may be required to grant a multi-use trail easement for trails shown on the Master Transportation Plan that abut or intersect the large scale development or preliminary plat, if it is determined that the improvements bear a rational nexus and rough proportionality to the needs created by the development."

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby renames the Unified Development Code §171.13 Sidewalk and Driveway Specifications as follows:

"§171.13 Sidewalk, Driveway and Trail Specifications"

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby amends §171.13 Sidewalk, Driveway and Trail Specifications by adding the following language shown in exhibit "A" attached hereto and made a part hereof:

PASSED and **APPROVED** this the ____ day of ____, 2009.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

“Exhibit A”

(D) *Multi-use Trails.*

(1) *Minimum width of multi-use trails.* The minimum width of trails shall be 12 feet and shall follow the trail cross-section guidelines of the Master Transportation Plan.

(2) *Trail materials.* Selection of trail surface materials depends upon site conditions. Generally, trails shall be constructed of asphalt except where they are located in floodprone areas or adjacent to vehicular traffic. Final determination of trail construction materials shall be made by the Trail Coordinator.

(a) *Asphalt.* Trails shall be constructed of asphalt in areas where the trail is located above floodprone areas and away from vehicular traffic. (Refer to detail in the Master Transportation Plan.)

(b) *Concrete.* Trails shall be constructed of concrete when located in or near floodprone areas, vehicular road crossings and access ramps. (Refer to detail in the Master Transportation Plan.)

(3) *Grades.* All trails shall be constructed with a 2% maximum cross slope in the same direction as the existing grade unless otherwise designated. Longitudinal grade shall not exceed 5%. Longitudinal grade may be varied by the Trails Coordinator for sites with difficult topography. In such cases the AASHTO longitudinal grade requirement for bicycles shall apply.

(4) *Asphalt trail requirements.* Asphalt trails shall be constructed of asphalt concrete hot mix surface course. Type III surface course meeting the requirements of AHTD Specifications, 1996 Edition, shall be used unless otherwise approved. Asphalt trail sections shall be constructed to the following standards:

(a) *Surface.* Asphalt trail sections shall have a 3 inch thick surface.

(b) *Base Course.* Base course for asphalt trails shall consist of a 6

inch thickness of Class 7 aggregate compacted to 95% M.P.D.

(c) *Subgrade.* The top 24 inches of subgrade shall meet the requirements of City of Fayetteville Minimum Street Standards. Existing material not meeting these requirements shall be removed and replaced with approved select fill and compacted to 95% Standard Proctor Density (S.P.D.) Specific site conditions may require the addition of 4 inch shot rock or other material in order to create a solid base.

(5) *Concrete trail requirements.* All concrete portions of trails shall be constructed of a portland cement concrete mixture with a compressive strength of 3500 p.s.i. with 4 to 7 percent air entrainment. Concrete trail sections shall be constructed to the following standards:

(a) *Surface.* Concrete trail portions shall have a 4 inch fiber reinforced concrete surface with a medium broom finish.

(b) *Base Course.* Base course for concrete trails shall consist of a 4 inch thickness of class 7 aggregate compacted to 95% M.P.D.

(c) *Subgrade.* Subgrade for concrete trails shall meet the requirements of asphalt trail subgrade.

(d) *Expansion joints.* Full depth expansion joints (four inches) shall be provided at intervals not greater than 50 feet, unless slipform paving methods are used. If slipform paving methods are used, expansion joints shall be placed at the end of each day's placement, or as directed. Expansion joints shall also be placed when concrete abuts existing structures.

(e) *Contraction Joints.* One-quarter depth weakened plane joints, or saw-cut joints, shall be placed in sidewalk at regular intervals

matching the trail width, but not greater than 12 feet apart.

- (f) *Joint Sealant.* All expansion joints and saw joints shall be sealed with joint sealant meeting the requirements of ASTM C920, Type S. A self leveling sealant shall be used for horizontal surfaces. A non-sag sealant shall be used for vertical or nearly vertical surfaces.
- (6) *ADA guidelines.* Trails shall conform to ADA guidelines, to the extent possible.
- (7) *Trail shoulders.* A two foot shoulder adjacent to the trail shall be graded smooth and should not exceed 2% cross-slope in the same direction as the trail. The Trail Coordinator shall determine the appropriateness and maintenance requirements of plants and grasses adjacent to trails.
- (8) *Tie back slopes.* The ground beyond the shoulder shall meet the existing grade with a maximum slope of 3:1.
- (9) *Bollards.* Bollards are required at trail intersections with streets. The Trail Coordinator will provide a bollard detail with standard requirements to the developer prior to construction.
- (10) *Trail signage.* Trail signage shall comply with the Manual on Uniform Traffic Control Devices, Part 9 – Traffic Controls for Bicycle Facilities. The Trails Coordinator will provide a signage detail with standard requirements to the developer prior to construction.
- (11) *Street Crosswalks.* Trails that intersect and cross public streets shall have a red colored concrete crosswalk with two foot wide white thermoplastic stripes on each side. For major streets, this crosswalk may be raised 2.5 inches above pavement surface. For newly paved lower traveled roads, a red thermoplastic brick pattern may be applied. The Trails Coordinator will provide a crosswalk detail with standard requirements to the developer prior to construction.
- (12) *Striping.* Center line stripe and a diamond pattern stripe around the bollards shall be installed. Striping shall conform to the Manual on Uniform Traffic Control Devices, Part 9 – Traffic Controls for Bicycle Facilities. Additional striping may be required for increased safety. Trails Coordinator will provide a striping detail to the developer prior to construction.
- (13) *Variances.* The City of Fayetteville Trails Coordinator may vary the requirements of this section so long as the variance is within the allowances set forth in the Manual on Uniform Traffic Control Devices (MUTCD) or the American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities.

166.05 Large Scale Development (LSD)

(A) *Requirement.* The development of the following must be processed in accordance with the requirements for a large scale development:

- (1) a lot or parcel larger than one acre ;
- (2) a lot or parcel in the Design Overlay District;
- (3) a Planned Zoning District; or
- (4) facilities emitting odors or handling explosives.

(B) *Review and approval.* All large scale developments, not hereinafter excluded, must be reviewed by the Plat Review Committee and the Subdivision Committee and must be approved by the Planning Commission, after having afforded the opportunity for public comment, before a building permit may be issued. Approval by the City Council shall not be required unless an appeal is taken and heard, except Planned Zoning Districts.

(C) *Building permit.* Before a building permit for a large scale development may be issued, the developer shall:

- (1) *Development plan.* Submit a development plan to the Zoning and Development Administrator for review by the Plat Review Committee. The development plan shall consist of a black line site location map drawn to scale and not to exceed 14 inches by 18 inches, and an accurate black line vicinity map not to exceed 14 inches by 18 inches. The vicinity map need not be drawn to scale.
- (2) *Site location map.* The site location map shall depict the following:
 - (a) The size and shape of the property on which the development is to be located.
 - (b) The location, size and arrangement of existing buildings, signs, outdoor advertising, and other improvements, water courses, ponds and streams, and any other distinctive or unusual features that

will remain after the development is completed.

(c) The location, size and arrangement of proposed buildings or additions, parking and loading areas, and the type of surfacing proposed for such areas, streets, driveways, curb cuts, community facilities, pedestrian ways, and open spaces.

(3) *Legal description.* A correct legal description of the property located within the large scale development, and a correct legal description, certified by an abstractor or surveyor, of street right-of-way dedications and vacations and utility and drainage easements.

(4) *Vicinity map.* The vicinity map shall depict the following:

(a) The location and name of any street which abuts or intersects the large scale development; and,

(b) The location and name of any other street, building or landmark necessary to clearly indicate the location of the large scale development.

(5) *Preliminary street and drainage plans.* (Required only where the developer proposes new streets or an alteration in the existing street plan.) Submit to the Zoning and Development Administrator for review by the Plat Review Committee preliminary street and drainage plans, showing alignment of streets and direction of flow of storm and sanitary sewers in relation to topography. Where an official street and drainage plan exists, it shall be submitted for purposes of comparison.

(6) *Dedication of right-of-way.* Dedicate sufficient right-of-way to bring those streets which the Master Street Plan shows to abut or intersect the large scale development or preliminary plat into conformance with the right-of-way requirements of the Master Street Plan for said streets; provided, the Planning Commission may recommend a lesser dedication in the event of undue hardship or practical difficulties. Such lesser dedication shall be subject to approval by the City Council.

(7) *Miscellaneous requirements for both large scale developments and preliminary plats.*

- (a) Comply with those requirements of 166.01 through 166.04 of the development regulations pertaining to streets, surface drainage system, water system, sanitary sewer systems; and, if the development is housing, said requirements pertaining to public parks; and install a sidewalk adjacent to all abutting streets or highways in accordance with city specifications for sidewalk construction.

(b) The developer may be required to grant a multi-use trail easement for trails shown on the Master Transportation Plan that abut or intersect the large scale development or preliminary plat, if it is determined that the improvements bear a rational nexus and rough proportionality to the needs created by the development.

- (c) The developer may be required to install or pay money in lieu of installation of off-site improvements where the need for such improvements is created in whole or in part by the proposed large scale development or preliminary plat. An off-site improvement shall be any improvement listed within §166.03 which is located outside the proposed development or plat.

- (d) Any required off-site improvements shall be installed according to city standards. The developer shall be required to bear that portion of the cost of off-site improvements which bears a rational nexus to the needs created by the large scale development or preliminary plat.

- (e) The Subdivision Committee or Planning Commission may refuse to approve a large scale development or preliminary plat for any of the following reasons:

- (i) The preliminary plat or development plan is not submitted in accordance with the requirements of this chapter.

- (ii) The proposed development would violate a city ordinance, a state statute, or a federal statute.

- (iii) The developer refuses to dedicate the street right-of-way, utility easements or drainage easements required by this chapter.

- (iv) The proposed development would create or compound a dangerous traffic condition. For the purpose of this section, a dangerous traffic condition shall be construed to mean a traffic condition in which the risk of accidents involving motor vehicles is significant due to factors such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern.

- (v) City water and sewer is not readily available to the property within the large scale development or preliminary plat and the developer has made no provision for extending such service to the development.

- (vi) The developer refused to comply with subsection (7) (b) and (c) pertaining to required on-site and off-site improvements.

- (D) *Certificate of occupancy.* No certificate of occupancy shall be issued until the improvements required by subsection (7)(a), (b), and (c) are installed to city specifications.

- (E) *Completion of development/as building plot plan.* Upon completion of the development, the developer shall file with the Zoning and Development Administrator an "as built" plot plan for the large scale development showing:

- (1) The location of all buildings and the setback distance for said buildings from street right-of-way and adjoining property lines;
- (2) The location of any freestanding signs and the setback distance of said signs from street right-of-way and adjoining property lines;

- (3) The location, number, dimensions, and surfacing of all parking spaces and of all screens or fences; and
- (4) The location and size of all water, sewer, gas, electric, telephone, and television cable lines.

(F) *Modifications.*

- (1) *Minor modifications.* The Zoning and Development Administrator may authorize minor modifications in an approved large scale development. Minor modifications shall include, but not be limited to, substitutions of one approved structural type for another or minor variations in placement of buildings in such a way that the overall limits of approved floor area, open space or rooms per acre are not increased.
- (2) *Major modifications.* In the event that a developer wishes to make major modifications to an approved development, such modifications shall be submitted to the Subdivisions Committee in a form which compares the approved submission with the desired changes. After submission, the Subdivision Committee shall approve or disapprove the requested modifications at its next meeting.

(G) *Excluded developments.* The following large scale developments shall be excluded from the requirements of this section.

- (1) *Single-family.* A single-family residence, an addition to a single-family residence, or an accessory structure for a single-family residence;
- (2) *Additions.* An addition to an existing structure if the addition will not:

(a) Exceed 10,000 square feet; or

(b) Require more than 25 additional parking spaces under the provisions of Chapter 172, Parking and Loading; or

(c) Require a change in existing ingress or egress.

(3) *Additional structure.* An additional structure when erected as part of an existing development, subject to the limitations of (G)(2) above.

(4) *Prefabricated accessory buildings.* A prefabricated, movable accessory building.

(H) *Building and moving permits.* If a large scale development (LSD) which is excluded from the requirements of this section meets the requirements of a building and moving permit immediately upon determination that the development will not conflict with the city's Master Street Plan, provided, if the city water and sewer service is not available to the development, no building or moving permit shall be issued until water supply and waste disposal system proposed for the development has been approved by the City Engineer.

(Code 1965, App. A., Art. 8(11), App. C., Art. IV; Ord. No. 1747, 6-29-70; 1750, 7-6-70; Ord. No. 1999, 5-7-74; Code 1991, §§ 159.54, 160.120; Ord. No. 3925, § 6, 10-3-95; Ord. No. 4100, § 2 (Ex. A), 6-16-98; Ord. 4753, 9-6-05; Ord. 5215, 1-20-09)

Cross reference(s)--Boards and Committees, Ch 33; Appeals, Ch. 155; Fees, Ch. 159; Notification and Public Hearings, Ch. 157.

171.13 Sidewalk, Driveway and Trail Specifications

(A) Sidewalks.

- (1) *Grades; establishment of property lines.* All sidewalks, streets curbing and guttering, and driveway approaches shall be constructed in grades as established by the city official. It shall be the responsibility of the owner to establish property lines by competent survey at his/her own expense.
- (2) *Minimum width of sidewalks.* The minimum width of sidewalks shall follow the guidelines of the Master Street Plan, of the Comprehensive Land Use Plan.
- (3) *Sidewalk distances from the curb.* The sidewalk setback distance from the curb shall follow the guidelines of the Master Street Plan, of the Comprehensive Land Use Plan.
- (4) *Minimum distance between sidewalk and slope.* There shall be a minimum of one (1) foot between the sidewalk and the beginning of a slope as shown on the typical section detail.
- (5) *Cement-concrete requirements.* All side-walks, street curbing and guttering, and concrete driveway approaches shall be constructed of a portland cement concrete mixture which will produce a concrete of a compressive strength of 3,500 pounds per square inch after 28 days set under standard laboratory methods.
- (6) *Minimum thickness of sidewalks and driveway approaches.*
 - (a) *Sidewalks.* The minimum thickness of sidewalks shall be four (4) inches with any fill materials required for residential or commercial sidewalks consisting of approved compacted base material.
 - (b) *Residential driveway approaches.* The minimum thickness of residential driveway approaches shall be six (6) inches with four inches of compacted base material or six-inch by six-inch 10-gauge reinforcing steel.
 - (c) *Commercial driveway approaches.* The minimum thickness of commercial driveway approaches shall be six (6) inches with six (6) inches of compacted base matter or six-inch by six-inch 10-gauge reinforcing steel.
- (7) *ADA guidelines.* Sidewalks shall conform to ADA guidelines.
- (8) *Continuous through driveway.* Sidewalks shall be continuous through driveways with a cold joint or expansion joint at the edge of the sidewalk opposite the street.
- (9) *Edge adjacent to street.* The sidewalk edge adjacent to the street shall have at least one (1) inch deep grooved joint mark (can be a cold joint) to clearly define the sidewalk through the driveway and approach. Saw joints will not be allowed in this location.
- (10) *Sidewalk elevation.* The sidewalk elevation shall be two (2) percent above the top of the curb, sloping two percent maximum towards the curb (one-fourth inch in each foot). This elevation shall be continuous through the driveway approach.
- (11) *Slope.* Sidewalks that are to be constructed adjacent to the curb shall be so located at their intersection with the approach and the driveway that the ADA requirement of the two (2) percent maximum vertical slope is met.
- (12) *Driveway approach.* The area remaining between the sidewalk and the flow-line of the gutter, called the approach to the driveway, shall slope up to the elevation of the sidewalk.
- (13) *Joint material.* Wood shall not be acceptable in sidewalks for expansion joints. The expansion joint material shall be the same as approved for AHTD sidewalk construction (AASHTO M 213).
- (14) *Expansion joint.* Full depth expansion joints (four inches) shall be provided at intervals not greater than 50 feet. One-quarter depth (one inch) weakened plane joints, or saw-cut joints, shall be placed in sidewalk at regular intervals not greater than 10 feet apart.

(15) *Joint Sealant.* All expansion joints and saw joints shall be sealed with joint sealant meeting the requirements of ASTM C920, Type S. A self leveling sealant shall be used for horizontal surfaces. A non-sag sealant shall be used for vertical or nearly vertical surfaces. Tooled joints will not required to be sealed.

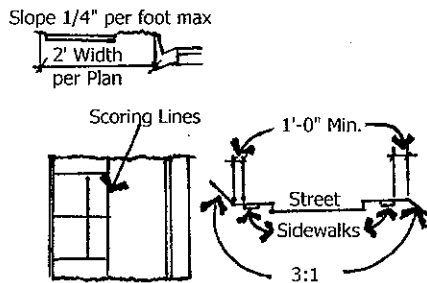
(15) *Inspection.* All sidewalks and curb cuts made for driveway approaches require an inspection prior to the concrete pour.

(16) *Materials.* The material used for sidewalk construction shall be Portland cement concrete having a broom finish. The use of other materials must have the approval of the sidewalk/ADA administrator.

(17) *Edges.* All sidewalks shall have one-half (1/2) inch rolled edges.

(18) *Removal/replacement.* Removal and replacement of broken sidewalks require vertical saw-cuts on both ends of the sidewalk being replaced.

(19) *Curing compound.* All sidewalks and driveway approaches require the application of a concrete curing compound or the concrete is to be kept moist for seven (7) days.



Sidewalk Details

(B) *Driveway approaches.* (See: Illustration, Standard Driveway Approach-Residential)

(1) *Curb removal.* Curb, if existing, shall be removed for full width of the drive approach.

(2) *Concrete removal.* All concrete to be removed shall be saw-cut.

(3) *Horizontal curb cut.* Horizontal curb cutting along the flow-line of the gutter is allowed.

(4) *No horizontal curb cut.* If no horizontal curb cut is made, complete curb and gutter removal is required.

(5) *Broken edges of saw-cuts.* Broken edges of saw-cuts caused by demolition require a new saw-cut.

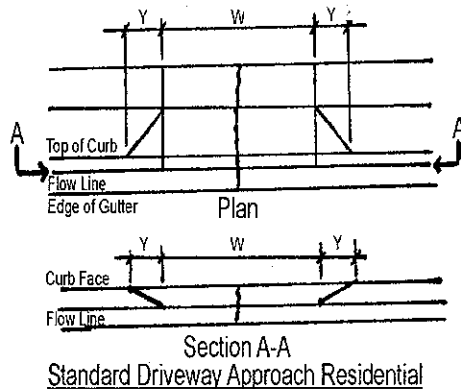
(6) *Safety zones.* Safety zones between driveway approaches shall not be less than the distance designated for distances between curb cuts in the standards for street design. On streets of higher use designation than collector, the standards for collector streets shall apply. Curbs shall be installed to prohibit vehicle parking and access in safety zones. The barrier line nearest the street or highway shall be on line with existing curbs, or established curb lines, but not less than 22 feet from the center of the pavement; provided the city official does not require a greater distance when needed to preserve the safety and utility of the street or highway, or provide conformance with proposed street or highway improvements. The curb cut for a driveway approach (other than for a single-family residential lot) shall be located a minimum of 12 feet from the nearest property line; curb cuts between driveway approaches on single-family residential lots shall be separated by a minimum of 10 feet. The curb cut for driveway approach on a single-family residential lot shall be located a minimum of five feet from the side property line; provided, this requirement shall not apply to a joint driveway (driveway approach providing access to two adjoining lots), or residential lots on the turning circle of a cul-de-sac.

(7) *Safety zones at intersections and corners.* No driveway approach shall be constructed less than the distance from the corner of a street or highway intersection designated in the standards for street design, provided the city official may require a greater distance between the corner and the driveway approach to preserve the safety of the street or highway; provided further the city may require the property owner to designate a driveway approach "for entrance only" or "for exit only" where more than one driveway approach provides access to the property in order to preserve the safety of the street or highway. On streets of a higher use designation than collector, the standards

for distances between curb cuts for collector streets shall apply.

- (8) *Variations.* The city official may grant variations where strict enforcement would be impractical due to circumstances unique to the individual property under consideration.

Residential Standard Driveway Approach



- (C) *Access ramps.* (See: Illustration guidelines: Fig. 11, and Fig. 12)

- (1) *ADA requirements.* Access ramps shall conform to ADA requirements.
- (2) *Sidewalk intersections.* Access ramps shall be installed at all sidewalk intersections with the street.
- (3) *Parallel direction.* Access ramps shall be installed in a direct parallel direction to the sidewalk.

***Note**—Therefore, any curb radii will require two access ramps.

- (4) *Raised access ramp.* The raised or built-up access ramp shall not be installed on public streets without the approval of the street superintendent.
- (5) *Minimum width.* The minimum width of a curb ramp shall be 36 inches and 48 inches is recommended, exclusive of flared sides.
- (6) *Slope.* The slope of the ramp shall not be greater than 8.33% (1:12).
- (7) *Slope of flared sides.* The slope of the flared sides shall not be greater than 10% (1:10).
- (8) *Broom finish.* Access ramps shall have a broom finish.

Measurement of Curb Ramp Slopes

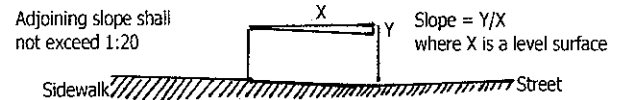


Fig. 11

Measurement of Curb Ramp Slopes

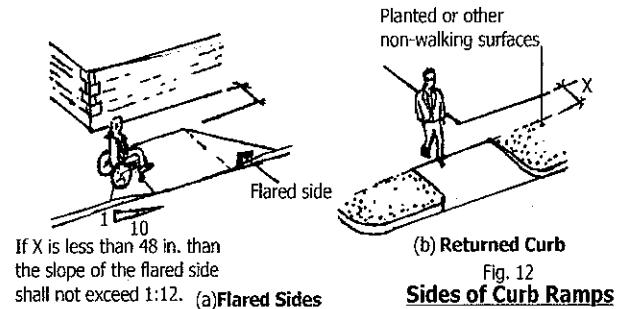
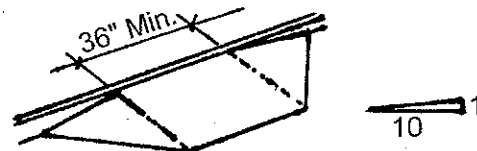


Fig. 11

Built-up Curb Ramp



Built-Up Curb Ramp

Fig. 12

(D) *Multi-use Trails.*

- (1) *Minimum width of multi-use trails.* The minimum width of trails shall be 12 feet and shall follow the trail cross-section guidelines of the Master Transportation Plan.
- (2) *Trail materials.* Selection of trail surface materials depends upon site conditions. Generally, trails shall be constructed of asphalt except where

they are located in floodprone areas or adjacent to vehicular traffic. Final determination of trail construction materials shall be made by the Trail Coordinator.

- (a) **Asphalt.** Trails shall be constructed of asphalt in areas where the trail is located above floodprone areas and away from vehicular traffic. (Refer to detail in the Master Transportation Plan.)
- (b) **Concrete.** Trails shall be constructed of concrete when located in or near floodprone areas, vehicular road crossings and access ramps. (Refer to detail in the Master Transportation Plan.)
- (3) **Grades.** All trails shall be constructed with a 2% maximum cross slope in the same direction as the existing grade unless otherwise designated. Longitudinal grade shall not exceed 5%. Longitudinal grade may be varied by the Trails Coordinator for sites with difficult topography. In such cases the AASHTO longitudinal grade requirement for bicycles shall apply.
- (4) **Asphalt trail requirements.** Asphalt trails shall be constructed of asphalt concrete hot mix surface course. Type III surface course meeting the requirements of AHTD Specifications, 1996 Edition, shall be used unless otherwise approved. Asphalt trail sections shall be constructed to the following standards:
 - (a) **Surface.** Asphalt trail sections shall have a 3 inch thick surface.
 - (b) **Base Course.** Base course for asphalt trails shall consist of a 6 inch thickness of Class 7 aggregate compacted to 95% M.P.D.
 - (c) **Subgrade.** The top 24 inches of subgrade shall meet the requirements of City of Fayetteville Minimum Street Standards. Existing material not meeting these requirements shall be removed and replaced with approved select fill and compacted to 95% Standard Proctor Density (S.P.D.) Specific site conditions may require the addition of 4 inch shot rock or other material in order to create a solid base.
- (5) **Concrete trail requirements.** All concrete portions of trails shall be constructed of a portland cement concrete mixture with a compressive strength of 3500 p.s.i. with 4 to 7 percent air entrainment. Concrete trail sections shall be constructed to the following standards:
 - (a) **Surface.** Concrete trail portions shall have a 4 inch fiber reinforced concrete surface with a medium broom finish.
 - (b) **Base Course.** Base course for concrete trails shall consist of a 4 inch thickness of class 7 aggregate compacted to 95% M.P.D.
 - (c) **Subgrade.** Subgrade for concrete trails shall meet the requirements of asphalt trail subgrade.
 - (d) **Expansion joints.** Full depth expansion joints (four inches) shall be provided at intervals not greater than 50 feet, unless slipform paving methods are used. If slipform paving methods are used, expansion joints shall be placed at the end of each day's placement, or as directed. Expansion joints shall also be placed when concrete abuts existing structures.
 - (e) **Contraction Joints.** One-quarter depth weakened plane joints, or saw-cut joints, shall be placed in sidewalk at regular intervals matching the trail width, but not greater than 12 feet apart.
 - (f) **Joint Sealant.** All expansion joints and saw joints shall be sealed with joint sealant meeting the requirements of ASTM C920, Type S. A self leveling sealant shall be used for horizontal surfaces. A non-sag sealant shall be used for vertical or nearly vertical surfaces.

- (6) *ADA guidelines.* Trails shall conform to ADA guidelines, to the extent possible.
- (7) *Trail shoulders.* A two foot shoulder adjacent to the trail shall be graded smooth and should not exceed 2% cross-slope in the same direction as the trail. The Trail Coordinator shall determine the appropriateness and maintenance requirements of plants and grasses adjacent to trails.
- (8) *Tie back slopes.* The ground beyond the shoulder shall meet the existing grade with a maximum slope of 3:1.
- (9) *Bollards.* Bollards are required at trail intersections with streets. The Trail Coordinator will provide a bollard detail with standard requirements to the developer prior to construction.
- (10) *Trail signage.* Trail signage shall comply with the Manual on Uniform Traffic Control Devices, Part 9 – Traffic Controls for Bicycle Facilities. The Trails Coordinator will provide a signage detail with standard requirements to the developer prior to construction.
- (11) *Street Crosswalks.* Trails that intersect and cross public streets shall have a red colored concrete crosswalk with two foot wide white thermoplastic stripes on each side. For major streets, this crosswalk may

be raised 2.5 inches above pavement surface. For newly paved lower traveled roads, a red thermoplastic brick pattern may be applied. The Trails Coordinator will provide a crosswalk detail with standard requirements to the developer prior to construction.

- (12) *Striping.* Center line stripe and a diamond pattern stripe around the bollards shall be installed. Striping shall conform to the Manual on Uniform Traffic Control Devices, Part 9 – Traffic Controls for Bicycle Facilities. Additional striping may be required for increased safety. Trails Coordinator will provide a striping detail to the developer prior to construction.
- (13) *Variances.* The City of Fayetteville Trails Coordinator may vary the requirements of this section so long as the variance is within the allowances set forth in the Manual on Uniform Traffic Control Devices (MUTCD) or the American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities.

(Code 1965, §18-28; Ord. No. 1790, 3-15-71; Ord. No. 2629, 5-6-80; Ord. No. 3117, 9-3-85; Code 1991, §98.67; Ord. No. 4005, §1, 11-19-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4919, 9-05-06; Ord. 5044, 8-07-07)

City of Fayetteville Staff Review Form

D. 8
ADM 09-3345
(UDC Amendments)
Page 1 of 22

City Council Agenda Items
and
Contracts, Leases or Agreements

9/1/2009

City Council Meeting Date
Agenda Items Only

Dara Sanders
Submitted By

Planning
Division

Development Services
Department

Action Required:

ADM 09-3345: (UDC AMENDMENTS): Submitted by City Planning Staff. The request is to amend several chapters of the Unified Development Code for clarity and consistency in language, cross referencing, and to reflect references to state surveying requirements.

_____	\$ _____	_____
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 ☐

_____	08.14.09	Previous Ordinance or Resolution # _____
Department Director	Date	
_____	8-14-09	Original Contract Date: _____
City Attorney	Date	Original Contract Number: _____

Paul A. Babin	8-14-2009
Finance and Internal Services Director	Date

Don Mann	8-17-09
Chief of Staff	Date

Lonell Jordan	8/17/09
Mayor	Date

Received in City
Clerk's Office

8-13-09
ENTERED
182

Received in
Mayor's Office

8/14/09
ENTERED
PIT

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy Pate, Director of Development Services 

From: Dara Sanders, Current Planner

Date: August 11, 2009

Subject: UDC Amendments (ADM 09-3345)

BACKGROUND

City Planning Staff has recently been evaluating a majority of the Unified Development Code (UDC) in an effort to provide clarity and consistency throughout the chapters. Due to several revisions and additions to the UDC by different City staff over time, staff has identified inaccurate cross references, repeated information, inconsistent language structure, and sections within three chapters – Chapter 163 Use Conditions, Chapter 164 Supplementary District Regulations, and Chapter 166 Development - that can be improved for clarity and readability. The general intent is to provide consistent and accurate information that is easily understood by the general public and to eliminate repeated information that is more appropriately included in other sections of the UDC or by reference. Staff has been, and will continue, bringing forward amendments to the UDC as time allows, to further the goal of a consistent and comprehensive Unified Development Code.

PROPOSAL

The proposal before you is to amend several chapters of the UDC regarding various development, use conditions, and parking codes as summarized below and attached in full to this staff report:

UDC Chapter	Proposed Changes
(1) Ch.163.06; 163.10; 163.16 Use Conditions	Removed the unnecessary and duplicate zoning district references for Dance Halls, Outdoor Music Establishments, and Clean Technologies, which are already included in other subsections of Chapter 161, Zoning.
(2) Ch. 164.03(A) Supplementary Use Regulations	Revised inaccurate cross references for accessory residential uses in nonresidential districts from a density of 18 du/acre to stating a maximum density of 24 du/acre
(3) Ch. 164.05 Supplementary Use Regulations	Inserted the correct supplementary use cross reference for Automobile Garages

- | | |
|--|--|
| (4) Ch. 164.09 Supplementary Use Regulations | Inserted the correct supplementary use cross reference for Fences, Walls, and Vegetation |
| (5) Ch. 164.18 Supplementary Use Regulations | Removed redundant information pertaining to gasoline service stations that is included in the zoning and sign chapters of the UDC |
| (6) Ch. 166.03; 166.04 Development | Replaced specific surveying monument and staking requirements and added reference to the Arkansas Standards for Property Boundary Surveys and Plats to allow for the flexibility, as recommended by the City Surveyor (see attached State standards) |
| (7) Ch. 166.14(C)(5) Development | Removed the additional vegetation requirements from the setback reduction allowed where no off-street parking is provided between a building and the street |
| (8) Ch. 166.14(C)(7) Development | Removed unnecessary zoning district reference, as applied to the use of chain link fences in the front of commercial and office buildings |
| (9) Ch. 166.22 Development | Removed confusing zoning district references from the regulations for parking garages |

The ordinance amendments are highlighted and attached to the staff report.

RECOMMENDATION

Staff recommends approval of the proposed amendments to Chapters 163, 164, and 166 of the UDC. This item was heard at the July 13, 2009 Planning Commission meeting and forwarded to the City Council with a unanimous recommendation for approval (7-0-0).

BUDGET IMPACT

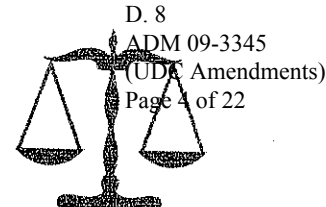
None.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



LEGAL DEPARTMENT

TO: **Dara Sanders**, City Planner
Jeremy Pate, Development Services Director

FROM: **Kit Williams**, City Attorney

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

DATE: **August 14, 2009**

RE: **Ordinance to enact proposed revisions to U.D.C.**

I applaud your efforts to revise the U.D.C. to remove or revise mistaken cross references, delete unnecessarily repetitive verbiage, and clarify confusing language. I do have some suggested revisions of your proposed Ordinance.

- (1) "Unnecessary modifies "repeated" in your title and thus should be an adverb "unnecessarily."
- (2) "Repetitive" **might** be preferable to "repeated"
- (3) First "Whereas" clause: "revisions" did not cause surveying requirements not to correlate to state standards.
- (4) Next two "Whereas" clauses: I would use "should" rather than "must".

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE OF THE CITY OF FAYETTEVILLE, TO AMEND CHAPTERS 163: USE CONDITIONS, 164: SUPPLEMENTARY ZONING REGULATIONS, AND 166: DEVELOPMENT IN ORDER TO RESOLVE INACCURATE CROSS REFERENCES, ELIMINATE UNNECESSARY REPEATED INFORMATION, AND IMPROVE OVERALL CLARITY AND READABILITY OF THE CODE.

WHEREAS, the City of Fayetteville Unified Development Code through various revisions over the past few years now contains inaccurate cross references, repeated information, and surveying requirements that do not correlate to established state standards; and

WHEREAS, the City of Fayetteville recognizes that the Unified Development Code must be revised to provide clear and accurate information that is easily understood by the general public; and

WHEREAS, the City of Fayetteville recognizes that the Unified Development Code must be revised to eliminate unnecessary repeated information that is more appropriately included in other chapters or by reference,

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 the first sentence of §163.06 Use Conditions of the Unified Development Code and enacts a replacement sentence as follows:

“Dance halls may be allowed as conditional uses where they are permitted subject to the following conditions:”

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby repeals the first two sentences of §163.10 Use Conditions of the Unified Development Code and enacts a replacement sentence as follows:

“Outdoor music establishments operating during May or June of 2002 may continue to operate at the same location without this conditional use even if the ownership or name of the outdoor music establishment changes in the future as long as the establishment does not terminate its outdoor music for 12 consecutive months or longer. All other outdoor music establishments may be allowed as conditional uses where they are permitted subject to the following additional conditions:”

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby repeals the first sentence of §163.16(A) Use Conditions of the Unified Development Code and enacts a replacement sentence as follows:

(A) *Clean Technologies*. Clean Technologies may be allowed as a conditional use where they are permitted subject to the following conditions:

Section 4. That the City Council of the City of Fayetteville, Arkansas hereby amends Unified Development Code §164.03 (A) and (B) Accessory Residential Uses in Nonresidential Districts to remove references to §161.13(C) and replace it with a reference to “a density of 24 dwelling units per acre.”

Section 5. That the City Council of the City of Fayetteville, Arkansas hereby amends Unified Development Code §164.05 Supplementary Use Regulations to remove references to “§163.14”.

Section 6. That the City Council of the City of Fayetteville, Arkansas hereby amends Unified Development Code §164.09 Fences, Walls, and Vegetation to remove references to “§165.15” and replace it with “§166.12”.

Section 7. That the City Council of the City of Fayetteville, Arkansas hereby repeals §164.18 (D)(1) Gasoline service stations and enacts a replacement subsection as follows:

- (1) *Bulk and area*. Gasoline service stations shall be regulated by the bulk and area requirements of the district in which it is located and the following:

Minimum setback of pump island, compressed air connection and similar equipment from all right-of-way lines	25 ft.
Minimum setback of canopy covering pump island, compressed air connection and similar equipment from all right-of-way lines. (**Canopies shall not be considered a part of the building for determining building setbacks even if said canopies are attached to the principal structure.)	20 ft.

Section 8. That the City Council of the City of Fayetteville, Arkansas hereby repeals §166.03 (A) Monuments and §166.04 (1) and enacts a replacement subsection as follows:

Monuments. The surveyor shall cause, preserve, and/or replace monuments marking the corners of a parcel to be set in accordance with Section 3.2, general procedures, of the Arkansas Minimum Standards for Property Boundary Surveys and Plats.

Section 9. That the City Council of the City of Fayetteville, Arkansas hereby repeals §166.03 (B) and §166.04 (2) Lot stakes and enacts a replacement subsection as follows:

Lot stakes. The surveyor shall cause, preserve, and/or replace lot stakes marking the corners of a parcel to be set in accordance with Section 3.2, general procedures, of the Arkansas Minimum Standards for Property Boundary Surveys and Plats

Section 10. That the City Council of the City of Fayetteville, Arkansas hereby repeals §166.14 (C)(3) Site coverage and enacts a replacement subsection as follows:

- (3) *Site coverage*. A maximum of 85% of the development site may be covered by the ground floor of any structure, parking lots, sidewalks, and private streets and drives or

any other impermeable surface. Zoning districts C-3, DC, MSC, DG, and the I-540 Design Overlay District are exempt from this requirement.

Section 11. That the City Council of the City of Fayetteville, Arkansas hereby repeals §166.14 (C)(5) Setback reduction and enacts a replacement subsection as follows:

- (5) *Setback reduction.* Required building setbacks may be reduced in accordance with the following table where no off-street parking is provided in the remaining front setback. One-way drive aisles may be permitted within the setback.

C-1, C-2, and I-1 zones	From 50 feet to 25 feet
R-O zone	From 30 feet to 25 feet
I-2 zone	From 100 feet to 50 feet

Section 12. That the City Council of the City of Fayetteville, Arkansas hereby repeals and replaces §166.14 (C)(7)(b) Chain link as follows:

- (b) *Chain link.* Chain link fence is prohibited if closer to the street than the front of the building. Residential uses are exempt from this requirement.

Section 13. That the City Council of the City of Fayetteville, Arkansas hereby repeals §166.22 (A)(2) Parking Garages and enacts a replacement subsection as follows:

- (2) All other parking garages shall be located at least 25 ft. from the right-of-way line. The 25 ft. buffer created shall be landscaped in accordance with the regulations contained in the Landscape Regulations of Fayetteville's UDC. The 25 ft. landscape buffer may be developed at some point in the future with habitable space that meets the requirements above.

PASSED and APPROVED this the ____ day of ____, 2009.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

MARK-UP UDC General Amendments

Chapter 163: Use Conditions is amended by removing unnecessary zoning district references for Dance Halls and Clean Technologies.

163.06 Dance Halls

~~Dance halls shall not be allowed in any zoning district except C-2, C-3, Downtown Core, and Main Street Center where they may be allowed as conditional uses where they are permitted subject to the following conditions:~~

163.10 Outdoor Music Establishments

Outdoor music establishments operating during May or June of 2002 may continue to operate at the same location without this conditional use even if the ownership or name of the outdoor music establishment changes in the future as long as the establishment does not terminate its outdoor music for 12 consecutive months or longer. All other outdoor music establishments ~~shall not be allowed in any zoning district, except C-1, C-2, C-3 and C-4, where they may be allowed as conditional uses where they are permitted subject to the following additional conditions:~~

163.16 Clean Technologies

- (A) ~~Clean Technologies.~~ Clean Technologies shall be a conditional use in all Agricultural, Residential Office, Commercial and Institutional districts may be allowed as a conditional use where they are permitted subject to the following conditions:
-

Chapter 164: Supplementary Use Regulations is amended by revising inaccurate cross references and removing redundant information.

164.03 Accessory Residential Uses in Nonresidential Districts

- (A) *Attached residential use.* Attached residential uses shall be permitted in the C-1, C-2, I-1 and I-2 zoning districts as a use by right. Density limitations for attached residential uses in such zoning districts shall be governed by ~~§161.13(C) a density of 24 dwelling units per acre.~~
- (B) *Detached residential dwelling.* A detached residential dwelling unit may be permitted in the C-1, C-2, I-1 and I-2 zoning districts as a conditional use. Density limitations shall be governed by ~~§161.13(C) a density of 24 dwelling units per acre.~~ The building site and setback area must be separate and distinct from off-street parking spaces and setback areas required for the principal structure and shall include a minimum of 4,200 square feet of land area. The residential structure shall be located to meet required setbacks from exterior boundaries of the total tract. The property owner shall execute and record covenant provided that the residential structure shall not be sold separately from the principal structure; the covenant shall run with the land.

164.05 Automobile Garages

In any district where permitted, automobile garages shall be subject to the regulations ~~set forth in §163.14~~ for drive-in facilities and all appurtenances used for repair or servicing of vehicles which are not enclosed shall be located at least 12 feet from a street lot line and 25 feet from any lot line in an A or R district.

164.09 Fences, Walls, and Vegetation

Subject to the provisions of ~~§165.15 166.12~~, fences, walls, and vegetation may be permitted in any required setback or any required setback area, or along the edge of any setback, provided the fence, wall, or vegetation does not materially impede vision, as determined by the Zoning and Development Administrator, between vehicular or pedestrian traffic.

In any required setback or any required setback area, nothing permanent over 2½ feet (30 inches) high may be installed which materially impedes vision between vehicular or pedestrian traffic.

164.18 Supplementary Use Regulations

(D) *Gasoline service stations.* A gasoline service station shall be subject to the following requirements:

- (1) *Bulk and area.* Gasoline service stations shall be regulated by the bulk and area requirements of the district in which it is located, ~~but in no case shall the site for such a use be less than~~ and the following:

Minimum lot area	12,000 sq. ft.
Minimum frontage	120 ft.
Maximum width curb cuts or driveway width	40 ft.
Minimum distance of driveways from right-of-way intersections	40 ft.
Minimum setback of service building from all street right-of-way lines	50 ft.
Minimum setback of pump island, compressed air connection and similar equipment from all right-of-way lines	25 ft.
Minimum setback of canopy covering pump island, compressed air connection and similar equipment from all right-of-way lines. (**Canopies shall not be considered a part of the building for determining building setbacks even if said canopies are attached to the principal structure.)	20 ft.

- (2) ~~Signs.~~ Any permitted sign shall be stationary and shall conform in all respects to the applicable regulations pertaining to signs.

- (3) (2) *Auto washing.* Washing of autos shall be entirely within an enclosed structure.

Chapter 166: Development is amended by replacing specific surveying requirements with a reference to the Arkansas Standards for Property Boundary Surveys and Plats, specifying an overlay district, and removing unreasonable vegetation requirements and confusing zoning district references.

166.03 Required On-Site Improvements – Subdivisions in the City Limits

Before the Planning Commission may grant final plat approval for a subdivision inside the city limits, the subdivider shall have installed, or shall have a guarantee in lieu of installation, either at his expense or in accordance with the existing policy of the City, the following improvements:

- (A) ~~Monuments.~~ Reinforced concrete monuments 4 inches x 4 inches x 30 inches at quarter section corners and subdivision corners. The surveyor shall cause, preserve, and/or replace monuments marking the corners of a parcel to be set in accordance with Section 3.2, general procedures, of the Arkansas Minimum Standards for Property Boundary Surveys and Plats.
- (B) ~~Lot stakes.~~ Metal stakes ½ inch x 30 inches at all lot corners, points of tangency, points of curvature and angles in property lines or easements. The surveyor shall cause, preserve, and/or replace lot stakes marking the corners of a parcel to be set in accordance with Section 3.2, general procedures, of the Arkansas Minimum Standards for Property Boundary Surveys and Plats.

166.04 Required On-Site Improvements – Subdivisions in the Planning Area

(A) *Requirements.* Before the Planning Commission may grant final plat approval for a subdivision located within the city's designated planning area, the subdivider shall have installed, or shall have made a guarantee of in lieu of installation, as provided by Chapter 158, either at his expense or in accordance with the existing policy of the city, the following improvements:

- (1) *Monuments.* ~~Reinforced concrete monuments 4 inches x 4 inches x 30 inches at quarter section corners and subdivision corners. The surveyor shall cause, preserve, and/or replace monuments marking the corners of a parcel to be set in accordance with Section 3.2, general procedures, of the Arkansas Minimum Standards for Property Boundary Surveys and Plats.~~
- (2) *Lot stakes.* ~~Metal stakes 1/2 inch x 30 inches at all lot corners, points of tangency, points of curvature and angles in property lines or easements. The surveyor shall cause, preserve, and/or replace lot stakes marking the corners of a parcel to be set in accordance with Section 3.2, general procedures, of the Arkansas Minimum Standards for Property Boundary Surveys and Plats.~~

166.14 Commercial Design and Development Standards

(C) *Site development standards and Design elements for commercial structures.* The following site development standards and design element guidelines for commercial structures shall apply when either new development or expansion of 25% of the existing building square footage occurs.

- (1) The elements to avoid or minimize include:
- (2) *Construction and appearance design standards for commercial structures.*
- (3) *Site coverage.* A maximum of 85% of the development site may be covered by the ground floor of any structure, parking lots, sidewalks, and private streets and drives or any other impermeable surface. Zoning districts C-3, DC, MSC, and DG, and the Design Overlay District are exempt from this requirement.
- (4) *Driveways.* Shared drives and cross access between properties shall be encouraged to developed and undeveloped properties.
- (5) *Setback reduction.* Required building setbacks may be reduced in accordance with the following table where vegetation having a minimum height of one foot six inches at the time of planting and occupying 40% of the open area is installed and no off-street parking is provided in the remaining front setback. One-way drive aisles may be permitted within the setback.

C-1, C-2, and I-1 zones	From 50 feet to 25 feet
R-O zone	From 30 feet to 25 feet
I-2 zone	From 100 feet to 50 feet

- (6) *Maintenance of vegetation.* Vegetation, under the provisions of this section, shall be continuously maintained to conform to the requirements of this section.
- (7) *Fences.* The following types, height, and location of fences shall be prohibited:
 - (b) *Chain link.* Chain link fence is prohibited if closer to the street than the front of the building in zoning districts C-1, C-2, C-3, DC, MSC, DG and R-O. Residential uses are exempt from this requirement.

166.22 Parking Garages in the Downtown Core, Main Street Center, and Downtown General Zoning Districts

(A) *Purpose.* Parking garages by their nature tend to overwhelm the built environment due to their scale and repetitious construction. Parking garages must be detailed carefully in order for them to enhance the built environment in terms of scale, appearance, and pedestrian safety.

- (1) Parking Garages located at the right-of-way line in the DC, MSC, and DG zoning districts shall meet at least one of the following criteria:

- (a) The entire length of the principal façade of the parking garage on the first or ground floor is comprised of habitable area, such as retail, office, or lobby space at a minimum depth of 15 ft. The habitable area may be interrupted for a maximum width of 30 ft. to allow for vehicle and pedestrian access to the parking garage. Entrances or door openings to the habitable space shall be provided at intervals no greater than 50 ft. apart. The upper floors of a parking garage in this configuration may extend over the first or ground floor to create a covered walkway.
 - (b) The principal façade of the parking garage on the first or ground floor is composed of a series of display windows. Display windows shall be arranged so that there are no more than 4 ft. of blank wall space between display windows. Entrances or door openings shall be provided at intervals no greater than 50 ft. apart. The upper floors of a parking garage in this configuration may extend over the first or ground floor to create a covered walkway.
 - (c) The principal façade of the parking garage is covered with a trellis that will support vines and other landscaping materials to create a living green façade. Parking garages in this configuration are required to utilize storm water harvesting techniques such as cisterns, green roofs, or by directing runoff through a series of planter boxes along the front of the façade. The upper floors may not extend over the first or ground floor to create a covered walkway.
- (2) All other parking garages ~~not located at the right-of-way line in the Downtown Core, Main Street Center and Downtown General Zoning Districts~~ shall be located at a ~~build-to-line~~ located at least 25 ft. from the right-of-way line. The 25 ft. buffer created shall be landscaped in accordance with the regulations contained in ~~Chapter 177~~ the Landscape Regulations of Fayetteville's UDC. The 25 ft. landscape buffer may be developed at some point in the future with habitable space that meets the requirements above.



PC Meeting of July 13, 2009

THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

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

TO: Fayetteville Planning Commission
FROM: Dara Sanders, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: July 8, 2009

ADM 09-3345: (UDC AMENDMENTS): Submitted by City Planning Staff. The request is to amend several chapters of the Unified Development Code for clarity and consistency in language, cross referencing, and Arkansas State requirements.

Planner: Dara Sanders

BACKGROUND

City Planning Staff has recently been evaluating a majority of the Unified Development Code (UDC) in an effort to provide clarity and consistency throughout the chapters. Due to several revisions and additions to the UDC by different City staff over time, staff has identified inaccurate cross references, repeated information, inconsistent language structure, and sections that can be improved for clarity and readability.

PROPOSAL

The proposal before you is to amend several chapter of the UDC regarding various development, use condition, and parking codes as summarized below and attached in full to this staff report:

UDC Chapter	Proposed Changes
(1) Ch.163.06; 166.16 Use Conditions	removed the unnecessary zoning district references for Dance Halls and Clean Technologies
(2) Ch. 164.03(A) Supplementary Use Regulations	revised inaccurate cross references for accessory residential uses in nonresidential districts from a density of 18 du/acre to stating a maximum density of 24 du/acre
(3) Ch. 164.05 Supplementary Use Regulations	inserted the correct supplementary use cross reference for Automobile Garages
(4) Ch. 164.09 Supplementary Use Regulations	inserted the correct supplementary use cross reference for Fences, Walls, and Vegetation
(5) Ch. 164.18 Supplementary Use Regulations	removed redundant information pertaining to gasoline service stations that is included in the zoning and sign chapters of the UDC

- | | |
|---------------------------------------|---|
| (6) Ch. 166.03; 166.04
Development | replaced specific surveying monument and staking requirements with a reference to the Arkansas Standards for Property Boundary Surveys and Plats to allow for the flexibility, as recommended by the City Surveyor (see attached State standards) |
| (7) Ch. 166.14(C)(5)
Development | removed the unreasonable vegetation requirements from the setback reduction allowed where no off-street parking is provided between a building and the street |
| (8) Ch. 166.14(C)(7)
Development | removed confusing zoning district reference |
| (9) Ch. 166.22 Development | removed confusing zoning district references from the regulations for parking garages |

The ordinance amendments are shown highlight and are attached to the staff report. The general intent is to provide accurate information that is easily understood by the general public and to eliminate repeated information that is more appropriately included in other sections of the UDC or State Code.

RECOMMENDATION

Staff recommends forwarding **ADM 09-3345** to the City Council with a recommendation for approval.

Planning Commission Action: ☐ **Forwarded** ☐ **Denied** ☐ **Tabled**
Motion:
Second:
Vote:
Meeting Date: July 13, 2009
Comments: _____

ADM 09-3345 (General Amendments)
City of Fayetteville Unified Development Code Modifications

CHAPTER 163: USE CONDITIONS

163.06 Dance Halls

Dance halls shall not be allowed in any zoning district except C-2, C-3, Downtown Core, and Main Street Center where they may be allowed as conditional uses subject to the following conditions:

163.16 Clean Technologies

(A) *Clean Technologies.* Clean Technologies shall be a conditional use in all Agricultural, Residential Office, Commercial and Institutional districts may be allowed as a conditional use subject to the following conditions:

CHAPTER 164: SUPPLEMENTARY USE REGULATIONS

164.03 Accessory Residential Uses In Nonresidential Districts

(A) *Attached residential use.* Attached residential uses shall be permitted in the C-1, C-2, I-1 and I-2 zoning districts as a use by right. Density limitations for attached residential uses in such zoning districts shall be governed by ~~§161-13(C)~~ a density of 24 dwelling units per acre.

(B) *Detached residential dwelling.* A detached residential dwelling unit may be permitted in the C-1, C-2, I-1 and I-2 zoning districts as a conditional use. Density limitations shall be governed by ~~§161-13(C)~~ a density of 24 dwelling units per acre. The building site and setback area must be separate and distinct from off-street parking spaces and setback areas required for the principal structure and shall include a minimum of 4,200 square feet of land area. The residential structure shall be located to meet required setbacks from exterior boundaries of the total tract. The property owner shall execute and record covenant provided that the residential structure shall not be sold separately from the principal structure; the covenant shall run with the land.

164.05 Automobile Garages

In any district where permitted, automobile garages shall be subject to the regulations set forth in ~~§163-14~~ 164-18(C) for drive-in facilities and all appurtenances used for repair or servicing of vehicles which are not enclosed shall be located at least 12 feet from a street lot line and 25 feet from any lot line in an A or R district.

164.09 Fences, Walls, and Vegetation

Subject to the provisions of ~~§165-15~~ 166-12, fences, walls, and vegetation may be permitted in any required setback or any required setback area, or along the edge of any setback, provided the fence, wall, or vegetation does not materially impede vision, as determined by the Zoning and Development Administrator, between vehicular or pedestrian traffic.

In any required setback or any required setback area, nothing permanent over 2½ feet (30 inches) high may be installed which materially impedes vision between vehicular or pedestrian traffic.

164.18 Supplementary Use Regulations

(D) *Gasoline service stations.* A gasoline service station shall be subject to the following requirements:

(1) *Bulk and area.* Gasoline service stations shall be regulated by the bulk and area requirements of the district in which it is located, but in no case shall the site for such a use be less than the following:

Minimum lot area	12,000 sq. ft.
Minimum frontage	120 ft.
Maximum width curb cuts or driveway width	40 ft.
Minimum distance of driveways from right-of-way intersections	40 ft.
Minimum setback of service building from all street right-of-way lines	50 ft.
Minimum setback of pump island, compressed air connection and similar equipment from all right-of-	25 ft.

ADM 09-3345 (General Amendments)
City of Fayetteville Unified Development Code Modifications

way lines	
Minimum setback of canopy covering pump island, compressed air connection and similar equipment from all right-of-way lines. (**Canopies shall not be considered a part of the building for determining building setbacks even if said canopies are attached to the principal structure.)	20 ft.

(2) ~~Signs.~~ Any permitted sign shall be stationary and shall conform in all respects to the applicable regulations pertaining to signs.

(3) (2) ~~Auto washing.~~ Washing of autos shall be entirely within an enclosed structure.

CHAPTER 166: DEVELOPMENT

166.03 Required On-Site Improvements – Subdivisions in the City Limits

Before the Planning Commission may grant final plat approval for a subdivision inside the city limits, the subdivider shall have installed, or shall have a guarantee in lieu of installation, either at his expense or in accordance with the existing policy of the City, the following improvements:

(A) ~~Monuments.~~ Reinforced concrete monuments 4 inches x 4 inches x 30 inches at quarter section corners and subdivision corners.

(B) ~~Lot stakes.~~ Metal stakes 1/2 inch x 30 inches at all lot corners, points of tangency, points of curvature and angles in property lines or easements.

(A) ~~Monuments and lot stakes.~~ The surveyor shall cause, preserve, and/or replace monuments and/or lot stakes marking the corners of a parcel to be set in accordance with Section 3.2, general procedures, of the Arkansas Minimum Standards for Property Boundary Surveys and Plats.

166.04 Required On-Site Improvements – Subdivisions in the Planning Area

(A) ~~Requirements.~~ Before the Planning Commission may grant final plat approval for a subdivision located within the city's designated planning area, the subdivider shall have installed, or shall have made a guarantee of in lieu of installation, as provided by Chapter 158, either at his expense or in accordance with the existing policy of the city, the following improvements:

(1) ~~Monuments.~~ Reinforced concrete monuments 4 inches x 4 inches x 30 inches at quarter section corners and subdivision corners.

(2) ~~Lot stakes.~~ Metal stakes 1/2 inch x 30 inches at all lot corners, points of tangency, points of curvature and angles in property lines or easements.

(1) ~~Monuments and lot stakes.~~ The surveyor shall cause, preserve, and/or replace monuments and/or lot stakes marking the corners of a parcel to be set in accordance with Section 3.2, general procedures, of the Arkansas Minimum Standards for Property Boundary Surveys and Plats.

166.14 Commercial Design and Development Standards

(C) ~~Site development standards and Design elements for commercial structures.~~ The following site development standards and design element guidelines for commercial structures shall apply when either new development or expansion of 25% of the existing building square footage occurs.

(1) The elements to avoid or minimize include:

ADM 09-3345 (General Amendments)
City of Fayetteville Unified Development Code Modifications

- (2) *Construction and appearance design standards for commercial structures.*
- (3) *Site coverage.* A maximum of 85% of the development site may be covered by the ground floor of any structure, parking lots, sidewalks, and private streets and drives or any other impermeable surface. Zoning districts C-3, DC, MSC, DG, and the I-540 Design Overlay District are exempt from this requirement.
- (4) *Driveways.* Shared drives and cross access between properties shall be encouraged to developed and undeveloped properties.
- (5) *Setback reduction.* Required building setbacks may be reduced in accordance with the following table where vegetation having a minimum height of one foot six inches at the time of planting and occupying 10% of the open area is installed and no off-street parking is provided in the remaining front setback. One-way drive aisles may be permitted within the setback.

C-1, C-2, and I-1 zones	From 50 feet to 25 feet
R-O zone	From 30 feet to 25 feet
I-2 zone	From 100 feet to 50 feet

- (6) *Maintenance of vegetation.* Vegetation, under the provisions of this section, shall be continuously maintained to conform to the requirements of this section.
- (7) *Fences.* The following types, height, and location of fences shall be prohibited:
 - (b) *Chain link.* Chain link fence is prohibited if closer to the street than the front of the building in zoning districts C-1, C-2, C-3, DC, MSC, DG and R-O. Residential uses are exempt from this requirement.

166.22 Parking Garages in the Downtown Core, Main Street Center, and Downtown General Zoning Districts

- (A) *Purpose.* Parking garages by their nature tend to overwhelm the built environment due to their scale and repetitious construction. Parking garages must be detailed carefully in order for them to enhance the built environment in terms of scale, appearance, and pedestrian safety.
 - 1) Parking Garages located at the right-of-way line in the DC, MSC, and DG zoning districts shall meet at least one of the following criteria:
 - 2) All other parking garages not located at the right-of-way line in the Downtown Core, Main Street Center and Downtown General Zoning Districts shall be located at a build-to-line located at least 25 ft. from the right-of-way line. The 25 ft. buffer created shall be landscaped in accordance with the regulations contained in Chapter 177: Landscape Regulations of Fayetteville's UDC. The 25 ft. landscape buffer may be developed at some point in the future with habitable space that meets the requirements above.

STANDARDS OF PRACTICE NO. 1

August 18, 1982
Revised May 8, 1992
Revised March 14, 1996
Revised (May 21, 2009)
Updated 1-24-08
Updated 8-25-08



ARKANSAS

Standards of Practice

For Property Boundary Surveys and Plats

Richard Bell, Secretary
Arkansas Agriculture Department

Everett Rowland
State Surveyor
Land Survey Division

SECTION 3

GENERAL PROCEDURES

3.1 Research, Investigation and Procedure. Prior to a boundary survey, the surveyor shall obtain information from the following, as applicable: field notes and plats of the original government survey and subsequent surveys, deeds, maps, county and state records. The surveyor shall analyze the information obtained to determine, to the best of his ability, the boundaries that were requested to be located.

A. Surveys based on the U.S. Public Land Survey System shall be tied to the section and/or quarter section corners, which control position in accordance with the current BUREAU OF LAND MANAGEMENT (BLM) MANUAL OF SURVEYING INSTRUCTIONS. Except that if a survey is to be performed within a section previously subdivided the surveyor may tie to and rely on any well-defined corners found therein. This exception in no manner relieves the surveyor from any liability resulting from his reliance on said corners in the performance of the survey.

B. The current BUREAU OF LAND MANAGEMENT (BLM) MANUAL OF SURVEYING INSTRUCTIONS shall be used as the guide for the restoration of lost or obliterated corners and subdivision of sections.

C. Lot and Block subdivision surveys shall conform to the minimum accuracy standards as set forth in Section 2, and to local subdivision ordinances (standards and regulations). Lot surveys and plats within such subdivisions shall be tied to sufficient monumentation within the subdivision required to verify the correctness of the survey.

3.2 Field Work

A. Execution. The surveyor shall, under his personal direction, locate and make measurements to all available monuments appropriate or necessary for the location of boundaries and corners, and coordinate the results of this field research and investigation.

B. Measurement Techniques. Survey measurement techniques shall be designed to eliminate mistakes and minimize or compensate for instrumental, environmental, and operator error. All measurements shall be made to a precision compatible with the size and geometric shape of the parcel, and shall be consistent with the accuracy required for the class of property being surveyed.

C. Monumentation. The surveyor shall cause monuments marking the corners of a parcel to be set as follows:

1. Location. The surveyor shall locate or confirm the prior location of permanent monuments at each boundary corner of the lot, parcel, tract or line being surveyed. When the placement of a required monument at its proper location is impractical, an offset monument may be set. The location of said offset monument shall be clearly

shown on the plat. The correctness or incorrectness of previously placed (existing) monuments shall be confirmed by the surveyor, and they shall be shown and referenced on the plat.

2. Type of Monument. The surveyor shall select a type of monument that provides a reasonable degree of permanency consistent with the physical features of the terrain and the intended use of the monument. The following guidelines shall be followed as closely as is practically possible.
 - a. All the monuments shall be clearly marked with the registration number of the surveyor setting or responsible for setting the monument.
 - b. Iron pipe shall be one-half inch (1/2") in (inside diameter) diameter or larger and steel rods (rebar) shall be at least one-half inch (1/2") in diameter. The minimum length for monuments shall be 18 inches where applicable.
 - c. Any monument set to mark the location of, a quarter-corner, or a section corner shall be marked with the precise corner position, the proper identification of the corner in accordance with the current BLM manual, and the year of monumentation. Letters and numerals on survey monument caps shall be neatly stamped with 1/8" or 3/16" steel dies and oriented to read from the south.
3. Monument Accessories. For any monument found or set marking the location of a quarter (1/4) corner, or a section corner, as well as any other corner for which the surveyor desires accessory evidence, shall be referenced by at least two (preferably four) permanent or semi-permanent witness objects (sound trees, when available). Horizontal measurements shall be made from the monumented corner position to the center of the base of reference trees at ground level, and to a readily identifiable point or mark on any other witness objects. On steep sites where a horizontal distance cannot be easily obtained, slope distance may be used and noted with the accessory information.
4. Existing monuments verified or relied on for survey control, which are not considered permanent (such as a loose mound of stones) should be replaced or supplemented using monumentation standards in Section 3.2-C-2. Large permanent monuments, such as stone or concrete monuments, should have the precise corner position marked by a chiseled "X" or cross.

SECTION 4

PLATS

4.1 Publication of Results. A plat showing the results of each survey shall be prepared and distributed as follows:

A. Preparation of plats. A scale drawing of the property with the following information shall be part of every plat:

1. Boundaries with distances and directions (bearing or azimuths). When circular curves are platted the following four (4) curve elements shall be shown: radius, arc length, chord bearing, and chord distance.
2. Ties to corners, monuments, corner accessories and other relevant witness information, which control the location of a boundary or corner, the surveyor's basis for acceptance thereof, and the originating source of any monument or accessory.
3. Record title lines including record deed distance and direction calls and/or document (book and page) references.
4. Reasonably observed encroachments and possession lines.
5. Type and dimension description of monuments found and monuments set during the course of the survey. Pertinent inscriptions should also be included.
6. Point of beginning for metes and bounds surveys.
7. Client's name.
8. Business address of surveyor.
9. North arrow with basis of direction. A statement shall be made to explain how direction was obtained, and should include document (book and page) references if based on deed or survey record bearings. When the basis of direction is derived from the Arkansas Coordinate System 1983 (geodetic or grid system), the convergence angle and, if the distances on the plat have been converted to ground, the Combination Adjustment Factor shall be shown with a notation specifying the location where the calculations were made.
10. Bar scale.

11. Legend. A legend may not be required when all symbols, lines and other graphics are described individually.
12. Tract Description.
13. Surveyor's seal with dated signature.
14. Date of survey.
15. A.C.A. § 17-48-107 requires every survey of a parcel of real property made after March 30, 1981, shall include a statement of the number of acres or parts of acres included in the parcel surveyed. If the parcel surveyed includes lands situated in more than one quarter-quarter, the approximate number of acres of the parcel lying in each quarter-quarter shall be shown separately.
16. The appropriate index code from the State Surveyor's current "Survey Plat Coding Instructions".
 - B. Distribution of All Plats. Copies of the plat shall be distributed within 30 days of completion as follows:
 1. State Surveyor's office (A.C.A. § 17-48-106 (a)).
 2. Client.
 3. Filing is not required, but may be submitted, for survey plats made of subdivided property located in a municipality where property has previously been surveyed and a plat filed (A.C.A. § 17-48-106 (c)).

SECTION 5

ENFORCEMENT

Enforcement of these regulations is vested in the Arkansas State Board of Registration for Professional Engineers and Land Surveyors, as prescribed in A.C.A. § 17-48-101 et. seq.

AGENDA REQUEST

FOR: COUNCIL MEETING OF SEPTEMBER 1, 2009

FROM:

Shirley Lucas, Council Member

Sarah Lewis, Council Member

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Prevent Injury Or Annoyance Within The Corporate Limits Of Fayetteville By
Regulating Rock Quarrying Facilities So That These Facilities Will Not Be Nuisances

APPROVED FOR AGENDA:

Shirley Lucas

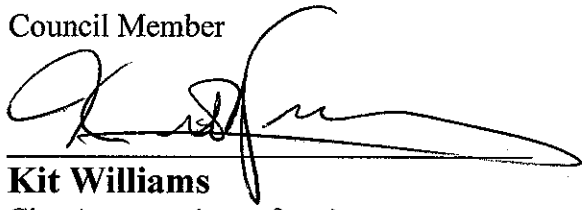
Council Member

Date

Sarah Lewis

Council Member

Date



Kit Williams

City Attorney (as to form)

Date

8-10-09

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY



DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Lioneld Jordan**, Mayor
City Council

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

FROM: **Kit Williams**, City Attorney

DATE: **August 19, 2009**

RE: **Proposed Chapter 113 Rock Quarries and Red Dirt Mining Facilities of the Code of Fayetteville**

Several months ago, City Council members Sarah Lewis and Shirley Lucas asked me to attend a meeting of Ward 4 residents who were concerned and unhappy about problems caused to their neighborhood by a Rock Quarry and Red Dirt Mining Facility near their homes. These city residents described regular disturbing activities that operation of the quarry and red dirt mine were inflicting upon them in their homes and on their property. These nuisance type activities included:

- (1) the dust, noise and vibration from frequent blasting of the rock for quarrying;
- (2) the noise, dust and fumes from the machines operating at the quarry and red dirt mine;
- (3) the large number of dump trucks which serviced the quarry and red dirt farm which often immediately entered city streets and caused traffic problems and safety issues during morning and afternoon school rush hours;
- (4) the amount of red dirt and rocks that fell from these dump trucks onto city streets and right-of-way. These trucks were often uncovered with very little freeboard.

The City Council Ordinance Review Committee held several meetings to fine tune the initial ordinances I drafted pursuant to the requests of City Council Members Lucas and Lewis. Neighbors attended these public meetings and also provided input information and suggestions. The owners or managers of the rock quarry and red dirt mining operation did not attend to provide any input. I recommend that the ordinances be left on the first reading so that the rock quarry and red dirt mining owners and operators can review these ordinances for fairness and utility.

These ordinances would mandate that each operator of a rock quarry or red dirt mining facility within the city and within one mile of the city limits must obtain a license from the City to operate their facility. The ordinances prescribe measures that an operator must take to prevent his facility from being a nuisance to Fayetteville residents. These measures restrict:

- (1) the frequency of allowed explosions;
- (2) require dust control measures;
- (3) restrict the days of operation to regular workdays (Monday-Friday);
- (4) restrict the hours of operation with longer hours allowed in the summer when school is out;
- (5) require dump trucks servicing the facility to have their loads covered more frequently than now allowed; and
- (6) require other measures to abate the potential of the facility to be a nuisance to our citizens.

ORDINANCE NO. _____

**AN ORDINANCE TO PREVENT INJURY OR ANNOYANCE
WITHIN THE CORPORATE LIMITS OF FAYETTEVILLE BY
REGULATING ROCK QUARRYING FACILITIES SO THAT
THESE FACILITIES WILL NOT BE NUISANCES**

WHEREAS, the City Council of the City of Fayetteville, Arkansas recognizes the need for rock quarries to supply necessary road building material within and near the corporate limits of Fayetteville; and

WHEREAS, the Fayetteville City Council has reviewed scientific evidence and listened to experts and determined that rock blasting causes unavoidably damaging effects upon nearby structures (especially homes); and

WHEREAS, the Fayetteville City Council has also learned and determined that an operating rock quarry causes vibrations, dust, ground upheaval, loud noises, fumes and other deleterious effects within a mile from the quarry; and

WHEREAS, the Fayetteville City Council has also heard from citizens living near an existing and operating rock quarry and determined that unregulated rock blasting, rock crushing and other rock quarry activities are offensive and potentially unhealthy and dangerous to Fayetteville citizens and damaging to their homes; and

WHEREAS, unless the frequency of rock blasting, its distance from houses and the hours and days of rock quarry operation near residences is regulated and controlled to prevent dust, fumes and noise from escaping the quarry, such a rock quarry would constitute a nuisance to Fayetteville residents and citizens and should be abated.

**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 Chapter 113 **Rock Quarries and Red Dirt Mining Facilities** of the Code of Fayetteville, Article I **Rock Quarry Operating License** as shown below:

“

**ARTICLE I.
Rock Quarry Operating License**

“§113.01. Finding of Nuisance and Need for Abatement.

The City Council of the City of Fayetteville, Arkansas determines and finds that the operation of a rock quarry is a nuisance to the citizens and City of Fayetteville, Arkansas if operated or used other than as prescribed in §113.02 and, therefore, should be abated by the reasonable regulations required by this ordinance.

“§113.02. Abatement of Nuisance.

(A) Rock Blasting/Use of Explosives.

(1) No rock blasting shall be allowed within 60 yards of any house within the city limits of Fayetteville.

(2) No rock blasting explosive charge or location shall exceed the most restrictive limitations within federal, state and Washington County regulations or laws.

(3) All rock blasting within the permitted quarry shall only be allowed one time per month between the hours of 10:00 a.m. and 3:00 p.m. during a single weekday (non-holiday) pursuant to the Rock Quarry Operating License.

(B) Operation of Rock Quarry.

(1) All rock quarries within the city limits of Fayetteville or within one mile beyond the city limits of Fayetteville shall only be allowed to operate during the period of 8:30 a.m. until 3:00 p.m. Monday through Friday from August 20th through June 5th and during the period of 8:00 a.m. until 5:30 p.m. Monday through Friday from June 6th through August 19th. No rock quarry shall be allowed to operate on a federally recognized holiday.

(2) All rock quarries within the city limits of Fayetteville or within one mile beyond the city limits of Fayetteville shall be prohibited from any operations until the owner/operator of such quarry has obtained a valid, annual Rock Quarry Operating License. This license to operate shall be issued by the Fayetteville Planning Department on a fiscal year (July 1 through June 30) schedule with no fee assessed.

(C) Dust, Mud and Rock Control Measures.

All rock quarries within the city limits of Fayetteville or within one mile beyond the city limits of Fayetteville shall only be allowed to operate with the following safeguards and measures to ensure that dust, dirt, mud, loose rock and gravel, and all other possible irritants or nuisance substances do not adversely affect Fayetteville residents. It is the express continuing duty of the licensed rock quarry operator to ensure all of these safeguards, requirements and measures are constantly enforced.

(1) *Dust control measures.* Water or other substances or measures must be fully effective during the operation of the rock quarry to prevent the escape of dust from the rock quarry. During any period of a week or longer when the rock quarry is not operating, the operator shall take all measures necessary to ensure dust does not escape from the rock quarry.

(2) *Dirt and mud control measures.* The rock quarry operator is required to ensure that any and all vehicles leaving the rock quarry shall have all mud and dirt removed from the tires and exterior parts of the body of the vehicles prior to exiting the site onto public roads.

(3) *Loose rock and gravel.* The rock quarry operator is responsible to ensure that all dump trucks leaving the rock quarry site that may utilize any city street and are carrying more than half a truck load of gravel, rocks or dirt have their load fully and properly covered.

(4) *Dump truck identifying number.* In order for citizens to easily and correctly identify dump trucks and their owner/operators who are servicing the rock quarry, the rock quarry operator shall require any dump truck accessing or servicing his facility to have an easy to read four digit number at least six inches high and twelve inches wide on the tail gate of the dump truck. The rock quarry operator shall maintain an up-to-date and accurate log of the owner and operator of each numbered dump truck and shall immediately supply the owner and operator's name, address and contract information to any Fayetteville employee, official or citizen who requests such information.

(5) *Only dump trucks with proper identifying number may be loaded.* The rock quarry operator shall not load or permit to be loaded or permit to exit the rock quarry any dump truck unless the identifying number specified in subsection (4) is clearly legible, easy to read and not obscured by dirt, mud or otherwise.

"§113.03: Jurisdiction of This Ordinance.

Pursuant to A.C.A. §14-54-103(1), this ordinance to abate a nuisance shall be applicable to any and all rock quarries located within the corporate limits of Fayetteville and for one (1) mile beyond the city limits as prescribed in A.C.A. §14-262-102.

"§113.04: Definitions.

(A) "*Explosive force*" means the amount of explosive power generated by various types of explosive substances such as dynamite, blasting powder, etc.

(B) "*Rock Quarry*" means any open excavation used for obtaining building stone, slate, limestone or other type of rock used for paving or building purposes.

(C) "*House*" means any habitable structure including a mobile or manufactured home, a dwelling, a residence, an apartment, a condominium, a dormitory, a hotel or motel.

(D) *“Operation of Rock Quarry”* means any blasting, operation of any mechanical equipment on the premises of the rock quarry or any operation of dump trucks or other large vehicles on the premises of the rock quarry site. Starting, running the engine or moving any equipment or dump truck on the premises shall constitute operation of the rock quarry. However, as long as the dust control measures remain in operation and effective, dump trucks may be driven onto the rock quarry to park (but may not be loaded) on the premises up until 5:30 p.m. during the August 20th to June 5th period.

“113.05: Issuance, Suspension or Revocation of License.

(A) *Issuance.* The Director of Development Services or designee shall prepare and issue an annual Rock Quarry Operating License upon proper application of an owner/operator of a rock quarry within the jurisdiction of this ordinance after ensuring the rock quarry operator will be in full compliance with all requirements of this ordinance and has all other current and valid federal, state and county permits required for rock quarrying operation.

(B) *Suspension.* The Director of Development Services may suspend a Rock Quarry Operating License for up to thirty (30) days for violations of the terms of the license after a due process hearing.

(C) *Revocation.* The Director of Development Services may revoke a Rock Quarry Operating license for repetitive, continuing, intentional, or substantial violations of the requirements of this ordinance. The Director of Development Services may require adequate assurances that any operator whose license has been revoked will fully comply with the Rock Quarry Operating License before reissuing another license.

(D) *Appeal.* Any person whose license has been suspended or revoked pursuant to this section, may appeal such suspension or revocation to the City Council by providing the City Clerk's Office with a written request for City Council review within ten business days of the issuance of suspension or revocation. The City Council may then determine whether the rock quarry operator violated the requirements of the ordinance and, if so, whether suspension (up to 30 days) or revocation is appropriate for such violation.

“§113.06: Penalty.

(A) Any owner, lessor or lessee of real property upon which is located a rock quarry and any operator, manager, or employee of such rock quarry shall ensure such quarry is operated within the limits of this ordinance and shall be guilty of a criminal violation for any violation of the requirements of this ordinance.

(B) The Rock Quarry Operating License may be suspended or revoked by the Director of Development Services after a due process hearing for an owner's, manager's, operator's, employee's, or lessee's violation of any terms or limits within this ordinance or for operating the rock quarry not in conformity with its Rock Quarry Operating License.

(C) Any owner, operator, manager, lessee or employee of a rock quarry shall be guilty of a criminal violation if such person operates the rock quarry in violation of any of the terms of this ordinance, without a current and valid Rock Quarry Operating License, or in violation of any of the terms of his Rock Quarry Operating License.

(D) Each violation of the operational hour limitations or the number of explosions or the explosive force of any rock blasting of this Ordinance or the applicable Rock Quarry Operating License shall constitute a separate violation of this ordinance and shall be punishable by a fine of up to \$500.00.

“§113.07: No reduction in property owner’s right to sue for nuisance.

Nothing in this ordinance removes or reduces a property owner’s right to sue or seek an injunction against any owner or operator of rock quarry if such facility constitutes a private or public nuisance to that property owner.”

PASSED and APPROVED this the 1st day of September, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

AGENDA REQUEST

FOR: COUNCIL MEETING OF SEPTEMBER 1, 2009

FROM:

Shirley Lucas, Council Member
Sarah Lewis, Council Member

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Prevent Injury Or Annoyance Within The Corporate Limits Of Fayetteville By
Regulating Red Dirt Mining Facilities So That These Facilities Will Not Be Nuisances

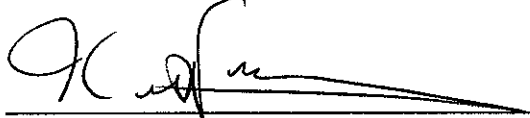
APPROVED FOR AGENDA:

Shirley Lucas
Council Member

Date

Sarah Lewis
Council Member

Date



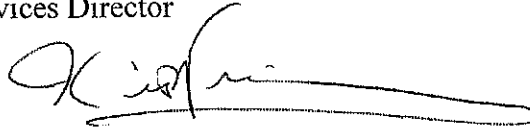
Kit Williams
City Attorney (as to form)

8-10-09
Date

TO: **Lioneld Jordan**, Mayor
City Council

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

FROM: **Kit Williams**, City Attorney



DATE: **August 19, 2009**

RE: **Proposed Chapter 113 Rock Quarries and Red Dirt Mining Facilities of the Code of Fayetteville**

Several months ago, City Council members Sarah Lewis and Shirley Lucas asked me to attend a meeting of Ward 4 residents who were concerned and unhappy about problems caused to their neighborhood by a Rock Quarry and Red Dirt Mining Facility near their homes. These city residents described regular disturbing activities that operation of the quarry and red dirt mine were inflicting upon them in their homes and on their property. These nuisance type activities included:

- (1) the dust, noise and vibration from frequent blasting of the rock for quarrying;
- (2) the noise, dust and fumes from the machines operating at the quarry and red dirt mine;
- (3) the large number of dump trucks which serviced the quarry and red dirt farm which often immediately entered city streets and caused traffic problems and safety issues during morning and afternoon school rush hours;
- (4) the amount of red dirt and rocks that fell from these dump trucks onto city streets and right-of-way. These trucks were often uncovered with very little freeboard.

The City Council Ordinance Review Committee held several meetings to fine tune the initial ordinances I drafted pursuant to the requests of City Council Members Lucas and Lewis. Neighbors attended these public meetings and also provided input information and suggestions. The owners or managers of the rock quarry and red dirt mining operation did not attend to provide any input. I recommend that the ordinances be left on the first reading so that the rock quarry and red dirt mining owners and operators can review these ordinances for fairness and utility.

These ordinances would mandate that each operator of a rock quarry or red dirt mining facility within the city and within one mile of the city limits must obtain a license from the City to operate their facility. The ordinances prescribe measures that an operator must take to prevent his facility from being a nuisance to Fayetteville residents. These measures restrict:

- (1) the frequency of allowed explosions;
- (2) require dust control measures;
- (3) restrict the days of operation to regular workdays (Monday-Friday);
- (4) restrict the hours of operation with longer hours allowed in the summer when school is out;
- (5) require dump trucks servicing the facility to have their loads covered more frequently than now allowed; and
- (6) require other measures to abate the potential of the facility to be a nuisance to our citizens.

ORDINANCE NO. _____

**AN ORDINANCE TO PREVENT INJURY OR ANNOYANCE
WITHIN THE CORPORATE LIMITS OF FAYETTEVILLE BY
REGULATING RED DIRT MINING FACILITIES SO THAT
THESE FACILITIES WILL NOT BE NUISANCES**

WHEREAS, the City Council of the City of Fayetteville, Arkansas recognizes the need for red dirt mining facilities to supply necessary red dirt for building construction, parking lot and road construction within and near the corporate limits of Fayetteville; and

WHEREAS, the Fayetteville City Council has reviewed scientific evidence and listened to experts and determined that any blasting that could be used in red dirt mining could cause unavoidable damaging effects upon nearby structures (especially homes); and

WHEREAS, the Fayetteville City Council has also learned and determined that an operating red dirt mining facility causes vibrations, dust, ground upheaval, loud noises, fumes and other deleterious effects within a mile from the red dirt mining facility; and

WHEREAS, the Fayetteville City Council has also heard from citizens living near an existing and operating red dirt mining facility and determined that unregulated blasting, dirt excavating, dump truck loading and other red dirt mining facility activities are offensive and potentially unhealthy and dangerous to Fayetteville citizens and damaging to their homes and city streets;

WHEREAS, unless the frequency of blasting, its distance from houses, the hours and days of red dirt mining facility operation near residences and the red dirt mining's dust causing activities are regulated and controlled, such a red dirt mining facility would constitute a nuisance to Fayetteville residents and citizens and should be abated.

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 Chapter 113 **Rock Quarries and Red Dirt Mining Facilities** of the Code of Fayetteville, Article II **Red Dirt Mining Facility Operating License** as shown on the attached Exhibit A.

PASSED and APPROVED this the 1st day of September, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

ARTICLE II.

Red Dirt Mining Facility Operating License

§113.11. Finding of Nuisance and Need for Abatement

The City Council of the City of Fayetteville, Arkansas determines and finds that the operation of a red dirt mining facility is a nuisance to the citizens and City of Fayetteville, Arkansas if operated or used other than as prescribed in §113.12 and, therefore, should be abated by the reasonable regulations required by this ordinance.

§113.12. Abatement of Nuisance

(A) Rock Blasting/Use of Explosives.

(1) No blasting shall be allowed within 60 yards of any house within the city limits of Fayetteville.

(2) No blasting explosive charge or location shall exceed the most restrictive limitations within federal, state and Washington County regulations or laws.

(3) All blasting within the permitted red dirt mining facility shall only be allowed one time per month between the hours of 10:00 a.m. and 3:00 p.m. during a single weekday (non-holiday) pursuant to the Red Dirt Mining Operating License.

(B) Operation of Red Dirt Mining Facility.

(1) All red dirt mining facilities within the city limits of Fayetteville or within one mile beyond the city limits of Fayetteville shall only be allowed to operate during the period of 8:30 a.m. until 3:00 p.m. Monday through Friday from August 20th through June 5th and during the period of 8:00 a.m. until 5:30 p.m. Monday through Friday from June 6th through August 19th. No red dirt mining facility shall be allowed to operate on a federally recognized holiday.

(2) All red dirt mining facilities within the city limits of Fayetteville or within one mile beyond the city limits of Fayetteville shall be prohibited from any operations until the owner/operator of such facility has obtained a valid, annual Red Dirt Mining Operating License. This license to operate shall be issued by the Fayetteville Planning Department on a fiscal year (July 1 through June 30) schedule with no fee assessed.

(C) Dust, Mud and Rock Control Measures.

All red dirt mining facilities within the city limits of Fayetteville or within one mile beyond the city limits of Fayetteville shall only be allowed to operate with the following safeguards and measures to ensure that dust, dirt, mud, loose rock, and all other possible irritants or nuisance substances do not adversely affect Fayetteville residents. It is the express continuing duty of the licensed red dirt mining operator to ensure all of these safeguards, requirements and measures are constantly enforced.

(1) *Dust control measures.* Water or other substances or measures must be fully effective during

the operation of the red dirt mining to prevent the escape of dust from the red dirt mining facility. During any period of a week or longer when the red dirt mining facility is not operating, the operator shall take all measures necessary to ensure dust does not escape from the red dirt mining facility.

(2) *Dirt and mud control measures.* The red dirt mining operator is required to ensure that any and all vehicles leaving the red dirt mining facility shall have all mud and dirt removed from the tires and exterior parts of the body of all vehicles prior to exiting the site onto public roads.

(3) *Red dirt.* The red dirt mining operator is responsible to ensure that all dump trucks leaving the red dirt mining site that may utilize any city street and are carrying more than half a truck load of red dirt have their load fully and properly covered.

(4) *Dump truck identifying number.* In order for citizens to easily and correctly identify dump trucks and their owner/operators who are servicing the red dirt mining facility, the red dirt mining operator shall require any dump truck accessing or servicing his facility to have an easy to read four digit number at least six inches high and twelve inches wide on the tail gate of the dump truck. The red dirt mining operator shall maintain an up-to-date and accurate log of the owner and operator of each numbered dump truck and shall immediately supply the owner and operator's name, address and contract information to any Fayetteville employee, official or citizen who requests such information.

(5) *Only dump trucks with proper identifying number may be loaded.* The red dirt mining operator shall not load or permit to be loaded or permit to exit the red dirt mining facility any dump truck unless the identifying number specified in subsection (4) is clearly legible, easy to read and not obscured by dirt, mud or otherwise.

§113.13: Jurisdiction of This Ordinance.

Pursuant to A.C.A. §14-54-103(1), this ordinance to abate a nuisance shall be applicable to any and all red dirt mining facilities located within the corporate limits of Fayetteville and for one (1) mile beyond the city limits as prescribed in A.C.A. §14-262-102.

§113.14: Definitions.

(A) "*Explosive force*" means the amount of explosive power generated by various types of explosive substances such as dynamite, blasting powder, etc.

(B) "*Red dirt mining*" means any open excavation used for obtaining red dirt or other type of soil used for paving or building purposes.

(C) "*House*" means any habitable structure including a mobile or manufactured home, a dwelling, a residence, an apartment, a condominium, a dormitory, a hotel or motel.

(D) "*Operation of Red Dirt Mining Facility*" means any blasting, operation of any mechanical equipment on the premises of the red dirt mining facility or any operation of dump trucks or other large vehicles on the premises of the red dirt mining site. Starting, running the

engine or moving any equipment or dump truck on the premises shall constitute operation of the red dirt mining facility. However, as long as the dust control measures remain in operation and effective, dump trucks may be driven onto the red dirt mining facility to park (but may not be loaded) on the premises up until 5:30 p.m. during the August 20th to June 5th period.

113.15: Issuance, Suspension or Revocation of License.

(A) *Issuance.* The Director of Development Services or designee shall prepare and issue an annual Red Dirt Mining Facility Operating License upon proper application of an owner/operator of a red dirt mining facility within the jurisdiction of this ordinance after ensuring the owner/operator will be in full compliance with all requirements of this ordinance and has all other current and valid federal, state and county permits required for red dirt mining operation.

(B) *Suspension.* The Director of Development Services may suspend a Red Dirt Mining Facility Operating License for up to thirty (30) days for violations of the terms of the license after a due process hearing.

(C) *Revocation.* The Director of Development Services may revoke a Red Dirt Mining Facility Operating License for repetitive, continuing, intentional, or substantial violations of the requirements of this ordinance. The Director of Development Services may require adequate assurances that any operator whose license has been revoked will fully comply with the Red Dirt Mining Facility Operating License before reissuing another license.

(D) *Appeal.* Any person whose license has been suspended or revoked pursuant to this section, may appeal such suspension or revocation to the City Council by providing the City Clerk's Office with a written request for City Council review within ten business days of the issuance of suspension or revocation. The City Council may then determine whether the red dirt mining facility owner/operator violated the requirements of the ordinance and, if so,

whether suspension (up to 30 days) or revocation is appropriate for such violation.

§113.16: Penalty.

(A) Any owner, lessor or lessee of real property upon which is located a red dirt mining facility and any operator, manager, or employee of such red dirt mining facility shall ensure such facility is operated within the limits of this ordinance and shall be guilty of a criminal violation for any violation of the requirements of this ordinance.

(B) The Red Dirt Mining Facility Operating License may be revoked or suspended by the Director of Development Services after a due process hearing for an owner's, manager's, operator's, employee's, or lessee's violation of any terms or limits within this ordinance or for operating the red dirt mining facility not in conformity with its Red Dirt Mining Facility Operating License.

(C) Any owner, operator, manager, lessee or employee of a Red Dirt Mining Facility shall be guilty of a criminal violation if such person operates the red dirt mining facility in violation of any of the terms of this ordinance, without a current and valid Red Dirt Mining Facility Operating License, or in violation of any of the terms of his Red Dirt Mining Facility Operating License.

(D) Each violation of the operational hour limitations or the number of explosions or the explosive force of any blasting of this Ordinance or the applicable Red Dirt Mining Facility Operating License shall constitute a separate violation of this ordinance and shall be punishable by a fine of up to \$500.00.

§113.17: No reduction in property owner's right to sue for nuisance.

Nothing in this ordinance removes or reduces a property owner's right to sue or seek an injunction against any owner or operator of a red dirt mining facility if such facility constitutes a private or public nuisance to that property owner.

City of Fayetteville Staff Review Form

A. 4
 Bid # 09-53 Refuse Roll-Off Truck
 Page 1 of 6

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

9/1/2009

**City Council Meeting Date
 Agenda Items Only**

Dennis Pratt / Barbara Olsen

Submitted By

Fleet Operations

Division

Transportation

Department

Action Required:

A resolution approving Bid #09-53 to Downing Sales & Service, in the amount of \$124,750 for the purchase of one Peterbilt cab and chassis for use by the Solid Waste Division, \$20,000 to mount the salvaged roll-off body to the chassis, approval of a budget adjustment to recognize revenue from the insurance payment and to move funds to the Fleet expense account.

\$ 144,750.00

Cost of this request

\$ 221,000.00

Category / Project Budget

Solid Waste Vehicles & Equipment

Program Category / Project Name

9700.1920.5802.00

Account Number

\$ 220,890.00

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02082.2009

Project Number

\$ 110.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item ☐Budget Adjustment Attached ☒

Tracy Gully
 Department Director

8-25-09
 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

D.D. Whit
 City Attorney

8/26/09
 Date

Paul A. Bush
 Finance and Internal Services Director

8-26-2009
 Date

Received in City
 Clerk's Office



8/25/09

Alan Man
 Chief of Staff

8-26-09
 Date

Received in
 Mayor's Office

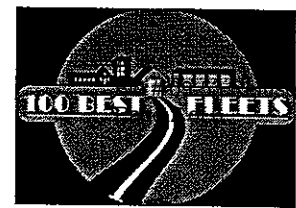


8/26/09

Comments:



FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701
(479) 444-3495 FAX (479) 444-3425



Roll-Off Truck

Interdepartmental Correspondence

TO: MAYOR/CITY COUNCIL

THRU: TERRY GULLEY, DIRECTOR OF TRANSPORTATION

FROM: DENNIS PRATT, FLEET OPERATIONS SUPERINTENDENT

DATE: AUGUST 25, 2009

SUBJECT: PURCHASE OF ONE REFUSE ROLL-OFF TRUCK

RECOMMENDATION: That City Council approve the purchase of one refuse roll-off truck cab and chassis for use by Solid Waste Division from Downing Sales and Service for \$124,750, and approve a budget adjustment to recognize revenue from the insurance payment and to move funds to the Fleet expense account.

BACKGROUND: Bid #09-53 was opened on August 11th, 2009 for one tandem axle cab and chassis and one rail drop box hoist. Seven bid responses were received. A detailed bid tabulation sheet is attached.

The low bid that meets specs is from Downing Sales and Service for a 2010 Peterbilt 320. I recommend acceptance of the bid from Downing Sales and Service in the amount of \$124,750.

This unit is a replacement for #480 which was totaled in an accident in July. Although this was not a planned replacement, there are sufficient funds for the purchase with the combined amount that Fleet has collected for replacement and the check from the insurance company. As the City got the salvage on the totaled unit, the roll-off body will be salvaged and mounted on the new cab and chassis.

A Budget Adjustment has been completed to move the funds into Project 02082 – Solid Waste Vehicles & Equipment to cover the purchase price of the cab and chassis and cost to mount the roll-off body.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #09-53 AND APPROVING THE PURCHASE OF ONE (1) PETERBILT CAB AND CHASSIS FROM DOWNING SALES & SERVICE IN THE AMOUNT OF \$124,750.00 FOR USE BY THE SOLID WASTE DIVISION; APPROVING \$20,000.00 TO MOUNT THE SALVAGED ROLL-OFF BODY TO THE CHASSIS; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$144,750.00.

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 #09-53 and approves the purchase of one (1) Peterbilt cab and chassis from Downing Sales & Service in the amount of \$124,750.00 for use by the Solid Waste Division.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves the use of \$20,000.00 to mount the salvaged roll-off body to the chassis.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of \$144,750.00.

PASSED and APPROVED this 1st day of September, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

A. 4
Bid # 09.53 Refuse Roll-Off Truck

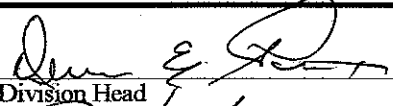
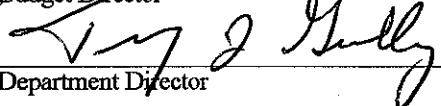
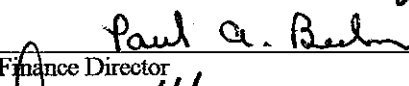
Budget Year 2009	Department: Operations Division: Fleet Operations Program: Capital Expense	Date Requested 8/25/2009	Adjustment Number Page 4 of 8
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Project or Item Added/Increased: \$144,750 is requested in Project 02082 - Solid Waste Vehicles & Equipment for the purchase of a Peterbilt cab and chassis and the cost to mount the roll-off body.	Project or Item Deleted/Reduced: Reduce shop fund balance by \$53,750 to purchase the cab and chassis and mount the roll-off body. Fleet is recognizing revenue due to the insurance payment for the wrecked unit.
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Justification of this Increase: Unit #480 was totaled in an accident in July. It needs to be replaced.	Justification of this Decrease: The amount already collected for replacement plus the amount of the insurance payment is sufficient to cover the purchase price of the replacement unit. Sufficient funds are available to meet City objectives.
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Account Name		Increase Budget Account Number				Amount	Project Number	
Vehicles And Equipment		9700	1920	5802	00	144,750	02082	2009

Account Name		Decrease Budget Account Number				Amount	Project Number	
Use of Fund Balance		9700	0970	4999	99	53,750		
Gain/loss sale of assets		9700	0970	6881	02	91,000	02082	2009

 Division Head	8-25-09 Date	Budget & Research Use Only	
 Budget Director	8-25-09 Date	Type:	A B C <u>D</u> E
 Department Director	8-25-09 Date	Requested By	
 Finance Director	8-26-2009 Date	General Ledger Date	
 Chief of Staff	8-26-09 Date	Posted to General Ledger	Initial Date
 Mayor	8/26/09 Date	Posted to Project Accounting	Initial Date

V.090403

BID: 09-53
8/11/2009
10:00 AM
CITY OF FAYETTEVILLE



Bid 09-53, Refuse Roll Off Truck

BIDDER	Manufacturer	Model	Total Bid Price
1 Downing Sales & Service, Inc. - OPT 1			
Item 1	Peterbilt	2010 320	\$124,750.00
Item 2	G & H Manufacturing	1500 w/ Pioneer 4500 RGSA	\$34,546.00
			<u>\$159,296.00</u>
2 Downing Sales & Service, Inc. - OPT 2			
Item 1	Peterbilt	2010 320	\$124,750.00
Item 2	Roll Offs USA	H06022 w/ Pioneer RP4500 RG SA	\$34,675.00
			<u>\$159,425.00</u>
3 Downing Sales & Service, Inc. - OPT 3			
Item 1	Autocar	2010 ACX64	\$132,494.00
Item 2	G & H Manufacturing	1500 w/ Pioneer 4500 RGSA	\$34,546.00
			<u>\$167,040.00</u>
4 Downing Sales & Service, Inc. - OPT 4			
Item 1	Autocar	2010 ACX64	\$132,494.00
Item 2	Roll Offs USA	H06022 w/ Pioneer RP4500 RG SA	\$34,675.00
			<u>\$167,169.00</u>
5 Mack Truck Sales of Tulsa, Inc.			
Item 1	Mack	2010 MRU613	\$123,046.90
Item 2	Galbreath	REV60-or22	\$23,485.00
			<u>\$146,531.90</u>
6 MHC Kenworth/Volvo			
Item 1	Kenworth	T-800	\$104,517.00
Item 2	Galbreath	REV60-OR22 Revolution	\$23,410.00
			<u>\$127,927.00</u>
7 Shipley Motor Equipment Company			
Item 1	Mack Trucks	MRU613	\$123,440.83
Item 2	Galbreath	SS-OR-174	\$36,474.64
			<u>\$159,915.47</u>

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

CERTIFIED:

A. FOREN, PURCH AGENT

WITNESS

DATE

08/11/09

City Of Fayetteville

(Not a Purchase Order)

Requester Barbara Olsen							Requisition No.		Date: 8/26/2009			
Vendor # 3842							Vendor Name: Downing Sales & Service		P.O. Number		Expected Delivery Date:	
Address:							Fob Point:		Taxable		Yes: ☐ No: ☒	
City:							State:		Zip Code		Ship to code:	
Requester's Employee # 1940							Account Numbers		Extension: 485		Division Head Approval	
Item Description							Quantity		Unit of Issue		Unit Cost	
1 2010 Peterbilt 320 tandem axle							1		EA		\$124,750.00	
2 diesel powered cab and chassis									EA		\$0.00	
3 per bid #09-53									EA		\$0.00	
4 To be unit 4003, fixed asset 704003,									EA		\$0.00	
5									EA		\$0.00	
6									EA		\$0.00	
7									EA		\$0.00	
8									EA		\$0.00	
9									EA		\$0.00	
10									EA		\$0.00	
Shipping/Handling									Lot		\$0.00	
Special Instructions:												
Subtotal: 124,750.00												
Tax: EXEMPT												
Total: 124,750.00												

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____

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

Dispatch Manager: _____ Utilities Manager: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE OF THE CITY OF FAYETTEVILLE, TO AMEND CHAPTERS 163: USE CONDITIONS, 164: SUPPLEMENTARY ZONING REGULATIONS, AND 166: DEVELOPMENT IN ORDER TO RESOLVE INACCURATE CROSS REFERENCES, ELIMINATE UNNECESSARILY REPETITIVE INFORMATION, AND IMPROVE OVERALL CLARITY AND READABILITY OF THE CODE.

WHEREAS, the City of Fayetteville Unified Development Code through various revisions over the past few years now contains inaccurate cross references, and repetitive information; and

WHEREAS, the City of Fayetteville recognizes that the Unified Development Code should be revised to provide clear and accurate information that is easily understood by the general public; and

WHEREAS, the City of Fayetteville recognizes that the Unified Development Code should be revised to eliminate unnecessarily repetitive information that is more appropriately included in other chapters or by reference,

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 the first sentence of §163.06 Use Conditions of the Unified Development Code and enacts a replacement sentence as follows:

“Dance halls may be allowed as conditional uses where they are permitted subject to the following conditions:”

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby repeals the first two sentences of §163.10 Use Conditions of the Unified Development Code and enacts a replacement sentence as follows:

“Outdoor music establishments operating during May or June of 2002 may continue to operate at the same location without this conditional use even if the ownership or name of the outdoor music establishment changes in the future as long as the establishment does not terminate its outdoor music for 12 consecutive months or longer. All other outdoor music establishments may be allowed as conditional uses where they are permitted subject to the following additional conditions:”

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby repeals the first sentence of §163.16(A) Use Conditions of the Unified Development Code and enacts a replacement sentence as follows:

